

JOURNAL OF THE HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the fourth day of January, in the year of our Lord two thousand and five, being the *first session* of the ONE HUNDRED NINTH CONGRESS, held under the Constitution of the United States, and in the two hundred and twenty ninth year of the independence of the United States.

FRIDAY, SEPTEMBER 2, 2005 (88)

¶88.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DELAY, who laid before the House the following communication:

WASHINGTON, DC,
September 2, 2005.

I hereby appoint the Honorable TOM DELAY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶88.2 COMMUNICATION FROM THE SPEAKER-REASSEMBLING OF THE HOUSE

The SPEAKER pro tempore, Mr. DELAY, laid before the House the text of the formal notification sent to Members on Thursday, September 1, 2005, of the reassembling of the House:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 1, 2005.

DEAR COLLEAGUE: Pursuant to section 2 of House Concurrent Resolution 225, after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, we hereby notify the Members of the Senate to reassemble at 10:00 p.m. on Thursday, September 1, 2005, and the members of the House of Representatives to reassemble at 1:00 p.m. on Friday, September 2, 2005.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.
WILLIAM H. FRIST, M.D.,
*Majority Leader of the
Senate.*

¶88.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DELAY, announced he had examined and approved the Journal of the proceedings of Friday, July 29, 2005.

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

¶88.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3591. A communication from the President of the United States, transmitting requests for emergency FY 2005 supplemental appropriations for the Departments of Homeland Security and Defense; (H. Doc. No. 109-52); to the Committee on Appropriations and ordered to be printed.

3592. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3593. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3594. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3595. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3596. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3597. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Clo-

sure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3598. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3599. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3600. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3601. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3602. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3603. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3604. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant

to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3605. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3606. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3607. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3608. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3609. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3610. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations is to continue in effect beyond August 17, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-51); to the Committee on International Relations and ordered to be printed.

3611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-169, "Homeless Services Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3612. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Seventh Coast Guard District [CGD07-05-009] (RIN: 1625-AA09) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-05-032] received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Napa River, CA [CGD 11-05-025] (RIN: 1625-AA09) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety

Zone; M/V Spirit of Ontario, Lake Ontario, NY [CGD09-05-054] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Anchorage, Cook Inlet [COTP Western Alaska 05-007] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Tampa Bay, FL [COTP TAMPA 05-077] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-026] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-045] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-061] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-064] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-071] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-086] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Entrance of St. Marys River to Kings Bay, GA [COTP Jacksonville 05-069] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the De-

partment's final rule — Security Zone; Kings Bay to the sea buoy at the entrance of St. Marys River, GA [COTP Jacksonville 05-070] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Marys River to Kings Bay [COTP Jacksonville 05-085] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ribault Bay to St. Johns River [COTP Jacksonville 05-094] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Entrance of St. Johns River to Ribault Bay [COTP Jacksonville 05-095] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3629. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; President Bush, Milwaukee, WI. Lake Michigan, Racine, Wisconsin [CGD09-05-018] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-05-057] (RIN: 1625-AA87) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Spa Creek, Annapolis, Maryland [CGD05-05-036] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Regulatory Ombudsman, FMCSA, Department of Transportation, transmitting the Department's "Major" final rule — Hours of Service of Drivers [Docket No. FMCSA-2004-19608; formerly FMCSA-1997-2350] (RIN: 2126-AA90) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

188.5 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. DELAY, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2005.

Hon. J. DENNIS HASTERT,
*Speaker of the House,
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Today, the U.S. Senate voted to confirm me for the position of Chairman of the Securities and Exchange Commission. As a result, I must submit to

you herewith my resignation as a Member of the U.S. House of Representatives, effective as of 6 p.m. pdt on Tuesday, August 2, 2005. I have also written to Governor Schwarzenegger to advise him of my resignation.

Mr. Speaker, even more significant than the privilege of serving for 17 years in the House of Representatives has been the opportunity to serve with you in the elected Majority Leadership for the last 10 years. Thank you, again, for your friendship, your courage under fire, your wisdom, and your sterling example over so many years.

I very much look forward to continuing to work with you and serving the Nation in my new position.

Sincerely,

CHRISTOPHER COX,
U.S. Representative.

¶88.6 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. DELAY, pursuant to clause 5(d) of rule XX, announced that the whole number of the House is 433.

¶88.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 29, 2005 at 6:50 p.m.:

That the Senate agreed to the conference report H.R. 3.

That the Senate passed without amendment H.R. 3512.

With best wishes, I am sincerely,
JEFF TRANDAHL,
Clerk of the House.

¶88.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 2, 2005, at 1:40 pm:

That the Senate passed without amendment H.R. 1132.

Appointments: Delegation to the British-American Interparliamentary Group.

With best wishes, I am sincerely,
JEFF TRANDAHL,
Clerk of the House.

¶88.9 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. DELAY, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on the following dates:

On Friday, July 29, 2005:

H.R. 3512. An Act to provide for an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

On Wednesday, August 10, 2005:

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, signed the following enrolled bills on Wednesday, August 3, 2005:

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

¶88.10 ORDER OF BUSINESS—
CONSIDERATION OF H.R. 3645

On motion of Mr. LEWIS of California, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3645) making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes; the bill shall be considered as read; the previous question shall be considered as ordered on the bill to final passage without intervening motion except: 1) 10 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and 2) one motion to recommit; clause 10 of rule XX shall not apply to the question of passage of the bill; and all Members may have 5 legislative days within which to revise and extend their remarks on the bill and that I may include tabular and extraneous material.

¶88.11 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FY 2005

Mr. LEWIS of California, pursuant to the previous order of the House, called up the bill (H.R. 3645) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to meet immediate needs arising from the consequences of Hurricane Katrina, and for other purposes.

When said bill was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DELAY, announced that the yeas had it.

So, the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.12 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 51. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

¶88.13 PROVIDING FOR THE
ADJOURNMENT OF THE TWO HOUSES

On motion of the SPEAKER pro tempore, Mr. DELAY, the House considered the following privileged concurrent resolution (S. Con. Res. 51):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶88.14 FURTHER MESSAGE FROM THE
SENATE

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

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶88.15 APPOINTMENT OF SPEAKER PRO
TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

WASHINGTON, DC, SEPTEMBER 2, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 2005.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

188.16 **BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT**

Jeff Trandahl, Clerk of the House reports that on July 29, 2005 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 59. A joint resolution expressing the sense of Congress with respect to the establishment of an appropriate day for the commemoration of the women suffragists who fought for and won the right of women to vote in the United States.

H.R. 2361. An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 2985. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3045. An Act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.R. 3423. An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

H.R. 3512. An Act to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Jeff Trandahl, Clerk of the House also reports that on August 4, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

Jeff Trandahl, Clerk of the House also reports that on August 10, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

188.17 **ADJOURNMENT**

Mr. STRICKLAND moved that the House do now adjourn.

The question being put, *viva voce*, Will the House now adjourn?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to Senate Concurrent Resolution 51, One Hundred Ninth Congress, at 3 o'clock and 57 minutes p.m., the House stands adjourned until 2 p.m. on Tuesday, September 6, 2005.

188.18 **PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEWIS of California:

H.R. 3645. A bill making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending

September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 3646. A bill to provide consumers with relief from high gas prices, which was considered and passed; to the Committee on Energy and Commerce.

188.19 **ADDITIONAL SPONSORS**

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 215: Mr. LEACH.

H.R. 224: Mr. RYAN of Ohio.

H.R. 521: Mr. CAMP and Mr. RYAN of Ohio.

H.R. 690: Mrs. CAPITO and Mr. MOLLOHAN.

H.R. 1079: Mr. MOLLOHAN.

H.R. 1182: Mr. WEXLER.

H.R. 1806: Mrs. NAPOLITANO.

H.R. 2238: Mr. DEFazio, Mr. KUCINICH, Mr. McDERMOTT, Ms. SOLIS, Mr. JOHNSON of Illinois, Mr. MEEHAN, Mr. SMITH of Washington, and Mr. TIBERI.

H.R. 2694: Mr. ANDREWS.

H.R. 2899: Mr. HOLDEN.

H.R. 3144: Mr. HAYWORTH.

H.R. 3196: Ms. LEE.

H. Res. 360: Mr. BOUSTANY, Mr. MANZULLO, Mr. MACK, Mr. FOLEY, Mr. FALEOMAVAEGA, Mr. FOSSELLA, and Mr. ISSA.

H. Res. 375: Mrs. MALONEY, Mr. SMITH of Washington, Mr. DEFazio, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. HOLT, Mr. FILNER, Mr. WYNN, Mr. FRANK of Massachusetts, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. LEACH, Mr. SHERMAN, Mr. TIERNEY, Mr. CLEAVER, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. UDALL of Colorado.

TUESDAY, SEPTEMBER 6, 2005 (89)

The House was called to order by the SPEAKER.

189.1 **APPROVAL OF THE JOURNAL**

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, September 2, 2005.

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

189.2 **COMMUNICATIONS**

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3633. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Topramezone; Pesticide Tolerances [OPP-2005-0156; FRL-7726-9] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3634. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert ingredients; Revocation of Pesticide Tolerance Exemptions for Three CFC Chemicals [OPP-2005-0068; FRL-7728-5] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3635. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Alachlor, Carbaryl,

Diazinon, Disulfoton, Pirimiphos-methyl, and Vinclozolin; Tolerance Revocations [OPP-2005-0183; FRL-7725-6] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2-amino-4, 5-dihydro-6-methyl-4-propyl s-triazolo (1,5-alpha) pyrimidin-5-one (PP796); Exemption from the Requirement of a Tolerance [OPP-2005-0141; FRL-7728-1] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3637. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Robert Magnus, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3638. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General William E. Mortensen, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3639. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Ann E. Rondeau, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3640. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General John F. Goodman, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3641. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Donald J. Hoffman, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3642. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General John D.W. Corley, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3643. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General John G. Castellaw, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3644. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General David A. Deptula, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3645. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

authorization of Major General Emerson N. Gardner, Jr., United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3646. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Richard S. Kramlich, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3647. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General John L. Hudson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3648. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Joseph F. Weber, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3649. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William E. Ward, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3650. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Norton A. Schwartz, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3651. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Kevin P. Chilton, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

3652. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA-316-0484c, FRL-7949-2] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3653. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [OAR-2003-0193; FRL-7948-5] (RIN: 2060-AL91) received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3654. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules [RME Docket Number R08-OAR-2005-ND-0001; FRL-7942-4] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3655. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Washington [R10-OAR-2005-0004; FRL-7944-4] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3656. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Vehicle Inspection and Maintenance Program for Travis and Williamson Counties [R06-OAR-2005-TX-0011; FRL-7948-7] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3657. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oregon; Correcting Amendment [R10-OAR-2005-OR-0005; FRL-7944-1] received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3658. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Monterey Bay Unified Air Pollution Control District [CA-316-0484a; FRL-7949-1] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3659. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Ventura County Air Pollution Control District [R09-OAR-2005-CA-0022; FRL-7945-2] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3660. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Maryland; Control of Emissions from Small Municipal Waste Combustor (SMWC) Units; Delegation of Authority [R03-OAR-2005-MD-0007; FRL-7951-3] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3661. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2004-19534; Directorate Identifier 2004-NM-99-AD; Amendment 39-14198; AD 2005-15-09] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2005-20882; Directorate Identifier 2004-NM-241-AD; Amendment 39-14192; AD 2005-15-03] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3663. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Depart-

ment's "Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2006 [CMS-1290-F] (RIN: 0938-AN43) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3664. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2006 Rates [CMS-1500-F] (RIN: 0938-AN57) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

189.3 MESSAGE FROM THE SENATE

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

H.R. 3199. An Act to extend and modify authorities needed to combat terrorism, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3199) "An Act to extend and modify authorities needed to combat terrorism, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Messrs. SPECTER, HATCH, KYL, DEWINE, SESSIONS, ROBERTS, LEAHY, KENNEDY, ROCKFELLER and LEVIN, to be the conferees on the part of the Senate.

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

S. 172. An Act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 397. An Act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 501. An Act to provide a site for the National Women's History Museum in the District of Columbia.

189.4 ENROLLED BILL SIGNED

The SPEAKER announced that pursuant to clause 4, rule I, he signed the following enrolled bill on Friday, September 2, 2005:

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

189.5 60TH ANNIVERSARY OF V-J DAY

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 360):

Whereas the United States entered the Second World War in December 1941, following the Japanese attack on Pearl Harbor, and over the next four years Americans participated in what was arguably the greatest national endeavor in the Nation's history;

Whereas the casualty toll of Americans in the Pacific Theater during World War II was approximately 92,904 killed, 208,333 wounded, and tens of thousands missing in action and prisoners of war, with civilians and military

forces of the Allied Powers suffering equally devastating tolls;

Whereas Japanese military forces and the Japanese civilian population also suffered staggering losses;

Whereas on August 15, 1945, Emperor Hirohito of Japan announced the unconditional surrender of Japan's military forces, made formal on September 2, 1945, aboard the U.S.S. Missouri in Tokyo Bay, Japan; thus ending the most devastating war in human history;

Whereas Japan is now a free and prosperous democracy, a valued, durable friend based on shared values and mutual interests, and a guarantor against despotism and oppression in that area of the world; and

Whereas the courage and sacrifice of the members of the United States Armed Forces and of the military forces of the Allied Powers who served valiantly to rescue the Pacific nations from tyranny and aggression should always be remembered: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of V-J Day and the end of World War II in the Pacific theater;

(2) joins with a grateful Nation in expressing respect and appreciation to the members of the United States Armed Forces who served in the Pacific theater during World War II; and

(3) remembers and honors those Americans who made the ultimate sacrifice and gave their lives for their country during the campaigns in the Pacific theater during World War II.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SMITH of New Jersey and Mr. CHANDLER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

189.6 30TH ANNIVERSARY OF THE HELSINKI FINAL ACT

Mr. SMITH of New Jersey moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 19) calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SMITH of New Jersey and Mr. CHANDLER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said joint resolution; as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

189.7 RECESS—3:02 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 2 minutes p.m., until approximately 6:30 p.m.

189.8 AFTER RECESS—6:34 P.M.

The SPEAKER called the House to order.

189.9 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 52. A concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William H. Rehnquist, Chief Justice of the United States.

189.10 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES
Washington, DC August 30, 2005.

Hon. J. DENNIS HASTERT
The Speaker, House of Representatives
Washington, DC.

Dear MR. SPEAKER: I have the honor to transmit herewith a Certificate of Election received from the Honorable J. Kenneth Blackwell, Secretary of State, State of Ohio, indicating that, at the election held on August 2, 2005, the Honorable Jean Schmidt was duly elected Representative in Congress for the Second Congressional District, State of Ohio.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

189.11 MEMBER-ELECT SWORN IN

Mrs. Jean Schmidt of the 2nd District of Ohio, presented herself at the bar of the House and took the oath of office prescribed by law.

189.12 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER, pursuant to clause 5(d) of rule XX, announced that the whole number of the House is 434.

189.13 H. RES. 360—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend

the rules and agree to the resolution (H. Res. 360) commemorating the 60th anniversary of V-J Day and the end of World War II in the Pacific.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 394
affirmative } Nays 0

189.14 [Roll No. 454]

YEAS—394

Abercrombie	Davis (IL)	Hostettler
Ackerman	Davis (KY)	Hoyer
Aderholt	Davis (TN)	Hulshof
Akin	Davis, Jo Ann	Hyde
Alexander	Davis, Tom	Inglis (SC)
Allen	Deal (GA)	Israel
Andrews	DeFazio	Issa
Baca	DeGette	Istook
Bachus	DeLauro	Jackson (IL)
Baird	DeLay	Jackson-Lee
Baker	Dent	(TX)
Baldwin	Diaz-Balart, L.	Jefferson
Barrett (SC)	Diaz-Balart, M.	Jenkins
Barrow	Dingell	Jindal
Bartlett (MD)	Doggett	Johnson (CT)
Barton (TX)	Doolittle	Johnson (IL)
Bass	Doyle	Johnson, E. B.
Bean	Drake	Johnson, Sam
Beauprez	Dreier	Jones (NC)
Becerra	Duncan	Jones (OH)
Berman	Edwards	Kanjorski
Berry	Ehlers	Kaptur
Biggart	Emanuel	Keller
Bishop (GA)	English (PA)	Kelly
Bishop (NY)	Eshoo	Kennedy (MN)
Bishop (UT)	Etheridge	Kennedy (RI)
Blackburn	Evans	Kildee
Blumenauer	Everett	Kilpatrick (MI)
Blunt	Farr	Kind
Boehlert	Feeney	King (IA)
Boehner	Ferguson	King (NY)
Bonilla	Filner	Kingston
Bonner	Fitzpatrick (PA)	Kirk
Bono	Flake	Kline
Boozman	Foley	Knollenberg
Boren	Forbes	Kolbe
Boswell	Ford	Kucinich
Boustany	Fortenberry	Kuhl (NY)
Boyd	Fossella	LaHood
Bradley (NH)	Fox	Langevin
Brown (OH)	Frank (MA)	Lantos
Brown (SC)	Franks (AZ)	Larsen (WA)
Brown, Corrine	Frelinghuysen	Larson (CT)
Brown-Waite,	Garrett (NJ)	LaTourette
Ginny	Gerlach	Leach
Burgess	Gibbons	Lee
Burton (IN)	Gilchrest	Levin
Butterfield	Gillmor	Lewis (CA)
Calvert	Gingrey	Lewis (GA)
Camp	Gohmert	Lewis (KY)
Cannon	Gonzalez	Linder
Cantor	Goode	Lipinski
Capito	Goodlatte	LoBiondo
Capps	Gordon	Lofgren, Zoe
Capuano	Granger	Lowey
Cardoza	Graves	Lucas
Carnahan	Green (WI)	Lungren, Daniel
Carson	Green, Al	E.
Carter	Green, Gene	Lynch
Castle	Grijalva	Mack
Chabot	Gutierrez	Manzullo
Chandler	Gutknecht	Marchant
Choccola	Hall	Markey
Clay	Harman	Marshall
Cleaver	Harris	Matheson
Clyburn	Hart	Matsui
Coble	Hastings (FL)	McCarthy
Cole (OK)	Hastings (WA)	McCaul (TX)
Conyers	Hayes	McCollum (MN)
Cooper	Hayworth	McCotter
Costa	Hensarling	McGovern
Cramer	Herger	McHenry
Crenshaw	Herseth	McHugh
Crowley	Higgins	McIntyre
Cubin	Hinche	McKeon
Cuellar	Hinojosa	McKinney
Culberson	Hobson	McMorris
Cummings	Hoekstra	McNulty
Cunningham	Holden	Meehan
Davis (AL)	Holt	Meek (FL)
Davis (CA)	Honda	Meeks (NY)
Davis (FL)	Hooley	Menendez

Mica
 Michaud
 Millender-McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Ortiz
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pitts
 Platts
 Poe
 Pombo
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam

NOT VOTING—39

Berkley
 Bilirakis
 Boucher
 Brady (PA)
 Brady (TX)
 Buyer
 Cardin
 Case
 Conaway
 Costello
 Delahunt
 Dicks
 Emerson

Engel
 Fattah
 Gallegly
 Hefley
 Hunter
 Inslee
 Latham
 Maloney
 McCrery
 McDermott
 Melancon
 Mollohan
 Moore (KS)
 Murtha
 Oliver
 Pickering
 Rush
 Sanchez, Loretta
 Sessions
 Stark
 Strickland
 Tancredo
 Taylor (MS)
 Waters
 Weiner
 Young (AK)

sary of the Helsinki Final Act; as amended.

The question being put, Will the House suspend the rules and pass said joint resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 393 Nays 1

89.17

[Roll No. 455]

YEAS—393

Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Andrews
 Baca
 Bachus
 Baird
 Baker
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett (MD)
 Barton (TX)
 Bass
 Bean
 Beauprez
 Becerra
 Berman
 Berry
 Biggert
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonner
 Bono
 Boozman
 Boren
 Boswell
 Boustany
 Boyd
 Bradley (NH)
 Brown (OH)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Burgess
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Cannon
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carson
 Carter
 Case
 Castle
 Chabot
 Chandler
 Chocola
 Clay
 Cleaver
 Clyburn
 Coble
 Cole (OK)
 Conyers
 Cooper
 Costa
 Cramer
 Crenshaw
 Crowley
 Cubin
 Cuellar
 Culberson
 Cummings
 Cunningham
 Davis (AL)
 Davis (CA)
 Davis (FL)
 Davis (IL)

Miller (NC)
 Miller, Gary
 Miller, George
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Ortiz
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pitts
 Platts
 Poe
 Pombo
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppberger
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanders
 Saxton
 Schakowsky
 Schiff
 Schmidt
 Schwartz (PA)
 Schwarz (MI)
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Shadegg
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Sodrel
 Solis
 Souder
 Spratt
 Stearns
 Stupak
 Sullivan
 Sweeney
 Tanner
 Tauscher
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Watson
 Watt
 Waxman
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (FL)

NAYS—1

Paul

NOT VOTING—39

Berkley
 Bilirakis
 Boucher
 Brady (PA)
 Brady (TX)
 Buyer
 Cardin
 Conaway
 Costello
 Delahunt
 Dicks
 Emerson
 Fattah
 Gallegly
 Hefley
 Hunter
 Inslee
 Jefferson
 Latham
 Maloney
 McCrery
 McDermott
 Melancon
 Mollohan
 Moore (KS)
 Murtha
 Oliver
 Pickering
 Rush
 Sanchez, Loretta
 Sessions
 Stark
 Strickland
 Tancredo
 Taylor (MS)
 Waters
 Weiner
 Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

89.15 MOMENT OF SILENCE IN MEMORY OF THE VICTIMS OF HURRICANE KATRINA

The SPEAKER, announced that all members stand and observe a moment of silence in memory of the victims of Hurricane Katrina.

89.16 S.J. RES. 19—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 19) calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act; as amended.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the votes whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

89.18 COMMUNICATION FROM ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a communication, which was read as follows: SUPREME COURT OF THE UNITED STATES, Washington, DC, September 6, 2005. Hon. J. DENNIS HASTERT, Speaker of the House of Representatives, Washington, DC. DEAR MR. SPEAKER: This is to notify the House of Representatives, through you, that

the Chief Justice of the United States died in Arlington, Virginia on Saturday, September 3, 2005.

Very truly yours,

ANTONIN SCALIA,
Associate Justice.

¶89.19 SYMPATHY TO THE FAMILY OF THE LATE HONORABLE WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

Mr. DELAY, submitted the following privileged resolution (H. Res. 422):

Resolved, That the House has heard with profound sorrow of the death of the Honorable William H. Rehnquist; Chief Justice of the United States.

Resolved, That the House tenders its deep sympathy to the members of the family of the late Chief Justice in their bereavement.

Resolved, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the family of the late Chief Justice.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the late Chief Justice.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.20 CATAFALQUE TRANSFER TO SUPREME COURT

On motion of Mr. DELAY, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 52):

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Supreme Court of the United States the catafalque which is situated in the crypt beneath the Rotunda of the Capitol so that such catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late honorable William H. Rehnquist, Chief Justice of the United States.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶89.21 RECESS—7:23 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 23 minutes p.m., subject to the call of the Chair.

¶89.22 AFTER RECESS—10:41 P.M.

The SPEAKER pro tempore, Mr. REICHERT, called the House to order.

¶89.23 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 172. An Act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical

devices, and for other purposes; to the Committee on Energy and Commerce.

S. 501. An Act to provide a site for the National Women's History Museum in the district of Columbia; to the Committee on Transportation and Infrastructure.

¶89.24 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 2, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶89.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BERKELEY, for today and balance of the week;

To Mr. CARDIN, for today;

To Mrs. MALONEY, for today and balance of the week;

To Mr. MELANCON, for today and balance of the week;

To Mr. TAYLOR of Mississippi, for today and balance of the week;

To Mr. CONAWAY, for today and balance of the week; and

To Mr. PICKERING, for today.

And then,

¶89.26 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to House Resolution 422, at 11 o'clock and 44 minutes p.m., the House adjourned out of respect for the late Honorable William H. Rehnquist, Chief Justice of the United States until 10 a.m., Wednesday, September 7, 2005.

¶89.27 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONER & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the Act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

“I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

JEAN SCHMIDT, Ohio Second.

¶89.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 3647. A bill to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3648. A bill to impose additional fees with respect to immigration services for intracompany transferees; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 3649. A bill to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, and Mr. GOHMERT):

H.R. 3650. A bill to allow United States courts to conduct business during emergency conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 3651. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 3652. A bill to provide workers with certain impairments employment protection; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3653. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to C corporations which have substantial employee ownership and to encourage stock ownership by employees by excluding from gross income stock paid as compensation for services, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3654. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 3655. A bill to require the Secretary of Education to review and revise the guidelines relating to the "Principles of Effectiveness" criteria developed pursuant to the Safe and Drug-Free Schools and Communities Act to improve State and local prevention programs and activities carried out under such Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL (for himself, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. BOREN, Ms. LEE, Mr. MOORE of Kansas, Mr. SHERMAN, Ms. DEGETTE, Mr. BOUCHER, Mr. TOWNS, Mr. ROTHMAN, Mr. ANDREWS, Mr. ROSS, Mr.

RUPPERSBERGER, Mr. BROWN of Ohio, Ms. DELAURO, Mr. ENGEL, Mr. GRIJALVA, Mr. LEVIN, Mr. HINCHEY, Ms. LINDA T. SANCHEZ of California, Ms. KAPTUR, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. KILDEE, Mr. BACA, Mr. VISLOSKEY, Mr. THOMPSON of California, Mr. DAVIS of Florida, Ms. MCCOLLUM of Minnesota, Mr. WEINER, Mr. CARDOZA, Mr. MEEHAN, Mr. WU, Mr. BERMAN, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. CROWLEY, Mr. INSLEE, Ms. BORDALLO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. KANJORSKI, Mr. McDERMOTT, Mr. NADLER, Mr. GONZALEZ, Mrs. LOWEY, and Mr. MORAN of Virginia):

H.R. 3656. A bill to reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself and Mr. WOLF):

H.R. 3657. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida:

H.R. 3658. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself and Ms. NORTON):

H.R. 3659. A bill to reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3660. A bill to amend the Farm Security and Rural Investment Act of 2002 to require, as a condition on the receipt of direct payments or counter-cyclical payments under such Act for rice produced by tenants and sharecroppers in Texas, that the producers on the farm agree to retain the rice cropland in production for the next crop year; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 3661. A bill to amend title II of the Social Security Act to replace the 60-month period of employment requirement for application of the Government pension offset exemption with the rule that last applied before section 418 of the Social Security Protection Act of 2004 was enacted; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 3662. A bill to delay for 2 years the general effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 3663. A bill to amend part A of title IV of the Social Security Act to provide a State

option to extend current waivers and create additional waiver authority under the temporary assistance for needy families program; to the Committee on Ways and Means.

By Ms. LEE:

H. Con. Res. 233. Concurrent resolution affirming the obligation and leadership of the United States to improve the lives of the 35,900,000 Americans living in poverty and an additional 15,300,000 Americans living in extreme poverty; to the Committee on Government Reform.

By Mr. DELAY:

H. Res. 422. A resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable William H. Rehnquist, Chief Justice of the United States; considered and agreed to.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. COBLE, Mr. JENKINS, Mr. BACHUS, Mr. FRANKS of Arizona, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. KING of Iowa, Mr. SMITH of Texas, Mr. CANNON, Mr. CHABOT, Mr. INGLIS of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. HOSTETTLER, Mr. KELLER, Mr. BOUCHER, Mr. SCHIFF, Mr. FEENEY, Mr. BERMAN, Mr. GOHMERT, Ms. ZOE LOFGREN of California, Mr. ISSA, and Mr. SCOTT of Virginia):

H. Res. 423. A resolution honoring and recognizing the distinguished service, career, and achievements of Chief Justice William Hubbs Rehnquist upon his death, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT:

H. Res. 424. A resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age; to the Committee on Science.

189.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mrs. DRAKE and Mr. FEENEY.
 H.R. 144: Mr. HUNTER.
 H.R. 146: Mr. HUNTER.
 H.R. 297: Mr. ANDREWS.
 H.R. 312: Mr. OTTER.
 H.R. 314: Mr. SCHWARZ of Michigan and Mr. CHANDLER.
 H.R. 528: Mr. ROTHMAN.
 H.R. 550: Mr. RAMSTAD, Mr. ISSA, Mr. MEEHAN, Ms. MOORE of Wisconsin, and Mr. BARROW.
 H.R. 558: Mr. PRICE of North Carolina, Mr. EMANUEL, and Mr. CALVERT.
 H.R. 633: Mr. ROTHMAN.
 H.R. 698: Mr. HERGER, Mrs. MYRICK, and Mr. BROWN of South Carolina.
 H.R. 735: Mr. FRANK of Massachusetts.
 H.R. 759: Mr. BRADY of Pennsylvania and Mr. PAYNE.
 H.R. 813: Mr. DEFAZIO.
 H.R. 865: Mr. FITZPATRICK of Pennsylvania.
 H.R. 871: Mr. PASTOR.
 H.R. 923: Mr. CONYERS, Mr. MCGOVERN, and Mr. LEVIN.
 H.R. 998: Mr. ANDREWS, Mr. COOPER, Mr. FOLEY, Mr. CHOCOLA, Mr. GIBBONS, and Mr. PENCE.

H.R. 1002: Mr. MICHAUD, Mr. AL GREEN of Texas, and Mr. NADLER.

H.R. 1246: Mr. HINCHEY, Mr. COSTELLO, Ms. DEGETTE, Ms. LEE, Mr. TANCREDO, Mr. RUPPERSBERGER, Mr. McDERMOTT, and Ms. KAPTUR.

H.R. 1297: Mr. WEXLER.

H.R. 1322: Mr. GENE GREEN of Texas and Mr. ROTHMAN.

H.R. 1358: Mr. LINCOLN DIAZ-BALART of Florida, Mr. ALEXANDER, Mr. KENNEDY of Rhode Island, Mr. KUHLE of New York, and Mr. SCHWARZ of Michigan.

H.R. 1413: Mr. MCGOVERN and Ms. MCCOLLUM of Minnesota.

H.R. 1431: Mr. MILLER of Florida.

H.R. 1554: Mr. LUCAS, Mr. INSLEE, and Mr. MANZULLO.

H.R. 1561: Mr. GORDON, Mr. BROWN of Ohio, Mr. PAUL, Mr. FILNER, Mr. MCCOTTER, Mr. AKIN, Mr. LEACH, Mr. ETHERIDGE, and Mr. FRANK of Massachusetts.

H.R. 1566: Mr. FORD and Mr. GORDON.

H.R. 1582: Mr. FARR and Mrs. CAPPS.

H.R. 1591: Mr. RYAN of Ohio, Ms. ESHOO, Ms. SLAUGHTER, Mr. GREEN of Wisconsin, Mr. HIGGINS, and Mr. ANDREWS.

H.R. 1620: Mr. GRIJALVA.

H.R. 1636: Mr. FRANK of Massachusetts and Ms. MILLENDER-MCDONALD.

H.R. 1671: Mr. OSBORNE, Mr. MILLER of North Carolina, Mr. SHAYS, Mr. DAVIS of Kentucky, Mr. PALLONE, Mr. TERRY, and Mr. GOHMERT.

H.R. 1688: Mr. OLVER and Mr. ANDREWS.

H.R. 1689: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1696: Mr. RUSH.

H.R. 1823: Mr. STARK.

H.R. 1871: Mr. MOORE of Kansas and Mr. TIBERI.

H.R. 1953: Mr. DOGGETT, Mr. MCKEON, Mr. HERGER, Mr. DOOLITTLE, Mr. GALLEGLY, and Mr. GARY G. MILLER of California.

H.R. 1973: Mr. BASS, Mr. FILNER, and Mr. GORDON.

H.R. 1986: Mr. CALVERT.

H.R. 2011: Mr. MILLER of North Carolina.

H.R. 2017: Mr. LYNCH.

H.R. 2061: Mr. WAMP, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. DENT, and Mr. STEARNS.

H.R. 2074: Mr. CUMMINGS.

H.R. 2106: Mr. CANNON.

H.R. 2193: Mr. ANDREWS and Mr. FARR.

H.R. 2230: Mr. ENGEL.

H.R. 2231: Mr. ISRAEL, Mr. RYAN of Ohio, Mr. ACKERMAN, Mr. WALSH, Mr. SWEENEY, Mr. NEAL of Massachusetts, Mr. REYNOLDS, and Ms. MCCOLLUM of Minnesota.

H.R. 2389: Mr. PORTER.

H.R. 2429: Mr. ROSS, Mrs. DAVIS of California, Ms. CARSON, and Ms. MOORE of Wisconsin.

H.R. 2519: Mr. REYES.

H.R. 2533: Mr. PRICE of North Carolina, Mr. MICHAUD, Mr. HOLDEN, and Ms. HERSETH.

H.R. 2562: Mr. ABERCROMBIE, Mr. STARK, and Mr. FILNER.

H.R. 2646: Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. FILNER, Mr. GRIJALVA, Mr. GONZALEZ, and Mr. SHERMAN.

H.R. 2682: Mr. FILNER, Mr. WELDON of Florida, Ms. ZOE LOFGREN of California, Mr. SULIVAN, Mr. PLATTS, and Mr. REYES.

H.R. 2925: Mr. HASTINGS of Washington.

H.R. 2926: Mr. WOLF.

H.R. 2933: Mr. JONES of North Carolina.

H.R. 2963: Mrs. JONES of Ohio, Mr. REYES, Mr. EMANUEL, Mr. PASTOR, and Ms. HERSETH.

H.R. 2987: Mr. LOBIONDO and Ms. ZOE LOFGREN of California.

H.R. 3003: Mr. BAIRD and Mr. MILLER of North Carolina.

H.R. 3049: Mr. MCHUGH.

H.R. 3132: Mr. BOOZMAN, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. DANIEL E. LUNGREN of California, Mr. BOEHLERT, Ms. SCHAKOWSKY, Mr. PUTNAM, Mr. BARROW, Mr.

GIBBONS, Mr. WALDEN of Oregon, Mr. MOORE of Kansas, Mr. NORWOOD, Mr. FOSSELLA, Mr. MCINTYRE, Mr. RYAN of Wisconsin, and Mr. MCCAUL of Texas.

H.R. 3135: Mr. ROGERS of Kentucky.

H.R. 3147: Mr. AL GREEN of Texas and Mr. BASS.

H.R. 3163: Mr. FITZPATRICK of Pennsylvania.

H.R. 3195: Mr. AL GREEN of Texas, Mr. KOLBE, and Mr. EMANUEL.

H.R. 3312: Mr. KUCINICH and Mr. STRICKLAND.

H.R. 3333: Mr. SAM JOHNSON of Texas.

H.R. 3334: Mr. ALEXANDER, Mr. BOEHLERT, Mr. HINOJOSA, Mr. WAXMAN, Mr. PRICE of North Carolina, Mr. STRICKLAND, Mr. OWENS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. REYES, and Mr. NADLER.

H.R. 3352: Mr. BEAUPREZ, Mr. TANCREDO, and Mr. CALVERT.

H.R. 3361: Mr. COSTELLO, Mr. CROWLEY, Mr. MENENDEZ, Mr. ROYCE, Mr. BACA, Mr. ANDREWS, and Mr. WEINER.

H.R. 3369: Mr. CUMMINGS.

H.R. 3385: Mr. MCCOTTER, Mr. FRANK of Massachusetts, and Mrs. MALONEY.

H.R. 3405: Mr. CONAWAY, Mr. ROSS, Mr. KIND, Mr. MCINTYRE, Mr. PETERSON of Minnesota, Mr. LEACH, Mr. WILSON of South Carolina, and Mr. LEWIS of Kentucky.

H.R. 3442: Mr. CONYERS.

H.R. 3504: Mr. MICHAUD, Mr. SHERMAN, and Mr. DOYLE.

H.R. 3540: Mr. SHERMAN.

H.R. 3546: Mrs. MCCARTHY.

H.R. 3554: Mr. ETHERIDGE.

H.R. 3569: Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. KILDEE, and Ms. BERKLEY.

H.R. 3603: Mr. SAXTON.

H.R. 3617: Mr. BROWN of Ohio, Mr. BUYER, Mr. GOODE, Mrs. NORTHUP, Mr. MCHUGH, Mr. LEACH, Mr. KENNEDY of Rhode Island, and Mr. PLATTS.

H.J. Res. 61: Mr. DELAHUNT, Mr. FEENEY, Mrs. EMERSON, Mr. BARROW, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADLEY of New Hampshire, Mr. EDWARDS, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. SCOTT of Georgia, Mr. ROGERS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FITZPATRICK of Pennsylvania, Ms. HARRIS, Mr. FORD, Mr. RAHALL, Mr. LAHOOD, Mr. MCCOTTER, Mr. GARY G. MILLER of California, Mr. TURNER, Mrs. MCCARTHY, Mr. DANIEL E. LUNGREN of California, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. BERRY, Mr. CARTER, Ms. KILPATRICK of Michigan, Mr. RUPPERSBERGER, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. SIMMONS, Mr. BACHUS, Ms. WATSON, Mr. SESSIONS, Mr. MEEK of Florida, Mr. EMANUEL, Mr. POE, Ms. BORDALLO, Mr. ORTIZ, Mr. HUNTER, Mr. EVANS, Ms. CORRINE BROWN of Florida, Mr. TANNER, and Ms. HERSETH.

H. Con. Res. 24: Mr. STARK and Mr. SHERMAN.

H. Con. Res. 154: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 162: Mr. BARROW.

H. Con. Res. 172: Mr. FILNER and Mr. BACHUS.

H. Con. Res. 174: Ms. KAPTUR, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. WICKER, Mr. CASTLE, Mr. SHAW, Ms. HARRIS, Mr. WOLF, and Mr. JEFFERSON.

H. Con. Res. 179: Mr. TIERNEY, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. MARSHALL, Mr. HINCHEY, Mr. GORDON, Mr. GOODE, Mr. PLATTS, Mr. ROTHMAN, Mr. WOLF, Mr. DEFAZIO, Ms. SCHAKOWSKY, and Mr. WEXLER.

H. Con. Res. 219: Mr. AL GREEN of Texas.

H. Con. Res. 222: Mr. MOORE of Kansas, Mr. HUNTER, Mr. AKIN, Mr. LEACH, Mr. KING of Iowa, and Mr. FRANK of Massachusetts.

H. Res. 15: Mr. MOORE of Kansas, Mr. HOLDEN, and Ms. BALDWIN.

H. Res. 123: Mr. RYAN of Ohio, Mrs. EMERSON, and Ms. MCCOLLUM of Minnesota.

H. Res. 222: Mr. EMANUEL and Mr. OTTER.

H. Res. 299: Mrs. MCCARTHY, Mr. NEAL of Massachusetts, Mr. RYAN of Ohio, and Mr. LIPINSKI.

H. Res. 305: Mr. FOSSELLA.

H. Res. 325: Mr. REYNOLDS.

H. Res. 360: Mr. ENGEL.

H. Res. 388: Mr. DAVIS of Kentucky, Mr. PITTS, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. KELLER, and Mr. BAKER.

¶189.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2290: Mr. JONES of North Carolina.

WEDNESDAY, SEPTEMBER 7, 2005 (90)

¶90.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,

September 7, 2005.

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

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶90.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Tuesday, September 6, 2005.

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

¶90.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3665. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0224; FRL-7732-3] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3666. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0165; FRL-7719-8] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3667. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flonicamid; Pesticide Tolerance [OPP-2005-0217; FRL-7731-6] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3668. A communication from the President of the United States, transmitting requests for emergency FY 2005 supplemental appropriations for the Departments of Homeland Security and Defense and the Army Corps of Engineers; (H. Doc. No. 109-53); to the Committee on Appropriations and ordered to be printed.

3669. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant

to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3670. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3671. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3672. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3673. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of real admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3674. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Wallace C. Greyson, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3675. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard L. Kelly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3676. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard A. Hack, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3677. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General William L. Nyland, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3678. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of a determination of a public health emergency in the states of Arkansas, Colorado, Georgia, North Carolina, Oklahoma, Tennessee, West Virginia, and Utah, pursuant to 42 U.S.C. 247d(d); to the Committee on Energy and Commerce.

3679. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production [OAR-2003-0003; FRL-7957-7] (RIN: 2060-AM23) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3680. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric

Ozone: Allocation of Essential Use Allowances for Calendar Year 2005 [FRL-7958-2] (RIN: 2060-AM50) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3681. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request [FRL-7962-4] (RIN: 2060-AN13) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3682. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [OAR-2003-0121; AD-FRL-7961-9] (RIN: 2060-AN09) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3683. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference; Correction [MN-86-2; FRL-7962-6] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3684. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report as required by Section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2000 (P.L. 108-458); to the Committee on International Relations.

3685. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report on Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments for August 2005, pursuant to 22 U.S.C. 2593; to the Committee on International Relations.

3686. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3687. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3688. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3689. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3690. A letter from the Political Personnel and Advisory Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3691. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3692. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform

Act of 1998; to the Committee on Government Reform.

3693. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3694. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3695. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3696. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3697. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3698. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3699. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3700. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3701. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3702. A letter from the Asst. Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulfur Operations in the Outer Continental Shelf — Plans and Information (RIN: 1010-AC47) received August 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Fireworks Display, San Francisco Bay, CA [CGD 11-05-008] (RIN: 1625-AA08) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Season Home Opener Fireworks Display, San Francisco Bay, CA [CGD11 05-003] (RIN: 1625-AA08) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regu-

lations; Bucksport, South Carolina [CGD07-05-038] (RIN: 1625-AA08) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Neuse River, New Bern, NC [CGD05-05-040] (RIN: 1625-AA08) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Regulation for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05-05-026] (RIN: 1625-AA08) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-20500; Directorate Identifier 2004-NM-235-AD; Amendment 39-14191; AD 2005-15-02] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-21598; Directorate Identifier 2005-NM-121-AD; Amendment 39-14159; AD 2005-13-22] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 99-NM-129-AD; Amendment 39-14190; AD 2005-15-01] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2005-20867; Directorate Identifier 2004-NM-188-AD; Amendment 39-14194; AD 2005-15-05] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and 747-200F Series Airplanes [Docket No. FAA-2005-20690; Directorate Identifier 2003-NM-230-AD; Amendment 39-14195; AD 2005-15-06] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B SUD, -200B, -300, -400, and -400D Series Airplanes [Docket No. FAA-2004-19175; Directorate Identifier 2003-NM-246-AD; Amendment 39-14197; AD 2005-15-08] (RIN: 2120-AA64)

received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. 2001-NM-359-AD; Amendment 39-14201; AD 2005-15-12] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-21023; Directorate Identifier 2004-NM-262-AD; Amendment 39-14196; AD 2005-15-07] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-21137; Directorate Identifier 2002-NM-86-AD; Amendment 39-14200; AD 2005-15-11] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-34-200T, PA-34-220T, PA-44-180, and PA-44-180T Airplanes [Docket No. FAA-2005-21590; Directorate Identifier 2005-CE-33-AD; Amendment 39-14199; AD 2005-15-10] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), Model CL-600-2A12 (CL-601), and Model CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No. FAA-2005-21139; Directorate Identifier 2003-NM-196-AD; Amendment 39-14193; AD 2005-15-04] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. 2002-NE-40-AD; Amendment 39-14202; AD 2005-15-13] (RIN: 2120-AA64) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3720. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5; jointly to the Committees on Ways and Means and Energy and Commerce.

¶90.4 ORDER OF BUSINESS—

CONSIDERATION OF H. RES. 423

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House the resolution (H. Res. 423) honoring and

recognizing the distinguished service, career, and achievements of Chief Justice William Hubbs Rehnquist upon his death, and for other purposes; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except: 1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and 2) one motion to recommit.

¶90.5 HONORING THE LATE HONORABLE WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

Mr. SENSENBRENNER, pursuant to the previous order of the House, called up the following resolution (H. Res. 423) honoring and recognizing the distinguished service, career, and achievements of Chief Justice William Hubbs Rehnquist upon his death, and for other purposes:

Whereas William H. Rehnquist was born on October 1, 1924, in Milwaukee, Wisconsin and grew up the son of a paper salesman;

Whereas William H. Rehnquist served the United States in the Army Air Corps during World War II;

Whereas William H. Rehnquist attended and graduated from Stanford University, earning a bachelor's and master's degree in political science, and a second master's degree in government from Harvard University;

Whereas William H. Rehnquist went on to graduate first in his class at Stanford Law School in 1952, where he met his wife Natalie "Nan" Cornell;

Whereas William H. Rehnquist and Natalie had three children: James, Janet, and Nancy;

Whereas William H. Rehnquist served as a law clerk to Justice Robert H. Jackson on the Supreme Court during the 1951 and 1952 terms, and as Assistant Attorney General for the Justice Department's Office of Legal Counsel, where he advised the Nixon Administration on constitutional law from 1969 until 1971;

Whereas William H. Rehnquist was appointed by President Nixon and confirmed by the Senate as an Associate Justice of the United States on December 10, 1971, at the age of 47;

Whereas William H. Rehnquist was appointed by President Reagan and confirmed by the Senate as the 16th Chief Justice of the United States in 1986;

Whereas Chief Justice Rehnquist's 33-year tenure on the Supreme Court was one of the longest and most influential in the Nation's history;

Whereas legal scholars of all perspectives rank Chief Justice Rehnquist as among the great Chief Justices of the United States who influenced the interpretation of the law in significant ways;

Whereas Chief Justice Rehnquist was widely respected for his evenhandedness as Chief Justice; and

Whereas on January 7, 2002, the 30th Anniversary of his swearing in at the Supreme Court, Justice John Paul Stevens praised Chief Justice Rehnquist for "the efficiency, good humor and absolute impartiality that you have consistently displayed when presiding at our Conferences": Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of Chief Justice Rehnquist; and

(2) honors, recognizes, and expresses gratitude for the distinguished service, career, and achievements of William H. Rehnquist upon his death.

When said resolution was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.6 ORDER OF BUSINESS—

CONSIDERATION OF H. RES. 425

On motion of Mr. BOUSTANY, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House the resolution (H. Res. 425) expressing the condolences of the Nation to the victims of Hurricane Katrina, commending the resiliency of the people of Louisiana, Mississippi, and Alabama, and committing to stand by them in the relief and recovery efforts; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except: 1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and 2) one motion to recommit.

¶90.7 CONDOLENCES TO VICTIMS OF

HURRICANE KATRINA

Mr. BOUSTANY, pursuant to the previous order of the House, called up the following resolution (H. Res. 425):

Whereas, on August 28, 2005, Hurricane Katrina reached landfall devastating the Gulf Coast states;

Whereas there has yet to be a full accounting for all our citizens whose lives were tragically lost;

Whereas the cost in human suffering is ongoing for hundreds of thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the devastated regions;

Whereas the devastation on the Gulf Coast of Mississippi, Louisiana, and Alabama is catastrophic;

Whereas the City of New Orleans is tragically flooded and the surrounding communities of St. Bernard and Plaquemines parishes are devastated;

Whereas every city on the Mississippi Gulf Coast is severely damaged or destroyed, including Waveland, Bay St. Louis, Pass Christian, Long Beach, Gulfport, Biloxi, Ocean Springs, Moss Point, and Pascagoula;

Whereas the States of Florida, Texas, and Georgia also sustained damage;

Whereas Coast Guard search and rescue teams, police, firefighters, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas doctors, nurses, and medical personnel worked expeditiously to ensure that hospitals, medical centers, and triage units provided needed care;

Whereas the American Red Cross, the Salvation Army, and other volunteer organizations and charities are supplying hurricane victims with food, water, and shelter;

Whereas the State of Texas and numerous other States have welcomed tens of thousands of victims from Louisiana and provided them with aid and comfort;

Whereas the Army Corps of Engineers has worked to reinforce levees in Louisiana; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the condolences of the Nation to the victims of Hurricane Katrina;

(2) commends the resiliency and courage of the people of the States of Louisiana, Mississippi, and Alabama; and

(3) commits to provide the necessary resources and to stand by the people of the States of Louisiana, Mississippi, and Alabama in the relief, recovery, and rebuilding efforts.

When said resolution was considered. After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution.

The question being put, *viva voce*, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So, the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.8 RECESS—11:53 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 53 minutes a.m., subject to the call of the Chair.

¶90.9 AFTER RECESS—4:30 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶90.10 FEDERAL JUDICIARY EMERGENCY SPECIAL SESSIONS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SENSENBRENNER and Mr. CONYERS, each for 20 minutes.

After debate, The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶90.11 PELL GRANT HURRICANE AND DISASTER RELIEF

Mr. KELLER moved to suspend the rules and pass the bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. KELLER and Mr. George MILLER of California, each for 20 minutes.

After debate, The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KELLER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶90.12 H.R. 3650—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 409 affirmative } Nays 0

¶90.13 [Roll No. 456]

YEAS—409

Abercrombie	Blumenauer	Capps
Ackerman	Blunt	Capuano
Aderholt	Boehkert	Cardin
Akin	Boehner	Cardoza
Alexander	Bonilla	Carnahan
Allen	Bonner	Carson
Andrews	Bono	Carter
Baca	Boozman	Case
Bachus	Boren	Castle
Baird	Boswell	Chabot
Baldwin	Boucher	Chandler
Barrett (SC)	Boustany	Choccola
Barrow	Boyd	Clay
Bartlett (MD)	Bradley (NH)	Cleaver
Barton (TX)	Brady (PA)	Clyburn
Bass	Brown (OH)	Coble
Bean	Brown (SC)	Cole (OK)
Beauprez	Brown, Corrine	Conyers
Becerra	Brown-Waite,	Cooper
Berman	Ginny	Costa
Berry	Burgess	Cramer
Biggert	Burton (IN)	Crenshaw
Billirakis	Calvert	Crowley
Bishop (GA)	Camp	Cubin
Bishop (NY)	Cannon	Cuellar
Bishop (UT)	Cantor	Culberson
Blackburn	Capito	Cummings

Cunningham	Jackson-Lee	Oberstar
Davis (AL)	(TX)	Obey
Davis (CA)	Jefferson	Ortiz
Davis (FL)	Jenkins	Osborne
Davis (IL)	Jindal	Otter
Davis (KY)	Johnson (CT)	Owens
Davis (TN)	Johnson (IL)	Oxley
Davis, Jo Ann	Johnson, E. B.	Pallone
Davis, Tom	Johnson, Sam	Pascrell
Deal (GA)	Jones (NC)	Pastor
DeFazio	Jones (OH)	Paul
DeGette	Kanjorski	Payne
Delahunt	Kaptur	Pearce
DeLauro	Keller	Pelosi
DeLay	Kelly	Pence
Dent	Kennedy (MN)	Peterson (MN)
Diaz-Balart, L.	Kennedy (RI)	Peterson (PA)
Diaz-Balart, M.	Kildee	Petri
Dicks	Kilpatrick (MI)	Pitts
Dingell	Kind	Platts
Doggett	King (IA)	Poe
Doolittle	King (NY)	Pombo
Doyle	Kingston	Pomeroy
Drake	Kirk	Porter
Duncan	Kline	Price (GA)
Edwards	Knollenberg	Price (NC)
Ehlers	Kolbe	Pryce (OH)
Emanuel	Kucinich	Putnam
Engel	Kuhl (NY)	Radanovich
English (PA)	LaHood	Rahall
Eshoo	Langevin	Ramstad
Etheridge	Lantos	Rangel
Evans	Larsen (WA)	Regula
Everett	Larson (CT)	Rehberg
Farr	Latham	Reichert
Fattah	LaTourette	Renzi
Feeney	Leach	Reyes
Ferguson	Lee	Rogers (AL)
Filner	Lewis (CA)	Rogers (KY)
Fitzpatrick (PA)	Lewis (GA)	Rogers (MI)
Flake	Lewis (KY)	Rohrabacher
Foley	Linder	Ros-Lehtinen
Forbes	Lipinski	Ross
Fortenberry	LoBiondo	Rothman
Fossella	Lofgren, Zoe	Roybal-Allard
Fox	Lowe	Royce
Frank (MA)	Lucas	Ruppersberger
Franks (AZ)	Lungren, Daniel	Rush
Frelinghuysen	E.	Ryan (OH)
Galleghy	Lynch	Ryan (WI)
Garrett (NJ)	Mack	Ryun (KS)
Gerlach	Manzullo	Sabo
Gibbons	Markey	Salazar
Gilchrest	Marshall	Sanchez, Linda
Gillmor	Matheson	T.
Gingrey	Matsui	Sanders
Gohmert	McCarthy	Saxton
Gonzalez	McCaul (TX)	Schakowsky
Goode	McCollum (MN)	Schiff
Goodlatte	McCotter	Schmidt
Gordon	McCrery	Schwartz (PA)
Granger	McDermott	Schwarz (MI)
Graves	McGovern	Scott (GA)
Green (WI)	McHenry	Scott (VA)
Green, Al	McHugh	Sensenbrenner
Green, Gene	McIntyre	Serrano
Grijalva	McKeon	Sessions
Gutierrez	McKinney	Shadegg
Gutknecht	McMorris	Shaw
Hall	Meehan	Shays
Harman	Meek (FL)	Sherman
Harris	Meeks (NY)	Sherwood
Hart	Menendez	Shimkus
Hastings (FL)	Mica	Shuster
Hastings (WA)	Michaud	Simmons
Hayes	Millender-	Simpson
Hayworth	McDonald	Skelton
Hefley	Miller (FL)	Slaughter
Hensarling	Miller (MI)	Smith (NJ)
Herger	Miller (NC)	Smith (TX)
Herseth	Miller, Gary	Smith (WA)
Higgins	Miller, George	Snyder
Hinchee	Mollohan	Sodrel
Hinojosa	Moore (KS)	Solis
Hobson	Moore (WI)	Souder
Holden	Moran (KS)	Spratt
Holt	Moran (VA)	Stark
Honda	Murphy	Stearns
Hooley	Murtha	Strickland
Hostettler	Musgrave	Stupak
Hoyer	Myrick	Sullivan
Hulshof	Nader	Sweeney
Hunter	Napolitano	Tancredo
Hyde	Neal (MA)	Tanner
Inglis (SC)	Neugebauer	Tauscher
Inslee	Ney	Taylor (NC)
Israel	Northup	Terry
Issa	Norwood	Thomas
Istook	Nunes	Thompson (CA)
Jackson (IL)	Nussle	Thompson (MS)

Thornberry Walden (OR) Wexler
Tiaht Walsh Whitfield
Tiberi Wamp Wicker
Tierney Wasserman Wilson (NM)
Towns Schultz Wilson (SC)
Turner Waters Wolf
Udall (CO) Watson Woolsey
Udall (NM) Watt Wu
Upton Waxman Wynn
Van Hollen Weldon (FL) Young (FL)
Velázquez Weller
Viscosky Westmoreland

NOT VOTING—24

Baker Emerson Oliver
Berkley Ford Pickering
Brady (TX) Hoekstra Reynolds
Butterfield Levin Sanchez, Loretta
Buyer Maloney Taylor (MS)
Conaway Marchant Weiner
Costello McNulty Weldon (PA)
Dreier Melancon Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.14 H.R. 3169—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 412
affirmative } Nays 0

¶90.15 [Roll No. 457]

YEAS—412

Abercrombie Boswell Cooper
Ackerman Boucher Costa
Aderholt Boustany Cramer
Akin Boyd Crenshaw
Alexander Bradley (NH) Crowley
Allen Brady (PA) Cubin
Andrews Brown (OH) Cuellar
Baca Brown (SC) Culberson
Bachus Brown, Corrine Cummings
Baird Brown-Waite, Cunningham
Baldwin Ginny Davis (AL)
Barrett (SC) Burgess Davis (CA)
Barrow Burton (IN) Davis (FL)
Bartlett (MD) Calvert Davis (IL)
Barton (TX) Camp Davis (KY)
Bass Cannon Davis (TN)
Bean Cantor Davis, Jo Ann
Beauprez Capito Davis, Tom
Becerra Capps Deal (GA)
Berman Capuano DeFazio
Berry Cardin DeGette
Biggart Cardoza Delahunt
Bilirakis Carnahan DeLauro
Bishop (GA) Carson DeLay
Bishop (NY) Carter Dent
Bishop (UT) Case Diaz-Balart, L.
Blackburn Castle Diaz-Balart, M.
Blumenauer Chabot Dicks
Blunt Chandler Dingell
Boehlert Choccola Doggett
Boehner Clay Doolittle
Bonilla Cleaver Doyle
Bonner Clyburn Drake
Bono Coble Duncan
Boozman Cole (OK) Edwards
Boren Conyers Ehlers

Emanuel Kucinich Pryce (OH)
Engel Kuhl (NY) Putnam
English (PA) LaHood Radanovich
Eshoo Langevin Rahall
Etheridge Lantos Ramstad
Evans Larsen (WA) Rangel
Everett Larson (CT) Regula
Farr LaTham Rehberg
Fattah LaTourette Reichert
Feeney Leach Renzi
Ferguson Lee Reyes
Filner Levin Reynolds
Fitzpatrick (PA) Lewis (CA) Rogers (AL)
Flake Lewis (GA) Rogers (KY)
Foley Lewis (KY) Rogers (MI)
Forbes Linder Rohrabacher
Fortenberry Lipinski Ros-Lehntinen
Fossella LoBiondo Ross
Foxy Lofgren, Zoe Rothman
Frank (MA) Lowey Roybal-Allard
Franks (AZ) Lucas Royce
Frelinghuysen Lungren, Daniel Ruppelberger
Gallegly E. Rush
Garrett (NJ) Lynch Ryan (OH)
Gerlach Mack Ryan (WI)
Gibbons Manzullo Ryun (KS)
Gilchrist Markey Sabo
Gillmor Marshall Salazar
Gingrey Matheson Sánchez, Linda
Gohmert Matsui T.
Gonzalez McCarthy Sanders
Goode McCaul (TX) Saxton
Goodlatte McCollum (MN) Schakowsky
Gordon McCotter Schiff
Granger McCreery Schmidt
Graves McDermott Schwartz (PA)
Green (WI) McGovern Schwarz (MI)
Green, Al McHenry Scott (GA)
Green, Gene McHugh Scott (VA)
Grijalva McIntyre Sensenbrenner
Gutierrez McKeon Serrano
Gutknecht McKinney Sessions
Hall McMorris Shadegg
Harman Meehan Shaw
Harris Meek (FL) Shays
Hart Meeks (NY) Sherman
Hastings (FL) Menendez Sherwood
Hastings (WA) Mica Shimkus
Hayes Michaud Shuster
Hayworth Millender Simmons
Hefley McDonald Simpson
Hensarling Miller (FL) Skelton
Herger Miller (MI) Slaughter
Hersth Miller (NC) Smith (NJ)
Higgins Miller, Gary Smith (TX)
Hinchey Miller, George Smith (WA)
Hinojosa Mollohan Snyder
Hobson Moore (KS) Sodrel
Holden Moore (WI) Solis
Holt Moran (KS) Souder
Honda Moran (VA) Spratt
Hooley Murphy Stark
Hostettler Murtha Stearns
Hoyer Musgrave Strickland
Hulshof Myrick Stupak
Hunter Nadler Sullivan
Hyde Napolitano Sweeney
Inglis (SC) Neal (MA) Tancredo
Insee Neugebauer Tanner
Israel Ney Tauscher
Issa Northup Taylor (NC)
Istook Norwood Terry
Jackson (IL) Nunes Thomas
Jackson-Lee Nussle Thompson (CA)
(TX) Oberstar Thompson (MS)
Jefferson Obey Thornberry
Jenkins Ortiz Tiaht
Jindal Osborne Tiberi
Johnson (CT) Otter Tierney
Johnson (IL) Owens Towns
Johnson, E. B. Oxley Turner
Johnson, Sam Pallone Udall (CO)
Jones (NC) Pascrell Udall (NM)
Jones (OH) Pastor Upton
Kanjorski Paul Van Hollen
Kaptur Payne Velázquez
Keller Pearce Viscosky
Kelly Pelosi Walden (OR)
Kennedy (MN) Pence Walsh
Kennedy (RI) Peterson (MN) Wamp
Kildee Peterson (PA) Wasserman
Kilpatrick (MI) Petri Schultz
Pitts Waters
Platts Watson
Poe King (IA) Watt
Kingston King (NY) Waxman
Kirk Pombo Weldon (FL)
Kline Porter Weldon (PA)
Knollenberg Price (GA) Weller
Kolbe Price (NC) Westmoreland

Wexler Wilson (SC) Wynn
Whitfield Wolf Young (FL)
Wicker Woolsey
Wilson (NM) Wu

NOT VOTING—21

Baker Dreier Melancon
Berkley Emerson Oliver
Brady (TX) Ford Pickering
Butterfield Hoekstra Sanchez, Loretta
Buyer Maloney Taylor (MS)
Conaway Marchant Weiner
Costello McNulty Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.16 PROVIDING FOR MOTIONS TO SUSPEND THE RULES

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-217) the resolution (H. Res. 426) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.17 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BUTTERFIELD, for today and September 8;

To Mrs. EMERSON, for September 6 and 7;

To Mr. FORD, for today; and

To Mr. McNULTY, for today.

And then,

¶90.18 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, at 11 o'clock and 58 minutes p.m., the House adjourned.

¶90.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules.

House Resolution 426. Resolution providing for consideration of motions to suspend the rules (Rept. 109-217). Referred to the House Calendar.

¶90.20 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KANJORSKI:

H.R. 3664. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to appropriate the proceeds for the Low-Income Home Energy Assistance Program; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Ms. HERSETH, Mr. FILNER, and Mr. EVANS):

H.R. 3665. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, and Mr. UDALL of New Mexico):

H.R. 3666. A bill to provide that, for the period ending August 31, 2007, veterans affected by Hurricane Katrina shall have access to health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself and Mr. MCHUGH):

H.R. 3667. A bill to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; to the Committee on Government Reform.

By Mr. JINDAL (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. PORTER, Mr. BOUSTANY, Mr. HINOJOSA, Mr. WU, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. BAKER, Mr. MCCRERY, Mr. BACHUS, and Mr. WICKER):

H.R. 3668. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. BAKER, Ms. WATERS, Ms. GINNY BROWN-WAITE of Florida, and Mr. DAVIS of Alabama):

H.R. 3669. A bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; to the Committee on Financial Services.

By Mr. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. SNYDER, Mr. MICHAUD, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, and Mrs. DAVIS of California):

H.R. 3670. A bill to extend for persons affected by Hurricane Katrina the time for appeal to the United States Court of Appeals for Veterans Claims of certain decisions of the Board of Veterans Appeals that are rendered during the period from June 1, 2005, through November 30, 2005; to the Committee on Veterans' Affairs.

By Mr. GENE GREEN of Texas:

H.R. 3671. A bill to amend title XIX of the Social Security Act to authorize the Secretary of Health and Human Services to provide 100 percent as the Federal medical assistance percentage for displaced Medicaid recipients receiving medical assistance outside their State of residence due to a declared public health emergency; to the Committee on Energy and Commerce.

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BAKER, Mr. JINDAL, and Mr. PICKERING):

H.R. 3672. A bill to provide assistance to families affected by Hurricane Katrina,

through the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.R. 3673. A bill making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3674. A bill to authorize the Secretary of Transportation to make grants for projects to construct fences or other barriers to prevent public access to tracks and other hazards of fixed guideway systems in residential areas; to the Committee on Transportation and Infrastructure.

By Mr. BASS:

H.R. 3675. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Energy and Commerce.

By Mr. BERRY:

H.R. 3676. A bill to suspend temporarily the duty on clock radio combos; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3677. A bill to suspend temporarily the duty on dog accessories; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3678. A bill to suspend temporarily the duty on floor coverings and mats of vulcanized rubber; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3679. A bill to suspend temporarily the duty on manicure and pedicure sets; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 3680. A bill to amend the Internal Revenue Code of 1986 to increase and extend temporary expensing for equipment used in refining of liquid fuels; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. NADLER, Mr. MEEHAN, Mr. SCOTT of Virginia, Ms. ZOE LOFGREN of California, Mr. DELAHUNT, Ms. LINDA T. SANCHEZ of California, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. SCHIFF, Mr. TAYLOR of Mississippi, Mr. CROWLEY, Mr. SANDERS, Mr. VAN HOLLEN, Mr. CASE, Ms. WATSON, Mr. CAPUANO, Mr. BOREN, Mr. FILNER, Mr. KUCINICH, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. WEINER, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, Ms. LEE, Ms. KILPATRICK of Michigan, Ms. CARSON, Mrs. MALONEY, Mr. CLEAVER, Ms. ROYBAL-ALLARD, Mr. INGLEE, and Mr. SERRANO):

H.R. 3681. A bill to amend the Clayton Act to make unlawful price gouging for necessary goods and services during Presidentially declared times of national disaster; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WOLF):

H.R. 3682. A bill to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SHADEGG, Mr. PAUL, Mr. MCHENRY, Mr. FORD, Mr. SENSENBRENNER, Mr. WILSON of South Carolina, Mr. SIMMONS, Mr. KENNEDY of Minnesota, Mr. GOODE, Mrs. CUBIN, Mr. MCCAUL of Texas, Mr. HAYWORTH, Mrs. JOHNSON of Connecticut, Mr. ADERHOLT, Mr. RENZI, Mr. WELLER, Mr. GINGREY, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mrs. MILLER of Michigan):

H.R. 3683. A bill to amend the Internal Revenue Code of 1986 to suspend for 30 days the Federal excise taxes on highway motor fuels; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. KLINE, Mr. MCHENRY, Mr. KING of Iowa, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. HERGER, Mr. CULBERSON, Mr. TIAHRT, Mr. GOODE, Mr. TANCREDO, Mr. WICKER, Mr. PITTS, Mr. BARTON of Texas, Mr. ISTOOK, Mr. BROWN of South Carolina, Mr. FEENEY, Mr. CHABOT, Mrs. MYRICK, Mr. GOHMERT, Mr. HENSARLING, Mr. DOOLITTLE, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. PENCE, Mr. WAMP, and Mr. GARRETT of New Jersey):

H.R. 3684. A bill to suspend the Davis-Bacon wage rate requirements for Federal contracts in areas declared national disasters; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. CLYBURN, Mr. FLAKE, Mr. MILLER of Florida, Mr. PAUL, Mr. MANZULLO, Mrs. MALONEY, Mrs. MYRICK, and Mr. BROWN of South Carolina):

H.R. 3685. A bill to reestablish the Federal Emergency Management Agency as an independent establishment in the executive branch; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 3686. A bill to amend titles 23 and 49, United States Code, to promote the integration of local land use planning and transportation planning; to the Committee on Transportation and Infrastructure.

By Mr. GUTKNECHT (for himself, Mr. DELAHUNT, and Mr. POE):

H.R. 3687. A bill to authorize appropriations for grants for specialized technical assistance and training to improve the quality of criminal investigation and prosecution of child abuse cases; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 3688. A bill to require the Comptroller General to conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida:

H.R. 3689. A bill to authorize the Secretary of Education to make grants to reduce the size of core curriculum classes in public elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mrs. MCCARTHY, Mr. ANDREWS, Mr. HINOJOSA, Mr. HOLT, Ms. MCCOLLUM

of Minnesota, Mr. BARROW, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. SCOTT of Virginia, Mr. BROWN of Ohio, Mr. DAVIS of Florida, Mr. GRIJALVA, Mr. ETHERIDGE, Mr. MOORE of Kansas, Ms. LEE, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mr. HIGGINS, Mr. DAVIS of Illinois, Mr. TIERNEY, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. PALLONE, Mrs. DAVIS of California, Mr. BISHOP of New York, Mr. CONYERS, Mr. NADLER, Mr. HOYER, and Mr. MENENDEZ):

H.R. 3690. A bill to provide relief to students, schools, and student borrowers affected by natural disaster; to the Committee on Education and the Workforce.

By Mr. NUNES:

H.R. 3691. A bill to amend the Central Valley Project Improvement Act to provide for improved water management and conservation, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Ms. BORDALLO, Mr. CASE, Mr. FARR, and Mr. FILNER):

H.R. 3692. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.R. 3693. A bill to require the Secretary of Homeland Security to prevent all unlawful entries into the United States by January 1, 2007, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 3694. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide grants to rural counties to ensure they are able to offer a sufficient level of advice and casework services to help veterans learn about and obtain the benefits they have earned, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. SERRANO, Mr. OWENS, Mr. RANGEL, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. AL GREEN of Texas, Ms. MCKINNEY, Ms. KILPATRICK of Michigan, Mr. SCOTT of Virginia, Mr. CLAY, Mr. MEEKS of New York, Ms. NORTON, Mr. RUSH, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. PAYNE, Mr. CLYBURN, Ms. WATSON, Ms. CARSON, Mr. FATTAH, Mr. MEEK of Florida, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. CARDIN, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, and Mr. JEFFERSON):

H. Con. Res. 234. Concurrent resolution affirming the obligation and leadership of the United States to improve the lives of the 37,162,000 Americans living in poverty and the 15,600,000 of those who live in extreme poverty; to the Committee on Government Reform.

By Mr. EVANS:

H. Con. Res. 235. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington:

H. Con. Res. 236. Concurrent resolution expressing the sense of the Congress that all Americans should program their cell phones and other portable electronic devices to show personal emergency contacts under the acronym ICE (In Case of Emergency) to enable emergency personnel to contact family and friends in the event of an emergency; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BAKER, Mr. JEFFERSON, Mr. JINDAL, Mr. ROGERS of Alabama, Mr. NEY, Mr. ADERHOLT, Mr. PICKERING, Mr. BONNER, Mr. TURNER, Mr. ALEXANDER, Mr. CRAMER, Mr. BACHUS, Mr. YOUNG of Alaska, Mr. EVERETT, Ms. JACKSON-LEE of Texas, and Mr. SHUSTER):

H. Res. 425. A resolution expressing the condolences of the Nation to the victims of Hurricane Katrina, commending the resiliency of the people of the States of Louisiana, Mississippi, and Alabama, and committing to stand by them in the relief and recovery effort; to the Committee on Transportation and Infrastructure, considered and agreed to.

By Mr. HYDE (for himself, Mr. LANTOS, and Mr. DOOLITTLE):

H. Res. 427. A resolution relating to the terrorist attacks against the United States on September 11, 2001; to the Committee on International Relations, and in addition to the Committees on Armed Services, Transportation and Infrastructure, the Judiciary, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Res. 428. A resolution expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina; to the Committee on International Relations.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H. Res. 429. A resolution congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series; to the Committee on Government Reform.

By Mr. COLE of Oklahoma:

H. Res. 430. A resolution commending the University of Oklahoma's gymnastics team for winning the 2005 National Collegiate Athletic Association Division I Gymnastics Championship; to the Committee on Education and the Workforce.

By Mr. SWEENEY:

H. Res. 431. A resolution expressing the sense of the House of Representatives that

there should be established a Lifelong Learning Week; to the Committee on Government Reform.

¶90.21 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CARDOZA introduced a bill (H.R. 3695) for the relief of Daniel Acevedo; which was referred to the Committee on the Judiciary.

¶90.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 13: Mr. SCHWARZ of Michigan.
- H.R. 23: Mr. THOMPSON of Mississippi, Mr. KUHL of New York, and Mr. BISHOP of Utah.
- H.R. 42: Mr. NORWOOD.
- H.R. 63: Mr. KENNEDY of Rhode Island.
- H.R. 97: Mr. PRICE of North Carolina.
- H.R. 111: Ms. SCHWARTZ of Pennsylvania.
- H.R. 127: Mr. RYAN of Ohio.
- H.R. 128: Mr. PRICE of North Carolina.
- H.R. 133: Mr. SCOTT of Georgia.
- H.R. 215: Mr. VAN HOLLEN.
- H.R. 220: Ms. NORTON.
- H.R. 226: Mr. UDALL of Colorado.
- H.R. 239: Mr. KING of Iowa.
- H.R. 269: Ms. HARRIS, Mr. REYES, and Mr. MCINTYRE.
- H.R. 294: Mr. MICHAUD.
- H.R. 303: Mr. JINDAL, Mr. PETRI, Mrs. MUSGRAVE, Mr. GOODLATTE, and Mr. LEACH.
- H.R. 305: Mrs. WILSON of New Mexico.
- H.R. 354: Mr. SHERMAN and Mr. GERLACH.
- H.R. 363: Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. ALLEN, and Mr. HIGGINS.
- H.R. 371: Ms. SLAUGHTER.
- H.R. 500: Mr. CLAMP.
- H.R. 503: Mr. LYNCH and Mr. DAVIS of Florida.
- H.R. 515: Mr. HINOJOSA and Ms. WASSERMAN SCHULTZ.
- H.R. 552: Mr. WESTMORELAND, Mr. HAYES, and Mr. MICA.
- H.R. 602: Mr. BURGESS, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ANDREWS, and Mr. GREEN of Wisconsin.
- H.R. 609: Ms. ROS-LEHTINEN and Mr. LEWIS of Kentucky.
- H.R. 691: Mr. FORTUÑO.
- H.R. 699: Mr. ANDREWS, Mr. SHIMKUS, and Mr. FOSSELLA.
- H.R. 771: Mr. TIERNEY.
- H.R. 799: Mr. LEWIS of Georgia.
- H.R. 856: Mr. PICKERING, Mr. SCOTT of Virginia, and Mr. POMEROY.
- H.R. 867: Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, and Mr. SMITH of Washington.
- H.R. 874: Mr. BEAUPREZ.
- H.R. 881: Mr. KUHL of New York, Mr. MOORE of Kansas, Mr. FILNER, Mr. FOLEY, Mr. MICA, and Mr. HASTINGS of Washington.
- H.R. 884: Mr. WU, Mr. FILNER, Ms. VELÁZQUEZ, Mr. STARK, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. LARSEN of Washington, Ms. DELAURO, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, and Mr. ENGEL.
- H.R. 888: Mr. JENKINS.
- H.R. 896: Mr. WATT, Mr. FILNER, Mr. WAMP, Mrs. TAUSCHER, Mr. OWENS, Mr. BOUCHER, and Mr. SABO.
- H.R. 916: Mr. MOLLOHAN, Mr. FARR, Mrs. EMERSON, Mr. ROTHMAN, Mr. CUMMINGS, Mrs. DRAKE, Mr. SHUSTER, Mr. HONDA, and Mr. HIGGINS.
- H.R. 949: Mr. PLATTS, Mr. ORTIZ, Mr. FILNER, Mr. STARK, Ms. ZOE LOFGREN of California, and Mr. FRANK of Massachusetts.
- H.R. 985: Mr. BOUCHER.
- H.R. 986: Mr. EHLERS and Mr. MICHAUD.
- H.R. 1010: Mr. SOUDER and Mr. REYNOLDS.
- H.R. 1059: Mr. RANGEL and Mr. BROWN of Ohio.

- H.R. 1105: Mr. PASTOR.
H.R. 1120: Mr. LEWIS of Georgia and Mr. WELDON of Pennsylvania.
H.R. 1126: Mr. EVANS.
H.R. 1131: Mr. CALVERT, Mr. VAN HOLLEN, and Mr. PRICE of North Carolina.
H.R. 1146: Mr. HERGER.
H.R. 1200: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1202: Mr. MANZULLO.
H.R. 1214: Mr. ANDREWS.
H.R. 1258: Mr. PETERSON of Minnesota.
H.R. 1262: Ms. SLAUGHTER.
H.R. 1298: Mr. FOLEY, Mr. FARR, Mr. GOODE, Mr. LATOURETTE, Mr. HASTINGS of Washington, and Mr. PETERSON of Minnesota.
H.R. 1300: Mr. PAYNE.
H.R. 1306: Mr. MCCAUL of Texas, Ms. MATSUL, Mr. ROYCE, and Mrs. BONO.
H.R. 1329: Mr. ROSS, Mr. ANDREWS, and Mr. BASS.
H.R. 1333: Mr. MOLLOHAN, Mr. ROTHMAN, and Mr. DENT.
H.R. 1355: Mr. PETERSON of Minnesota.
H.R. 1357: Mr. SODREL.
H.R. 1366: Mr. MORAN of Kansas, and Mr. REYES.
H.R. 1418: Mr. FRANK of Massachusetts.
H.R. 1456: Mr. PLATTS.
H.R. 1498: Mr. HASTINGS of Florida, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. PASTOR, Ms. LINDA T. SALNCHÉZ of California, and Mr. MARSHALL.
H.R. 1518: Mr. FORD, Mr. KENNEDY of Minnesota, and Mr. OWENS.
H.R. 1534: Mr. MARSHALL.
H.R. 1535: Mr. MARSHALL.
H.R. 1536: Mr. MARSHALL.
H.R. 1547: Mr. PRICE of North Carolina.
H.R. 1554: Mr. MILLER of North Carolina.
H.R. 1588: Mr. LEACH, Mr. PALLONE, and Mr. BERRY.
H.R. 1594: Mr. RYUN of Kansas.
H.R. 1602: Mr. GRIJALVA, Mr. KING of New York, Mr. DAVIS of Alabama, Mr. PLATTS, Mr. TANCREDO, Mr. FILNER, Mr. GERLACH, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. LATOURETTE, Mr. DAVIS of Florida, Mr. WAMP, Mr. HAYES, Mr. PASTOR, Mr. GENE GREEN of Texas, Mr. BARTLETT of Maryland, Mr. DREIER, Ms. BERKLEY, Mr. MANZULLO, Mr. PITTS, and Mr. GARY G. MILLER of California.
H.R. 1615: Mr. KENNEDY of Rhode Island, Mr. LANTOS, Mr. MCGOVERN, Mr. HINCHEY, and Mr. PRICE of North Carolina.
H.R. 1621: Mr. MARKEY, Mr. STUPAK, and Mr. ALEXANDER.
H.R. 1632: Mr. WYNN.
H.R. 1636: Mr. PETERSON of Minnesota.
H.R. 1651: Mr. FORD and Mr. WAMP.
H.R. 1652: Mr. PRICE of North Carolina and Mr. MOORE of Kansas.
H.R. 1668: Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, and Mr. ROTHMAN.
H.R. 1671: Ms. SCHWARTZ of Pennsylvania.
H.R. 1688: Mr. PASCRELL.
H.R. 1704: Mr. KUCINICH, Mr. FRANKS of Arizona, Mr. PLATTS, Mr. WELDON of Pennsylvania, and Mr. ISSA.
H.R. 1709: Ms. MCKINNEY, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. SHERMAN, and Mr. MEEKS of New York.
H.R. 1748: Mr. INGLIS of South Carolina.
H.R. 1772: Mr. CANNON.
H.R. 1790: Mr. PETERSON of Minnesota.
H.R. 1898: Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. SHAYS, Mr. HUNTER, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. JONES of North Carolina, and Mr. BEAUPREZ.
H.R. 1951: Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. GOODE, Mr. RAMSTAD, Mr. BRADLEY of New Hampshire, and Mr. BASS.
H.R. 1973: Ms. ZOE LOFGREN of California.
H.R. 2043: Mr. WYNN.
H.R. 2048: Ms. SOLIS, Mr. CUMMINGS, Mr. ROTHMAN, Mr. GOODLATTE, Mr. WYNN, and Mr. BARTLETT of Maryland.
H.R. 2049: Mr. HERGER and Mr. GARY G. MILLER of California.
H.R. 2076: Mrs. MALONEY and Mr. REYES.
H.R. 2106: Mr. BISHOP of Utah, Mr. MATHESON, and Mr. PETERSON of Minnesota.
H.R. 2186: Mr. PETERSON of Minnesota.
H.R. 2229: Mr. CALVERT and Mr. WALSH.
H.R. 2238: Mr. HIGGINS, Mr. FORD, and Mr. TIERNEY.
H.R. 2290: Ms. HARRIS.
H.R. 2308: Mr. FRANK of Massachusetts.
H.R. 2317: Mrs. NAPOLITANO, Mr. WILSON of South Carolina, Mrs. BONO, Mr. FARR, Mr. HIGGINS, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. GILCHREST, and Mr. BISHOP of Georgia.
H.R. 2350: Mr. PETERSON of Minnesota.
H.R. 2365: Mr. CONYERS, Mr. HOLDEN, and Mr. EMANUEL.
H.R. 2369: Mr. MCCOTTER, Mr. BOEHLERT, and Mr. ETHERIDGE.
H.R. 2386: Mr. RANGEL, Mr. WESTMORELAND, Mr. LIPINSKI, Mr. RYUN of Kansas, Mr. GRAVES, Mr. LANGEVIN, Mr. HOLDEN, Mr. HOYER, and Mr. FRANK of Massachusetts.
H.R. 2409: Mr. GEORGE MILLER of California.
H.R. 2410: Ms. MOORE of Wisconsin.
H.R. 2423: Mr. PETERSON of Minnesota.
H.R. 2498: Mr. WILSON of South Carolina, Mr. COSTA, Mr. PRICE of North Carolina, and Mr. EVANS.
H.R. 2525: Mr. WALDEN of Oregon.
H.R. 2564: Mr. MEEKS of New York.
H.R. 2637: Mr. OLVER.
H.R. 2662: Ms. DEGETTE, Mr. MORAN of Virginia, Mr. THOMPSON of California, Mr. GERLACH, Mrs. NAPOLITANO, Mr. LEVIN, and Ms. CORRINE BROWN of Florida.
H.R. 2671: Mr. ROTHMAN.
H.R. 2717: Mr. SALAZAR, Mr. SCHWARZ of Michigan, Mr. MURTHA, Mr. McDERMOTT, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. STARK, Ms. DELAULO, Mr. DOYLE, Ms. ZOE LOFGREN of California, and Mr. LEVIN.
H.R. 2799: Mr. WYNN, Mr. GRIJALVA, Mr. SCHIFF, Mr. CALVERT, and Mr. GENE GREEN of Texas.
H.R. 2803: Mr. BAKER, Mr. DAVIS of Tennessee, Ms. WATERS, Mr. EDWARDS, Mr. PLATTS, Mr. OTTER, and Mr. FORD.
H.R. 2807: Mr. FORD.
H.R. 2822: Mr. DOGGETT and Mr. GOODE.
H.R. 2869: Mr. DEFAZIO and Mr. FRANK of Massachusetts.
H.R. 2870: Mr. SHERMAN.
H.R. 2872: Ms. WASSERMAN SCHULTZ, Mr. SERRANO, Mr. JONES of North Carolina, Mr. SHAYS, Mr. FORTUÑO, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. FILNER, Ms. HARRIS, Mr. DAVIS of Kentucky, Mr. MOORE of Kansas, Mr. SENSENBRENNER, Mr. SHERMAN, Mr. FEENEY, Mr. LANGEVIN, Mr. DENT, Mr. OTTER, Mr. ANDREWS, Mr. CHABOT, Mr. MENENDEZ, Mr. COSTA, Mr. LATOURETTE, Mr. MICHAUD, and Mr. LEWIS of Georgia.
H.R. 2926: Mr. BOUCHER.
H.R. 2939: Mr. HINCHEY, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. ESHOO, and Mr. SHAYS.
H.R. 2943: Mr. KIND, Mr. LANTOS, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2989: Mr. EHLERS, Mrs. NORTHUP, Mr. NORWOOD, Mr. MICHAUD, Mr. MCGOVERN, Mr. CRAMER, Mr. LEACH, Mr. HOLDEN, Mr. HONDA, Mr. OTTER, Ms. HARRIS, and Mr. HIGGINS.
H.R. 3034: Mr. FRANK of Massachusetts.
H.R. 3046: Mr. MCHUGH.
H.R. 3082: Mr. FILNER.
H.R. 3085: Mr. LINDER and Mr. NORWOOD.
H.R. 3086: Mr. SANDERS, Ms. SLAUGHTER, and Ms. ZOE LOFGREN of California.
H.R. 3096: Mr. PAYNE.
H.R. 3103: Mr. BACA and Mr. MCCOTTER.
H.R. 3143: Mr. KENNEDY of Minnesota.
H.R. 3144: Mr. TAYLOR of Mississippi.
H.R. 3145: Mr. CLAY, Mr. KIRK, Mr. MOORE of Kansas, Mr. COSTA, Mr. MCCOTTER, and Mr. SHIMKUS.
H.R. 3150: Mr. ISTOOK, Mr. GUTKNECHT, Mr. TANNER, Mr. GOODE, Mr. CULBERSON, Mr. WAMP, Mr. PRICE of Georgia, Mr. LUCAS, Mr. HERGER, Mr. SHADEGG, Mr. MCHENRY, Mr. SODREL, Mr. RYUN of Kansas, Mr. PITTS, Mr. BROWN of South Carolina, Mrs. MYRICK Ms. FOX, Mr. WESTMORELAND, Mr. CHABOT, Mr. MCCAUL of Texas, Mr. SAM JOHNSON of Texas, Mr. KLINE, and Mr. BISHOP of Utah.
H.R. 3159: Mr. SIMMONS, Mr. KENNEDY of Rhode Island, and Mr. SHAYS.
H.R. 3183: Mr. TANCREDO and Mr. SALAZAR.
H.R. 3189: Mr. TANCREDO and Mr. MARKEY.
H.R. 3255: Mr. BOUCHER.
H.R. 3260: Mr. OBERSTAR.
H.R. 3263: Ms. ESHOO and Mr. FRANK of Massachusetts.
H.R. 3279: Mr. DAVIS of Kentucky.
H.R. 3300: Mrs. EMERSON.
H.R. 3304: Mr. CANNON and Mr. TERRY.
H.R. 3321: Mr. MCGOVERN and Mr. LYNCH.
H.R. 3323: Mr. GENE GREEN of Texas, Ms. PRYCE of Ohio, Ms. DEGETTE, Mr. KENNEDY of Rhode Island, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, and Mr. LEWIS of Kentucky.
H.R. 3326: Mr. BOEHLERT, Mr. MICHAUD, Ms. DELAULO, Mr. HINCHEY, Mr. OWENS, Ms. LEE, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. ESHOO, Ms. LINDA T. SANCHEZ of California, and Mr. FRANK of Massachusetts.
H.R. 3352: Mr. McDERMOTT and Mr. ROGERS of Kentucky.
H.R. 3360: Mr. RAMSTAD and Mr. LEACH.
H.R. 3361: Mr. LANGEVIN.
H.R. 3372: Mr. OTTER and Mr. RAMSTAD.
H.R. 3373: Mrs. CAPPS, Mr. JEFFERSON, Mr. TAYLOR of Mississippi, Mr. MARSHALL, Ms. BALDWIN, Mr. CLAY, Mr. SCHWARZ of Michigan, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. GILCHREST, Mr. BOUCHER, Mr. SIMPSON, Mr. ANDREWS, Mr. JONES of North Carolina, Mr. FORD, Mr. BUTTERFIELD, Mr. CASE, and Mr. YOUNG of Florida.
H.R. 3401: Mr. WOLF and Mr. BACHUS.
H.R. 3403: Mr. SOUDER, Mrs. NORTHUP, and Mr. SAM JOHNSON of Texas.
H.R. 3405: Mr. BACHUS, Mr. KUHL of New York, Mr. CUELLAR, Mr. HERGER, Mr. MACK, Mr. DOOLITTLE, Mr. MCGOVERN, Ms. HARRIS, Mr. RAMSTAD, Mr. OSBORNE, Mr. SCHWARZ of Michigan, Mr. GUTKNECHT, Mr. HAYES, Mr. SALAZAR, Mr. CHANDLER, Mr. GENE GREEN of Texas, Mr. LATHAM, Mrs. JO ANN DAVIS of Virginia, and Mr. GORDON.
H.R. 3427: Mr. OWENS, Mr. GILCHREST, Mr. MOORE of Kansas, Mr. GOODE, and Mr. BOSWELL.
H.R. 3436: Mr. NORWOOD, Mr. BAKER, Mr. SODREL, Mr. MILLER of Florida, and Mr. BRADLEY of New Hampshire.
H.R. 3478: Mr. SIMMONS.
H.R. 3532: Mr. LEVIN, Mr. DINGELL, and Mr. EHLERS.
H.R. 3548: Mr. KING of New York, Mr. RANGEL, Mr. NADLER, Mr. WEINER, and Mrs. MCCARTHY.
H.R. 3579: Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. VAN HOLLEN, Ms. HERSETH, and Mr. PAUL.
H.R. 3585: Mr. BRADLEY of New Hampshire.
H.R. 3604: Mr. GENE GREEN of Texas.
H.R. 3612: Mr. MOORE of Kansas.
H.R. 3613: Mr. INGLIS of South Carolina.
H.R. 3656: Mr. DOYLE, Mr. CLEAVER, Ms. WATSON, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Mr. JEFFERSON, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. HOYER, Mr. MCGOVERN, Mr. RANGEL, Mr. CONYERS, Mr. MURTHA, Mr. CLAY, Mr. MELANCON, Mr. MENENDEZ, and Mr. RAHALL.
H.R. 3659: Mr. LIPINSKI, Mr. NADLER, Mr. CAPUANO, Mr. HONDA, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. CUMMINGS, Mr. LARSEN of Washington, Ms. MILLENDER-MCDONALD, Mr. BAIRD, Ms. BERKLEY, and Mr. RAHALL.
H.J. Res. 55: Mr. RANGEL, Mr. PAYNE, Mr. NADLER, Mr. FILNER, Ms. CARSON, Ms. WATSON, Mr. HONDA, Mr. McNULTY, and Mrs. CAPPS.

THURSDAY, SEPTEMBER 8, 2005 (91)

H.J. Res. 57: Mr. GORDON.
 H.J. Res. 61: Mr. ROGERS of Michigan, Mr. TOWNS, Ms. KAPTUR, Mr. DUNCAN, Mr. BRADY of Pennsylvania, Mr. ACKERMAN, Mr. REYES, Mr. SODREL, Mr. MORAN of Virginia, Mr. MCINTYRE, Mr. DINGELL, Mr. MARSHALL, Mr. ISTOOK, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. CHABOT, Mr. CANTOR, Mr. FLAKE, Mr. BISHOP of Utah, Mr. MCHENRY, Mr. HOSTETTLER, Mr. ISSA, Mr. TANCREDO, and Mr. MILLER of North Carolina.

H. Con. Res. 23: Mr. RYAN of Ohio.
 H. Con. Res. 106: Mr. KLINE and Mr. BAKER.
 H. Con. Res. 120: Mr. ANDREWS.
 H. Con. Res. 179: Mr. MOORE of Kansas and Mr. OXLEY.

H. Con. Res. 197: Ms. NORTON, Mr. ABERCROMBIE, and Mr. VAN HOLLEN.
 H. Con. Res. 215: Mr. MARKEY.
 H. Con. Res. 221: Mr. GARY G. MILLER of California.

H. Res. 61: Mr. FARR.
 H. Res. 85: Ms. GRANGER.
 H. Res. 276: Mr. MCCOTTER, Mr. SABO, Mr. SIMMONS, Mr. HINOJOSA, Mr. COBLE, Mr. RUPPERSBERGER, Mr. GORDON, Ms. DELAURO, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. GREEN of Wisconsin, Mr. TIBERI, Mr. VAN HOLLEN, Mr. MEEHAN, and Mr. FRANK of Massachusetts.

H. Res. 295: Mr. CUMMINGS.
 H. Res. 316: Mr. BARROW, Mrs. CAPPS, and Mr. MORAN of Kansas.

H. Res. 317: Ms. ZOE LOFGREN of California.
 H. Res. 367: Mr. CROWLEY, Mr. PRICE of North Carolina, and Mr. VAN HOLLEN.

H. Res. 368: Mr. PRICE of North Carolina, Mr. HIGGINS, Mrs. DAVIS of California, Mr. GARRETT of New Jersey, Mr. ISRAEL, Mr. TANCREDO, Ms. WATSON, Mr. DAVIS of Tennessee, Mr. FOSSELLA, Mr. KIRK, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. WEINER, and Mr. GENE GREEN of Texas.

H. Res. 371: Mr. INGLIS of South Carolina.
 H. Res. 375: Mr. LARSEN of Washington, Mrs. CAPPS, Mr. BAIRD, and Ms. ESHOO.

H. Res. 382: Ms. SOLIS, Mr. GONZALEZ, and Mr. CARNAHAN.

H. Res. 389: Mr. ABERCROMBIE, Mr. ALEXANDER, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BOEHLERT, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. FARR, Mr. FILLNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. LARSEN of Washington, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. ROSS, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHIMKUS, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPRATT, Mr. THOMPSON of California, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY.

190.23 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1642: Mr. WILSON of South Carolina.

191.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

WASHINGTON, DC,
 September 8, 2005.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

191.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced he had examined and approved the Journal of the proceedings of Wednesday, September 7, 2005.

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

191.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3721. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3722. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3723. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3724. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency has existed in the state of Florida since August 24, 2005 and in states of Alabama, Louisiana, and Mississippi since August 29, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3725. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Board of the International Fund of Ireland is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and that disbursements from the International Fund will be distributed in accordance with principles of economic justice; and will address the needs of both communities in Northern Ireland and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment, pursuant to Public Law 99-415, section 5(c) (100 Stat. 948); to the Committee on International Relations.

3726. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international or-

ganizations, pursuant to 22 U.S.C. 276c-4; to the Committee on International Relations.

3727. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

3728. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifty-third report on the extent and disposition of United States contributions to international organizations for fiscal year 2004, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

3729. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3730. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3731. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3732. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendments to the International Traffic in Arms Regulations: Port Directors, Definition, NATO Definition, Major Non-NATO Ally Definition, Record-keeping Requirements, Supporting Documentation for Electronics License Applications, Disclosure of Registration Documents — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3733. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

3734. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of the United Kingdom and Canada (Transmittal No. DDTC 097-04); to the Committee on International Relations.

3735. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Governments of Russia, Ukraine and Norway (Transmittal No. DDTC 024-05); to the Committee on International Relations.

3736. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Governments of Russia and Kazakhstan (Transmittal No. DDTC 025-05); to the Committee on International Relations.

3737. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination pursuant to Section 610 of the Foreign Assistance Act authorizing the use FY 2005 Supplemental Economic Support Funds to provide assistance to the Palestinian Authority; to the Committee on International Relations.

3738. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services (Transmittal No. DDTC 008-05); to the Committee on International Relations.

3739. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense equipment from the Government of Japan (Transmittal No. DDTC 020-05); to the Committee on International Relations.

3740. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Government of Iraq (Transmittal No. DDTC 035-05); to the Committee on International Relations.

3741. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Japan (Transmittal No. DDTC 019-05); to the Committee on International Relations.

3742. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the transfer of defense equipment from the Government of Saudi Arabia to the Government of Mexico (Transmittal No. RSAT 03-05); to the Committee on International Relations.

3743. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-31, Waiving Prohibition on United States Military Assistance with Respect to Cambodia; to the Committee on International Relations.

3744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination pursuant to section 451 of the Foreign Assistance Act of 1961, authorizing the use of FY 2005 funds authorized for the International Military Education and Training (IMET) and FY 2004 funds authorized for FREEDOM Support Act/Assistance to the Independent States (FSA/IS) to provide assistance to the United Nations Democracy Fund; to the Committee on International Relations.

3745. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Bay City International River Roar, Saginaw River, Bay City, MI [CGD09-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3746. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Elberta Solstice Festival Fireworks, Elberta, MI [CGD09-05-029] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3747. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Festival, St. Clair River, Port Huron, MI [CGD09-05-030] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3748. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Target Fireworks Display, Detroit River, Detroit, MI [CGD09-05-031] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3749. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Chicago [CGD09-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3750. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GREAT LAKES ICE BREAKER Menominee River, Marinette, Wisconsin [CGD09-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3751. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New York State Recreation and Parks Annual Conference Fireworks at Ontario Beach Park, Rochester, NY [CGD09-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3752. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Hennepin, IL [CGD09-05-012] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3753. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio [CGD09-05-013] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3754. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rockets for Schools Sheboygan, Wisconsin [CGD09-05-015] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3755. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3756. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Legal Seafood Fireworks Display, Boston, Massachusetts [CGD1-05-035] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3757. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Piping Rock Beach Club Fireworks, Long Island Sound, Lattingtown, NY [CGD01-05-043] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3758. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Former Quincy Shipyard Gantry Crane Demolition, Quincy, Massachusetts [CGD01-05-059] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3759. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3760. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Northwest Harbor, Baltimore, MD [CGD05-05-030] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3761. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Willoughby Bay, Norfolk, VA [CGD05-05-034] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Surprise Birthday Party Fireworks, Lake St. Clair, Gross Pointe, MI [CGD09-05-020] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Riversplash Fireworks display, Milwaukee River, Milwaukee, WI [CGD09-05-023] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Norfolk, VA [CGD05-05-0562] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3765. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Mathews, VA [CGD05-05-063] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3766. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rappahannock River, Tappahannock, VA [CGD05-05-064] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Kennedy (MN)	Myrick	Schmidt
King (IA)	Neugebauer	Schwarz (MI)
King (NY)	Ney	Sensenbrenner
Kingston	Northup	Sessions
Kirk	Norwood	Shadegg
Kline	Nunes	Shaw
Knollenberg	Nussle	Shays
Kolbe	Osborne	Sherwood
Kuhl (NY)	Otter	Shimkus
LaHood	Oxley	Shuster
Langevin	Paul	Simmons
Latham	Pearce	Simpson
LaTourette	Pence	Smith (NJ)
Leach	Peterson (PA)	Smith (TX)
Lewis (CA)	Petri	Smith (TX)
Lewis (KY)	Pickering	Sodrel
Linder	Pitts	Souder
LoBiondo	Platts	Stearns
Lucas	Poe	Sullivan
Lungren, Daniel E.	Pombo	Sweeney
Lynch	Porter	Taylor (NC)
Mack	Price (GA)	Terry
Manzullo	Pryce (OH)	Thomas
Marchant	Putnam	Thornberry
McCaul (TX)	Radanovich	Tiahrt
McCotter	Ramstad	Tiberi
McHenry	Regula	Turner
McHugh	Rehberg	Upton
McIntyre	Reichert	Walden (OR)
McKeon	Renzi	Walsh
McMorris	Reynolds	Wamp
Menendez	Rogers (AL)	Weldon (FL)
Mica	Rogers (KY)	Weldon (PA)
Miller (FL)	Rogers (MI)	Weller
Miller (MI)	Rohrabacher	Westmoreland
Miller, Gary	Ros-Lehtinen	Whitfield
Moore (KS)	Royce	Wicker
Moran (KS)	Ruppersberger	Wilson (NM)
Murphy	Ryan (WI)	Wilson (SC)
Musgrave	Ryun (KS)	Wolf
	Saxton	Wynn
		Young (FL)

NOES—179

Abercrombie	Frank (MA)	Miller (NC)
Ackerman	Gordon	Miller, George
Allen	Green, Al	Mollohan
Andrews	Green, Gene	Moore (WI)
Baca	Grijalva	Moran (VA)
Baird	Gutierrez	Murtha
Baldwin	Harman	Nadler
Barrow	Hastings (FL)	Neal (MA)
Bean	Herseth	Obey
Becerra	Higgins	Ortiz
Berman	Hinchev	Owens
Berry	Hinojosa	Pallone
Bishop (GA)	Holden	Pascrell
Bishop (NY)	Holt	Pastor
Blumenauer	Honda	Payne
Boren	Hooley	Pelosi
Boucher	Hoyer	Peterson (MN)
Boyd	Inslee	Pomeroy
Brady (PA)	Israel	Price (NC)
Brown (OH)	Jackson (IL)	Rahall
Brown, Corrine	Jackson-Lee	Rangel
Capps	(TX)	Reyes
Capuano	Jefferson	Ross
Carnahan	Johnson, E. B.	Rothman
Carson	Jones (OH)	Roybal-Allard
Case	Kanjorski	Rush
Clay	Kaptur	Ryan (OH)
Cleaver	Kennedy (RI)	Sabo
Clyburn	Kildee	Salazar
Conyers	Kilpatrick (MI)	Sanchez, Linda
Cooper	Kind	T.
Costa	Kucinich	Sanders
Costello	Lantos	Schakowsky
Cramer	Larsen (WA)	Schiff
Crowley	Larson (CT)	Schwartz (PA)
Cuellar	Lee	Scott (GA)
Cummings	Levin	Scott (VA)
Davis (AL)	Lewis (GA)	Serrano
Davis (CA)	Lipinski	Sherman
Davis (IL)	Lofgren, Zoe	Skelton
Davis (TN)	Lowe	Slaughter
DeFazio	Markey	Smith (WA)
DeGette	Marshall	Snyder
Delahunt	Matheson	Solis
DeLauro	Matsui	Spratt
Dingell	McCarthy	Stark
Doggett	McCollum (MN)	Strickland
Doyle	McDermott	Stupak
Emanuel	McGovern	Tancredo
Engel	McKinney	Tanner
Etheridge	McNulty	Tauscher
Evans	Meehan	Thompson (CA)
Farr	Meek (FL)	Thompson (MS)
Fattah	Meeks (NY)	Tierney
Filner	Michaud	Towns
Flake	Millender-	Udall (CO)
Ford	McDonald	Udall (NM)

Van Hollen	Waters	Woolsey
Velazquez	Watson	Wu
Visclosky	Watt	
Wasserman	Waxman	
Schultz	Wexler	

NOT VOTING—19

Baker	Emerson	Olver
Berkley	Hyde	Sanchez, Loretta
Brady (TX)	Maloney	Taylor (MS)
Butterfield	McCrery	Weiner
Buyer	Melancon	Young (AK)
Conaway	Napolitano	
Cubin	Oberstar	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.7 NATIONAL FLOOD INSURANCE PROGRAM

Mr. NEY moved to suspend the rules and pass the bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. NEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRANK of Massachusetts demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.8 STUDENT GRANTS FOR DISASTER VICTIMS

Mr. BOUSTANY moved to suspend the rules and pass the bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, recognized Mr. BOUSTANY and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KILDEE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, pursuant to clause 8, rule XX, announced that further pro-

ceedings on the question were postponed.

¶91.9 HURRICANE VICTIM ASSISTANCE

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families; as amended.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, recognized Mr. THOMAS and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FORBES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.10 MESSAGE FROM THE SENATE

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

H.R. 3650. An Act to follow United States courts to conduct business during emergency conditions, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1634. An Act to allow United States courts to conduct business during emergency conditions, and for other purposes.

¶91.11 FOREIGN CONTRIBUTORS FOR HURRICANE ASSISTANCE

Mr. LEACH moved to suspend the rules and agree to the following resolution (H. Res. 428):

Whereas Hurricane Katrina struck the Gulf Coast of the United States with devastating effect on August 29, 2005;

Whereas the United States has a long history of humanitarian response to other countries that have experienced disasters of similar magnitude;

Whereas soon after the scope of the destruction became evident, assistance was offered by foreign individuals, organizations, and governments; and

Whereas numerous messages of condolence and support for the people of the United States have been sent to the President and Congress and to government authorities in the affected area: Now, therefore, be it

Resolved, That the House of Representatives expresses its sincere gratitude to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

SEC. 2. The Clerk of the House of Representatives shall transmit enrolled copies of

this resolution to the Secretary of State with a request that the Secretary transmit the copies to the foreign governments described in this resolution.

The SPEAKER pro tempore, Mr. FORBES, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. FORBES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FORBES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.12 SEPTEMBER 11, 2001 TERRORIST ATTACKS

Mr. LEACH moved to suspend the rules and agree to the following resolution (H. Res. 427):

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas four years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas four years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas recent deadly attacks in London, Madrid, and Sharm el-Sheik, Egypt, remind all Americans that the forces of evil that attacked the Nation four years ago remain committed to terrorist attacks against free peoples;

Whereas because of the skill and bravery of the members of the United States Armed Forces and due to the constant vigilance of our Nation's first responders, the United States homeland has not been successfully attacked by terrorist forces during the four years since September 11, 2001; and

Whereas while the passage of four years has not softened the memory of the American people, resolved their grief, or restored lost loved ones, it has shown that Americans will not bow to terrorists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

The SPEAKER pro tempore, Mr. FORBES, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.13 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. LEWIS of California moved to suspend the rules and pass the bill (H.R. 3673) making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. LEWIS of California and Mr. OBEY, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 410
Nays 11

¶91.14

[Roll No. 460]

YEAS—410

Abercrombie	Delahunt	Johnson, E. B.
Ackerman	DeLauro	Johnson, Sam
Aderholt	DeLay	Jones (NC)
Akin	Dent	Jones (OH)
Alexander	Diaz-Balart, L.	Kanjorski
Allen	Diaz-Balart, M.	Kaptur
Andrews	Dicks	Keller
Baca	Dingell	Kelly
Bachus	Doggett	Kennedy (MN)
Baird	Doolittle	Kennedy (RI)
Baldwin	Doyle	Kildee
Barrett (SC)	Drake	Kilpatrick (MI)
Barrow	Dreier	Kind
Bartlett (MD)	Duncan	King (NY)
Bass	Edwards	Kingston
Bean	Ehlers	Kirk
Beauprez	Emanuel	Kline
Becerra	Emerson	Knollenberg
Berman	Engel	Kolbe
Berry	English (PA)	Kucinich
Biggert	Eshoo	Kuhl (NY)
Bilirakis	Etheridge	LaHood
Bishop (GA)	Evans	Langevin
Bishop (NY)	Farr	Lantos
Bishop (UT)	Fattah	Larsen (WA)
Blackburn	Feeney	Larson (CT)
Blumenauer	Ferguson	Latham
Blunt	Filner	LaTourette
Boehlert	Fitzpatrick (PA)	Leach
Boehner	Foley	Lee
Bonilla	Forbes	Levin
Bonner	Ford	Lewis (CA)
Bono	Fortenberry	Lewis (GA)
Boozman	Fossella	Lewis (KY)
Boren	Frank (MA)	Linder
Boswell	Franks (AZ)	Lipinski
Boucher	Frelinghuysen	LoBiondo
Boustany	Galleghy	Lofgren, Zoe
Boyd	Gerlach	Lowey
Bradley (NH)	Gibbons	Lucas
Brady (PA)	Gilchrest	Lungren, Daniel
Brown (OH)	Gillmor	E.
Brown (SC)	Gingrey	Lynch
Brown, Corrine	Gohmert	Mack
Brown-Waite,	Gonzalez	Manzullo
Ginny	Goode	Marchant
Burgess	Goodlatte	Markey
Burton (IN)	Gordon	Marshall
Buyer	Granger	Matheson
Calvert	Graves	Matsui
Camp	Green (WI)	McCarthy
Cannon	Green, Al	McCaul (TX)
Cantor	Green, Gene	McCollum (MN)
Capito	Grijalva	McCotter
Capps	Gutierrez	McDermott
Capuano	Gutknecht	McGovern
Cardin	Hall	McHenry
Cardoza	Harman	McHugh
Carnahan	Harris	McIntyre
Carson	Hart	McKeon
Carter	Hastings (FL)	McKinney
Case	Hastings (WA)	McMorris
Castle	Hayes	McNulty
Chabot	Hayworth	Meehan
Chandler	Hefley	Meek (FL)
Chocola	Hensarling	Meeks (NY)
Clay	Herger	Melancon
Cleaver	Herse	Menendez
Clyburn	Higgins	Mica
Coble	Hinche	Michaud
Cole (OK)	Hinojosa	Millender-
Conyers	Hobson	McDonald
Cooper	Hoekstra	Miller (FL)
Costa	Holden	Miller (MI)
Costello	Holt	Miller (NC)
Cramer	Honda	Miller, Gary
Crenshaw	Hooley	Miller, George
Crowley	Hoyer	Mollohan
Cubin	Hulshof	Moore (KS)
Cuellar	Hunter	Moore (WI)
Culberson	Hyde	Moran (KS)
Cummings	Inglis (SC)	Moran (VA)
Cunningham	Inslee	Murphy
Davis (AL)	Israel	Murtha
Davis (CA)	Issa	Musgrave
Davis (FL)	Istook	Myrick
Davis (IL)	Jackson (IL)	Nadler
Davis (KY)	Jackson-Lee	Napolitano
Davis (TN)	(TX)	Neal (MA)
Davis, Jo Ann	Jefferson	Neugebauer
Davis, Tom	Jenkins	Ney
Deal (GA)	Jindal	Northup
DeFazio	Johnson (CT)	Norwood
DeGette	Johnson (IL)	Nunes

Nussle	Roybal-Allard	Sullivan	Andrews	Dreier	Kline	Pombo	Schmidt	Thompson (CA)
Oberstar	Royce	Sweeney	Baca	Duncan	Knollenberg	Pomeroy	Schwartz (PA)	Thompson (MS)
Obey	Ruppersberger	Tanner	Bachus	Edwards	Kolbe	Porter	Schwarz (MI)	Thornberry
Ortiz	Rush	Tauscher	Baird	Ehlers	Kucinich	Price (GA)	Scott (GA)	Tiahrt
Osborne	Ryan (OH)	Taylor (NC)	Baldwin	Emanuel	Kuhl (NY)	Price (NC)	Scott (VA)	Tiberi
Owens	Ryan (WI)	Terry	Barrett (SC)	Emerson	LaHood	Pryce (OH)	Sensenbrenner	Tierney
Oxley	Ryun (KS)	Thomas	Barrow	Engel	Langevin	Putnam	Serrano	Towns
Pallone	Sabo	Thompson (CA)	Bartlett (MD)	English (PA)	Lantos	Radanovich	Sessions	Turner
Pascrell	Salazar	Thompson (MS)	Barton (TX)	Eshoo	Larsen (WA)	Rahall	Shadegg	Udall (CO)
Pastor	Sánchez, Linda	Thornberry	Bass	Etheridge	Larson (CT)	Ramstad	Shaw	Udall (NM)
Payne	T.	Tiahrt	Bean	Evans	Latham	Rangel	Shays	Upton
Pearce	Sanders	Tiberi	Beauprez	Farr	LaTourette	Regula	Sherman	Van Hollen
Pelosi	Saxton	Tierney	Becerra	Fattah	Leach	Rehberg	Sherwood	Velázquez
Pence	Schakowsky	Towns	Berman	Feeney	Lee	Reichert	Shimkus	Visclosky
Peterson (MN)	Schiff	Turner	Berry	Ferguson	Levin	Renzi	Shuster	Walden (OR)
Peterson (PA)	Schmidt	Udall (CO)	Biggert	Fitzpatrick (PA)	Lewis (CA)	Reyes	Simmons	Walsh
Petri	Schwartz (PA)	Udall (NM)	Bilirakis	Flake	Lewis (GA)	Reynolds	Simpson	Wamp
Pickering	Schwarz (MI)	Upton	Bishop (NY)	Foley	Lewis (KY)	Rogers (AL)	Skelton	Wasserman
Pitts	Scott (GA)	Van Hollen	Bishop (UT)	Forbes	Linder	Rogers (KY)	Slaughter	Schultz
Platts	Scott (VA)	Velázquez	Blackburn	Ford	Lipinski	Rogers (MI)	Smith (NJ)	Waters
Poe	Serrano	Walden (OR)	Blumenauer	Fortenberry	LoBiondo	Rohrabacher	Smith (TX)	Watson
Pombo	Visclosky	Walsh	Blunt	Fossella	Lofgren, Zoe	Ros-Lehtinen	Smith (WA)	Watt
Pomeroy	Shadegg	Wamp	Boehert	Poxx	Lowey	Ross	Snyder	Waxman
Porter	Shaw	Wasserman	Boehner	Frank (MA)	Lucas	Rothman	Sodrel	Weiner
Price (GA)	Shays	Schultz	Bonilla	Franks (AZ)	Lungren, Daniel	Roybal-Allard	Solis	Weldon (FL)
Price (NC)	Sherman	Waters	Bonner	Frelinghuysen	E.	Royce	Souder	Weldon (PA)
Price (OH)	Sherwood	Watson	Bono	Gallegly	Lynch	Ruppersberger	Spratt	Weller
Putnam	Shimkus	Watt	Boozman	Garrett (NJ)	Mack	Rush	Stark	Westmoreland
Radanovich	Shuster	Waxman	Boren	Gerlach	Manzullo	Ryan (OH)	Stearns	Wexler
Rahall	Simmons	Weiner	Boswell	Gibbons	Marchant	Ryan (WI)	Strickland	Whitfield
Ramstad	Simpson	Weldon (FL)	Boucher	Gilchrest	Markey	Ryun (KS)	Stupak	Wicker
Rangel	Skelton	Weldon (PA)	Boustany	Gillmor	Marshall	Sabo	Sullivan	Wilson (NM)
Regula	Slaughter	Weller	Boyd	Gingrey	Matheson	Salazar	Sweeney	Wilson (SC)
Rehberg	Smith (NJ)	Wexler	Bradley (NH)	Gohmert	Matsui	Sánchez, Linda	Tancredo	Wolf
Reichert	Smith (TX)	Whitfield	Brady (PA)	Gonzalez	McCarthy	T.	Tanner	Woolsey
Renzi	Smith (WA)	Wicker	Brown (OH)	Goode	McCaul (TX)	Sanders	Tauscher	Wu
Reyes	Snyder	Wilson (NM)	Brown (SC)	Goodlatte	McCollum (MN)	Saxton	Taylor (NC)	Wynn
Reynolds	Sodrel	Wilson (SC)	Brown, Corrine	Gordon	McCotter	Schakowsky	Terry	Young (FL)
Rogers (AL)	Solis	Wolf	Brown-Waite,	Granger	McDermott	Schiff	Thomas	
Rogers (KY)	Souder	Woolsey	Ginny	Graves	McGovern			
Rogers (MI)	Spratt	Wu	Burgess	Green (WI)	McHenry	Baker	Everett	Meehan
Rohrabacher	Stark	Wynn	Burton (IN)	Green, Al	McHugh	Berkley	Filner	Olver
Ros-Lehtinen	Stearns	Young (FL)	Buyer	Green, Gene	McIntyre	Bishop (GA)	Issa	Sanchez, Loretta
Ross	Strickland		Calvert	Grijalva	McKeon	Brady (TX)	Kaptur	Taylor (MS)
Rothman	Stupak		Camp	Gutierrez	McKinney	Butterfield	Maloney	Young (AK)
			Cannon	Gutknecht	McMorris	Conaway	McCrery	
			Cantor	Hall	McNulty			
			Capito	Harman	Meek (FL)			
			Capps	Harris	Meeks (NY)			
			Capuano	Hart	Melancon			
			Cardin	Hastings (FL)	Menendez			
			Cardoza	Hastings (WA)	Mica			
			Carnahan	Hayes	Michaud			
			Carson	Hayworth	Millender-			
			Carter	Hefley	McDonald			
			Case	Hensarling	Miller (FL)			
			Castle	Herger	Miller (MI)			
			Chabot	Herseth	Miller (NC)			
			Chandler	Higgins	Miller, Gary			
			Chocoma	Hinche	Miller, George			
			Clay	Hinojosa	Mollohan			
			Cleaver	Hobson	Moore (KS)			
			Clyburn	Hoekstra	Moore (WI)			
			Coble	Holt	Moran (KS)			
			Cole (OK)	Honda	Moran (VA)			
			Conyers	Hooley	Murphy			
			Cooper	Hostettler	Murtha			
			Costa	Hoyer	Musgrave			
			Costello	Hulshof	Myrick			
			Cramer	Hunter	Nadler			
			Crenshaw	Hyde	Napolitano			
			Crowley	Inglis (SC)	Neal (MA)			
			Cubin	Inslee	Neugebauer			
			Cuellar	Israel	Ney			
			Culberson	Istook	Northup			
			Cummings	Jackson (IL)	Norwood			
			Cunningham	Jackson-Lee	Nunes			
			Davis (AL)	(TX)	Nussle			
			Davis (CA)	Jefferson	Oberstar			
			Davis (FL)	Jenkins	Obey			
			Davis (IL)	Jindal	Ortiz			
			Davis (KY)	Johnson (CT)	Osborne			
			Davis (TN)	Johnson (IL)	Otter			
			Davis, Jo Ann	Johnson, E. B.	Owens			
			Davis, Tom	Johnson, Sam	Oxley			
			Deal (GA)	Jones (NC)	Pallone			
			DeFazio	Jones (OH)	Pascrell			
			DeGette	Kanjorski	Pastor			
			DeLauro	Keller	Paul			
			DeLay	Kelly	Payne			
			Dent	Kennedy (MN)	Pearce			
			Diaz-Balart, L.	Kennedy (RI)	Pelosi			
			Diaz-Balart, M.	Kildee	Pence			
			Dicks	Kilpatrick (MI)	Peterson (MN)			
			Dingell	King (IA)	Peterson (PA)			
			Doggett	King (NY)	Petri			
			Doolittle	Kingston	Pickering			
			Doyle	Kirk	Pitts			
			Drake		Platts			
					Poe			

NAYS—11

Barton (TX)	Hostettler	Sensenbrenner
Flake	King (IA)	Tancredo
Foxx	Otter	Westmoreland
Garrett (NJ)	Paul	

NOT VOTING—12

Baker	Conaway	Olver
Berkley	Everett	Sanchez, Loretta
Brady (TX)	Maloney	Taylor (MS)
Butterfield	McCrery	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.15 H.R. 3669—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 416 Nays 0

¶91.16 [Roll No. 461] YEAS—416

Abercrombie	Aderholt	Alexander
Ackerman	Akin	Allen

Barton (TX)	Hostettler	Sensenbrenner
Flake	King (IA)	Tancredo
Foxx	Otter	Westmoreland
Garrett (NJ)	Paul	
Baker	Conaway	Olver
Berkley	Everett	Sanchez, Loretta
Brady (TX)	Maloney	Taylor (MS)
Butterfield	McCrery	Young (AK)
Baldwin	Barrett (SC)	Bilirakis
Baldwin	Barrow	Bishop (GA)
Baldwin	Bartlett (MD)	Bishop (NY)
Baldwin	Barton (TX)	Bishop (UT)
Baldwin	Bass	Blackburn
Baldwin	Bean	Blunt
Baldwin	Beauprez	Boehert
Baldwin	Baca	Becerra
Baldwin	Berman	Bonilla
Baldwin	Berry	Bonner
Baldwin	Biggert	Bono

NOT VOTING—17

Baker	Everett	Meehan
Berkley	Filner	Olver
Bishop (GA)	Issa	Sanchez, Loretta
Brady (TX)	Kaptur	Taylor (MS)
Butterfield	Maloney	Young (AK)
Conaway	McCrery	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.17 H.R. 3668—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 414 Nays 0

¶91.18 [Roll No. 462] YEAS—414

Abercrombie	Barrett (SC)	Bilirakis
Ackerman	Barrow	Bishop (GA)
Aderholt	Bartlett (MD)	Bishop (NY)
Akin	Barton (TX)	Bishop (UT)
Alexander	Bass	Blackburn
Allen	Bean	Blunt
Andrews	Beauprez	Boehert
Baca	Becerra	Boehner
Bachus	Berman	Bonilla
Baird	Berry	Bonner
Baldwin	Biggert	Bono

Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hersteth
Higgins
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch

Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCullum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush

NOT VOTING—19

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

91.19 H. RES. 428—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 428) expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

The question being put,
Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 410
affirmative } Nays 0

91.20 [Roll No. 463]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Blackburn
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehler
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor

Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall

Sherman	Tancredo	Wasserman	Chocola	Hobson	Murtha	Strickland	Turner	Weiner
Sherwood	Tanner	Schultz	Clay	Hoekstra	Musgrave	Stupak	Udall (CO)	Weldon (FL)
Shimkus	Tauscher	Waters	Cleaver	Holden	Myrick	Sullivan	Udall (NM)	Weldon (PA)
Shuster	Taylor (NC)	Watson	Clyburn	Holt	Nadler	Sweeney	Upton	Weller
Simmons	Terry	Watt	Coble	Honda	Napolitano	Tancredo	Van Hollen	Westmoreland
Simpson	Thomas	Waxman	Cole (OK)	Hooley	Neal (MA)	Tanner	Velázquez	Wexler
Skelton	Thompson (CA)	Weiner	Cooper	Hostettler	Neugebauer	Tauscher	Viscosky	Whitfield
Slaughter	Thompson (MS)	Weldon (FL)	Costa	Hoyer	Northup	Taylor (NC)	Walden (OR)	Wicker
Smith (NJ)	Thornberry	Weldon (PA)	Costello	Hulshof	Norwood	Terry	Walsh	Wilson (NM)
Smith (TX)	Tiahrt	Weller	Cramer	Hunter	Nunes	Thomas	Wamp	Wilson (SC)
Smith (WA)	Tiberi	Westmoreland	Crenshaw	Hyde	Nussle	Thompson (CA)	Wasserman	Wolf
Snyder	Tierney	Wexler	Crowley	Inglis (SC)	Oberstar	Thompson (MS)	Schultz	Wu
Sodrel	Turner	Whitfield	Cubin	Inslie	Obey	Thornberry	Waters	Wynn
Solis	Udall (CO)	Whitfield	Cuellar	Israel	Ortiz	Tiahrt	Watson	Young (FL)
Souder	Udall (NM)	Wicker	Culberson	Istook	Osborne	Tiberi	Watt	
Spratt	Upton	Wilson (NM)	Cummings	Jackson (IL)	Otter	Tierney	Waxman	
Stark	Van Hollen	Wilson (SC)	Cunningham	Jackson-Lee	Owens			
Stearns	Velázquez	Wolf	Davis (AL)	(TX)	Oxley			
Strickland	Viscosky	Wooley	Davis (CA)	Jefferson	Pallone	Conyers	McDermott	Stark
Stupak	Walden (OR)	Wu	Davis (FL)	Jenkins	Pascarell	Lee	McKinney	Woolsey
Sullivan	Walsh	Wynn	Davis (IL)	Jindal	Pastor			
Sweeney	Wamp	Young (FL)	Davis (KY)	Johnson (CT)	Paul			
			Davis (TN)	Johnson (IL)	Payne			
			Davis, Jo Ann	Johnson, E.B.	Pearce			
			Deal (GA)	Johnson, Sam	Pelosi			
			DeFazio	Jones (NC)	Pence			
			Delahunt	Jones (OH)	Peterson (MN)			
			DeLauro	Kanjorski	Peterson (PA)			
			DeLay	Kaptur	Petri			
			Dent	Keller	Pickering			
			Diaz-Balart, L.	Kelly	Pitts			
			Diaz-Balart, M.	Kennedy (MN)	Platts			
			Dicks	Kennedy (RI)	Poe			
			Dingell	Kildee	Pombo			
			Doggett	Kilpatrick (MI)	Pomeroy			
			Doolittle	Kind	Porter			
			Doyle	King (IA)	Price (GA)			
			Drake	King (NY)	Price (NC)			
			Dreier	Kingston	Pryce (OH)			
			Duncan	Kirk	Putnam			
			Edwards	Kline	Radanovich			
			Ehlers	Knollenberg	Rahall			
			Emanuel	Kolbe	Ramstad			
			Emerson	Kucinich	Rangel			
			Engel	Kuhl (NY)	Regula			
			English (PA)	LaHood	Rehberg			
			Eshoo	Langevin	Reichert			
			Etheridge	Lantos	Renzi			
			Evans	Larsen (WA)	Reyes			
			Farr	Larson (CT)	Reynolds			
			Fattah	Latham	Rogers (AL)			
			Feeney	LaTourrette	Rogers (KY)			
			Ferguson	Leach	Rogers (MI)			
			Fitzpatrick (PA)	Levin	Rohrabacher			
			Flake	Lewis (CA)	Ros-Lehtinen			
			Foley	Lewis (GA)	Ross			
			Forbes	Lewis (KY)	Rothman			
			Ford	Linder	Roybal-Allard			
			Fortenberry	Lipinski	Royce			
			Fossella	LoBiondo	Ruppersberger			
			Fox	Lofgren, Zoe	Rush			
			Frank (MA)	Lucas	Ryan (OH)			
			Franks (AZ)	Lungren, Daniel	Ryan (WI)			
			Frelinghuysen	E.	Ryun (KS)			
			Gallegly	Mack	Sabo			
			Garrett (NJ)	Manzullo	Salazar			
			Gerlach	Marchant	Sánchez, Linda			
			Gibbons	Markey	T.			
			Gilchrist	Marshall	Sanders			
			Gillmor	Mateson	Saxton			
			Gingrey	Matsui	Schakowsky			
			Gohmert	McCarthy	Schiff			
			Gonzalez	McCaul (TX)	Schmidt			
			Goode	McCollum (MN)	Schwartz (PA)			
			Goodlatte	McCotter	Schwarz (MI)			
			Granger	McGovern	Scott (GA)			
			Graves	McHenry	Scott (VA)			
			Green (WI)	McHugh	Sensenbrenner			
			Green, Al	McIntyre	Serrano			
			Green, Gene	McMorris	Sessions			
			Grijalva	McNulty	Shadegg			
			Gutiérrez	Meek (FL)	Shaw			
			Gutknecht	Meeks (NY)	Shays			
			Hall	Melancon	Sherman			
			Harman	Menendez	Sherwood			
			Harris	Mica	Shimkus			
			Hart	Michaud	Shuster			
			Hastert	Millender-	Simmons			
			Hastings (FL)	McDonald	Simpson			
			Hastings (WA)	Miller (FL)	Skelton			
			Hayes	Miller (MI)	Slaughter			
			Hayworth	Miller (NC)	Smith (NJ)			
			Hefley	Miller, George	Smith (TX)			
			Hensarling	Mollohan	Smith (WA)			
			Herger	Moore (KS)	Snyder			
			Herseth	Moore (WI)	Sodrel			
			Higgins	Moran (KS)	Solis			
			Hincheey	Moran (VA)	Souder			
			Hinojosa	Murphy	Spratt			
					Stearns			

NAYS—6

NOT VOTING—23

Baker	Everett	Meehan
Barton (TX)	Filner	Miller, Gary
Berkley	Issa	Oliver
Berman	Johnson, E. B.	Sanchez, Loretta
Blumenauer	Lynch	Taylor (MS)
Brady (TX)	Maloney	Towns
Butterfield	McCreary	Young (AK)
Conaway	McKeon	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.21 SEPTEMBER 11, 2001 MOMENT OF SILENCE

The SPEAKER announced that in recognition of the approaching anniversary of September 11, 2001, all members stand and observe a moment of silence for the victims of the terrorist attacks that occurred on that date.

¶91.22 H. RES. 427—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 427) relating to the terrorist attacks against the United States on September 11, 2001.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 402
affirmative } Nays 6

¶91.23 [Roll No. 464]

YEAS—402

Abercrombie	Bishop (NY)	Brown-Waite,
Ackerman	Bishop (UT)	Ginny
Aderholt	Blackburn	Burgess
Akin	Blunt	Burton (IN)
Alexander	Boehert	Buyer
Allen	Boehner	Calvert
Andrews	Bonilla	Camp
Baca	Bonner	Cannon
Bachus	Bono	Cantor
Baird	Boozman	Capito
Baldwin	Boren	Capps
Barrett (SC)	Boswell	Capuano
Barrow	Boucher	Cardin
Bartlett (MD)	Boustany	Cardoza
Bean	Boyd	Carnahan
Beauprez	Bradley (NH)	Carson
Becerra	Brady (PA)	Carter
Berry	Brown (OH)	Case
Biggert	Brown (SC)	Castle
Bilirakis	Brown, Corrine	Chabot
Bishop (GA)		Chandler

Davis (AL)	Davis (CA)	Davis (FL)	Davis (IL)	Davis (KY)	Davis (TN)	Davis, Jo Ann	Deal (GA)	DeFazio	Delahunt	DeLauro	DeLay	Dent	Diaz-Balart, L.	Diaz-Balart, M.	Dicks	Dingell	Doggett	Doolittle	Doyle	Drake	Dreier	Duncan	Edwards	Ehlers	Emanuel	Emerson	Engel	English (PA)	Eshoo	Etheridge	Evans	Farr	Fattah	Feeney	Ferguson	Fitzpatrick (PA)	Flake	Foley	Forbes	Ford	Fortenberry	Fossella	Fox	Frank (MA)	Franks (AZ)	Frelinghuysen	Gallegly	Garrett (NJ)	Gerlach	Gibbons	Gilchrist	Gillmor	Gingrey	Gohmert	Gonzalez	Goode	Goodlatte	Granger	Graves	Green (WI)	Green, Al	Green, Gene	Grijalva	Gutiérrez	Gutknecht	Hall	Harman	Harris	Hart	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Hefley	Hensarling	Herger	Herseth	Higgins	Hincheey	Hinojosa
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NOT VOTING—26

Conyers	McDermott	Stark
Lee	McKinney	Woolsey
Baker	DeGette	Meehan
Barton (TX)	Everett	Miller, Gary
Bass	Filner	Ney
Berkley	Gordon	Oliver
Berman	Issa	Sanchez, Loretta
Blumenauer	Lynch	Taylor (MS)
Brady (TX)	Maloney	Towns
Butterfield	McCreary	Young (AK)
Conaway	McKeon	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.24 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, September 12, 2005, at noon; and further, when the House adjourns on Monday, September 12, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, September 13, 2005, for morning-hour debate.

¶91.25 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 14, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶91.26 PERMISSION TO FILE REPORT

On motion of Mr. DELAY, by unanimous consent, the Committee on the Judiciary was granted permission until midnight on Friday, September 9, 2005, to file a report (Rept. No. 109-128) on the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes.

¶91.27 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶91.28 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. KING of Iowa, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2005.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 13, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶91.29 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY WITH RESPECT
TO TERRORIST THREAT

The SPEAKER pro tempore, Mr. KING of Iowa, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2005, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-54).

¶91.30 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY WITH RESPECT
TO HURRICANE KATRINA

The SPEAKER pro tempore, Mr. KING of Iowa, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby report that I have exercised my statutory authority under section 3147 of title 40, United States Code, to suspend the provisions of 40 U.S.C. 3141-3148 in the event of a national emergency. I have found that the conditions caused by Hurricane Katrina constitute a "national emergency" within the meaning of section 3147. I have, therefore, suspended the provisions of 40 U.S.C. 3141-3148 in designated areas in the States of Alabama, Florida, Louisiana, and Mississippi.

This action is more fully set out in the enclosed proclamation that I have issued today.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

By unanimous consent, the message, together with the accompanying pa-

pers, was referred to the Committee on Education and the Workforce and ordered to be printed (H. Doc. 109-55).

¶91.31 FURTHER MESSAGE FROM THE
SENATE

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

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶91.32 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3650. An Act to allow United States courts to conduct business during emergency conditions, and for other purposes.

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶91.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today after 2 p.m.; and

To Mr. OLVER, for today.

And then,

¶91.34 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 8 o'clock and 5 minutes p.m., the House adjourned until noon on Monday, September 12, 2005.

¶91.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of Ohio:

H.R. 3696. A bill to amend the Federal Food, Drug, and Cosmetic Act to require prior approval by the Food and Drug Administration of advertisements for prescription drugs and restricted medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. WATT, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. TAYLOR of Mississippi, Mr. KUCINICH, Mr. MORAN of Virginia, Mrs. MALONEY, Ms. WASSERMAN SCHULTZ, Ms. LEE, Ms. LINDA T. SANCHEZ of California, Ms. CARSON, Mrs. DAVIS of California, Ms. ZOE LOFGREN of California, Mr. CROWLEY, Mr. SERRANO, Mr. SCOTT of Virginia, Ms. WOOLSEY, Ms. MCCOLLUM of Minnesota, Mr. ROTHMAN, Mr. GRIJALVA, Mr. MEEHAN, Mr. BLUMENAUER, Mr. BERMAN, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. MCDERMOTT, Mr. SANDERS, Mr. UDALL of New Mexico, Ms. WATSON, and Mrs. CAPPS):

H.R. 3697. A bill to amend title 11 of the United States Code to provide relief with re-

spect to disaster-related debts incurred by victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. JEFFERSON, Mr. DAVIS of Alabama, Mr. THOMPSON of Mississippi, Ms. PELOSI, Mrs. CAPPS, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STARK, Mr. RANGEL, Mr. GENE GREEN of Texas, and Mr. MELANCON):

H.R. 3698. A bill to provide temporary Medicaid disaster relief in response to Hurricane Katrina, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Ms. NORTON, and Mr. VAN HOLLEN):

H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 3700. A bill to reform immigration to serve the national interest; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. LEWIS of Georgia, Mr. HOLT, Mr. PALLONE, Mr. PAYNE, and Mr. PASCRELL):

H.R. 3701. A bill to assure that the American people have large areas of land in healthy natural condition throughout the country to provide wildland recreational opportunities for people, provide habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 3702. A bill to provide emergency assistance to agricultural producers who have suffered losses as a result of drought, Hurricane Katrina, and other natural disasters occurring during 2005, and for other purposes; to the Committee on Agriculture.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. BOYD, Mr. MICA, Mr. BILIRAKIS, Mr. SHAW, Mr. WELDON of Florida, Mr. FOLEY, Mr. DAVIS of Florida, Ms. ROS-LEHTINEN, Mr. PUTNAM, Mr. FEENEY, Mr. KELLER, Mr. STEARNS, Mr. MILLER of Florida, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Ms. HARRIS, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Mr. MEEK of Florida, and Ms. WASSERMAN SCHULTZ):

H.R. 3703. A bill to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post

Office Building"; to the Committee on Government Reform.

By Mrs. DRAKE (for herself, Mr. MARCHANT, Mr. MICA, and Mr. BURGESS):

H.R. 3704. A bill to provide for establishment of a Border Patrol Auxiliary; to the Committee on Homeland Security.

By Mr. GERLACH:

H.R. 3705. A bill to amend title 18, United States Code, to prohibit price gouging during national emergencies; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, Mr. HONDA, Mr. BISHOP of New York, Ms. MCCOLLUM of Minnesota, Mr. REYES, Mr. DOGGETT, Mr. GRIJALVA, Mr. WEXLER, Ms. CARSON, Mr. BISHOP of Georgia, Mr. McNULTY, Mr. INSLEE, Mr. SHERMAN, Mr. NADLER, Ms. SCHWARTZ of Pennsylvania, Mr. CONYERS, Mr. EVANS, Mr. PRICE of North Carolina, Mr. STRICKLAND, Mr. MORAN of Virginia, Mr. FARR, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. MARKEY, and Mr. DAVIS of Florida):

H.R. 3706. A bill to establish a National Independent Inquiry Commission on Disaster Preparedness and Response; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY:

H.R. 3707. A bill to provide the President with authority to temporarily freeze the price of gasoline and other refined products; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3708. A bill to dedicate 10 percent of Hurricane Katrina disaster relief funds for mental health services to victims and first responders; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE:

H.R. 3709. A bill to amend title 10, United States Code, to remove the Peace Corps as an option for service under the National Call to Service military recruitment program; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 3710. A bill to require the Secretary of the Interior to suspend Federal oil and gas royalty relief for production of oil and natural gas occurring in any period with respect to which average oil and natural gas prices exceed certain amounts, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 3711. A bill to ensure that foster children affected or displaced by Hurricane Katrina receive the critical assistance they need and deserve; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 3712. A bill to establish a program for gas stamps and to impose a windfall profits tax on crude oil, natural gas, and products thereof; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 3713. A bill to repeal the Bipartisan Trade Promotion Authority Act of 2002; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself,

Mr. JEFFERSON, Mr. JINDAL, Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mr. ROGERS of Alabama, Mr. BONNER, and Mr. WILSON of South Carolina):

H.R. 3714. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 3716. A bill to amend the Internal Revenue Code of 1986 to clarify the mortgage subsidy bond benefits for residences located in disaster areas; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. GARY G. MILLER of California, Mr. MATHESON, Mr. DANIEL E. LUNGREN of California, and Mrs. KELLY):

H.R. 3717. A bill to provide construction contractors with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. ROSS:

H.R. 3718. A bill to amend the Energy Policy Act of 2005 to require the Federal Trade Commission to submit to Congress a report on gasoline prices by November 8, 2005; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio (for himself and Mr. MEEK of Florida):

H.R. 3719. A bill to amend the Servicemembers Civil Relief Act to require that the Department of Defense notify the creditors of persons in military service and persons entering military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERMAN:

H.R. 3720. A bill to amend the Federal Reserve Act to permit members of the Board of Governors of the Federal Reserve System to be appointed to more than 1 term of office; to the Committee on Financial Services.

By Mr. SHERWOOD (for himself and Mr. KANJORSKI):

H.R. 3721. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER:

H.R. 3722. A bill to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system, which jeopardize the national economy, and public health, safety, and welfare; to the Committee on Energy and Commerce.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. MICA, Mr. MEEK of Florida, Mr. SHAW, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr.

DAVIS of Florida, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Ms. HARRIS, Mr. MACK, Mr. FOLEY, Mr. FEENEY, Mr. BILIRAKIS, Mr. CRENSHAW, Mr. PUTNAM, Mr. BOYD, Mr. STEARNS, Mr. YOUNG of Florida, and Mr. WELDON of Florida):

H.R. 3723. A bill to require the Director of the Federal Emergency Management Agency to provide certain individuals or households affected by Hurricane Katrina in Miami-Dade and Broward Counties, Florida, with financial assistance and direct services under the Robert T. Stafford Disaster and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. WICKER:

H.R. 3724. A bill to waive the individual and corporate income limitations for charitable contributions for the relief of victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. WEXLER, Mr. BROWN of Ohio, and Mr. ROHRBACHER):

H. Con. Res. 237. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD (for herself, Mr. LANTOS, Mr. RANGEL, Ms. WATSON, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. FALCOMA, Mr. MEEHAN, Mr. EVANS, Mr. VAN HOLLEN, and Mr. McNULTY):

H. Con. Res. 238. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 239. Concurrent resolution recognizing the need for judges who hear causes of action brought by teenage victims of dating violence to be educated as to the specific needs of such victims; to the Committee on the Judiciary.

By Mr. LEACH:

H. Res. 432. A resolution creating a select committee to investigate the awarding and carrying out of contracts to rebuild communities devastated by Hurricane Katrina; to the Committee on Rules.

By Mr. MICHAUD:

H. Res. 433. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, Mr. NADLER, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. BOUCHER, Mr. MENENDEZ, Mr. WOLF, Mr. MURTHA, and Ms. NORTON):

H. Res. 434. A resolution recognizing the importance of establishing a national memorial at the Pentagon Reservation to commemorate and mourn the terrorist attack against the Pentagon on September 11, 2001; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H. Res. 435. A resolution establishment of a select committee to investigate and oversee the awarding and execution of contracts for relief and reconstruction activities in areas affected by hurricane Katrina; to the Committee on Rules.

91.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mrs. CAPITO.
 H.R. 110: Mr. SAXTON.
 H.R. 156: Mr. SPRATT and Mr. TERRY.
 H.R. 282: Mr. STUPAK, Mr. FORTENBERRY, and Mr. WALDEN of Oregon.
 H.R. 284: Mr. ROTHMAN, Mr. SIMMONS, and Mr. MARSHALL.
 H.R. 303: Mr. KING of Iowa.
 H.R. 363: Mr. SCHIFF.
 H.R. 478: Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. WATSON, and Mr. PALLONE.
 H.R. 517: Mr. GOODE and Mr. GOHMERT.
 H.R. 551: Mr. LEWIS of Georgia, Mr. OLVER, Mr. DAVIS of Florida, and Mr. RANGEL.
 H.R. 552: Ms. HART.
 H.R. 562: Mr. RANGEL and Mr. LANTOS.
 H.R. 582: Mr. KUHL of New York and Mr. McNULTY.
 H.R. 583: Ms. PRYCE of Ohio, Mr. RAMSTAD, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mrs. CAPITO, and Mr. PETERSON of Pennsylvania.
 H.R. 588: Mr. TANCREDO.
 H.R. 594: Mr. BOUCHER.
 H.R. 669: Mr. REHBERG.
 H.R. 699: Mr. GILLMOR and Mr. PETERSON of Minnesota.
 H.R. 769: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 772: Mr. KOLBE.
 H.R. 780: Mr. UDALL of Colorado.
 H.R. 822: Ms. MOORE of Wisconsin and Ms. MCKINNEY.
 H.R. 881: Mr. GONZALEZ and Mr. RYAN of Wisconsin.
 H.R. 896: Mr. WALSH and Mr. HOLT.
 H.R. 899: Mr. HONDA.
 H.R. 908: Ms. NORTON.
 H.R. 910: Mr. TOWNS, Mr. SANDERS, Mr. GENE GREEN of Texas, Mr. LANTOS, Ms. WOOLSEY, Ms. BALDWIN, and Ms. ESHOO.
 H.R. 944: Mr. COOPER.
 H.R. 949: Mr. CUMMINGS and Ms. KILPATRICK of Michigan.
 H.R. 987: Mr. SIMMONS, Mr. MCCOTTER, and Ms. ZOE LOFGREN of California.
 H.R. 994: Mr. RUSH, Mr. GALLEGLEY, Mr. KINGSTON, Mr. CALVERT, Mr. DAVIS of Tennessee, Mr. RYAN of Wisconsin, Mr. DAVIS of Florida, Mr. MARSHALL, Mr. FRANK of Massachusetts, Mr. BEAUPREZ, Mr. BOUCHER, and Mr. LANTOS.
 H.R. 997: Mr. HULSHOF.
 H.R. 998: Mr. LAHOOD.
 H.R. 1059: Ms. VELÁZQUEZ.
 H.R. 1083: Mr. KUHL of New York.
 H.R. 1100: Mr. HERGER.
 H.R. 1103: Ms. MOORE of Wisconsin.
 H.R. 1106: Mr. BISHOP of New York.
 H.R. 1119: Mr. REHBERG.
 H.R. 1124: Mr. BERMAN and Mr. MARKEY.
 H.R. 1125: Mr. ROTHMAN and Mr. CUMMINGS.
 H.R. 1157: Mr. ANDREWS.
 H.R. 1182: Mr. GRIJALVA.
 H.R. 1204: Mr. KIND and Mr. OWENS.
 H.R. 1219: Mr. ISSA.
 H.R. 1245: Mr. SOUDER, Mr. HIGGINS, Ms. MCKINNEY, Mr. PASCRELL, and Mr. RUPPERSBERGER.
 H.R. 1264: Mr. ROTHMAN, Mr. MOLLOHAN, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. HOYER, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. LARSON of Connecticut, Mr. PLATTS, Mr. PETERSON of Minnesota, and Mr. JEFFERSON.
 H.R. 1366: Mr. ABERCROMBIE.
 H.R. 1390: Ms. MOORE of Wisconsin.
 H.R. 1402: Mr. SHERMAN.
 H.R. 1409: Ms. MCKINNEY, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. TERRY, Mr. GERLACH, Mr. NADLER, and Mr. PALLONE.
 H.R. 1426: Mr. GEORGE MILLER of California, Mr. FARR, and Mr. NEAL of Massachusetts.

H.R. 1440: Mr. ANDREWS.
 H.R. 1446: Mr. BAIRD.
 H.R. 1447: Mr. HONDA.
 H.R. 1493: Mr. GRAVES.
 H.R. 1518: Mr. DAVIS of Illinois and Mr. MCCAUL of Texas.
 H.R. 1548: Mr. BONILLA, Mr. HALL, Mrs. EMERSON, Mr. AKIN, and Mr. GILLMOR.
 H.R. 1549: Mr. HAYES, Mr. DAVIS of Florida, Mr. TURNER, Mr. BARTLETT of Maryland, Mr. ROTHMAN, Mr. HONDA, Mr. PORTER, Mr. SHAD-EGG, and Mr. MCINTYRE.
 H.R. 1591: Mr. CAMP.
 H.R. 1592: Ms. SLAUGHTER and Mr. CAMP.
 H.R. 1607: Mr. HOEKSTRA, Mr. LINDER, Mr. CANTOR, and Mr. BEAUPREZ.
 H.R. 1608: Mr. ROSS.
 H.R. 1634: Mr. ROTHMAN, Mr. MCCOTTER, Mr. EHLERS, and Mr. JEFFERSON.
 H.R. 1648: Ms. MCCOLLUM of Minnesota.
 H.R. 1652: Mr. PASCRELL.
 H.R. 1664: Mr. JENKINS.
 H.R. 1678: Mr. FORTENBERRY.
 H.R. 1696: Mr. SCHWARZ of Michigan.
 H.R. 1707: Mr. INSLEE.
 H.R. 1789: Mr. WYNN and Mr. JEFFERSON.
 H.R. 1806: Mr. PAYNE, Mr. MCDERMOTT, Ms. WATSON, Mr. McNULTY, and Mr. CONYERS.
 H.R. 1898: Ms. FOX.
 H.R. 1989: Mr. SMITH of Washington.
 H.R. 2012: Mr. KENNEDY of Minnesota.
 H.R. 2014: Mr. RAMSTAD, Mr. MICHAUD, and Mr. PETERSON of Minnesota.
 H.R. 2037: Mr. BARROW.
 H.R. 2089: Mrs. NORTUP.
 H.R. 2103: Mr. TIAHRT.
 H.R. 2121: Mr. RYUN of Kansas, Mr. GRAVES, Mr. SKELTON, and Ms. ZOE LOFGREN of California.
 H.R. 2133: Mr. TIERNEY.
 H.R. 2193: Mr. TIERNEY.
 H.R. 2230: Mr. BISHOP of New York.
 H.R. 2231: Mr. FRANK of Massachusetts and Mr. ABERCROMBIE.
 H.R. 2238: Mr. OSBORNE.
 H.R. 2356: Mr. CARTER, Mr. BONNER, Ms. MCCOLLUM of Minnesota, Mr. KUHL of New York, Mr. HONDA, Mr. BRADLEY of New Hampshire, Mr. BACA, Mr. KING of Iowa, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Minnesota, and Mr. HOLDEN.
 H.R. 2357: Mr. PETERSON of Pennsylvania.
 H.R. 2533: Mr. SCHIFF, Mr. ALLEN, and Mr. UDALL of New Mexico.
 H.R. 2662: Mr. BISHOP of New York.
 H.R. 2669: Mr. LANGEVIN, Mr. ENGEL, Ms. LEE, Mr. SHAYS, Mr. ROTHMAN, Mr. VAN HOLLEN, Ms. ESHOO, Mr. McNULTY, Ms. MCCOLLUM of Minnesota, Mrs. CAPPS, Mr. MENENDEZ, and Mr. STARK.
 H.R. 2679: Mr. GOODE.
 H.R. 2694: Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, Mrs. LOWEY, and Mr. ORTIZ.
 H.R. 2721: Mr. MICHAUD.
 H.R. 2792: Mr. FARR.
 H.R. 2835: Mr. SCHIFF.
 H.R. 2872: Mr. PALLONE, Mr. CROWLEY, Mr. SIMPSON, Mr. CHANDLER, Mr. HULSHOF, Mrs. MALONEY, and Mr. PAYNE.
 H.R. 2963: Mr. CLEAVER and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 2971: Mr. CAMP, Mrs. BLACKBURN, and Mr. MCCOTTER.
 H.R. 3046: Mr. JEFFERSON.
 H.R. 3064: Mr. CONYERS and Ms. McKinney.
 H.R. 3080: Mr. WELDON of Florida, Mrs. BLACKBURN, and Mr. ADERHOLT.
 H.R. 3095: Mr. BURGESS and Mr. ISSA.
 H.R. 3096: Mr. JEFFERSON.
 H.R. 3098: Mrs. EMERSON, Mr. WATT, Mr. FATTAH, Ms. SCHWARTZ of Pennsylvania, Mr. HAYWORTH, Mr. BUTTERFIELD, Mr. CRENSHAW, Mr. CUMMINGS, Mr. ALLEN, and Mr. PENCE.
 H.R. 3132: Mr. HASTINGS of Washington, Ms. ZOE LOFGREN of California, Mr. CALVERT, Mr. SMITH of Washington, and Mr. SESSIONS.
 H.R. 3135: Mr. SESSIONS, Mr. SHUSTER, Mr. KUHL of New York, and Mr. SWEENEY.

H.R. 3137: Ms. HARRIS, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. SHUSTER.
 H.R. 3139: Mr. BAIRD, Mr. NADLER, and Mr. JEFFERSON.
 H.R. 3142: Mr. PRICE of North Carolina and Ms. DELAURO.
 H.R. 3150: Ms. HART.
 H.R. 3165: Mr. EVANS and Mr. JEFFERSON.
 H.R. 3174: Mr. MCGOVERN.
 H.R. 3186: Mr. CONYERS, Mr. MORAN of Kansas, and Mr. SCHWARZ of Michigan.
 H.R. 3248: Mr. PLATTS, Mrs. CAPPS, Mr. WALDEN of Oregon, Mr. SCHWARZ of Michigan, Ms. BERKLEY, and Ms. SLAUGHTER.
 H.R. 3267: Mrs. DAVIS of California, Ms. DELAURO, Mr. MEEKS of New York, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, and Mr. ANDREWS.
 H.R. 3268: Mrs. DRAKE.
 H.R. 3307: Mr. MCDERMOTT, Mr. REYES, Mr. HONDA, Mr. FILNER, and Mr. FRANK of Massachusetts.
 H.R. 3317: Mr. TERRY.
 H.R. 3334: Mr. LEWIS of Georgia, Mrs. DAVIS of California, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Mrs. MCCARTHY.
 H.R. 3358: Mr. COBLE, Mr. FILNER, Mr. MICA, and Mr. SIMMONS.
 H.R. 3361: Mr. BISHOP of New York.
 H.R. 3369: Mr. PASCRELL.
 H.R. 3373: Ms. MOORE of Wisconsin, Mr. SESSIONS, Mr. RANGEL, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Illinois, Mr. BACHUS, Mr. OTTER, Mr. MCGOVERN, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. OWENS, Mr. ROGERS of Kentucky, Mr. OSBORNE, Mr. MILLER of North Carolina, Mr. WELDON of Florida, Mr. ALLEN, Mr. HALL, Mr. GONZALEZ, Mr. BEAUPREZ, and Ms. JACKSON-LEE of Texas.
 H.R. 3405: Mr. JENKINS, Mr. STUPAK, Mr. HOLDEN, Mr. ETHERIDGE, Mr. BOSWELL, Ms. ROS-LEHTINEN, Mr. HAYWORTH, Mr. RANGEL, Mr. FORD, Mr. BURTON of Indiana, Mr. CANTOR, Mr. COBLE, Mr. COLE of Oklahoma, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. MCCREERY, Mr. NORWOOD, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. RYAN of Wisconsin, Mr. SHUSTER, and Mr. TIAHRT.
 H.R. 3407: Mr. VISLOSKEY and Mr. JEFFERSON.
 H.R. 3420: Mr. CLAY and Ms. KAPTUR.
 H.R. 3438: Ms. MCKINNEY and Mr. OWENS.
 H.R. 3478: Mr. TANCREDO and Mr. BURTON of Indiana.
 H.R. 3479: Mr. PRICE of North Carolina.
 H.R. 3548: Mr. TOWNS.
 H.R. 3559: Mr. MOLLOHAN, Mrs. EMERSON, Mr. MCHUGH, Mr. GILLMOR, Mr. FRANK of Massachusetts, Mr. NUSSLE, Mr. PRICE of North Carolina, Mr. BRADLEY of New Hampshire, Mr. MICHAUD, Mr. OLVER, Mr. TIBERI, Mr. ROSS, and Mr. LATHAM.
 H.R. 3560: Mr. WAXMAN.
 H.R. 3561: Mr. GONZALEZ, Mr. LANTOS, Ms. MCCOLLUM of Minnesota, Ms. ROYBAL-ALLARD, Mr. CONYERS, and Mr. ORTIZ.
 H.R. 3568: Mr. CARDOZA.
 H.R. 3574: Mr. ENGLISH of Pennsylvania.
 H.R. 3601: Ms. KILPATRICK of Michigan.
 H.R. 3639: Mr. DOYLE, Mr. SHERMAN, and Mr. MILLER of North Carolina.
 H.R. 3656: Mrs. JONES of Ohio, Mr. SERRANO, Mr. EVANS, Mr. PETERSON of Minnesota, and Mr. ALLEN.
 H.R. 3659: Mr. WEINER, Mr. FILNER, and Mr. COSTELLO.
 H.R. 3662: Mrs. MALONEY, Mr. STRICKLAND, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.
 H.R. 3665: Mr. FALCOMA-VAEGA.
 H.R. 3668: Mr. OWENS, Mrs. MCCARTHY, Mr. GEORGE MILLER of California, Mr. KILDEE, and Ms. JACKSON-LEE of Texas.
 H.R. 3671: Mr. REYES, Mr. HINOJOSA, Mr. POE, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. ORTIZ, Mr. CUELLAR, Mr. SALAZAR, Mr. AL GREEN of Texas, Mr. HOLT, and Ms. SOLIS.

H.R. 3672: Mr. ALEXANDER, Mr. BOUSTANY, Mr. HERGER, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. WICKER, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, and Ms. WATERS.

H.R. 3681: Mr. HIGGINS, Ms. HARMAN, Mr. BERMAN, Mr. PALLONE, Mr. STARK, Mr. LANGEVIN, and Mr. ROTHMAN.

H.R. 3685: Mrs. JONES of Ohio and Mr. MACK.

H.R. 3690: Ms. DELAURO, Mr. OWENS, Mr. INSLEE, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. AL GREEN of Texas, Mr. GONZALEZ, Ms. WOOLSEY, Mr. EMANUEL, Ms. WATSON, Mr. ROTHMAN, Mr. WEINER, Mr. FARR, and Mr. CAPUANO.

H.J. Res. 60: Mr. WELDON of Florida and Mr. GOODE.

H.J. Res. 61: Mr. YOUNG of Florida, Mr. WOLF, Mr. SHIMKUS, Mr. FILNER, Mr. GALLEGLEY, Mr. BOUSTANY, and Mr. MATHE-SON.

H. Con. Res. 90: Mr. GENE GREEN of Texas, Mr. STUPAK, Ms. MOORE of Wisconsin, Ms. HARRIS, Mr. MEEKS of New York, and Mr. LARSEN of Washington.

H. Con. Res. 210: Ms. WASSERMAN SCHULTZ, Mrs. LOWEY, Mr. SMITH of Washington, Mr. MCINTYRE, Mr. WEXLER, Mr. HOLT, Mr. HONDA, Mr. NORWOOD, Mr. CUMMINGS, Mr. SHERMAN, Mr. WYNN, Mr. RUPPERSBERGER, Mrs. MALONEY, Mr. CARDIN, Mr. DUNCAN, Mr. VAN HOLLEN, Mr. McNULTY, Mr. GRIJALVA, Mr. SAXTON, Mr. BISHOP of Georgia, Mr. COOPER, Mr. JEFFERSON, Mr. JONES of North Carolina, Ms. LEE, Mr. WELDON of Pennsylvania, Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, Mr. LEACH, Mrs. WILSON of New Mexico, Mr. PALLONE, and Ms. HERSETH.

H. Con. Res. 219: Mr. TANCREDO and Mr. SIMMONS.

H. Con. Res. 222: Mr. OBERSTAR and Mr. PLATTS.

H. Con. Res. 231: Mr. ROSS, Mr. DOGGETT, Mr. GRIJALVA, Mr. BOREN, Mr. MARSHALL, Ms. HARRIS, and Mr. JEFFERSON.

H. Con. Res. 234: Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, Mr. HONDA, Mr. CONYERS, and Ms. CORRINE BROWN of Florida.

H. Res. 78: Mr. VISCLOSKEY.

H. Res. 116: Mr. LANGEVIN.

H. Res. 247: Ms. NORTON and Mr. TOWNS.

H. Res. 323: Mr. MOLLOHAN, Ms. WASSERMAN SCHULTZ, Mrs. NORTHUP, Mr. LEVIN, Mr. BROWN of Ohio, Mr. PLATTS, Mr. CRAMER, Mr. REYNOLDS, and Mr. PASCRELL.

H. Res. 375: Ms. MCCOLLUM of Minnesota and Mr. ABERCROMBIE.

H. Res. 388: Mr. KENNEDY of Minnesota, Mr. TERRY, Mr. DREIER, Mr. KINGSTON, Mr. BARRETT of South Carolina, Mr. LANTOS, and Ms. BERKLEY.

H. Res. 409: Mr. MCCOTTER.

¶91.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 881: Mr. PITTS.

MONDAY, SEPTEMBER 12, 2005 (92)

¶92.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. COLE of Oklahoma, who laid before the House the following communication:

WASHINGTON, DC,
September 12, 2005.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶92.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. COLE of Oklahoma, announced he had examined and approved the Journal of the proceedings of Thursday, September 8, 2005.

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

¶92.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3770. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

3771. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3772. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2004, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

3773. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

3774. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's "Major" final rule—Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification [DFARS Case 2004-D011] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3775. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3776. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3777. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3778. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John P. Jumper, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3779. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S.

Chemical Demilitarization Program (CDP) as of September 30, 2004, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

3780. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of India (Transmittal No. 04-05); to the Committee on International Relations.

3781. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0B-05, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA, as amended certification 02-33 on 25 July 2002; to the Committee on International Relations.

3782. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-29, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

3783. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-21, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

3784. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961 for the use of funds for counterdrug and police programs in Haiti; to the Committee on International Relations.

3785. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of South Korea (Transmittal No. DDTC 029-05); to the Committee on International Relations.

3786. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3787. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3788. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3789. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3790. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3791. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3792. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3793. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3794. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Assawoman Bay, Ocean City, MD [CGD05-05-071] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3795. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Nansemond River, Suffolk, Virginia [CGD05-05-038] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; East River, Mathews, VA [CGD05-05-042] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, James River, Williamsburg, VA [CGD05-05-045] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Atlantic Ocean, Norfolk, VA [CGD05-05-053] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Biloxi Ship Channel, Biloxi, MS [COTP Mobile-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3800. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St Andrews Bay, Panama City, FL [COTP Mobile-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3801. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM60 to GICW MM90, Longbeach, MS to Biloxi, MS [COTP Mobile-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3802. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM90 to GICW MM120, Pascagoula, MS to Bayou La Batre, AL [COTP Mobile-05-012] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3803. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM120 to GICW MM155, Mobile, AL to Gulf Shores, AL [COTP Mobile-05-013] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3804. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM155 to GICW MM225 Orange Beach, AL to Santa Rosa Island, FL [COTP Mobile-05-014] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3805. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM225 to GICW MM350 Santa Rosa Beach, FL to Aucilla River, FL [COTP Mobile-05-015] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3806. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-032] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3807. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf-Intracoastal Waterway mile 57 to mile 58, West of Harvey Locks, Houma, LA [COTP Morgan City-05-074] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3808. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 150.0 to Mile Marker 152.0, extending the entire width of the river, Belmont, LA [COTP New Orleans-05-018] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3809. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; International Line Builders Inc. Over Water Cable Operations, Columbia River [CGD13-05-010] (RIN: 2115-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3810. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hydroplane Races, Columbia Park, Kennewick, Washington [CGD13-05-014] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3811. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Supplemental In-River Investigation of Groundwater and Sediment, Willamette River, Portland, Oregon [CGD13-05-019] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3812. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule—Safety Zone; Charleston, SC [COTP Charleston 05-065] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3813. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lake Michigan, Whiting, IN [CGD09-05-025] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3814. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 87.0 to Mile Marker 89.5, Beardstown, IL [COTP St. Louis-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3815. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway Marker 65, Corpus Christi, TX [COTP Corpus Christi-05-002] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3816. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Corpus Christi Ship Channel, Intracoastal Waterway, Corpus Christi, TX [COTP Corpus Christi-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3817. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway Marker 65, Corpus Christi, TX [COTP Corpus Christi-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3818. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-05-0007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

192.4 COMMUNICATION FROM THE

CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. COLE of Oklahoma, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 2005.

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 9, 2005, at 10:00 am:

That the Senate passed without amendment H.R. 804.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶92.5 COMMUNICATION FROM THE
CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. COLE of Oklahoma, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 9, 2005, at 2:00 p.m.:

That the Senate passed S. 1250.
That the Senate passed S. 1339.
That the Senate passed S. 1340.
That the Senate passed S. 1415.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶92.6 COMMUNICATION REGARDING
SUBPOENA

The SPEAKER pro tempore, Mr. COLE of Oklahoma, laid before the House the following communication from Mr. HONDA:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 17, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena for documents issued by the U.S. Department of Justice.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MICHAEL M. HONDA,
Member of Congress.

¶92.7 COMMUNICATION REGARDING
SUBPOENA

The SPEAKER pro tempore, Mr. COLE of Oklahoma, laid before the House the following communication from Mr. James M. Eagen, III, Chief Administrative Officer, United States House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court for Montgomery County, Maryland, for documents and testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House, and the Office of the General Counsel has moved to vacate the subpoena.

Sincerely,

JAMES M. EAGEN III,
Chief Administrative Officer.

¶92.8 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1250. An Act to reauthorize the Great Ape Conservation Act of 2000; to the Committee on Resources.

S. 1339. An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Resources.

S. 1415. An Act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections; to the Committee on Resources.

And then,

¶92.9 ADJOURNMENT

The SPEAKER pro tempore, Mr. COLE of Oklahoma, by unanimous consent, and pursuant to the special order of the House agreed to on September 9, 2005, at 12 o'clock and 5 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, September 13, 2005.

¶92.10 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 9, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes; with an amendment (Rept. 109-218 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

¶92.11 COMMITTEE DISCHARGED

[The following action occurred on September 9, 2005]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 3132 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶92.12 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE:

H.R. 3725. A bill to prohibit the Secretary of Transportation from issuing and enforcing certain requirements relating to commercial motor vehicle drivers; to the Committee on Transportation and Infrastructure.

By Mr. PENCE:

H.R. 3726. A bill to enhance prosecution of child pornography and obscenity by strengthening section 2257 of title 18, United States Code, to ensure that children are not exploited in the production of pornography, prohibiting distribution of child pornography used as evidence in prosecutions, authorizing assets forfeiture in child pornography and obscenity cases, expanding administrative subpoena power to cover obscenity cases, and prohibiting the production of obscenity, as well as its transportation, distribution, and sale, and for other purposes; to the Committee on the Judiciary.

¶92.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 475: Mr. McDERMOTT, Mr. ANDREWS, and Mr. MORAN of Virginia.

H.R. 565: Mr. WEINER.

H.R. 566: Mr. WEINER.

H.R. 887: Mr. MCGOVERN.

H.R. 923: Mr. TANCREDO.

H.R. 1137: Mr. ROSS.

H.R. 1424: Mr. FITZPATRICK of Pennsylvania, Ms. DEGETTE, and Mr. BRADY of Pennsylvania.

H.R. 1498: Miss McMORRIS, Mr. McNULTY, and Ms. SLAUGHTER.

H.R. 1671: Mr. SHUSTER.

H.R. 2017: Ms. SCHAKOWSKY.

H.R. 2122: Mr. VAN HOLLEN.

H.R. 2822: Mr. MCCOTTER.

H.R. 2823: Mr. BISHOP of Georgia.

H.R. 2874: Mr. ANDREWS and Mr. LYNCH.

H.R. 2962: Mr. BARROW, Mr. CLAY, Ms. KAPTUR, Mr. MCCOTTER, Mr. CUMMINGS, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, and Mr. OBERSTAR.

H.R. 3268: Mr. BARTLETT of Maryland.

H.R. 3382: Mr. GREEN of Wisconsin.

H.R. 3706: Mr. WEINER, Mr. CLAYNE, Mr. STUPAK, Mr. GONZALEZ, Mr. OWENS, Mr. HOLT, and Mr. CROWLEY.

TUESDAY, SEPTEMBER 13, 2005 (93)

The House was called to order at 12:30 p.m. by the SPEAKER, when, pursuant to the order of the House of Tuesday, January 4, 2005, Members were recognized for morning-hour debate.

¶93.1 RECESS—12:38 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶93.2 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, called the House to order.

¶93.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPITO, announced she had examined and approved the Journal of the proceedings of Monday, September 12, 2005.

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

¶93.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3819. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2004, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

3820. A letter from the Deputy Assistant Secretary for Installations and Facilities, Department of the Navy, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

3821. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3822. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2005," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

3823. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas since September 2, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3824. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2004 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

3825. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Board's report entitled, "Outreach to the Muslim Audiences Through Broadcast Media"; to the Committee on International Relations.

3826. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-38, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

3827. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-33, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

3828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-43, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on International Relations.

3829. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's report on proposed obligations for weapons destruction and non-proliferation in the former Soviet Union and Albania, pursuant to Public Law 108-136, section 1302; to the Committee on International Relations.

3830. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Section 126.1(i) (Z-RIN: 1400-ZA18) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3831. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report entitled, "Engendering Bold Leadership: The President's Emergency Plan for AIDS Relief", pursuant to Public Law 108-25, section 5; to the Committee on International Relations.

3832. A letter from the Deputy Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by

the Department of State for the April 15, 2005 — June 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

3833. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles to the Government of Japan (Transmittal No. DDTTC 034-05); to the Committee on International Relations.

3834. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting a draft of proposed legislation, "To authorize the Court Services and Offender Supervision Agency to accept the services of volunteers, and provide for their incidental expenses"; to the Committee on Government Reform.

3835. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's FY 2005 Annual Report on Commercial Activities, pursuant to Public Law 105-270; to the Committee on Government Reform.

3836. A letter from the Deputy Director of Communication and Legislative Affairs, Equal Employment Opportunity Commission, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Commission's FY 2005 Inventory of Commercial and Inherently Governmental Activities; to the Committee on Government Reform.

3837. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2004 and the preceding four fiscal years on the activities to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

3838. A letter from the Director, Office of Personnel Management, transmitting the Office's report describing and evaluating health benefits coverage for dependent children who are full-time students under the Federal Employees Health Benefits (FEHB) Program, pursuant to 20 U.S.C. 1001; to the Committee on Government Reform.

3839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 308 to 309, Huntington, WV [COTP Huntington-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.2 and Ohio River Mile Marker 0.0 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-010] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3842. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alle-

gheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3843. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3844. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Inner Harbor Navigational Canal, 500 yards North and South of Mile Marker 2.9, in the vicinity of the Almonaster Avenue Bridge, New Orleans, LA [COTP New Orleans-05-019] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Allen Route, Mile Marker 40.0 to Mile Marker 42.0, extending the entire width of the channel, Bayou Sorrell, LA [COTP New Orleans-05-020] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, in the vicinity of Spanish Plaza, New Orleans, LA [COTP New Orleans-05-021] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile Marker 457.2 to Mile Marker 437.4, Madison Parish Port to the Vicksburg Front, Vicksburg, MS [COTP New Orleans-05-022] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, Above Head of Passes, in the vicinity of the Audubon Aquarium of the Americas, New Orleans, LA [COTP New Orleans-05-023] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 93.0 to Mile 94.0, Above Head of Passes, in the vicinity of Woldenberg Park, New Orleans, LA [COTP New Orleans-05-024] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 179.0 to Mile Marker 180.2, St. Louis, MO [COTP St. Louis-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Waverly Highway Bridge, Waverly, MO [COTP St. Louis-05-005] (RIN:1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 200.0 to Mile Marker 204.0, IL [COTP St. Louis-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 839.7 to Mile Marker 840.3, St. Paul, MN [COTP St. Louis-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 577.9 to Mile Marker 581.1, Dubuque, IA [COTP St. Louis-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 162.3 to Mile Marker 163.0, Peoria, IL [COTP St. Louis-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 485.5 to Mile Marker 485.9, Quad Cities, IL [COTP St. Louis-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hillsborough Bay, FL [COTP Tampa 05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulation; Tampa Bay, FL [COTP TAMPA 05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 19.0 to 21.0, Above Head of Passes, Fort Jackson, LA [COTP New Orleans-05-025] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone, Marathon, Florida [COTP Key West 05-043] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wolf River Chute, Mile Marker 1.0 to 3.0, Memphis, TN [COTP Memphis-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Emergency Safety Zone: James River, VA [CGD05-05-056] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)," pursuant to Public Law 106-113, section 125(b); to the Committee on Ways and Means.

3866. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2003 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

3867. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

¶93.5 SPORTING AND RECREATIONAL BOATING SAFETY

Mr. SHUSTER moved to suspend the rules and pass the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SHUSTER and Ms. NORTON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of

the Members present had voted in the affirmative.

Mr. SHUSTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶93.6 MEMORIALIZING PASSENGERS AND CREW OF UNITED AIRLINES 93

Mr. SHUSTER moved to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 26):

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as "the 9-11 Commission") to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that "the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction."; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SHUSTER and Ms. NORTON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHUSTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶93.7 DANDINI RESEARCH PARK

Mr. GIBBONS moved to suspend the rules and pass the bill of the Senate (S. 252) to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. GIBBONS and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶93.8 CARIBBEAN NATIONAL FOREST

Mr. FORTUNO moved to suspend the rules and pass the bill (H.R. 539) to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; as amended.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. FORTUNO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.9 WIND CAVE NATIONAL PARK BOUNDARY

Mr. FORTUNO moved to suspend the rules and pass the bill of the Senate (S. 276) to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. FORTUNO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PENCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶93.10 HAWAII WATER RESOURCES

Mr. FORTUNO moved to suspend the rules and pass the bill of the Senate (S. 264) to amend the Reclamation Waste-water and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. FORTUNO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶93.11 RECESS—2:57 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 57 minutes p.m., until approximately 6:30 p.m.

¶93.12 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. KLINE, called the House to order.

¶93.13 PROVIDING FOR THE CONSIDERATION OF H.R. 3132

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-219) the resolution (H. Res. 436) providing for consideration of the bill

(H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶93.14 S. CON. RES. 26—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 26) honoring and memorializing the passengers and crew of United Airlines 93.

The question being put,
Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 403
affirmative } Nays 0

¶93.15 [Roll No. 465]

YEAS—403

Abercrombie	Castle	Franks (AZ)
Ackerman	Chabot	Frelinghuysen
Aderholt	Chandler	Garrett (NJ)
Akin	Chocola	Gerlach
Alexander	Clay	Gibbons
Allen	Cleaver	Gillmor
Andrews	Clyburn	Gingrey
Baca	Coble	Gohmert
Bachus	Cole (OK)	Gonzalez
Baird	Conaway	Goode
Baker	Conyers	Goodlatte
Baldwin	Cooper	Gordon
Barrett (SC)	Costa	Granger
Barrow	Costello	Graves
Bartlett (MD)	Cramer	Green (WI)
Barton (TX)	Crenshaw	Green, Al
Bass	Crowley	Green, Gene
Bean	Cubin	Grijalva
Becerra	Cuellar	Gutierrez
Berkley	Culberson	Gutknecht
Berman	Cummings	Hall
Berry	Cunningham	Harman
Biggert	Davis (AL)	Harris
Bilirakis	Davis (CA)	Hart
Bishop (GA)	Davis (FL)	Hastings (FL)
Bishop (NY)	Davis (IL)	Hastings (WA)
Blackburn	Davis (KY)	Hayes
Blumenauer	Davis (TN)	Hayworth
Blunt	Davis, Jo Ann	Hefley
Boehlert	Davis, Tom	Hensarling
Boehner	Deal (GA)	Herger
Bonilla	DeGette	Herseth
Bonner	Delahunt	Higgins
Bono	DeLauro	Hinches
Boozman	DeLay	Hobson
Boren	Dent	Holden
Boswell	Diaz-Balart, L.	Holt
Boucher	Diaz-Balart, M.	Honda
Boustany	Dicks	Hostettler
Boyd	Doggett	Hoyer
Bradley (NH)	Doolittle	Hulshof
Brady (PA)	Doyle	Hunter
Brady (TX)	Drake	Hyde
Brown (OH)	Dreier	Inglis (SC)
Brown (SC)	Duncan	Inslee
Brown, Corrine	Edwards	Israel
Brown-Waite,	Ehlers	Issa
Ginny	Emanuel	Istook
Burgess	Emerson	Jackson (IL)
Burton (IN)	English (PA)	Jackson-Lee
Butterfield	Eshoo	(TX)
Buyer	Etheridge	Jefferson
Calvert	Evans	Jenkins
Camp	Everett	Johnson (CT)
Cannon	Farr	Johnson (IL)
Cantor	Feeney	Johnson, E. B.
Capito	Ferguson	Johnson, Sam
Capps	Filner	Jones (NC)
Capuano	Fitzpatrick (PA)	Kanjorski
Cardin	Flake	Kaptur
Cardoza	Foley	Keller
Carnahan	Forbes	Kelly
Carson	Ford	Kennedy (MN)
Carter	Fox	Kennedy (RI)
Case	Frank (MA)	Kildee

Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Klaine
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick

NOT VOTING—30

Beauprez
Bishop (UT)
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrist

Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Maloney
McHugh
McNulty
Meeks (NY)
Melancon

Moran (VA)
Nadler
Nussle
Owens
Serrano
Strickland
Townes
Velazquez
Walsh
Weiner

93.16 H.R. 3649—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 401
affirmative } Nays 1

93.17 [Roll No. 466] YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryan (KS)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Schwarz (NY)
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Flake
NOT VOTING—31
Beauprez
Camp
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrist
Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Kirk
Maloney
McHugh
McNulty
Meeks (NY)
Melancon
Moran (VA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

93.18 S. 276—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the

rules and pass the bill of the Senate (S. 276) to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 295
affirmative { Nays 106

¶93.19 [Roll No. 467]
YEAS—295

- Abercrombie
- Ackerman
- Aderholt
- Alexander
- Allen
- Andrews
- Baca
- Bachus
- Baird
- Baldwin
- Barrow
- Bass
- Bean
- Becerra
- Berkley
- Berman
- Berry
- Biggert
- Bishop (GA)
- Bishop (NY)
- Blumenauer
- Boehert
- Boehner
- Bonilla
- Bono
- Boren
- Boswell
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (PA)
- Brady (TX)
- Brown (OH)
- Brown (SC)
- Brown, Corrine
- Butterfield
- Buyer
- Calvert
- Cantor
- Capito
- Capps
- Capuano
- Cardin
- Cardoza
- Carnahan
- Carson
- Case
- Castle (TX)
- Chandler
- Clay
- Cleaver
- Clyburn
- Cole (OK)
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Crowley
- Cuellar
- Culberson
- Cummings
- Cunningham
- Davis (AL)
- Davis (CA)
- Davis (FL)
- Davis (IL)
- Davis (KY)
- Davis (TN)
- Davis, Tom
- DeGette
- Delahunt
- DeLauro
- DeLay
- Dent
- Diaz-Balart, L.
- Dicks
- Doggett
- Doyle
- Dreier
- Edwards
- Ehlers
- Emanuel
- Emerson
- English (PA)
- Eshoo
- Etheridge
- Evans
- Farr
- Ferguson
- Filner
- Fitzpatrick (PA)
- Foley
- Ford
- Frank (MA)
- Frelinghuysen
- Gerlach
- Gillmor
- Gonzalez
- Goodlatte
- Gordon
- Granger
- Graves
- Green, Al
- Green, Gene
- Grijalva
- Gutierrez
- Harman
- Harris
- Hastings (FL)
- Hastings (WA)
- Hayes
- Hefley
- Herseth
- Higgins
- Hinchev
- Hobson
- Holden
- Holt
- Honda
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inslee
- Israel
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- Jenkins
- Johnson (CT)
- Johnson (IL)
- Johnson, E. B.
- Kanjorski
- Kaptur
- Keller
- Kelly
- Kennedy (MN)
- Kennedy (RI)
- Kildee
- Kilpatrick (MI)
- Kind
- King (NY)
- Kirk
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- Langevin
- Lantos
- Larsen (WA)
- Larsen (CT)
- Latham
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (GA)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowey
- Lucas
- Lungren, Daniel E.
- Lynch
- Manzullo
- Markey
- Marshall
- Matheson
- Matsui
- McCarthy
- McCollum (MN)
- McCrery
- McDermott
- McGovern
- McIntyre
- McKeon
- McKinney
- Meehan
- Meek (FL)
- Menendez
- Michaud
- Millender-McDonald
- Miller (NC)
- Miller, George
- Mollohan
- Moore (KS)
- Moore (WI)
- Murphy
- Murtha
- Napolitano
- Neal (MA)
- Northrup
- Nunes
- Oberstar
- Obey
- Olver
- Ortiz
- Osborne
- Otter
- Pallone
- Pascrell
- Pastor
- Payne
- Pelosi
- Peterson (MN)
- Pickering
- Pitts
- Platts
- Pombo
- Pomeroy
- Porter
- Price (NC)
- Pryce (OH)
- Rahall
- Ramstad
- Rangel
- Regula
- Reichert
- Renzi
- Reyes
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Ros-Lehtinen
- Ross
- Rothman
- Roybal-Allard
- Ruppersberger
- Rush
- Ryan (OH)
- Sabo
- Salazar
- Sanchez, Linda T.
- Sanchez, Loretta
- Sanders
- Saxton
- Schakowsky
- Schiff

- Schwartz (PA)
- Schwarz (MI)
- Scott (GA)
- Scott (VA)
- Shaw
- Shays
- Sherman
- Shimkus
- Shuster
- Simmons
- Simpson
- Skelton
- Slaughter
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Solis
- Souder
- Spratt
- Stark
- Stupak
- Tanner
- Tauscher
- Taylor (MS)
- Thomas
- Thompson (CA)
- Thompson (MS)
- Tiberi
- Tierney
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Van Hollen
- Visclosky
- Walden (OR)
- Wasserman
- Schultz
- Waters
- Watson
- Watt
- Waxman
- Weldon (PA)
- Weller
- Wexler
- Whitfield
- Wilson (NM)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

NAYS—106

- Akin
- Baker
- Barrett (SC)
- Bartlett (MD)
- Barton (TX)
- Bilirakis
- Bishop (UT)
- Blackburn
- Blunt
- Bonner
- Boozman
- Brown-Waite, Ginny
- Burgess
- Burton (IN)
- Cannon
- Carter
- Chabot
- Chocola
- Coble
- Conaway
- Cubin
- Davis, Jo Ann
- Deal (GA)
- Diaz-Balart, M.
- Doolittle
- Drake
- Duncan
- Everett
- Feeney
- Flake
- Forbes
- Foxx
- Franks (AZ)
- Garrett (NJ)
- Gibbons
- Gingrey
- Gohmert
- Goode
- Green (WI)
- Gutknecht
- Hall
- Hayworth
- Hensarling
- Herger
- Hostettler
- Inglis (SC)
- Issa
- Istook
- Johnson, Sam
- Jones (NC)
- King (IA)
- Kingston
- Kline
- LaHood
- LaTourette
- Lewis (KY)
- Mack
- Marchant
- McCaul (TX)
- McCotter
- McHenry
- McMorris
- Mica
- Miller (FL)
- Miller (MI)
- Miller, Gary
- Moran (KS)
- Musgrave
- Myrick
- Neugebauer
- Ney
- Norwood
- Oxley
- Paul
- Pearce
- Pence
- Peterson (PA)
- Petri
- Poe
- Price (GA)
- Putnam
- Rehberg
- Reynolds
- Rohrabacher
- Royce
- Ryan (WI)
- Ryun (KS)
- Schmidt
- Sensenbrenner
- Sessions
- Shadegg
- Sherwood
- Sodrel
- Stearns
- Sullivan
- Sweeney
- Tancredo
- Taylor (NC)
- Terry
- Thornberry
- Tiahrt
- Wamp
- Weldon (FL)
- Westmoreland
- Wicker
- Wilson (SC)

NOT VOTING—32

- Beauprez
- Camp
- DeFazio
- Dingell
- Engel
- Fattah
- Fortenberry
- Fossella
- Gallegly
- Gilchrest
- Hart
- Hinojosa
- Hoekstra
- Hooley
- Jindal
- Jones (OH)
- Maloney
- McHugh
- McNulty
- Meeks (NY)
- Melancon
- Moran (VA)
- Nadler
- Nussle
- Owens
- Radanovich
- Serrano
- Strickland
- Towns
- Velázquez
- Walsh
- Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶93.20 PERMISSION TO FILE SUPPLEMENTAL REPORT

On motion of Mr. CANNON, by unanimous consent, the Committee on the Judiciary was granted permission to file a supplemental report (Rept. No. 109-218, Part II) on the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes.

¶93.21 ADDITIONAL COSPONSORS—H.R. 64

Mr. FEENEY, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 64) to repeal the Federal death tax, including the estate and gift taxes and the tax on generation-skipping transfers (a bill originally introduced by Representative Cox); for the purposes of adding cosponsors and requesting reprints pursuant to clause 7(b)(4) of rule XII.

¶93.22 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. KLINE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 13, 2005, at 9:45 a.m.: That the Senate passed without amendment H.R. 3669.

Appointments:
Canada-United States Interparliamentary Group
Advisory Committee on Student Financial Assistance
With best wishes, I am

Sincerely,
JEFF TRANDAHL,
Clerk of the House.

¶93.23 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 804. An Act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

¶93.24 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 252. An Act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

¶93.25 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 8, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 3650. An Act to allow United States courts to conduct business during emergency conditions, and for other purposes.

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶93.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DEFAZIO, for today;
To Mrs. JONES of Ohio, for today;
To Mrs. MALONEY, for today and balance of the week;
To Mr. MCHUGH, for today;
To Mr. MCNULTY, for today and September 14; and
To Mr. WALSH, for today.
And then,

¶93.27 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 51 minutes p.m., the House adjourned.

¶93.28 REPORTS OF COMMITTEES ON PUBLIS BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes (Rept. 109-218 Pt. 2).

Mr. GINGREY: Committee on Rules. House Resolution 436. Resolution providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes (Rept. 109-219). Referred to the House Calendar.

¶93.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILLNER, Ms. CORRINE BROWN of Florida, Mr. SNYDER, Mr. MICHAUD, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, Mr. GUTIERREZ, and Mr. UDALL of New Mexico):

H.R. 3727. A bill to authorize the Secretary of Veterans Affairs to provide emergency assistance to homeless veterans and their families affected by Hurricane Katrina, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 3728. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3729. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3730. A bill to extend the statute of limitations pursuant to state of emergency, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. CASE, Ms. WOOLSEY, Mr. HINCHY, Ms. SCHAKOWSKY, and Ms. WATSON):

H.R. 3731. A bill to implement the recommendations of the Federal Communications Commission report to the Congress re-

garding low-power FM service; to the Committee on Energy and Commerce.

By Mr. ISSA:

H.R. 3732. A bill to provide for a credit for employers of tipped employees in determining the minimum wage required in States that require employers to pay a minimum wage at a rate higher than the Federal rate; to the Committee on Education and the Workforce.

By Mr. DAVIS of Alabama:

H.R. 3733. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are victims of Hurricane Katrina to withdraw funds without penalty from their individual retirement accounts and certain other retirement plans; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3734. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on House Administration.

By Mr. DAVIS of Alabama:

H.R. 3735. A bill to prevent a reduction in the Medicaid Federal medical assistance percentage (FMAP) determined for a State for fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3736. A bill to protect volunteers assisting the victims of Hurricane Katrina; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Ms. HARRIS, Mr. OTTER, Mr. KIRK, Mr. SIMMONS, Mr. HOLT, Mr. SNYDER, Mr. BASS, Mr. PETRI, Mr. PENCE, Mr. WOLF, Ms. GINNY BROWN-WAITE of Florida, Mr. UDALL of Colorado, Ms. FOX, and Mr. WESTMORELAND):

H.R. 3737. A bill to establish an Office of Special Inspector General for Hurricane Katrina Recovery; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Ms. SCHAKOWSKY):

H.R. 3738. A bill to direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous product; to the Committee on Energy and Commerce.

By Mr. BOOZMAN (for himself and Mr. SOUDER):

H.R. 3739. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to improve the Department of Justice drug court grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 3740. A bill to provide for the issuance of a special postage stamp in order to afford a convenient means by which members of the public may contribute to Hurricane Katrina disaster relief; to the Committee on Government Reform, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. PICKERING):

H.R. 3741. A bill to amend the Internal Revenue Code to allow a one-time emergency, penalty free withdrawal, from a qualified investment retirement account; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MEEK of Florida, Ms. HARRIS, Mr. MILLER of

Florida, Mr. WELLER, Ms. ROSLEHTINEN, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. JEFFERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. DAVIS of Florida, Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. SHAW, Mr. BOYD, and Mr. BILIRAKIS):

H.R. 3742. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of certain natural disasters; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 3743. A bill to ensure that certain members of the United States Armed Forces are not subject to secondary airport security screening; to the Committee on Homeland Security.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 3744. A bill to amend the Internal Revenue Code of 1986 to provide incentives for Americans to open their homes to fellow Americans from the Gulf Coast who were devastated by Hurricane Katrina, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. SCHWARZ of Michigan, and Mr. WILSON of South Carolina):

H.R. 3745. A bill to amend the Internal Revenue Code of 1986 to extend the tax treatment of members of the Armed Forces who die while serving in, or as a result of serving in, a combat zone to employees of contractors of the Federal Government; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. KOLBE, Mrs. TAUSCHER, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. KIRK, Mr. BOUCHER, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. HINCHY, Mr. WYNN, Mr. SMITH of Washington, Mr. SCHIFF, Mr. KIND, and Mr. MOORE of Kansas):

H.R. 3746. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 3747. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to assist victims of Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. CUELLAR, Ms. LEE, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BOREN, Mr. BROWN of Ohio, Ms. CARSON, Mr. HONDA, Mr. BERMAN, Mr. GRIJALVA, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. MCDERMOTT, Ms. SOLIS, Mr. OWENS, and Mr. CLEAVER):

H.R. 3748. A bill to provide additional funds to local educational agencies for elementary and secondary education and pupil services for students displaced by Hurricane Katrina, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH:

H.R. 3749. A bill to establish a national commission to address the rebirth and renewal of neighborhoods and communities affected by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committees on

Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 3750. A bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHENRY:

H.R. 3751. A bill to amend the Internal Revenue Code of 1986 to provide that withdrawals from section 401(k) and similar plans by victims of Presidentially declared disasters shall not be includible in gross income and shall not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 3752. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on crude oil and to ease gas prices for consumers, and for other purposes; to the Committee on Ways and Means.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. ADERHOLT, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CHOCOLA, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. LAHOOD, Mr. McCAUL of Texas, Mr. McCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. NUSSLE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. RENZI, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SIMPSON, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDO, Mr. TERRY, Mr. TRAHRT, Mr. WAMP, and Mr. WOLF):

H.R. 3753. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 3754. A bill to provide disaster assistance to agricultural producers for 2005 crop and livestock losses, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3755. A bill to amend the Controlled Substances Act (21 U.S.C. 848) to provide increased penalties for methamphetamine traffickers; to the Committee on the Judiciary, and in addition to the Committee on Energy

and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3756. A bill to amend the Controlled Substances Act and title 18, United States Code, with respect to methamphetamine, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. BURGESS, Mr. BLUNT, and Mr. SHIMKUS):

H.R. 3757. A bill to amend titles XIX of the Social Security Act to provide for health opportunity accounts under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 3758. A bill to improve foster care court capacity through grants, loan forgiveness, and performance measurement; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. LEWIS of Kentucky):

H.R. 3759. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from qualified retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CLEAVER (for himself, Mr. BLUNT, Mrs. EMERSON, Mr. OSBORNE, Mr. HOYER, Mr. CLYBURN, Mr. BROWN of Ohio, Mr. HIGGINS, Ms. BALDWIN, Mr. WYNN, Mr. MOORE of Kansas, Mr. SKELTON, and Mr. DAVIS of Alabama):

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 241. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

¶93.30 MEMORIALS

Under clause 3 of rule XII,

168. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 05-1005 expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanks to Coloradans for their generous charitable donations; to the Committee on International Relations.

¶93.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. FILNER.

H.R. 23: Mr. SCHWARZ of Michigan and Mr. GIBBONS.

H.R. 25: Mr. BROWN of South Carolina and Mr. TANCREDO.

H.R. 49: Mr. KANJORSKI.

H.R. 111: Mr. COBLE.

H.R. 114: Mr. CROWLEY.

H.R. 115: Mr. FILNER.

H.R. 153: Mr. PALLONE and Ms. SCHAKOWSKY.

H.R. 226: Mr. ETHERIDGE and Mr. SMITH of Washington.

H.R. 303: Mr. ENGLISH of Pennsylvania.

H.R. 363: Mr. BERMAN and Mr. BISHOP of Georgia.

H.R. 376: Mr. BERRY.

H.R. 398: Mrs. TAUSCHER, Mr. CROWLEY, Mr. FILNER, Mr. KUCINICH, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mrs. CAPP, Mrs. NAPOLITANO, Mr. BECERRA, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. CLYBURN, Ms. WATERS, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. SCHIFF, Mrs. MCCARTHY, Mr. NADLER, Mr. PASCRELL, Mr. CLEAVER, Mr. ENGEL, Mr. STARK, Mr. McDERMOTT, Ms. HARMAN, Mr. ROTHMAN, Ms. BERKLEY, Mrs. LOWEY, Ms. ESHOO, and Ms. WOOLSEY.

H.R. 414: Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. SHIMKUS, Mr. POMBO, Mr. PLATTS, and Mr. JEFFERSON.

H.R. 415: Mr. PETERSON of Minnesota.

H.R. 515: Mrs. LOWEY.

H.R. 521: Mr. HOEKSTRA.

H.R. 550: Mr. CARNAHAN, Mr. NEAL of Massachusetts, Mr. MENENDEZ, and Mr. CLEAVER.

H.R. 552: Mr. HERGER and Mrs. MILLER of Michigan.

H.R. 583: Mr. NEAL of Massachusetts and Mr. MARKEY.

H.R. 602: Mr. MARCHANT.

H.R. 616: Mr. FILNER, Mr. HINCHEY, and Mr. TERRY.

H.R. 670: Mr. McCOTTER.

H.R. 687: Mr. DUNCAN.

H.R. 693: Mr. McCOTTER.

H.R. 699: Ms. LEE.

H.R. 700: Mr. COSTA and Mr. MICHAUD.

H.R. 705: Mr. SANDERS.

H.R. 745: Mr. CANNON and Mr. FORD.

H.R. 752: Mr. EMANUEL, Mr. MOORE of Kansas, and Ms. SLAUGHTER.

H.R. 768: Mr. MEEK of Florida.

H.R. 783: Mr. JINDAL, Mr. MARSHALL, and Mr. LARSON of Connecticut.

H.R. 808: Mr. BACA, Ms. SCHWARTZ of Pennsylvania, and Mr. PASTOR.

H.R. 813: Mr. GEORGE MILLER of California, Mr. SANDERS, and Mr. COSTELLO.

H.R. 819: Mr. BLUNT and Mr. RYAN of Wisconsin.

H.R. 839: Mr. MILLER of North Carolina.

H.R. 844: Mr. FILNER.

H.R. 856: Ms. HERSETH.

H.R. 867: Ms. SCHAKOWSKY.

H.R. 872: Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. PETERSON of Minnesota, Mr. PLATTS, and Mr. PRICE of North Carolina.

H.R. 896: Mr. McNULTY.

H.R. 917: Mr. SANDERS.

H.R. 920: Mr. ANDREWS and Mr. McHUGH.

H.R. 921: Ms. SCHAKOWSKY.

H.R. 923: Mr. VAN HOLLEN and Mr. LAHOOD.

H.R. 949: Ms. SLAUGHTER.

H.R. 955: Mr. SANDERS.

H.R. 960: Mr. BUTTERFIELD and Mr. McINTYRE.

H.R. 968: Mr. GORDON.

H.R. 986: Mr. SCHIFF and Mr. BARTLETT of Maryland.

H.R. 997: Mr. SHADEGG.

H.R. 999: Mr. MARSHALL and Mr. WAMP.

H.R. 1000: Mr. SCHIFF, Mr. PLATTS, and Mr. CUMMINGS.

H.R. 1020: Mr. HOLT, Mr. HOLDEN, Mr. ANDREWS, Mr. BERMAN, Mr. OBERSTAR, and Mr. GRIJALVA.

H.R. 1043: Mr. NADLER, Mr. GRIJALVA, and Mr. BROWN of Ohio.

H.R. 1105: Mr. RENZI.

- H.R. 1157: Mr. CROWLEY.
H.R. 1167: Mr. SENSENBRENNER and Mr. MCHUGH.
H.R. 1177: Mr. HOLDEN, Mr. MICHAUD, and Mr. MCCOTTER.
H.R. 1217: Mr. OWENS, Mr. RAMSTAD, Mr. WEXLER, and Mr. TOWNS.
H.R. 1227: Mr. STUPAK, Mr. LANGEVIN, Mr. LATHAM, Mr. CLAY, and Mr. ALEXANDER.
H.R. 1232: Mr. GRIJALVA and Mrs. CHRISTENSEN.
H.R. 1246: Ms. MCCOLLUM of Minnesota, Mr. YOUNG of Florida, Mr. ADERHOLT, Mr. PETERSON of Minnesota, Mr. BAIRD, Mr. CHABOT, Mr. POMBO, and Mr. FORBES.
H.R. 1298: Mr. SCHWARZ of Michigan, Ms. MATSUI, Mr. WICKER, and Mr. GONZALEZ.
H.R. 1351: Mr. SCHWARZ of Michigan.
H.R. 1355: Mr. CROWLEY.
H.R. 1365: Mr. MILLER of North Carolina.
H.R. 1402: Mr. SANDERS.
H.R. 1408: Mr. CROWLEY.
H.R. 1409: Mr. HIGGINS, Ms. WATSON, Mrs. MALONEY, Mr. BUTTERFIELD, Ms. WASSERMAN SCHULTZ, and Ms. SOLIS.
H.R. 1424: Ms. VELÁZQUEZ.
H.R. 1554: Mr. CAPUANO.
H.R. 1588: Mr. MEEHAN and Mrs. LOWEY.
H.R. 1598: Mrs. KELLY.
H.R. 1602: Mr. BILIRAKIS, Mr. TOM DAVIS of Virginia, Mrs. EMERSON, Mr. SHAYS, and Mr. MOORE of Kansas.
H.R. 1607: Mr. TERRY.
H.R. 1671: Mr. GONZALEZ.
H.R. 1696: Ms. LORETTA SANCHEZ of California.
H.R. 1714: Mr. POE, Mr. FILNER, and Mr. MARCHANT.
H.R. 1736: Mr. FILNER.
H.R. 1849: Mr. FITZPATRICK of Pennsylvania, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Ms. MCKINNEY.
H.R. 1898: Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, and Mr. SIMMONS.
H.R. 1946: Mr. KENNEDY of Rhode Island, Mrs. CAPPS, and Mr. CARDIN.
H.R. 1951: Mr. MCCAUL of Texas.
H.R. 1955: Mr. UDALL of New Mexico.
H.R. 1973: Mr. AL GREEN of Texas.
H.R. 2000: Mr. SCOTT of Virginia.
H.R. 2049: Mr. SHADEGG and Mr. MCCAUL of Texas.
H.R. 2106: Mr. HOEKSTRA and Mr. BISHOP of Georgia.
H.R. 2237: Ms. SCHAKOWSKY.
H.R. 2238: Mr. PRICE of North Carolina, Ms. LEE, and Mr. CROWLEY.
H.R. 2291: Mr. PAUL.
H.R. 2328: Mr. PRICE of North Carolina.
H.R. 2421: Mr. FRANK of Massachusetts, Mr. STUPAK, Mr. MURPHY, Mr. RUPPERSBERGER, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. STARK, Mr. FILNER, Mr. SESSIONS, Mrs. TAUSCHER, and Mrs. WILSON of New Mexico.
H.R. 2429: Mr. COSTELLO.
H.R. 2508: Mr. ANDREWS.
H.R. 2531: Mr. FILNER.
H.R. 2553: Mr. FILNER and Ms. VELÁZQUEZ.
H.R. 2658: Mrs. CUBIN.
H.R. 2662: Mr. BAIRD.
H.R. 2668: Mr. BOEHNER.
H.R. 2682: Mr. PRICE of North Carolina, Mr. BASS, and Mr. PUTNAM.
H.R. 2694: Ms. KAPTUR.
H.R. 2717: Ms. BERKLEY and Mr. PASCRELL.
H.R. 2719: Mr. LEACH and Mr. ROTHMAN.
H.R. 2736: Mr. FILNER.
H.R. 2793: Mr. KUHL of New York, Mr. HYDE, Mr. KILDEE, Mrs. KELLY, and Mr. EVANS.
H.R. 2794: Mr. PRICE of North Carolina and Mr. SANDERS.
H.R. 2807: Mr. JEFFERSON.
H.R. 2811: Mrs. NAPOLITANO.
H.R. 2815: Mr. MEEKS of New York and Mr. CROWLEY.
H.R. 2822: Mr. GREEN of Wisconsin.
H.R. 2823: Mr. BARTLETT of Maryland.
H.R. 2949: Mr. CROWLEY.
H.R. 2961: Mr. DEFazio and Mr. MORAN of Kansas.
H.R. 2963: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.
H.R. 2989: Mr. BARTLETT of Maryland, Ms. HERSETH, Mrs. CAPITO, and Mr. SODREL.
H.R. 3042: Mr. WYNN.
H.R. 3127: Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. SMITH of Washington, Ms. SOLIS, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. BRADLEY of New Hampshire, and Mr. CALVERT.
H.R. 3128: Mr. FILNER.
H.R. 3135: Mr. AKIN and Mr. LOBIONDO.
H.R. 3150: Mr. POE and Mr. MARCHANT.
H.R. 3162: Mr. ANDREWS.
H.R. 3184: Mr. ACKERMAN.
H.R. 3185: Mr. LARSEN of Washington, Mr. PAYNE, Mr. MCGOVERN, and Mr. CROWLEY.
H.R. 3189: Mr. MCGOVERN, Mr. CROWLEY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 3192: Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Mr. JEFFERSON.
H.R. 3195: Mr. LEWIS of Georgia.
H.R. 3255: Mr. BOREN.
H.R. 3282: Mr. MARCHANT, Mr. GREEN of Wisconsin, Mr. SAM JOHNSON of Texas, and Mr. GOODLATTE.
H.R. 3334: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, Mr. RUSH, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. BROWN of Ohio.
H.R. 3360: Mr. GREEN of Wisconsin and Mr. PAUL.
H.R. 3361: Mr. GRIJALVA, Mr. WAXMAN, Mr. CALVERT, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mr. ISSA.
H.R. 3373: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. FATTAH, Mr. GUTIERREZ, Mr. EMANUEL, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FORBES, Mr. ALEXANDER, and Ms. FOXF.
H.R. 3405: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK of Michigan, Mr. WELDON of Florida, Mr. COSTA, and Mr. MARCHANT.
H.R. 3417: Mr. JEFFERSON and Mrs. CAPITO.
H.R. 3420: Mr. TIERNEY.
H.R. 3502: Mr. SANDERS.
H.R. 3524: Mr. OWENS.
H.R. 3532: Mr. SCHWARZ of Michigan and Mr. UPTON.
H.R. 3547: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3565: Mr. JEFFERSON and Mr. OWENS.
H.R. 3575: Mr. CROWLEY.
H.R. 3583: Mr. ALLEN.
H.R. 3584: Mr. HINCHAY.
H.R. 3602: Mr. LEWIS of Georgia.
H.R. 3616: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. CONAWAY, and Mr. STARK.
H.R. 3617: Ms. HART and Mr. TERRY.
H.R. 3662: Mr. BERMAN, Mr. GRIJALVA, Mr. OWENS, Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. CUMMINGS.
H.R. 3666: Mr. MCGOVERN.
H.R. 3667: Mr. SCHIFF, Ms. LINDA T. SANCHEZ OF CALIFORNIA, Ms. WATSON, Mr. BECERRA, Ms. ESHOO, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. BERMAN, Mrs. DAVIS of California, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. FARR, Mr. CUNNINGHAM, Mr. CALVERT, Mr. POMBO, Ms. LEE, Mr. FILNER, Mr. RADANOVICH, Ms. MATSUI, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. MCKEON, Mr. LEWIS of California, Mrs. BONO, Mr. ROHRBACHER, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.
H.R. 3680: Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mrs. MILLER of Michigan.
H.R. 3681: Mr. ABERCROMBIE, and Mr. WATT.
H.R. 3690: Mr. SERRANO, Ms. CARSON, Mr. HONDA, Ms. WASSERMAN Schultz, Ms. SCHAKOWSKY, Mr. WU, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. EVANS, and Mrs. MALONEY.
H.R. 3693: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WESTMORELAND, Mr. TANCREDO, and Mr. MARCHANT.
H.R. 3697: Mr. FARR, Mr. FILNER, Mr. CARNAHAN, Ms. SOLIS, Mr. SABO, Mr. WEINER, Mr. FORD, Mr. THOMPSON of California, Mr. AL GREEN of Texas, Mr. COOPER, Mr. PRICE of North Carolina, and Mr. PALLONE.
H.R. 3698: Mr. MARKEY, Mr. WYNN, Mr. PALLONE, Mr. ROSS, Mr. DAVIS of Florida, Mr. STRICKLAND, and Mr. GORDON.
H.R. 3699: Mr. CANNON.
H.R. 3706: Mr. CASE, Ms. WASSERMAN SCHULTZ, and Ms. BERKLEY.
H.R. 3710: Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHAY, Ms. LEE, and Mr. NADLER.
H.R. 3714: Mr. BACHUS, Mr. OWENS, Mr. REYES, Mr. PRICE of Georgia, and Mr. ALEXANDER.
H.R. 3717: Mrs. DRAKE, Mr. SHAYS, Mr. HERGER, and Mr. ALEXANDER.
H.R. 3722: Mr. SANDERS.
H.J. Res. 39: Mr. KING of Iowa and Mr. SAM JOHNSON of Texas.
H.J. Res. 58: Mr. BROWN of Ohio.
H.J. Res. 61: Mr. MCDERMOTT, Mr. CASE, Ms. CARSON, Mr. HALL, Mr. PETRI, Mr. HIGGINS, Mr. CARNAHAN, Mr. ISRAEL, Ms. WASSERMAN Schultz, and Mr. LYNCH.
H. Con. Res. 129: Ms. NORTON.
H. Con. Res. 137: Mr. CROWLEY.
H. Con. Res. 140: Mr. MCHUGH.
H. Con. Res. 172: Mr. THOMPSON of California and Mr. EMANUEL.
H. Con. Res. 178: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.
H. Con. Res. 190: Ms. SCHAKOWSKY.
H. Con. Res. 195: Ms. SCHAKOWSKY.
H. Con. Res. 197: Mr. FRANK of Massachusetts.
H. Con. Res. 209: Ms. BALDWIN, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. KILDEE, Mr. BOSWELL, Ms. MATSUI, Mrs. MCCARTHY, Mr. HOLDEN, Mr. GOODE, Mr. GRIJALVA, Mr. KUCINICH, and Mr. SHERMAN.
H. Con. Res. 228: Ms. BALDWIN.
H. Con. Res. 231: Mr. MCHUGH, Ms. HART, and Mr. WAMP.
H. Con. Res. 234: Ms. SCHAKOWSKY, Mr. HINCHAY, Mr. SHERMAN, Mr. BUTTERFIELD, Mr. WATT, and Ms. SOLIS.
H. Con. Res. 237: Mr. AKIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. ENGEL, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HASTINGS of Florida, Mr. ISSA, Mr. KING of New York, Mr. MACK, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. POE, Mr. REYES, Ms. ROSLEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SIMPSON, Mr. SOUDER, Mr. TANCREDO, Mr. WATT, and Mr. YOUNG of Alaska.
H. Res. 15: Mr. NUNES, Mr. LEWIS of Kentucky, Mr. GINGREY, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. PETRI, Mr. KIND, Mr. ROGERS of Kentucky, Mr. BAKER, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD, Mr. ROTHMAN, and Ms. WASSERMAN SCHULTZ.
H. Res. 38: Mr. ACKERMAN.
H. Res. 123: Mr. FARR and Mr. ENGLISH of Pennsylvania.
H. Res. 158: Mr. SHAYS, Mr. MURPHY, and Mr. CROWLEY.
H. Res. 192: Mr. LANTOS.
H. Res. 276: Mr. FITZPATRICK of Pennsylvania, Mr. SNYDER, Mrs. MCCARTHY, and Mr. PETERSON of Minnesota.
H. Res. 286: Mr. JEFFERSON and Mr. KUCINICH.
H. Res. 297: Mr. SHAYS.
H. Res. 325: Mr. ISSA.

H. Res. 368: Mr. MARSHALL, Mr. DOOLITTLE, Mr. MENENDEZ, Mr. CARDOZA, Mr. BOOZMAN, and Mr. BLUMENAUER.

H. Res. 375: Mr. MENENDEZ, Ms. CARSON, Mr. CARDIN, Ms. SOLIS, Mr. ROTHMAN, Ms. MATSUI, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. CARDOZA, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. MOLLOHAN, Ms. BERKLEY, Mr. NEAL of Massachusetts, and Mr. ANDREWS.

H. Res. 409: Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. PENCE, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. SCHIFF, Mr. LEACH, Mr. CROWLEY, Mr. GRIJALVA, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. ACKERMAN, Mr. CHANDLER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, and Mr. FRANK of Massachusetts.

H. Res. 413: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 415: Mr. ROHRBACHER.

H. Res. 417: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 418: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 419: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 420: Mr. CONYERS, Mr. KUCINICH, Mr. TIERNEY, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. DEFazio, Mr. HINCHEY, Mr. DELAHUNT, Mr. DOYLE, Mr. UDALL of Colorado, Mr. VISCLOSKEY, Mr. MCGOVERN, Mr. PALLONE, Ms. LEE, Ms. MATSUI, Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 434: Mr. HOLDEN.

93.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2567: Mr. GENE GREEN of Texas.

WEDNESDAY, SEPTEMBER 14, 2005 (94)

94.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. FOLEY, who laid before the House the following communication:

WASHINGTON, DC,
September 14, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

94.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FOLEY, announced he had examined and approved the Journal of the proceedings of Tuesday, September 13, 2005.

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

94.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3868. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, "To amend the Cooperative Forestry Assistance Act to authorize the Secretary of Agriculture to provide certain financial assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau"; to the Committee on Agriculture.

3869. A letter from the Secretary, Federal Trade Commission, transmitting the Twen-

ty-Seventh Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

3870. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-226, "Sense of the Council in Favor of Fair Compensation Resolution of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3871. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the third quarter of FY 2005 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

3872. A letter from the Acting Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3873. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2004, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3874. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgement Funds Act, 25 U.S.C. 1401et seq., for the use and distribution of the settlement funds to the Confederated Tribes of the Warm Springs Reservation (Tribe); to the Committee on Resources.

3875. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan [Docket No. 050510127-5190-02; I.D. 050305D] (RIN: 0648-AS35) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3876. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 2004 report to Congress on the "The Status of U.S. Fisheries"; to the Committee on Resources.

3877. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 08045C] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3878. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205G] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3879. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Adjustment

of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205F] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3880. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 071505C] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.072205E] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D.071505B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3883. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3884. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-225, "Sense of the Council in Favor of the Renewal of the Voting Rights Act of 1965 Resolution of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the Judiciary.

3885. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a recommendation of the Army Corps of Engineer's plan to deepening and widening of a section Jackson Harbor, Florida; to the Committee on Transportation and Infrastructure.

3886. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-093] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-095] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Tampa 05-027] (RIN: 1625-A00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois

River Mile Marker 50.0 to Mile Marker 187.0, IL [COTP St. Louis-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, TX [COTP Port Arthur-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal; Port Arthur, TX [COTP Port Arthur-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Las Mareas Bay, Guayama, Puerto Rico [COTP San Juan 05-046] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the De-

partment's final rule — Safety Zone; Red River, 500 feet North and South of Mile Marker 103.2, in the vicinity of the Jackson Street Bridge, Pineville, LA [COTP New Orleans-05-026] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jefferson Parish, 4 Nautical Miles West of Barataria Pass, extending from the North Shore of Hackberry Bay to the South Shore of West Champagne Bay, in the vicinity of Mendicant Island, LA [COTP New Orleans-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis Bay, Bay St. Louis, MS [COTP New Orleans-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 124.0 to 125.0, Clarksville, TN [COTP Ohio Valley-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2004, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

3904. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Council Bluffs, IA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3905. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 071205A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2004: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3907. A letter from the Deputy Associate Administrator for Congressional Relations, Environmental Protection Agency, transmitting two proposed bills to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3908. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108-188, sec-

tion 104(e)(8); jointly to the Committees on Resources and International Relations.

¶94.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1613. An Act to amend that Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

¶94.5 LIVESTOCK MANDATORY REPORTING

Mr. GOODLATTE moved to suspend the rules and pass the bill (H.R. 3408) to authorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; as amended.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. GOODLATTE and Mr. PETERSON of Minnesota, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.6 NATIONAL DAY OF PRAYER FOR KATRINA VICTIMS

Ms. Ginny BROWN-WAITE of Florida moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 240):

Whereas on August 25, 2005, Hurricane Katrina made landfall on the southeast tip of Florida as a Category 1 hurricane;

Whereas Hurricane Katrina moved into the Gulf of Mexico, rapidly intensifying to a Category 5 hurricane and, on August 29, 2005, made landfall on the Gulf coast as a Category 4 hurricane with 140 mile-per-hour winds, devastating communities and towns in Alabama, Mississippi, and Louisiana;

Whereas the levees protecting the city of New Orleans, Louisiana from Lake Pontchartrain failed, causing heavy flooding in the city and inflicting incredible human and material damage;

Whereas Hurricane Katrina caused the evacuation of the city of New Orleans, marking the first time a major American city has been completely evacuated;

Whereas the number of individuals killed by Hurricane Katrina is estimated to be in the hundreds;

Whereas the damage to human life and the fabric of families torn apart by Hurricane Katrina is inestimable;

Whereas Hurricane Katrina has inflicted enormous damage to homes and businesses along the Gulf Coast, with damage estimates in the hundreds of billions of dollars;

Whereas Hurricane Katrina left an estimated five million people without power,

and it may be months before all power is restored;

Whereas the States of Alabama, Mississippi, Louisiana, and Florida have received federal disaster declarations;

Whereas Hurricane Katrina ranks among the worst natural disasters in our Nation's history;

Whereas years of intense effort will be required to recover from the devastation caused by Hurricane Katrina and to rebuild the Gulf Coast;

Whereas the American people have an inherent spirit of willpower and strong resilience;

Whereas the American people have opened their hearts and their homes to the victims of Hurricane Katrina, sheltering its victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort;

Whereas Louisiana Governor Kathleen Blanco declared August 31, 2005, to be a day of prayer in the State of Louisiana, and asked that all Louisianans take time that day to pray for the victims of Hurricane Katrina and their rescuers; and

Whereas President George W. Bush has proclaimed September 16, 2005, to be a National Day of Prayer and Remembrance for the Victims of Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encourages all Americans to observe that day.

The SPEAKER pro tempore, Mr. FOLEY, recognized Ms. Ginny BROWN-WAITE of Florida and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶94.7 PROVIDING FOR THE CONSIDERATION OF H.R. 3132

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 436):

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be

considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶94.8 ROSA PARKS 50TH ANNIVERSARY

Mr. SENSENBRENNER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 208):

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas December 1, 1955, is the date of Rosa Louise Parks' refusal to give up her bus seat to a white man and her subsequent arrest;

Whereas Rosa Louise Parks was born on February 4, 1913, as Rosa Louise McCauley to James and Leona McCauley in Tuskegee, Alabama;

Whereas Rosa Louise Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College's High School;

Whereas on December 18, 1932, Rosa Louise McCauley married Raymond Parks and the two settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama, branch of the National Association for the Advancement of Colored People (NAACP), where Raymond served as an active member and Rosa served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Louise Parks was arrested for refusing to give up her seat in the "colored" section of the bus to a white man on the orders of the bus driver because the "white" section was full;

Whereas the arrest of Rosa Louise Parks led African Americans and others to boycott

the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas the fearless acts of civil disobedience displayed by Rosa Louise Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas, in the years following the Montgomery bus boycott, Rosa Louise Parks moved to Detroit, Michigan, in 1957, and continued her civil rights work through efforts that included working in the office of Congressman John Conyers, Jr., from 1965 until 1988, and starting the Rosa and Raymond Parks Institute for Self Development, a non-profit 501(c)(3) that motivates youth to reach their highest potential, in 1987;

Whereas Rosa Louise Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999; and

Whereas in 2005, the year marking the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Louise Parks as she confronted injustice and inequality: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and celebrates the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society;

(2) encourages the people of the United States to recognize and celebrate this anniversary and the subsequent legal victories that sought to eradicate segregation in all of American society; and

(3) endeavors to work with the same courage, dignity, and determination exemplified by civil rights pioneer, Rosa Louise Parks, to address modern-day inequalities and injustice.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. SENSENBRENNER and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

94.9 PROTECTING HURRICANE KATRINA VOLUNTEERS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3736) to protect volunteers assisting the victims of Hurricane Katrina.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. SENSENBRENNER and Mr. CONYERS, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

94.10 CHILDREN'S SAFETY

The SPEAKER pro tempore, Mr. FOLEY, pursuant to House Resolution 436 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes.

The SPEAKER pro tempore, Mr. FOLEY, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

94.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in the CONGRESSIONAL RECORD, submitted by Mr. ING-LIS of South Carolina:

Page 27, line 7, strike "not less than 5 years nor".

Page 27, lines 17 through 18, strike "not less than 5 years nor".

It was decided in the { Yeas 106 negative } Nays 316

94.12 [Roll No. 468]

AYES—106

Table listing names of members who voted 'AYES' for the amendment, including Abercrombie, Ackerman, Baird, Baldwin, Becerra, Berman, Bishop (GA), Boucher, Brown (OH), Brown, Corrine, Butterfield, Capuano, Carson, Case, Clay, Cleaver, Conyers, Crowley, Cummings, Davis (IL), Deal (GA), DeGette, Delahunt, Dingell, Jones (OH), Ehlers, Engel, Evans, Farr, Filner, Frank (MA), Green, Al, Grijalva, Gutierrez, Hastings (FL), Hinchey, Holt, Honda, Hoyer, Ingllis (SC), Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kaptur, Kildee, Kilpatrick (MI), Kucinich, Lantos, Larsen (WA), LaTourette, Lee, Levin, Lewis (GA), Lungren, Daniel E., Maloney, Markey, Matsui, McDermott, McGovern, McKinney, Cramer, Crenshaw, Cubin, Cuellar, Culberson, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, DeFazio, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Doggett, Price (NC), Raball, Rangel, Roybal-Allard, Rush, Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schwarz (MI), Scott (VA), Serrano, Sherman, Smith (WA), Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Emanuel, Emerson, English (PA), Eshoo, Etheridge, Everett, Fattah, Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gillmor, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Gene, Gutknecht, Hall, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Hobson, Holden, Hooley, Hostettler, Hulshof, Hunter, Hyde, Insllee, Israel, Iсса, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, Sam, Jones (NC), Kanjorski, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kind, King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kuhl (NY), LaHood, Langevin, Larson (CT), Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Mack, Manzullo, Marchant, Marshall, Matheson, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Menendez, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Moore (KS), Moran (KS), Murphy, Murtha, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pallone, Pascrell, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Ruppersberger, Ryan (OH), Ryan (WI), Ryun (KS), Salazar, Sanchez, Loretta, Saxton, Schiff, Schmidt, Schwartz (PA), Scott (GA), Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Sodrel, Souder, Spratt, Stearns, Strickland, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Turner, Udall (CO), Upton, Van Hollen, Visclosky, Walden (OR), Wamp, Weldon (FL), Weldon (PA), Weller, Westmoreland, Wexler, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Wu, Young (AK), Young (FL), Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

Table listing names of members who voted 'NOES' for the amendment, including Meehan, Meeks (NY), Millender-McDonald, Miller, George, Mollohan, Moore (WI), Moran (VA), Nadler, Napolitano, Neal (MA), Oberstar, Oliver, Owens, Pastor, Paul, Pelosi, Price (NC), Raball, Rangel, Roybal-Allard, Rush, Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schwarz (MI), Scott (VA), Serrano, Sherman, Smith (WA), Snyder, Solis, Stark, Stupak, Tierney, Towns, Udall (NM), Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Woolsey, Wynn, Kolbe, Kuhl (NY), LaHood, Langevin, Larson (CT), Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Mack, Manzullo, Marchant, Marshall, Matheson, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Menendez, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Moore (KS), Moran (KS), Murphy, Murtha, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pallone, Pascrell, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

NOES—316

Table listing names of members who voted 'NOES' for the amendment, including Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baker, Barrett (SC), Barrow, Bartlett (MD), Bass, Bean, Berkley, Berry, Biggert, Bilirakis, Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boswell, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capps, Cardin, Cardoza, Carnahan, Carter, Castle, Chabot, Chandler, Choccola, Coble, Cole (OK), Conaway, Cooper, Costa, Costello, Cramer, Crenshaw, Cubin, Cuellar, Culberson, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, DeFazio, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Doggett, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Emanuel, Emerson, English (PA), Eshoo, Etheridge, Everett, Fattah, Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gillmor, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Gene, Gutknecht, Hall, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Hobson, Holden, Hooley, Hostettler, Hulshof, Hunter, Hyde, Insllee, Israel, Iсса, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, Sam, Jones (NC), Kanjorski, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kind, King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kuhl (NY), LaHood, Langevin, Larson (CT), Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Mack, Manzullo, Marchant, Marshall, Matheson, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Menendez, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Moore (KS), Moran (KS), Murphy, Murtha, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pallone, Pascrell, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

Table listing names of members who voted 'NOES' for the amendment, including Meehan, Meeks (NY), Millender-McDonald, Miller, George, Mollohan, Moore (WI), Moran (VA), Nadler, Napolitano, Neal (MA), Oberstar, Oliver, Owens, Pastor, Paul, Pelosi, Price (NC), Raball, Rangel, Roybal-Allard, Rush, Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schwarz (MI), Scott (VA), Serrano, Sherman, Smith (WA), Snyder, Solis, Stark, Stupak, Tierney, Towns, Udall (NM), Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Woolsey, Wynn, Kolbe, Kuhl (NY), LaHood, Langevin, Larson (CT), Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Mack, Manzullo, Marchant, Marshall, Matheson, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Menendez, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Moore (KS), Moran (KS), Murphy, Murtha, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pallone, Pascrell, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

Table listing names of members who voted 'NOES' for the amendment, including Meehan, Meeks (NY), Millender-McDonald, Miller, George, Mollohan, Moore (WI), Moran (VA), Nadler, Napolitano, Neal (MA), Oberstar, Oliver, Owens, Pastor, Paul, Pelosi, Price (NC), Raball, Rangel, Roybal-Allard, Rush, Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schwarz (MI), Scott (VA), Serrano, Sherman, Smith (WA), Snyder, Solis, Stark, Stupak, Tierney, Towns, Udall (NM), Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Woolsey, Wynn, Kolbe, Kuhl (NY), LaHood, Langevin, Larson (CT), Latham, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Mack, Manzullo, Marchant, Marshall, Matheson, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Menendez, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Moore (KS), Moran (KS), Murphy, Murtha, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pallone, Pascrell, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

NOT VOTING—11

Table listing names of members who did not vote, including Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

So the amendment was not agreed to.

94.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 25, printed in the CONGRESSIONAL RECORD, submitted by Mr. CONYERS:

At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings: (1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the

concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of

any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title;

"(2) the term 'firearm' has the meaning given the term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts."

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,"

SEC. 609. SEVERABILITY.

If any provision of this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

It was decided in the { Yeas 223 affirmative } Nays 199

¶94.14

[Roll No. 469]

AYES—223

Table listing names of representatives: Abercrombie, Ackerman, Allen, Andrews, Baca, Baird, Baldwin, Barrow, Bass, Bean, Becerra, Berkeley, Berman, Biggert, Bishop (GA), Bishop (NY), Blumenauer, Boehlert, Bono, Boswell, Boucher, Boyd, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doyle, Edwards, Emanuel, Green, Al, Green, Gene, Grijalva, Gutierrez, Hastings (FL), Herseth, Higgins, Hinchey, Hinojosa, Holden, Holt, Honda, Hooley, Hoyer, Inslee, Israel, Jackson (IL),...

Table listing names of representatives: Jackson-Lee (TX), Jefferson, Johnson (CT), Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kelly, Kennedy (RI), Kildee, Kilpatrick (MI), Kind, Kirk, Kolbe, Kucinich, LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Leach, Lee, Levin, Lewis (GA), Lipinski, LofBiondo, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McCotter, McDermott, McGovern, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Michaud, Millender-McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pastor, Pelosi, Peterson (MN), Platts, Pomeroy, Price (NC), Rahall, Rangel, Reichert, Reyes, Ros-Lehtinen, Ross, Rothman, Roybal-Allard, Ruppersberger, Rush, Ryan (OH), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, English (PA), Everett, Feeney, Ferguson, Flake, Forbes, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gibbons, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Green (WI), Gutknecht, Hall, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Hobson, Hostettler, Hulshof, Hunter, Hyde, Inglis (SC), Issa, Istook, Jenkins, Jindal, Johnson (IL), Johnson, Sam, Jones (NC), Keller, Kennedy (MN), King (IA), King (NY), Kingston, Kline, Knollenberg, Kuhl (NY), Latham, LaTourette, Lewis (CA), Lewis (KY), Linder, Lucas, Lungren, Daniel E., Mack, Manzullo, Marchant, McCaul (TX), McCrery, McHenry, McHugh, McKeon, McMorris, Mica, Miller (FL), Miller (MI), Miller, Gary, Moran (KS), Murphy, Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Osborne, Otter, Oxley, Paul, Pearce, Pence, Peterson (PA), Petri, Pickering, Pitts, Poe, Pombo, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Renzi, Reynolds,...

Table listing names of representatives: Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ryan (WI), Ryun (KS), Schmidt, Sensenbrenner, Sessions, Shadegg, Shaw, Sherwood, Shuster, Simpson, Smith (NJ), Smith (TX), Sodrel, Souder, Stearns, Sullivan, Sweeney, Tancredo, Tanner, Taylor (MS), Taylor (NC), Terry, Thomas, Thornberry, Tiahrt, Tiberi, Turner, Upton, Wamp, Weldon (FL), Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Young (AK), Young (FL),...

NOT VOTING—11

Table listing names of representatives: Barton (TX), Beauprez, Clyburn, Gilchrist, Harman, Hoekstra, Melancon, Payne, Royce, Walsh, Weiner

So the amendment was agreed to. After some further time, The SPEAKER pro tempore, Mr. GUTKNECHT, assumed the Chair. When Mr. SWEENEY, Acting Chairman, pursuant to House Resolution 436, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Safety Act of 2005".

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

Table listing sections and titles: Sec. 1. Short title; table of contents. TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT Sec. 101. Short title. Sec. 102. Declaration of purpose. Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators. Sec. 112. Registry requirements for jurisdictions. Sec. 113. Registry requirements for sex offenders. Sec. 114. Information required in registration. Sec. 115. Duration of registration requirement. Sec. 116. In person verification. Sec. 117. Duty to notify sex offenders of registration requirements and to register. Sec. 118. Jessica Lunsford Address Verification Program. Sec. 119. National Sex Offender Registry. Sec. 120. Dru Sjodin National Sex Offender Public Website. Sec. 121. Public access to sex offender information through the Internet. Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program. Sec. 123. Actions to be taken when sex offender fails to comply. Sec. 124. Immunity for good faith conduct. Sec. 125. Development and availability of registry management software. Sec. 126. Federal duty when State programs not minimally sufficient. Sec. 127. Period for implementation by jurisdictions. Sec. 128. Failure to comply. Sec. 129. Sex Offender Management Assistance (SOMA) Program.

- Sec. 130. Demonstration project for use of electronic monitoring devices.
- Sec. 131. Bonus payments to States that implement electronic monitoring.
- Sec. 132. National Center for Missing and Exploited Children access to Interstate Identification Index.
- Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.
- Sec. 134. Treatment and management of sex offenders in the Bureau of Prisons.
- Sec. 135. Assistance in identification and location of sex offenders relocated as a result of Hurricane Katrina.
- Sec. 136. GAO studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
- Subtitle B—Criminal law enforcement of registration requirements
- Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.
- Sec. 152. Investigation by United States Marshals of sex offender violations of registration requirements.
- Sec. 153. Sex offender apprehension grants.
- Sec. 154. Use of any controlled substance to facilitate sex offense.
- Sec. 155. Repeal of predecessor sex offender program.
- Sec. 156. Assistance for prosecutions of cases cleared through use of DNA backlog clearance funds.
- Sec. 157. Authorization of additional appropriations.
- Sec. 158. Grants to combat sexual abuse of children.
- Sec. 159. Expansion of training and technology efforts.
- Subtitle C—Children's Safety Office
- Sec. 161. Establishment.
- Sec. 162. Purpose.
- Sec. 163. Director.
- Sec. 164. Annual report.
- Sec. 165. Staff.
- Sec. 166. Authorization of appropriations.
- Sec. 167. Nonmonetary assistance.
- TITLE II—DNA FINGERPRINTING
- Sec. 201. Short title.
- Sec. 202. Expanding use of DNA to identify and prosecute sex offenders.
- Sec. 203. Stopping Violent Predators Against Children.
- Sec. 204. Model code on investigating missing persons and deaths.
- TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005
- Sec. 301. Short title.
- Sec. 302. Assured punishment for violent crimes against children.
- Sec. 303. Ensuring fair and expeditious Federal collateral review of convictions for killing a child.
- Sec. 304. Statistics.
- Sec. 305. Study of interstate tracking of persons convicted of or under investigation for child abuse.
- Sec. 306. Access to Federal crime information databases by educational agencies for certain purposes.
- TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005
- Sec. 401. Short title.
- Sec. 402. Increased penalties for sexual offenses against children.
- Sec. 403. Sense of Congress with respect to prosecutions under section 2422(b) of title 18, United States Code.

- TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE
- Sec. 501. Short title.
- Sec. 502. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and state child abuse registries; suspension and subsequent elimination of opt-Out.
- Sec. 503. Access to Federal crime information databases by child welfare agencies for certain purposes.
- Sec. 504. Penalties for coercion and enticement by sex offenders.
- Sec. 505. Penalties for conduct relating to child prostitution.
- Sec. 506. Penalties for sexual abuse.
- Sec. 507. Sex offender submission to search as condition of release.
- Sec. 508. Kidnapping penalties and jurisdiction.
- Sec. 509. Marital communication and adverse spousal privilege.
- Sec. 510. Abuse and neglect of Indian children.
- Sec. 511. Civil commitment.
- Sec. 512. Mandatory penalties for sex-trafficking of children.
- Sec. 513. Sexual abuse of wards.
- TITLE VI—MISCELLANEOUS PROVISION
- Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.
- TITLE VII—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT
- Sec. 701. National register of cases of child abuse or neglect.
- TITLE VIII—CHILD PORNOGRAPHY PREVENTION ACT OF 2005
- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Strengthening section 2257 to ensure that children are not exploited in the production of pornography.
- Sec. 804. Prevention of distribution of child pornography used as evidence in prosecutions.
- Sec. 805. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
- Sec. 806. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
- TITLE IX—PERSONAL DATA OF CHILDREN
- Sec. 901. Misappropriation of data.
- TITLE X—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION
- Sec. 1001. Short title.
- Sec. 1002. Findings.
- Sec. 1003. Definition of hate crime.
- Sec. 1004. Support for criminal investigations and prosecutions by State and local law enforcement officials.
- Sec. 1005. Grant program.
- Sec. 1006. Authorization for additional personnel to assist State and local law enforcement.
- Sec. 1007. Prohibition of certain hate crime Acts.
- Sec. 1008. Statistics.
- Sec. 1009. Severability.
- TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT
- SEC. 101. SHORT TITLE.
- This title may be cited as the "Sex Offender Registration and Notification Act".
- SEC. 102. DECLARATION OF PURPOSE.
- In response to the vicious attacks by violent sexual predators against the victims

- listed below, Congress in this Act establishes a comprehensive national system for the registration of sex offenders:
- (1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.
- (2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.
- (3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.
- (4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.
- (5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.
- (6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.
- (7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.
- (8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.
- (9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.
- (10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.
- (11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.
- Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program**
- SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.**
- In this title the following definitions apply:
- (1) **SEX OFFENDER REGISTRY.**—The term "sex offender registry" means a registry of sex offenders, and a notification program, maintained by a jurisdiction.
- (2) **JURISDICTION.**—The term jurisdiction means any of the following:
 - (A) A State.
 - (B) The District of Columbia.
 - (C) The Commonwealth of Puerto Rico.
 - (D) Guam.
 - (E) American Samoa.
 - (F) The Northern Mariana Islands.
 - (G) The United States Virgin Islands.
 - (H) To the extent provided and subject to the requirements of section 126, a federally recognized Indian tribe.
- (3) **AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION.**—The term "sex offender" means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is—
 - (A) a specified offense against a minor;
 - (B) a serious sex offense; or
 - (C) a misdemeanor sex offense against a minor.
- (4) **EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS.**—The term

“specified offense against a minor” means an offense against a minor that involves any of the following:

- (A) Kidnapping (unless committed by a parent).
- (B) False imprisonment (unless committed by a parent).
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Possession, production, or distribution of child pornography.
- (G) Criminal sexual conduct towards a minor.
- (H) Any conduct that by its nature is a sexual offense against a minor.

(I) Any other offense designated by the Attorney General for inclusion in this definition.

(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) **SEX OFFENSE.**—The term “sex offense” means a criminal offense that has an element involving a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

(6) **SERIOUS SEX OFFENSE.**—The term “serious sex offense” means—

(A) a sex offense punishable under the law of a jurisdiction by imprisonment for more than one year;

(B) any Federal offense under chapter 109A, 110, 117, or section 1591 of title 18, United States Code;

(C) an offense in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note);

(D) any other offense designated by the Attorney General for inclusion in this definition.

(7) **MISDEMEANOR SEX OFFENSE AGAINST A MINOR.**—The term “misdemeanor sex offense against a minor” means a sex offense against a minor punishable by imprisonment for not more than one year.

(8) **STUDENT.**—The term “student” means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(9) **EMPLOYEE.**—The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(10) **RESIDES.**—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual lives.

(11) **MINOR.**—The term “minor” means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) **IN GENERAL.**—A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) **INITIAL REGISTRATION.**—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) **KEEPING THE REGISTRATION CURRENT.**—A sex offender must inform each jurisdiction

involved, not later than 5 days after each change of residence, employment, or student status.

(d) **RETROACTIVE DUTY TO REGISTER.**—The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act or its effective date in a particular jurisdiction.

(e) **STATE PENALTY FOR FAILURE TO COMPLY.**—Each jurisdiction, other than a Federally recognized Indian tribe shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) **PROVIDED BY THE OFFENDER.**—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address and location of the residence at which the sex offender resides or will reside.

(4) The place where the sex offender is employed or will be employed.

(5) The place where the sex offender is a student or will be a student.

(6) The license plate number and description of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) Any other information required by the Attorney General.

(b) **PROVIDED BY THE JURISDICTION.**—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current—

(1) for the life of the sex offender, if the offense is a specified offense against a minor, a serious sex offense, or a second misdemeanor sex offense against a minor; and

(2) for a period of 20 years (but such 20-year period shall not include any time the offender is in custody or civilly committed), in any other case.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person and verify the information in each registry in which that offender is required to be registered not less frequently than once every six months.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) **ESTABLISHMENT.**—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the “Program”).

(b) **VERIFICATION.**—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than monthly or, in the case of a sex offender required to register because of a misdemeanor sex offense against a minor, not less than quarterly.

(c) **USE OF MAILED FORM AUTHORIZED.**—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The date of the mailing may be selected at random. The sex offender must return the form, including a notarized signature, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction’s sex offender registry. The database shall be known as the National Sex Offender Registry.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) **ESTABLISHMENT.**—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the “Website”).

(b) **INFORMATION TO BE PROVIDED.**—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

(c) **ELECTRONIC FORWARDING.**—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attorney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) **IN GENERAL.**—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender’s Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) **EXCEPTION.**—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program

(hereinafter in this section referred to as the "Program").

(b) NOTIFICATION.—In the Program, as soon as possible, and in any case not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State and local law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such State and local law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the "SOMA program") under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. Such payment shall be made under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

(h) REPORTS.—The Attorney General shall submit to Congress an annual report on the demonstration project. Each such report shall describe the activities carried out by each participant, assess the effectiveness of those activities, and contain any other information or recommendations that the Attorney General considers appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A State that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a State sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) STATE REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN STATE.—In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the State frequently monitors each person residing in the State for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial

State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(d) DEFINITION.—In this section, the term “State sex offense” means any criminal offense that is one of the following:

- (1) A specified offense against a minor.
- (2) A serious sex offense.

SEC. 132. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure that the National Center for Missing and Exploited Children has access to the Interstate Identification Index, to be used by the Center only within the scope of its duties and responsibilities under Federal law. The access provided under this section shall be authorized only to personnel of the Center that have met all the requirements for access, including training, certification, and background screening.

(b) IMMUNITY.—Personnel of the Center shall not be civilly or criminally liable for any use or misuse of information in the Interstate Identification Index if in good faith.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

“(g) LIMITATION ON LIABILITY.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

“(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

“(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.”

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) SEX OFFENDER MANAGEMENT.—

“(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

“(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex

offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”

SEC. 135. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

SEC. 136. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

“CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

“Sec.

“2250. Failure to register.

“§ 2250. Failure to register

“Whoever is required to register under the Sex Offender Registration and Notification Act and—

“(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

“(2) thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title and imprisoned not less than 5 years nor more than 20 years.”

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

“109B. Sex offender and crimes against children registry 2250”.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: “If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not less than 5 years nor more than 20 years.”

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

“(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and”

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with “The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)”, by striking “described in section 4042(c)(4)” and all that follows through the end of the sentence and inserting “required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.”

(2) in subsection (k)—

(A) by striking “2244(a)(1), 2244(a)(2)” and inserting “2243, 2244, 2245, 2250”;

(B) by inserting “not less than 5,” after “any term of years”; and

(C) by adding at the end the following: “If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.”

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

“(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.”

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code,

are each amended by striking “(4)” and inserting “(3)”.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

SEC. 152. INVESTIGATION BY UNITED STATES MARSHALS OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, to assist States and other jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

“PART JJ—SEX OFFENDER APPREHENSION GRANTS

“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

“(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

“SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.”.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

“§ 2249. Use of any controlled substance to facilitate sex offense

“(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not less than 10, or for life.

“(b) As used in this section, the term ‘sex offense’ means an offense under this chapter other than an offense under this section.”.

(b) AMENDMENT TO TABLE.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

“2249. Use of any controlled substance to facilitate sex offense.”.

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

SEC. 156. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help investigate and prosecute

cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 158. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 159. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agen-

cies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

Subtitle C—Children’s Safety Office

SEC. 161. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children’s Safety Office.

SEC. 162. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction.

SEC. 163. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

(1) proven academic, management, and leadership credentials;

(2) a superior record of achievement; and

(3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children’s safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children’s safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children’s safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 164. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 165. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 166. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 167. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

TITLE II—DNA FINGERPRINTING

SEC. 201. SHORT TITLE.

This title may be cited as the “DNA Fingerprinting Act of 2005”.

SEC. 202. EXPANDING USE OF DNA TO IDENTIFY AND PROSECUTE SEX OFFENDERS.

(a) **EXPANSION OF NATIONAL DNA INDEX SYSTEM.**—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking “, provided” and all that follows through “System”; and

(2) by striking subsections (d) and (e).

(b) **DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.**—

(1) **IN GENERAL.**—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “The Director” and inserting the following:

“(A) The Attorney General may, as provided by the Attorney General by regulation, collect DNA samples from individuals who are arrested, detained, or convicted under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

“(B) The Director”; and

(ii) in paragraphs (3) and (4), by striking “Director of the Bureau of Prisons” each place it appears and inserting “Attorney General, the Director of the Bureau of Prisons,”; and

(B) in subsection (b), by striking “Director of the Bureau of Prisons” and inserting “Attorney General, the Director of the Bureau of Prisons.”.

(2) **CONFORMING AMENDMENT.**—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting “and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)” after “period of release”.

(c) **TOLLING OF STATUTE OF LIMITATIONS IN SEXUAL ABUSE CASES.**—Section 3297 of title 18, United States Code, is amended by striking “except for a felony offense under chapter 109A.”.

SEC. 203. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 204. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) **MODEL CODE REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish a model code setting forth procedures to be followed by law enforcement officers when investigating a missing person or a death. The procedures shall include the use of DNA analysis to help locate missing persons and to help identify human remains.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General publishes the model code, enact laws implementing the model code.

(c) **GAO STUDY.**—Not later than 2 years after the date on which the Attorney General publishes the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

TITLE III—PREVENTION AND DETERRANCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the “Prevention and Deterrence of Crimes Against Children Act of 2005”.

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) **SPECIAL SENTENCING RULE.**—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

“(d) **MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.**—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

“(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, or results in serious bodily injury (as defined in section 2119(2)) be imprisoned for life or any term of years not less than 30;

“(3) if the crime of violence results in bodily injury (as defined in section 1365) or is an offense under paragraphs (1), (2), or (5) of sec-

tion 2244(a), be imprisoned for life or for any term of years not less than 20;

“(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 15; and

“(5) in any other case, be imprisoned for life or for any term of years not less than 10.”.

SEC. 303. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) **LIMITS ON CASES.**—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

“(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of an individual who has not attained the age of 18 years.

“(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

“(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

“(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

“(C) Any evidentiary hearing shall be—

“(i) convened not less than 60 days after the order granting such hearing; and

“(ii) completed not more than 150 days after the order granting such hearing.

“(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

“(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

“(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

“(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

“(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

“(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

“(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

“(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

“(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

“(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

“(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

“(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

“(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

“(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(k) SENTENCING CLAIMS.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.”.

(b) VICTIMS’ RIGHTS IN HABEAS CASES.—Section 3771(b) of title 18, United States Code, is amended by adding at the end the following: “The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising

out of a State conviction to victims of the State offense at issue.”.

(c) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendment made by this section apply to cases pending on the date of the enactment of this Act as well as to cases commenced on and after that date.

(2) SPECIAL RULE FOR TIME LIMITS.—In a case pending on the date of the enactment of this Act, if the amendment made by subsection (a) provides that a time limit runs from an event or time that has occurred before that date, the time limit shall instead run from that date.

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” before “or ethnicity”.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by and directed against juveniles” after “data acquired under this section”.

SEC. 305. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

SEC. 306. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) DEFINITION.—In this section, the terms “local educational agency” and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005
SEC. 401. SHORT TITLE.

This title may be cited as the “Protection Against Sexual Exploitation of Children Act of 2005”.

SEC. 402. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking “, imprisoned for any term of years or life, or both,” and inserting “and imprisoned for not less than 30 years or for life”.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “subsection (a) or (b) of” before “section 2241”;

(ii) by striking “or” at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting “; or”; and

(iv) by inserting after paragraph (4) the following:

“(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years.”; and

(B) in subsection (c), by inserting “(other than subsection (a)(5))” after “violates this section”.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting “, chapter 110, chapter 117, or section 1591” after “this chapter”;

(B) by striking “A person” and inserting “(a) IN GENERAL.—A person”; and

(C) by adding at the end the following:

“(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.”.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting “section 2245 (sexual abuse resulting in death),” after “(wrecking trains),”.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking “15 years nor more than 30 years” and inserting “25 years or for life”;

(B) by inserting “section 1591,” after “this chapter,” the first place it appears;

(C) by striking “the sexual exploitation of children” the first place it appears and inserting “aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”;

(D) by striking “not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life.” and inserting “life.”; and

(E) by striking “any term of years or for life” and inserting “not less than 30 years or for life”.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “paragraphs (1)” and inserting “paragraph (1)”;

(ii) by inserting "section 1591," after "this chapter,";

(iii) by inserting ", or sex trafficking of children" after "pornography";

(iv) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(v) by striking "not less than 15 years nor more than 40 years." and inserting "life."; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years" and inserting "and imprisoned for not less than 10 nor more than 30 years";

(ii) by striking ", or both"; and

(iii) by striking "10 years nor more than 20 years." and inserting "30 years or for life.".

(3) **ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.**—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting "section 1591," after "this chapter,";

(ii) by inserting ", or sex trafficking of children" after "pornography";

(iii) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(iv) by striking "not less than 15 years nor more than 40 years" and inserting "life"; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years, or both" and inserting "and imprisoned for not less than 10 nor more than 30 years"; and

(ii) by striking "10 years nor more than 20 years" and inserting "30 years or for life".

(4) **USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.**—Section 2252B(b) of title 18, United States Code, is amended by striking "or imprisoned not more than 4 years, or both" and inserting "and imprisoned not less than 10 nor more than 30 years".

(5) **PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.**—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) shall be fined under this title and imprisoned for any term or years not less than 25 or for life; and

"(2) if the person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), shall be fined under this title and imprisoned for life."

(c) **MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.**—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or 2423(a)" and inserting "2423(a)"; and

(2) by inserting ", 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)" after "minors)".

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) **FINDINGS.**—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that be-

cause he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in *United States v. Jeffrey Meek*, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that "an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).";

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, "Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children".

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in *United States v. Helder, Jr.* and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in *United States v. Helder, Jr.* should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Foster Child Protection and Child Sexual Predator Sentencing Act of 2005".

SEC. 502. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) **REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.**—

(1) **REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.**—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting ", including checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code)," after "criminal records checks"; and

(II) by striking "on whose behalf foster care maintenance payments or adoption assistance payments are to be made" and inserting "regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child"; and

(ii) in each of clauses (i) and (ii), by inserting "involving a child on whose behalf such

payments are to be so made" after "in any case"; and

(B) by adding at the end the following:

"(C) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

"(ii) comply with any request described in clause (i) that is received from another State; and

"(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases";.

(2) **SUSPENSION OF OPT-OUT.**—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting ", on or before September 30, 2005," after "plan if"; and

(B) by inserting ", on or before such date," after "or if".

(b) **ELIMINATION OF OPT-OUT.**—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "unless an election provided for in subparagraph (B) is made with respect to the State,"; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) **ELIMINATION OF OPT-OUT.**—The amendments made by subsection (b) shall take effect on October 1, 2007, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local child welfare agency for the purpose of conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for the checks.

(b) LIMITATION.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

SEC. 504. PENALTIES FOR COERCION AND ENFORCEMENT BY SEX OFFENDERS.

Section 2422(a) of title 18, United States Code, is amended by striking “or imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 10 years nor more than 30 years”.

SEC. 505. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “5 years and not more than 30 years” and inserting “30 years or for life”;

(2) in subsection (b), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”;

(3) in subsection (c), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”;

(4) in subsection (d), by striking “imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 nor more than 30 years”.

SEC. 506. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “, imprisoned for any term of years or life, or both” and inserting “and imprisoned for any term of years not less than 30 or for life”; and

(2) in subsection (b), by striking “, imprisoned for any term of years or life, or both”

and inserting “and imprisoned for any term of years not less than 25 or for life”.

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking “, imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 15 years nor more than 40 years”.

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “, imprisoned not more than three years, or both” and inserting “and imprisoned not less than 5 years nor more than 30 years”;

(2) in paragraph (3), by striking “, imprisoned not more than two years, or both” and inserting “and imprisoned not less than 4 years nor more than 20 years”; and

(3) in paragraph (4), by striking “, imprisoned not more than six months, or both” and inserting “and imprisoned not less than 2 years nor more than 10 years”.

SEC. 507. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; and”; and

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

“(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: “The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”.

SEC. 508. KIDNAPPING PENALTIES AND JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “if the person was alive when the transportation began” and inserting “, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense”; and

(2) in subsection (b), by striking “to interstate” and inserting “in interstate”.

SEC. 509. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

“§ 1826A. Marital communications and adverse spousal privilege

“The confidential marital communication privilege and the adverse spousal privilege

shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

“(1) a child of either spouse; or

“(2) a child under the custody or control of either spouse.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege.”.

SEC. 510. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting “felony child abuse or neglect,” after “years.”.

SEC. 511. CIVIL COMMITMENT.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting “or to undergo postrelease proceedings” after “trial”; and

(B) by inserting at the end the following:

“4248. Civil commitment of a sexually dangerous person.”;

(2) in section 4241—

(A) in the heading, by inserting “or to undergo postrelease proceedings” after “trial”;

(B) in the first sentence of subsection (a), by inserting “or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,” after “defendant.”;

(C) in subsection (d)—

(i) by striking “trial to proceed” each place it appears and inserting “proceedings to go forward”; and

(ii) by striking “section 4246” and inserting “sections 4246 and 4248”; and

(D) in subsection (e)—

(i) by inserting “or other proceedings” after “trial”; and

(ii) by striking “chapter 207” and inserting “chapters 207 and 227”;

(3) in section 4247—

(A) by striking “, or 4246” each place it appears and inserting “, 4246, or 4248”;

(B) in subsections (g) and (i), by striking “4243 or 4246” each place it appears and inserting “4243, 4246, or 4248”;

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

“(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and”;

(ii) in paragraph (2), by striking “and” at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

“(4) ‘bodily injury’ includes sexual abuse;

“(5) ‘sexually dangerous person’ means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

“(6) ‘sexually dangerous to others’ means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”;

(D) in subsection (b), by striking “4245 or 4246” and inserting “4245, 4246, or 4248”; and

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

“(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;” and

(4) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person

“(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

“(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

“(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

“(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

“(1) such a State will assume such responsibility; or

“(2) the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment; whichever is earlier. The Attorney General shall make all reasonable efforts to have a State to assume such responsibility for the person’s custody, care, and treatment.

“(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person’s counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the

provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person’s condition is such that—

“(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

“(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

“(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

“(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

“(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

“(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against him all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.”

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) DEFINITIONS.—As used in this section:

(1) The term “civil commitment program” means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 111.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 513. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”; and

(B) by inserting “not less than 20” after “any term of years”; and

(C) by striking “, or both”; and

(2) in paragraph (2)—

(A) by striking “or imprisonment for not” and inserting “and imprisonment for not less than 10 years nor”; and

(B) by striking “, or both”.

SEC. 514. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking “one year” and inserting “five years”; and

(2) in section 2244(b), by striking “six months” and inserting “two years”; and

(3) by inserting after “Federal prison,” each place it appears, other than the second sentence of section 2241(c), the following: “or being in the custody of the Attorney General or the Bureau of Prisons or confined in any institution or facility by direction of the Attorney General or the Bureau of Prisons.”

SEC. 515. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 3298. Child abduction and sex offenses

“Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

“3298. Child abduction and sex offenses.”

SEC. 516. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking “Class B misdemeanor” and inserting “Class A misdemeanor”.

SEC. 517. SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this Act.

SEC. 518. DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) **IN GENERAL.**—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) **FAILURE TO COMPLY.**—

(1) **IN GENERAL.**—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) **BYRNE.**—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) **LLEBG.**—The Local Government Law Enforcement Block Grants program.

(2) **REALLOCATION.**—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) **DISPOSITION OF FIREARM.**—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”

(b) **POSSESSION OF FIREARM.**—Section 922(g) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has been convicted in any court of a misdemeanor sex offense against a minor.”

(c) **MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.**—Section 921(a) of such title is amended by adding at the end the following:

“(36)(A) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than one year.

“(B) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(C) The term ‘minor’ means an individual who has not attained 18 years of age.”

TITLE VII—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 701. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) **IN GENERAL.**—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) **INFORMATION.**—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) **SCOPE OF INFORMATION.**—

(1) **IN GENERAL.**—

(A) **TREATMENT OF REPORTS.**—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) **EXCEPTION.**—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) **FORM.**—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) **CONSTRUCTION.**—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) **DISSEMINATION.**—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child’s parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

TITLE VIII—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 801. SHORT TITLE.

This title may be cited as the “Child Pornography Prevention Act of 2005”.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 803. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking “actual”;

(2) in subsection (b), by striking “actual”;

(3) in subsection (f)(4)(A), by striking “actual”;

(4) by amending paragraph (1) of subsection (h) to read as follows:

“(1) the term ‘sexually explicit conduct’ has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title.”;

(5) in subsection (h)(4), by striking “actual.”;

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking “and”;

(B) at the end of paragraph (4)(B), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

“(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegate to conduct an inspection under subsection (c).”.

(7) in subsection (h)(3), by striking “to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted” and inserting “actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct”;

(8) in subsection (a), by inserting after “videotape,” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture.”; and

(9) in subsection (f)(4), by inserting after “video” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture.”.

SEC. 804. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.”.

SEC. 805. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.”.

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—

(1) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting “or who is convicted of an offense under sections 2252B or 2257 of this chapter,” after “2260 of this chapter”;

(ii) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(iii) inserting “or an offense under chapter 109A” after “of chapter 117”; and

(B) in paragraph (1), by inserting “, 2252A, 2252B or 2257” after “2252”.

(2) CIVIL FORFEITURE.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting “, 2252A, 2252B, or 2257” after “2252”;

(B) in paragraph (2)—

(i) by striking “or” and inserting “of” before “chapter 117”;

(ii) by inserting “, or an offense under section 2252B or 2257 of this chapter,” after “Chapter 117,” and

(iii) by inserting “, or an offense under chapter 109A” before the period; and

(C) in paragraph (3) by—

(i) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(ii) inserting “, a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A” before the period.

(c) AMENDMENTS TO RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “2252A, 2252B,” after “2252”.

SEC. 806. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “**Production and**” before “**Transportation**” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter.”;

(2) in subsection (b), by inserting, "produces" before "sells or transfers or offers to sell or transfer obscene matter"; and

(3) in subsection (b) by inserting "production," before "selling or transferring or offering to sell or transfer such material."

TITLE IX—PERSONAL DATA OF CHILDREN
SEC. 901. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

"§ 1802. Misappropriation of personal data of children

"Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

"1802. Misappropriation of personal data of children."

TITLE X—LOCAL LAW ENFORCEMENT
HATE CRIMES PREVENTION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2005".

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of

their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 1003. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 1004. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2006 and 2007.

SEC. 1005. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1006. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 1007.

SEC. 1007. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or
“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or
“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—
“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

SEC. 1008. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

SEC. 1009. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 371
affirmative } Nays 52

- Cuellar
- Jindal
- Pence
- Culberson
- Johnson (CT)
- Peterson (MN)
- Cummings
- Johnson (IL)
- Peterson (PA)
- Cunningham
- Johnson, E. B.
- Petri
- Davis (AL)
- Kanjorski
- Pickering
- Davis (CA)
- Kaptur
- Pitts
- Davis (FL)
- Keller
- Platts
- Davis (KY)
- Kelly
- Poe
- Davis (TN)
- Kennedy (MN)
- Pombo
- Davis, Jo Ann
- Kennedy (RI)
- Pomeroy
- Davis, Tom
- Kildee
- Porter
- DeFazio
- Kilpatrick (MI)
- Price (NC)
- DeGette
- Kind
- Pryce (OH)
- Delahunt
- King (IA)
- Putnam
- DeLauro
- King (NY)
- Radanovich
- DeLay
- Kirk
- Ramstad
- Dent
- Kline
- Rangel
- Diaz-Balart, L.
- Knollenberg
- Regula
- Diaz-Balart, M.
- Kolbe
- Rehberg
- Dicks
- Kuhl (NY)
- Reichert
- Dingell
- LaHood
- Renzi
- Doggett
- Langevin
- Reyes
- Doolittle
- Lantos
- Reynolds
- Doyle
- Larsen (WA)
- Rogers (AL)
- Drake
- Larson (CT)
- Rogers (KY)
- Dreier
- LaTham
- Rogers (MI)
- Edwards
- LaTourette
- Rohrabacher
- Ehlers
- Leach
- Ros-Lehtinen
- Emanuel
- Levin
- Ross
- Emerson
- Lewis (CA)
- Rothman
- Engel
- Lewis (KY)
- Roybal-Allard
- English (PA)
- Linder
- Ruppersberger
- Eshoo
- Lipinski
- Rush
- Etheridge
- LoBiondo
- Ryan (OH)
- Evans
- Lofgren, Zoe
- Ryan (WI)
- Everett
- Lowey
- Salazar
- Farr
- Lucas
- Sanchez, Linda
- Fattah
- Lungren, Daniel
- T.
- Feeney
- E.
- Sanchez, Loretta
- Ferguson
- Lynch
- Sanders
- Filner
- Mack
- Saxton
- Fitzpatrick (PA)
- Maloney
- Schiff
- Foley
- Manzullo
- Schmidt
- Forbes
- Marchant
- Schwartz (PA)
- Ford
- Markey
- Schwarz (MI)
- Fortenberry
- Marshall
- Scott (GA)
- Fossella
- Matheson
- Sensenbrenner
- Foxx
- Matsui
- Serrano
- Frank (MA)
- McCarthy
- Sessions
- Franks (AZ)
- McCaul (TX)
- Shaw
- Frelinghuysen
- McCollum (MN)
- Shays
- Galleghy
- McCotter
- Sherman
- Garrett (NJ)
- McCrery
- Sherrwood
- Gerlach
- McGovern
- Shimkus
- Gibbons
- McHenry
- Shuster
- Gillmor
- McHugh
- Simmons
- Gonzalez
- McIntyre
- Simpson
- Goode
- McKeon
- Skelton
- Goodlatte
- McMorris
- Slaughter
- Gordon
- McNulty
- Smith (NJ)
- Granger
- Meehan
- Smith (TX)
- Graves
- Meek (FL)
- Smith (WA)
- Green (WI)
- Meeks (NY)
- Snyder
- Green, Al
- Menendez
- Sodrel
- Green, Gene
- Mica
- Solis
- Grijalva
- Michaud
- Spratt
- Gutierrez
- Millender-
- Stearns
- Gutknecht
- McDonald
- Strickland
- Hall
- Miller (IL)
- Stupak
- Harman
- Miller (NC)
- Sullivan
- Harris
- Miller, Gary
- Sweeney
- Hart
- Miller, George
- Tanner
- Hastings (FL)
- Moore (KS)
- Tauscher
- Hastings (WA)
- Moore (WI)
- Taylor (NC)
- Hayes
- Moran (VA)
- Taylor (MS)
- Hayworth
- Murphy
- Terry
- Hensarling
- Murtha
- Thomas
- Hерger
- Musgrave
- Thompson (CA)
- Herseth
- Myrick
- Thompson (MS)
- Higgins
- Nadler
- Tiahrt
- Hinojosa
- Napolitano
- Tiberi
- Hobson
- Neal (MA)
- Tierney
- Hoekstra
- Neugebauer
- Towns
- Holden
- Ney
- Turner
- Hooley
- Northup
- Udall (CO)
- Hostettler
- Nunes
- Udall (NM)
- Hoyer
- Nussle
- Upton
- Hulshof
- Obey
- Van Hollen
- Hyde
- Oliver
- Visclosky
- Inglis (SC)
- Ortiz
- Walden (OR)
- Inslee
- Osborne
- Wasserman
- Israel
- Otter
- Schultz
- Issa
- Owens
- Costa
- Istook
- Oxley
- Weldon (PA)
- Jackson (IL)
- Pallone
- Weller
- Jackson-Lee
- Pascrell
- Wexler
- (TX)
- Pastor
- Whitfield
- Jefferson
- Pearce
- Wicker
- Jenkins
- Pelosi
- Wilson (NM)

¶94.15

[Roll No. 470]

YEAS—371

- Abercrombie
- Blumenauer
- Capito
- Ackerman
- Boehlert
- Capps
- Aderholt
- Boehner
- Capuano
- Alexander
- Bonner
- Cardin
- Allen
- Bono
- Cardoza
- Andrews
- Boozman
- Carnahan
- Baca
- Boren
- Carson
- Bachus
- Boswell
- Carter
- Baird
- Boucher
- Case
- Baker
- Boustany
- Castle
- Baldwin
- Boyd
- Chabot
- Barrow
- Bradley (NH)
- Chandler
- Bartlett (MD)
- Brady (PA)
- Chocola
- Bass
- Brady (TX)
- Clay
- Bean
- Brown (OH)
- Cleaver
- Becerra
- Brown (SC)
- Coble
- Berkley
- Brown, Corrine
- Cole (OK)
- Berman
- Brown-Waite,
- Conyers
- Berry
- Ginny
- Cooper
- Biggert
- Burgess
- Costa
- Bilirakis
- Burton (IN)
- Costello
- Bishop (GA)
- Butterfield
- Cramer
- Bishop (NY)
- Calvert
- Crenshaw
- Bishop (UT)
- Cannon
- Crowley
- Blackburn
- Cantor
- Cubin

Wilson (SC)	Wu	Young (AK)
Wolf	Wynn	Young (FL)

NAYS—52

Akin	Jones (NC)	Schakowsky
Barrett (SC)	Jones (OH)	Scott (VA)
Blunt	Kingston	Shadegg
Bonilla	Kucinich	Souder
Buyer	Lee	Stark
Conaway	Lewis (GA)	Tancredo
Davis (IL)	McDermott	Thornberry
Deal (GA)	McKinney	Velázquez
Duncan	Miller (FL)	Wamp
Flake	Mollohan	Waters
Gingrey	Moran (KS)	Watson
Gohmert	Norwood	Watt
Hefley	Oberstar	Waxman
Hinchee	Paul	Weldon (FL)
Holt	Price (GA)	Westmoreland
Honda	Rahall	Woolsey
Hunter	Ryun (KS)	
Johnson, Sam	Sabo	

NOT VOTING—10

Barton (TX)	Gilchrest	Walsh
Beauprez	Melancon	Weiner
Camp	Payne	
Clyburn	Royce	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

94.16 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

94.17 RECESS—6:50 P.M.

The SPEAKER pro tempore, Mr. DENT, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 50 minutes p.m., subject to the call of the Chair.

94.18 AFTER RECESS—9:16 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, called the House to order.

94.19 PROVIDING FOR THE CONSIDERATION OF H.R. 437

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 109-221) the resolution (H. Res. 439) providing for the consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

When said resolution and report were referred to the House Calendar and ordered printed.

94.20 PROVIDING FOR THE CONSIDERATION OF H.R. 889

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 109-222) the resolution (H. Res. 440) providing for consideration of the bill (H.R. 889) to authorize appropriations for the Coast guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, and providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

94.21 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

June 29, 2005:

H.R. 483: An Act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

H.R. 1812: An Act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

July 1, 2005:

H.R. 3021: An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104: An Act to provide an extension of highway; highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 12, 2005:

H.R. 120: An Act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 289: An Act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

H.R. 324: An Act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 504: An Act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627: An Act to designate the facility of the United States Postal Service located: at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1072: An Act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082: An Act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236: An Act to designate the facility of the United States Postal Service located at 750. 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460: An Act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

H.R. 1524: An Act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542: An Act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

H.R. 2326: An Act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

July 20, 2005:

H.R. 3332: An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 1, 2005:

H.R. 1001: An Act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

July 22, 2005:

H.R. 3377: An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 27, 2005:

H.R. 3071: An Act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

H.J. Res. 52: A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

July 28, 2005:

H.R. 3453: An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 30, 2005:

H.R. 3512: An Act to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

August 1, 2005:

H.R. 3423: An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

August 2, 2005:

H.R. 38: An Act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481: An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541: An Act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794: An Act to correct the south boundary of the Colorado river Indian Reservation in Arizona, and for other purposes.

H.R. 1046: An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

H.R. 2361: An Act making appropriations for the the Department of the Interior, environment, and related agencies for the fiscal year ending September 30., 2006, and for other purposes.

H.R. 2985: An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3045: An Act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.J. Res. 59: A joint resolution expressing the sense of Congress with respect to the establishment of an appropriate day for the

commemoration of the women suffragists who fought for and won the right of women to vote in the United States.

August 8, 2005:

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

August 10, 2005:

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

August 11, 2005:

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

September 2, 2005:

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

¶94.22 SENATE BILLS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

June 29, 2005:

S. 643. An Act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

July 9, 2005:

S. 714. An Act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

July 12, 2005:

S. 1282. An Act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

July 9, 2005:

S. 544. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

August 2, 2005:

S. 45. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An Act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An Act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

S. 904. An Act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".

S. 1395. An Act, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

¶94.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARTON of Texas, for today and September 15; and

To Mr. ROYCE, for today.

And then,

¶94.24 ADJOURNMENT

On motion of Mr. DREIER, at 9 o'clock and 17 minutes p.m., the House adjourned.

¶94.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 437. Resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-220 Pt. 1). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 439. Resolution providing for the consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-221). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 440. Resolution providing for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 109-222). Referred to the House Calendar.

¶94.26 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on House Administration discharged from further consideration. Hours Resolution 437 referred to the House Calendar and ordered to be printed.

¶94.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Mr. EVANS, Mr. Faleomavaega, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 3760. A bill to establish a Department of Peace and Nonviolence; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. MARCHANT, Mr. JINDAL, Mr. BAKER, and Mr. ALEXANDER):

H.R. 3761. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself, Mr. MARKEY, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. KIRK, Mr. MENENDEZ, Mr. GILCHREST, Ms. ESHOO, Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, Mr. LEACH, Mr. OLVER, Mr. SHAYS, Mr. CARDOZA, Mr. GERLACH, Ms. SOLIS, Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. LAHOOD, Mr. HINCHEY, Mr. JOHNSON of Illinois, Mr. PALLONE, and Mr. LOBIONDO):

H.R. 3762. A bill to require higher standards of automobile fuel efficiency in order to reduce the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2016, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. PELOSI, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. DELAUNO, Mr. MARKEY, Mr. HOLT, Mr. LEVIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mrs. MCCARTHY, Mr. HINOJOSA, Mr. WU, Mr. NADLER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mr. DEFazio, Mr. LANGEVIN, Mr. HONDA, Ms. LEE, Mr. KILDEE, Mrs. MALONEY, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. REYES, Mr. MICHAUD, Mr. SKELTON, Mr. RANGEL, Mr. ENGEL, Mr. FILNER, Mr. OBERSTAR, Mr. HIGGINS, Mr. VISCLOSKEY, Mr. LANTOS, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. SHERMAN, Ms. SLAUGHTER, Mr. DINGELL, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mr. UDALL of Colorado, Mr. DICKS, Mr. JEFFERSON, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. KANJORSKI, Mr. HOYER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. STUPAK, Mr. TIERNEY, Mr. BLUMENAUER, Ms. KAPTUR, Mr. RUSH, Mr. COSTELLO, Mr. SANDERS, Mr. SABO, Mr. BRADY of Pennsylvania, Mr. MENENDEZ, Mr. SCHIFF, Mr. OBEY, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. CARDIN, Mr. CARNAHAN, Mr. THOMPSON of California, Mr. GENE GREEN of Texas, Mr. COOPER, Mr. DELAHUNT, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, Mr. EVANS, Mr. HINCHEY, Ms. SOLIS, Mr. LYNCH, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. ALLEN, Mr. TOWNS, Mr. PASCRELL, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. HOLDEN, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PALLONE, Mr. SNYDER, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. CLEAVER, Mr. ISRAEL, Ms. DEGETTE, Mr. DOYLE, Ms. ESHOO, Mr. MOLLOHAN, Mr. CONYERS, Mr. OLVER, Mr. BERMAN, Mr. DAVIS of Illinois,

Mr. BUTTERFIELD, Mr. LARSON of Connecticut, Ms. VELÁZQUEZ, Mr. McNULTY, Mr. RUPPERSBERGER, Mr. NEAL of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. PRICE of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. WEXLER, Mr. CAPUANO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. BECERRA, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CARDOZA, Mr. BERRY, Mrs. LOWEY, Mr. PAYNE, Mr. LARSEN of Washington, Mr. STRICKLAND, Ms. ROYBAL-ALLARD, Mr. SCOTT of Georgia, Mr. MATHESON, Mr. ORTIZ, Mr. POMEROY, Mr. MELANCON, Mr. WEINER, Mr. PRICE of North Carolina, Mr. BAIRD, Mr. KIND, Mr. SMITH of Washington, and Mr. KENNEDY of Rhode Island):

H.R. 3763. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. DINGELL, Mr. MCGOVERN, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. GORDON, Mr. LANTOS, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SKELTON, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINCHAY, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. McNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER,

Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. CLAY, Mr. BOUCHER, Mr. FORD, Mr. DAVIS of Tennessee, Mr. DOYLE, Mr. UDALL of Colorado, Mr. BACA, Mr. CHANDLER, Ms. KAPTUR, Mr. NADLER, Mr. BECERRA, Mr. HINOJOSA, Mr. CUELLAR, Mr. STARK, Mr. TANNER, Mr. CAPUANO, Mr. SMITH of Washington, Mr. BERMAN, Mr. SALAZAR, Mr. TIERNEY, and Ms. HARMAN):

H.R. 3764. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; to the Committee on Transportation and Infrastructure.

By Mr. BAIRD (for himself, Mr. DICKS, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mr. SMITH of Washington, Mr. HASTINGS of Washington, and Miss MCMORRIS):

H.R. 3765. A bill to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3766. A bill to simplify Federal procurement procedures for emergency and disaster relief, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTERT (for himself, Mr. HYDE, Mr. EVANS, Mr. COSTELLO, Mr. GUTIERREZ, Mr. MANZULLO, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LAHOOD, Mr. WELLER, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. BIGGERT, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. EMANUEL, Ms. BEAN, and Mr. LIPINSKI):

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building"; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BAKER, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 3768. A bill to provide emergency tax relief for persons affected by Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. DOGGETT, and Mr. NEAL of Massachusetts):

H.R. 3769. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHOCOLA (for himself, Mr. VIS-CLOSKEY, Ms. CARSON, Mr. PENCE, Mr. BUYER, Mr. BURTON of Indiana, Mr. SODREL, Mr. HOSTETTLER, and Mr. SOUDER):

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indi-

ana, as the "Grant W. Green Post Office Building"; to the Committee on Government Reform.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. JEFFERSON, Mr. ENGLISH of Pennsylvania, and Mr. JINDAL):

H.R. 3771. A bill to allow certain coal exporters to directly claim a refund of the excise tax unconstitutionally imposed on coal exported by such exporters; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 3772. A bill to ensure that States do not issue driver's licenses or identification cards to sex offenders unless the offenders are in compliance with all applicable registration requirements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MENENDEZ, Mr. OWENS, Mr. SERRANO, Mr. CROWLEY, Mr. CLEAVER, Mr. NADLER, Ms. WASSERMAN SCHULTZ, and Mr. DELAHUNT):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. JEFFERSON, and Mr. STARK):

H.R. 3774. A bill to provide for unemployment benefits for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, and Mr. NEAL of Massachusetts):

H.R. 3775. A bill to provide for the update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize a special resources study to evaluate the suitability and feasibility of a national park unit within the Corridor, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 3776. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 3777. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. FARR, Mr. SHAYS, and Mr. PALLONE):

H.R. 3778. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mr. CASE, Mr. FILNER, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. SOLIS, and Ms. WOOLSEY):

H.R. 3779. A bill to authorize the Secretary of the Interior to establish a commemorative trail route in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. CAPPS, Ms. ESHOO, Mr. DEFazio, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. LIPINSKI, Mr. HONDA, Ms. WOOLSEY, Mr. CASE, Ms. LINDA T. SANCHEZ of California, and Mr. STARK):

H.R. 3780. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKEY:

H.R. 3781. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Energy and Commerce, Small Business, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. ROGERS of Michigan, Mr. MOORE of Kansas, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. CROWLEY, Mrs. MCCARTHY, Ms. BEAN, Mr. CHANDLER, Mr. SPRATT, Mr. BOEHLERT, and Mr. FITZPATRICK of Pennsylvania):

H.R. 3782. A bill to prohibit price gouging of gasoline and diesel fuel in areas declared major disasters; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN:

H. Con. Res. 243. Concurrent resolution expressing the sense of Congress that Billerica, Massachusetts, should be recognized as "America's Yankee Doodle Town"; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 437. A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina; to the Committee on Rules, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself and Mr. KIRK):

H. Res. 438. A resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Na-

tions General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. BOEHLERT, Mr. DELAY, Mr. GORDON, Mr. UDALL of Colorado, Mr. CRAMER, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. EHLERS, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Ms. BORDALLO, Mr. HALL, Mr. ROHR-ABACHER, Mr. BONNER, Mr. DREIER, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. VAN HOLLEN, Mrs. DRAKE, Mr. CULBERSON, Mr. SMITH of Texas, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. DAVIS of California, Mr. BARTON of Texas, Mr. WYNN, Mr. BISHOP of Georgia, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. MCGOVERN, Mr. MATHESON, Mr. GUT-KNECHT, Mr. FORBES, Mr. CANNON, Mr. CARTER, Mr. SCOTT of Virginia, Mr. SODREL, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. CONAWAY, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. HARMAN, Mr. BRADY of Texas, Mr. CAPUANO, Mr. REYES, Mr. WOLF, Mr. BISHOP of Utah, Mr. REICHERT, and Mr. DOYLE):

H. Res. 441. A resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age; to the Committee on Science.

By Mr. FOSSELLA:

H. Res. 442. A resolution honoring the Fordham University School of Law upon the occasion of its 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself and Mr. UDALL of Colorado):

H. Res. 443. A resolution congratulating the United States Men's National Soccer Team on qualifying for the 2006 FIFA World Cup; to the Committee on Government Reform.

¶94.28 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

169. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 05-1058 expressing support for the "25 By 25" initiative and promoting the increased production of renewable energy by the agricultural community; to the Committee on Agriculture.

170. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 15 urging the Congress of the United States to provide returning veterans with the care and respect they deserve by ensuring that they are allowed up to 21 days of "decompression" time following combat duty to transition back into civilian life and workplace; to the Committee on Veterans' Affairs.

171. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Resolution 16 urging the Congress of the United States to establish capital funds for grants to veterans starting new businesses; to the Committee on Veterans' Affairs.

¶94.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TIBERI introduced a bill (H.R. 3783) for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; which was referred to the Committee on the Judiciary.

¶94.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SAXTON.
 H.R. 226: Mr. KENNEDY of Minnesota and Mr. GILCHREST.
 H.R. 239: Mrs. BLACKBURN.
 H.R. 269: Mr. FOLEY.
 H.R. 276: Mr. INGLIS of South Carolina.
 H.R. 302: Mr. ROHRABACHER.
 H.R. 305: Mr. SULLIVAN.
 H.R. 314: Mrs. WILSON of New Mexico.
 H.R. 328: Mr. BOUCHER.
 H.R. 484: Mr. PLATTS.
 H.R. 582: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mrs. MCCARTHY.
 H.R. 615: Mr. FORD, Mr. CUMMINGS, and Mr. RUSH.
 H.R. 745: Mr. KILDEE.
 H.R. 772: Ms. SCHWARTZ of Pennsylvania.
 H.R. 782: Mr. SHERMAN.
 H.R. 813: Mr. KIND and Mr. LYNCH.
 H.R. 823: Mr. SHAYS and Mr. PRICE of North Carolina.
 H.R. 838: Mr. CROWLEY.
 H.R. 1106: Mr. BOUCHER.
 H.R. 1120: Mr. ABERCROMBIE and Mr. PAS-TOR.
 H.R. 1200: Mr. EVANS and Mr. WYNN.
 H.R. 1202: Mr. KILDEE.
 H.R. 1217: Mr. PASCRELL and Ms. BEAN.
 H.R. 1245: Mr. OXLEY, Mr. SMITH of Wash- ington, and Mr. CAMP.
 H.R. 1246: Mr. ROGERS of Alabama, Mr. LARSEN of Washington, Ms. BEAN, Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, and Mr. GILLMOR.
 H.R. 1272: Mr. CANTOR.
 H.R. 1298: Mr. SULLIVAN and Mr. GENE GREEN of Texas.
 H.R. 1306: Mr. MEEKS of New York, Mr. LEWIS of Kentucky, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 1355: Mr. MCCOTTER.
 H.R. 1376: Mr. STARK, Mr. ROTHMAN, Mr. McNULTY, Mr. FERGUSON, Mr. CASE, and Mr. FRELINGHUYSEN.
 H.R. 1402: Mrs. WILSON of New Mexico.
 H.R. 1409: Mr. WATT.
 H.R. 1445: Mrs. BLACKBURN.
 H.R. 1457: Mr. CASE.
 H.R. 1471: Ms. SCHWARTZ of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. AL GREEN of Texas, and Mr. HOLT.
 H.R. 1558: Mr. GILCHREST, Mr. SESSIONS, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. EVANS, and Mr. KIRK.
 H.R. 1688: Mr. EVERETT.
 H.R. 1704: Mrs. MYRICK.
 H.R. 1822: Mr. MOORE of Kansas.
 H.R. 1864: Mr. ANDREWS and Mr. CUMMINGS.
 H.R. 1898: Mr. CANTOR, Ms. PRYCE of Ohio, and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 1951: Ms. BERKLEY.
 H.R. 1973: Mr. SMITH of New Jersey and Mr. MCCOTTER.
 H.R. 2051: Mr. MOORE of Kansas.
 H.R. 2177: Mr. GRAVES, Mr. PASTOR, and Mr. MARCHANT.
 H.R. 2181: Mr. LINDER.
 H.R. 2207: Mr. CROWLEY.
 H.R. 2231: Mr. PALLONE.
 H.R. 2358: Mr. CARNAHAN.
 H.R. 2389: Mr. CRAMER.
 H.R. 2421: Mr. REYES and Mr. SIMMONS.
 H.R. 2471: Mrs. BLACKBURN and Mr. OTTER.
 H.R. 2474: Mr. GORDON.
 H.R. 2511: Mr. PALLONE.

H.R. 2512: Mr. SENSENBRENNER and Ms. SCHWARTZ of Pennsylvania.
 H.R. 2533: Mr. BOUCHER, Mr. EVANS, and Mr. ETHERIDGE.
 H.R. 2644: Mr. DAVIS of Illinois and Mr. RYUN of Kansas.
 H.R. 2662: Mrs. DAVIS of California.
 H.R. 2682: Mr. KENNEDY of Rhode Island.
 H.R. 2694: Mr. COOPER.
 H.R. 2740: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
 H.R. 2741: Mr. CONYERS and Mr. CASE.
 H.R. 2742: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
 H.R. 2823: Mr. MCINTYRE.
 H.R. 2828: Mr. STARK.
 H.R. 2830: Mr. ISSA.
 H.R. 2842: Mr. MARCHANT.
 H.R. 2869: Mr. TIERNEY.
 H.R. 2990: Mr. DAVIS of Kentucky and Mr. GERLACH.
 H.R. 3008: Mrs. CAPITO.
 H.R. 3011: Mr. BROWN of South Carolina, Mr. LAHOOD, and Mr. MARCHANT.
 H.R. 3042: Mr. ABERCROMBIE and Mr. FRANK of Massachusetts.
 H.R. 3050: Mr. SHERMAN.
 H.R. 3061: Mr. HOEKSTRA.
 H.R. 3096: Mrs. JONES of Ohio.
 H.R. 3180: Mr. OTTER.
 H.R. 3187: Mr. KUCINICH, Mr. CASTLE, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. EHLERS, and Mr. BOEHLERT.
 H.R. 3255: Mr. DAVIS of Tennessee.
 H.R. 3267: Mr. PAYNE.
 H.R. 3301: Mr. SULLIVAN, Mr. ROSS, Mr. WELLS, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. OTTER, Mr. FOLEY, and Mr. LEVINS of Kentucky.
 H.R. 3352: Mr. MCINTYRE.
 H.R. 3361: Ms. ESHOO.
 H.R. 3408: Mr. COSTELLO.
 H.R. 3409: Mr. PAUL.
 H.R. 3544: Ms. KAPTUR and Ms. SLAUGHTER.
 H.R. 3561: Mr. REYES, Mr. CROWLEY, Mr. CASE, and Mr. STARK.
 H.R. 3563: Mr. PASCRELL.
 H.R. 3565: Mr. BLUMENAUER.
 H.R. 3569: Mr. SANDERS, Ms. BALDWIN, and Ms. SCHWARTZ of Pennsylvania.
 H.R. 3576: Ms. LEE.
 H.R. 3588: Mr. PETERSON of Minnesota.
 H.R. 3612: Mr. RUPPERSBERGER and Mr. REYES.
 H.R. 3617: Mr. FOLEY.
 H.R. 3622: Mr. GRAVES, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. ALEXANDER.
 H.R. 3639: Mr. ACKERMAN, Mr. NADLER, Mrs. MCCARTHY, and Mr. ENGEL.
 H.R. 3659: Mr. HOLDEN and Mr. BISHOP of New York.
 H.R. 3662: Mr. MARSHALL.
 H.R. 3667: Mr. GARY G. MILLER of California, Mr. COSTA, Mr. STARK, Ms. HARMAN, Mr. THOMPSON of California, Ms. SOLIS, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Mr. HUNTER, and Mr. DOOLITTLE.
 H.R. 3671: Mr. GONZALEZ.
 H.R. 3683: Mr. RYUN of Kansas, Mr. REHBERG, Mr. DOOLITTLE, Mr. MCHUGH, and Ms. FOXX.
 H.R. 3690: Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. BERKLEY.
 H.R. 3691: Mr. DANIEL E. LUNGREN of California.
 H.R. 3692: Mr. BISHOP of New York.
 H.R. 3697: Ms. HARMAN.
 H.R. 3699: Mr. DUNCAN.
 H.R. 3710: Mr. MCGOVERN and Mr. FRANK of Massachusetts.
 H.R. 3711: Mr. STARK, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. RANGEL, Mr. GRIJALVA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. GEORGE MILLER of California.
 H.R. 3712: Ms. LEE, Mr. PALLONE, and Mr. WEXLER.

H.R. 3737: Mr. EHLERS, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. WELDON of Florida, and Mr. SHERWOOD.
 H.R. 3753: Mr. BISHOP of Utah, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. TURNER, and Mr. HERGER.
 H. Con. Res. 108: Mr. PETERSON of Minnesota.
 H. Con. Res. 173: Mr. BOEHLERT.
 H. Con. Res. 230: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.
 H. Con. Res. 237: Mr. BISHOP of Georgia, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. KIND, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. MUSGRAVE, and Ms. SOLIS.
 H. Con. Res. 238: Mr. LEACH, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. MEEKS of New York, Ms. LEE, Mr. ACKERMAN, Mr. CROWLEY, Mr. RUSH, Mr. CONYERS, Mr. HONDA, Mr. ENGEL, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BERMAN, Mr. ISSA, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. WOLF, and Mr. ROHRBACHER.
 H. Res. 15: Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Ms. MOORE of Wisconsin, Mr. PEARCE, Mr. BILIRAKIS, Mr. LYNCH, Mr. CHANDLER, Mr. KENNEDY of Minnesota, Mr. LEWIS of Georgia, and Mr. CANNON.
 H. Res. 38: Mr. MCCOTTER.
 H. Res. 192: Mr. GRIJALVA and Ms. BALDWIN.
 H. Res. 323: Mr. DENT.
 H. Res. 325: Mr. OWENS and Mr. MEEKS of New York.
 H. Res. 375: Mr. MARKEY.
 H. Res. 388: Mr. FLAKE and Mr. WELLS.
 H. Res. 429: Mr. ORTIZ, Mr. MEEHAN, Mr. REYES, Mr. SNYDER, Mr. SKELTON, Mr. THOMAS, Mr. OSBORNE, Mr. JONES of North Carolina, Ms. ZOE LOPGREN of California, Mr. ROYCE, Mr. VISCOFSKY, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. HEFLEY, Mr. WELDON of Florida, Mr. INSLEE, Mr. COSTELLO, Mr. LYNCH, Mr. TIERNEY, Mr. SABO, Mr. OTTER, Mr. PAUL, Mr. EVANS, Ms. MATSUI, Mr. CROWLEY, Ms. BERKLEY, Ms. WATSON, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. GOODLATTE, Ms. HERSETH, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. HOYER, Ms. ESHOO, Mr. WU, Mr. KING of New York, Mr. DELAY, Mr. HUNTER, Mr. BLUNT, Mr. BARTON of Texas, Mr. SHADEGG, Mr. FEENEY, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.

¶94.31 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

- 66. The SPEAKER presented a petition of New York State Bar Association, relative to a resolution opposing adoption of U.S. House Resolution 97 and Senate Resolution 92; to the Committee on the Judiciary.
- 67. Also, a petition of City of Atlanta, Georgia, relative to Resolution 05-R-1079 urging the the Congress of the United States to conduct the appropriate due diligence and support the reauthorization of the key enforcement provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

**THURSDAY, SEPTEMBER 15, 2005
(95)**

The House was called to order by the SPEAKER.

¶95.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of

the proceedings of Wednesday, September 14, 2005.

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

¶95.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3909. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Early Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3910. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3911. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3912. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population (RIN: 1018-AT68) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3913. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3914. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation of Economic Exclusions From August 2003 Final Designation (RIN: 1018-AU06) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3915. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Roswell springsnail, Koster's springsnail, Noel's amphipod, and Pecos assimineae as Endangered with Critical Habitat (RIN: 1018-AI15) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Monterey Bay and Humboldt Bay, CA. [COTP San Francisco Bay 04-003] (RI: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-05-072] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA [CGD11-05-006] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-102] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Rock Island, IL [CGD08-05-025] (RIN: 1625-AA9) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA [CGD05-05-041] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 05-006] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-05-031] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Massalina Bayou, Panama City, FL [CGD08-05-040] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the De-

partment's final rule — Drawbridge Operation Regulations; Potomac River, between Alexandria, VA and Oxon Hill, MD [CGD05-05-093] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, MD [CGD05-05-094] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-05-080] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York, New York Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-079] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-078] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Carquinez Strait, Martinez, CA [CGD11-05-019] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Petaluma River, Blackpoint, CA. [CGD11-05-023] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-061] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Berwick, Bay, (Atchafalaya River) Morgan City, Louisiana [CGD08-05-029] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD08-05-033] re-

ceived September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville Fireworks, Baldwinsville, N.Y. [CGD09-05-108] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North-erly Island, Chicago, IL [CGD09-05-118] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, Maryland [CGD05-05-101] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project. [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Irish Festival Currach races, Lake Michigan, Milwaukee, WI. [CGD09-05-115] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Program Analyst, FAA, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-20799; Directorate Identifier 2004-NM-264-AD; Amendment 39-14212; AD 2005-16-07] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30447; Amdt. No. 3124] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establish Class D Airspace; Front Range Airport, Denver, CO [Docket FAA 2005-20248; Airspace Docket 05-AWP-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2004-19851; Airspace Docket No. 04-AAL-13] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Compulsory Reporting Point; MT [Docket No. FAA-2005-21907; Airspace Docket

No. 05-ANM-11] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of Class C and Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA [Docket No. FAA-2005-21337; Airspace Docket No. 05-ACE-16] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-2531; Tracy, CA [Docket No. FAA-2005-21957; Airspace Docket No. 05-AWP-8] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brunswick, ME; Correction [Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2005-20873; Directorate Identifier 2005-NM-026-AD; Amendment 39-14213; AD 2005-16-08] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 25, 35, and 36 Airplanes [Docket No. FAA-2005-20798; Directorate Identifier 2004-NM-257-AD; Amendment 39-14214; AD 2005-16-09] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2005-21088; Directorate Identifier 2004-NM-267-AD; Amendment 39-14215; AD 2005-16-10] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-21184; Directorate Identifier 2004-NM-111-AD; Amendment 39-14211; AD 2005-16-06] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters [Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14209; AD 2005-16-04] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶95.3 MESSAGE FROM THE SENATE

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

H. Con Res. 67. A concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequence integration of the military.

¶95.4 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication from Angelle Kwemo, Legislative Assistant, office of the Honorable William J. Jefferson:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 12, 2005.

Hon. J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE KWEMO,
Legislative Assistant.

¶95.5 PROVIDING FOR THE CONSIDERATION OF H.R. 889

Mrs. CAPITO, by direction of the Committee on Rules, called up the following resolution (H. Res. 440):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mrs. CAPITO, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.6 PROVIDING FOR THE CONSIDERATION OF H. RES. 437

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 439):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. The resolution shall be considered as read. The previous question

shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 222 Nays 193

¶95.7 [Roll No. 471] YEAS—222

- Aderholt Akin Alexander Bachus Baker Barrett (SC) Bartlett (MD) Bass Biggert Bilirakis Blackburn Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boustany Bradley (NH) Brady (TX) Brown (SC) Brown-Waite, Ginny Burgess Burton (IN) Buyer Calvert Camp Cannon Cantor Capito Carter Castle Chabot Chocola Coble Cole (OK) Conaway Crenshaw Cubin Culberson Cunningham Davis (KY) Davis, Jo Ann Davis, Tom Deal (GA) DeLay Dent Diaz-Balart, L. Diaz-Balart, M. Drake Dreier Duncan Ehlers Emerson English (PA) Everett Feeney Ferguson Fitzpatrick (PA) Flake

- Shadegg Shaw Shays Sherwood Shimkus Shuster Simmons Simpson Smith (NJ) Smith (TX) Sodrel Souder Stearns

- Abercrombie Ackerman Allen Andrews Baca Baird Baldwin Barrow Bean Becerra Berkeley Berman Berry Bishop (GA) Bishop (NY) Blumenauer Boren Boswell Boucher Boyd Brady (PA) Brown (OH) Brown, Corrine Butterfield Capps Capuano Cardin Cardoza Carnahan Carson Case Chandler Clay Cleaver Clyburn Conyers Cooper Costa Costello Cramer Crowley Cuellar Cummings Davis (AL) Davis (CA) Davis (FL) Davis (IL) Davis (TN) DeFazio DeGette DeLauro Dicks Dingell Doyle Edwards Emanuel Engel Eshoo Etheridge Evans Farr Fattah Filner Ford Frank (MA) Barton (TX) Beauprez Bishop (UT) Doggett Doolittle Hinchey

- Wamp Weldon (FL) Weldon (PA) Weller Westmoreland Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Young (AK) Young (FL)

- Gonzalez Gordon Green, Al Green, Gene Grijalva Gutierrez Harman Hastings (FL) Herseth Higgins Hinojosa Holden Holt Honda Hooley Hoyer Inslee Israel Jackson (IL) Jackson-Lee (TX) Jefferson Johnson, E. B. Kanjorski Kaptur Kennedy (RI) Kildee Kilpatrick (MI) Kind Kucinich Langevin Lantos Larsen (WA) Larson (CT) Lee Levin Lewis (GA) Lipinski Lofgren, Zoe Lowey Lynch Maloney Markey Marshall Matheson Matsui McCarthy McCollum (MN) McDermott McGovern McIntyre McKinney McNulty Meehan Meek (FL) Meeks (NY) Menendez Michelaud Millender McDonald Miller (NC) Miller, George Mollohan Moore (KS) Moore (WI) Moran (VA) Istook Jindal Jones (OH) Melancon Nadler Rogers (MI)

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 221 affirmative Nays 193

¶95.8 [Roll No. 472] AYES—221

- Aderholt Akin Alexander Bachus Baker Barrett (SC) Bartlett (MD) Bass Biggert Bilirakis Blackburn Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boustany Bradley (NH) Brady (TX) Brown (SC) Brown-Waite, Ginny Burgess Burton (IN) Buyer Calvert Camp Cannon Cantor Capito Carter Castle Chabot Chocola Coble Cole (OK) Conaway Crenshaw Cubin Culberson Cunningham Davis (KY) Davis, Jo Ann Davis, Tom Deal (GA) DeLay Dent Diaz-Balart, L. Diaz-Balart, M. Doolittle Drake Dreier Duncan Ehlers Emerson English (PA) Everett Feeney Ferguson Fitzpatrick (PA) Flake Foley Forbes Fortenberry Fossella Foxx Franks (AZ) Frelinghuysen Gallely Garrett (NJ) Gerlach Gibbons Gilchrist Gillmor Gohmert Goode Goodlatte Granger Graves Green (WI) Gutknecht Hall Harris Hart Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Hobson Hoekstra Hostettler Hulshof Hunter Hyde Inglis (SC) Issa Jenkins Johnson (CT) Johnson (IL) Johnson, Sam Jones (NC) Keller Kelly Kennedy (MN) King (IA) King (NY) Kingston Kirk Kline Knollenberg Kolbe Kuhl (NY) Kuhl (NY) LaHood Latham LaTourrette Leach Lewis (CA) Lewis (KY) Linder Lofbiondo Lucas Lungren, Daniel E. Mack Manzano Marchant McCaul (TX) McCotter McCrery McHenry McHugh McMorris Miller (MI) Miller, Gary Moran (KS) Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Oswald Osborne Otter Oxley Paul Pearce Peterson (PA) Petri Pickering Pitts Platts Poe Pombo Porter Price (GA) Pryce (OH) Putnam Radanovich Ramstad Regula Rehberg Reichert Renzi Reynolds Rogers (AL) Rogers (KY) Rohrabacher Ros-Lehtinen Royce Ryan (WI) Ryun (KS) Saxton Schmidt Schwarz (MI) Sensenbrenner Sessions Shadegg Shaw Sherwood Shimkus Shuster Simmons Simpson Smith (NJ) Smith (TX) Sodrel Souder Stearns Sullivan Sweeney Taylor (NC) Terry Thomas Thornberry Tiahrt Tiberi Turner Upton Walden (OR) Walsh Wamp Weldon (FL) Weldon (PA) Weller Westmoreland Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Young (AK) Young (FL)

NOT VOTING—18

- Rothman Schwarz (MI) Solis Tanner Weiner Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

NOES—193

- Abercrombie Ackerman Allen Andrews Baca Baird Baldwin Barrow Bean Becerra Berkeley Berman Boucher Boyd Bishop (GA) Bishop (NY) Blumenauer Boren Boswell Boucher Boyd Brady (PA)

Brown (OH)	Honda	Pallone
Brown, Corrine	Hooley	Pascrell
Butterfield	Hoyer	Pastor
Capps	Inslee	Payne
Capuano	Israel	Pelosi
Cardin	Jackson (IL)	Peterson (MN)
Cardoza	Jackson-Lee	Pomeroy
Carnahan	(TX)	Price (NC)
Carson	Jefferson	Rahall
Case	Johnson, E. B.	Rangel
Chandler	Kanjorski	Reyes
Clay	Kaptur	Ross
Cleaver	Kennedy (RI)	Roybal-Allard
Clyburn	Kildee	Ruppersberger
Conyers	Kilpatrick (MI)	Rush
Cooper	Kind	Ryan (OH)
Costa	Kucinich	Sabo
Costello	Langevin	Salazar
Cramer	Lantos	Sánchez, Linda
Crowley	Larsen (WA)	T.
Cuellar	Larson (CT)	Sanchez, Loretta
Cummings	Lee	Sanders
Davis (AL)	Levin	Schakowsky
Davis (CA)	Lipinski	Schiff
Davis (FL)	Lofgren, Zoe	Schwartz (PA)
Davis (IL)	Lowey	Scott (GA)
Davis (TN)	Lynch	Scott (VA)
DeFazio	Maloney	Serrano
DeGette	Markey	Sherman
DeLauro	Marshall	Skelton
Dicks	Matheson	Slaughter
Dingell	Matsui	Smith (WA)
Doggett	McCarthy	Snyder
Doyle	McCollum (MN)	Solis
Edwards	McDermott	Spratt
Emanuel	McGovern	Stark
Engel	McIntyre	Strickland
Eshoo	McKinney	Stupak
Etheridge	McNulty	Tauscher
Evans	Meehan	Taylor (MS)
Farr	Meek (FL)	Thompson (CA)
Fattah	Meeks (NY)	Thompson (MS)
Filner	Menendez	Tierney
Ford	Michaud	Towns
Frank (MA)	Millender-	Udall (CO)
Gonzalez	McDonald	Udall (NM)
Gordon	Miller (NC)	Van Hollen
Green, Al	Miller, George	Velázquez
Green, Gene	Mollohan	Visclosky
Grijalva	Moore (KS)	Wasserman
Gutierrez	Moore (WI)	Schultz
Harman	Moran (VA)	Waters
Hastings (FL)	Napolitano	Watson
Herseth	Neal (MA)	Watt
Higgins	Oberstar	Waxman
Hinojosa	Obey	Wexler
Holden	Olver	Wu
Holt	Ortiz	Wynn
	Owens	

NOT VOTING—19

Barton (TX)	Lewis (GA)	Shays
Beauprez	Melancon	Tancredo
Bishop (UT)	Miller (FL)	Tanner
Hinchee	Murtha	Weiner
Istook	Nadler	Woolsey
Jindal	Rogers (MI)	
Jones (OH)	Rothman	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.9 KATRINA EMERGENCY TAX RELIEF

Mr. McCRERY moved to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. McCRERY and Mr. JEFFERSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.10 PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

On motion of Mr. DREIER, pursuant to House Resolution 439, called up for consideration the following resolution (H. Res. 437):

Resolved,

SECTION 1. ESTABLISHMENT.

There is hereby established the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (hereinafter referred to as the "select committee").

SEC. 2. COMPOSITION.

(a) The select committee shall be composed of 20 members appointed by the Speaker, of whom 9 shall be appointed after consultation with the Minority Leader. The Speaker shall designate one Member as chairman.

(b)(1) The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum.

(2) The Speaker and the Minority Leader each may designate a leadership staff member to assist in their capacity as ex officio members, with the same access to select committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as staff of the select committee.

SEC. 3. INVESTIGATION AND REPORT.

The select committee is authorized and directed to conduct a full and complete investigation and study and to report its findings to the House not later than February 15, 2006, regarding—

(1) the development, coordination, and execution by local, State, and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina; and

(2) the local, State, and Federal government response to Hurricane Katrina.

SEC. 4. PROCEDURE.

Rule XI of the Rules of the House of Representatives, including the items referred to in paragraphs (1) and (2), shall apply to the select committee:

(1) Clause 2(j)(1) of rule XI (guaranteeing the minority additional witnesses).

(2) Clause 2(m)(3) of rule XI (providing for the authority to subpoena witnesses and documents).

SEC. 5. JOINT OPERATIONS.

The chairman of the select committee, in conducting the investigation and study described in section 3, shall consult with the chairman of a Senate committee conducting a parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

SEC. 6. STAFF; FUNDING.

(a)(1) To the greatest extent practicable, the select committee shall utilize the services of staff of employing entities of the House. At the request of the chairman in consultation with the ranking minority

member, staff of employing entities of the House or a joint committee may be detailed to the select committee to carry out this resolution and shall be deemed to be staff of the select committee.

(2) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution.

(b) There shall be paid out of the applicable accounts of the House \$500,000 for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 7. DISSOLUTION AND DISPOSITION OF RECORDS.

(a) The select committee shall cease to exist 30 days after filing the report required under section 3.

(b) Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

When said resolution was considered. After debate,

The previous question having been ordered by said resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. DREIER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶95.11 FURTHER MESSAGE FROM THE SENATE

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

H.R. 3649. An Act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

¶95.12 COAST GUARD AND MARITIME TRANSPORTATION

The SPEAKER pro tempore, Mr. TERRY, pursuant to House Resolution 440 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

95.13 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

95.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in the CONGRESSIONAL RECORD, submitted by Mr. MARKEY:

In subtitle A of title IV, add at the end the following new section:

SEC. . SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) SECURITY AND SAFETY REVIEW.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) PREPARATION OF REPORT.—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) RESULTS OF REVIEW.—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) REPORTS TO CONGRESS.—

(1) SUMMARY OF ACTIONS TAKEN.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) IMPLEMENTATION STATUS REPORT.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.—

(1) REQUIREMENT.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships un-

less the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed \$1,000,000 for each day of such violation.

(3) SAVINGS CLAUSE.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

It was decided in the { Yeas 163 negative } Nays 254

95.15 [Roll No. 473] AYES—163

- Abercrombie Fossella Moran (VA)
Ackerman Frank (MA) Napolitano
Allen Gonzalez Neal (MA)
Andrews Gordon Obey
Baca Grijalva Ortiz
Baird Gutierrez Owens
Baldwin Harman Pallone
Barrow Hastings (FL) Pastor
Becerra Hinchey Payne
Berkley Holt Pelosi
Berman Honda Price (NC)
Bishop (NY) Hooley Rangel
Blumenauer Hoyer Reyes
Bonner Inslee Roybal-Allard
Boucher Israel Royce
Boyd Jackson (IL) Ryan (OH)
Brady (PA) Jackson-Lee Sabo
Brown (OH) (TX) Sánchez, Linda
Brown, Corrine Jefferson T.
Butterfield Johnson (CT) Sanchez, Loretta
Capps Jones (NC) Sanders
Capuano Jones (OH) Schakowsky
Cardin Kaptur Schiff
Cardoza Kennedy (RI) Schwartz (PA)
Carmahan Kildee Scott (GA)
Carson Kilpatrick (MI) Scott (VA)
Case Kucinich Serrano
Chandler Langevin Shays
Clay Lantos Sherman
Cleaver Larson (CT) Simmons
Conyers Lee Skelton
Cramer Levin Slaughter
Crowley Lewis (GA) Snyder
Cummings Lofgren, Zoe Solis
Davis (AL) Lowey Stark
Davis (CA) Lynch Strickland
Davis (FL) Maloney Stupak
Davis (IL) Markey Taylor (MS)
Davis (TN) Marshall Thompson (CA)
DeFazio Matsui Tierney
DeGette McCarthy McCollum (MN) Towns
Delahunt McCollum (MN) Udall (CO)
DeLauro McDermott Udall (NM)
Dicks McGovern Van Hollen
Dingell McKinney Velázquez
Doggett McNulty Visclosky
Edwards Meehan Waters
Emanuel Meek (FL) Watson
Engel Meeks (NY) Watt
Eshoo Menendez Waxman
Etheridge Millender Weiner
Evans McDonald Miller (NC)
Farr Miller, George Wexler
Fattah Moore (KS) Woolsey
Filner Moore (WI) Wu
Ford

NOES—254

- Aderholt Bean Boehner
Akin Berry Bonilla
Alexander Biggert Bono
Bachus Bilirakis Boozman
Baker Bishop (GA) Boren
Barrett (SC) Blackburn Boswell
Bartlett (MD) Blunt Boustany
Bass Boehler Bradley (NH)

- Brady (TX) Higgins Peterson (MN)
Brown (SC) Hinojosa Peterson (PA)
Brown-Waite, Hobson Petri
Ginny Hoekstra Pitts
Burgess Holden Platts
Burton (IN) Hostettler Poe
Buyer Hulshof Pombo
Camp Hunter Pomeroy
Cannon Hyde Porter
Cantor Inglis (SC) Price (GA)
Capito Issa Pryce (OH)
Carter Jenkins Putnam
Castle Jindal Radanovich
Chabot Johnson (IL) Rahall
Chocola Johnson, E. B. Ramstad
Clyburn Johnson, Sam Regula
Coble Kanjorski Rehberg
Cole (OK) Keller Reichert
Conaway Kelly Renzi
Costa Kennedy (MN) Reynolds
Costello Kind Rogers (AL)
Crenshaw King (IA) Rogers (KY)
Cubin King (NY) Rohrabacher
Cuellar Kingston Ros-Lehtinen
Culberson Kirk Ross
Davis (KY) Kline Ruppertsberger
Davis, Jo Ann Knollenberg Rush
Davis, Tom Kolbe Ryan (WI)
Deal (GA) Kuhl (NY) Ryun (KS)
DeLay LaHood Salazar
Dent Larsen (WA) Saxton
Diaz-Balart, L. Latham Schmidt
Diaz-Balart, M. LaTourette Schwarz (MI)
Doolittle Leach Sensenbrenner
Doyle Lewis (CA) Sessions
Drake Lewis (KY) Shadegg
Dreier Linder Shaw
Duncan Lipinski Sherwood
Ehlers LoBiondo Shimkus
Emerson Lucas Shuster
English (PA) Lungren, Daniel Simpson
Everett E. Smith (NJ)
Feehey Mack Smith (TX)
Ferguson Manuzello Smith (WA)
Fitzpatrick (PA) Marchant Sodrel
Flake Matheson Souder
Foley McCaul (TX) Spratt
Forbes McCotter Stearns
Fortenberry McCrery Sullivan
Foxy McHenry Sweeney
Franks (AZ) McHugh Tancredo
Frelinghuysen McIntyre Tauscher
Gallegly McKeon Terry
Garrett (NJ) McMorris Thomas
Gerlach Mica Thompson (MS)
Gibbons Michaud Thornberry
Gilchrest Miller (FL) Tiahrt
Gillmor Miller (MI) Tiberi
Gingrey Mollohan Turner
Gohmert Moran (KS) Upton
Goode Murphy Walden (OR)
Goodlatte Murtha Walsh
Granger Musgrave Wamp
Graves Myrick Wasserman
Green (WI) Neugebauer Schultz
Green, Al Ney Weldon (FL)
Green, Gene Northup Weldon (PA)
Gutknecht Norwood Weller
Hall Nunes Westmoreland
Harris Nussle Whitfield
Hart Oberstar Wicker
Hastings (WA) Osborne Wilson (NM)
Hayes Otter Wilson (SC)
Hayworth Oxley Wolf
Hefley Pascrell Wynn
Hensarling Paul Young (AK)
Herger Pearce Young (FL)
Herseth Pence

NOT VOTING—16

- Barton (TX) Istook Rogers (MI)
Beauprez Melancon Rothman
Bishop (UT) Miller, Gary Tanner
Calvert Nadler Taylor (NC)
Cooper Oliver
Cunningham Pickering

So the amendment was not agreed to. After some further time, The SPEAKER pro tempore, Mr. PUTNAM, assumed the Chair.

When Mr. GINGREY, Acting Chairman, pursuant to House Resolution 440, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Authorization of funding related to Hurricane Katrina.

TITLE II—COAST GUARD

- Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
- Sec. 202. International training and technical assistance.
- Sec. 203. Officer promotion.
- Sec. 204. Coast Guard band director.
- Sec. 205. Authority for one-step turnkey design-build contracting.
- Sec. 206. Reserve recall authority.
- Sec. 207. Reserve officer distribution.
- Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.
- Sec. 209. Coast Guard history fellowships.
- Sec. 210. Icebreaker operation and maintenance plan.
- Sec. 211. Operation as a service in the Navy.
- Sec. 212. Commendation, recognition, and thanks for Coast Guard personnel.
- Sec. 213. Homeowners assistance for Coast Guard personnel affected by Hurricane Katrina.
- Sec. 214. Report on personnel, assets, and expenses.
- Sec. 215. Limitation on moving assets to St. Elizabeths hospital.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Treatment of ferries as passenger vessels.
- Sec. 302. Great Lakes pilotage annual rate-making.
- Sec. 303. Certification of vessel nationality in drug smuggling cases.
- Sec. 304. LNG Tankers.

TITLE IV—MISCELLANEOUS

- Sec. 401. Technical corrections.
- Sec. 402. Authorization of junior reserve officers training program pilot program.
- Sec. 403. Transfer.
- Sec. 404. Long-range vessel tracking system.
- Sec. 405. Reports.
- Sec. 406. Training of cadets at United States Merchant Marine Academy.
- Sec. 407. Marine casualty investigations study.
- Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
- Sec. 409. Deepwater implementation report.
- Sec. 410. Helicopters.
- Sec. 411. Reports from mortgagees of vessels.
- Sec. 412. Newtown Creek, New York City, New York.
- Sec. 413. Determination of the Secretary.
- Sec. 414. Report on technologies.
- Sec. 415. Movement of anchors.
- Sec. 416. International tonnage measurement of vessels engaged in the Aleutian trade.

- Sec. 417. Assessment and planning.
- Sec. 418. Homeport.
- Sec. 419. Opinions regarding whether certain facilities create obstructions to navigation.
- Sec. 420. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 421. Temporary authorization to extend the duration of vessel certificates of inspection.
- Sec. 422. Temporary center for processing of for licenses, certificates of registry, and merchant mariners' documents.
- Sec. 423. Determination of navigational impact.
- Sec. 424. Port Richmond.
- Sec. 425. Citizenship and naval reserve requirements.
- Sec. 426. Eligibility to participate in western Alaska community development quota program.
- Sec. 427. Quota share allocation.
- Sec. 428. Acquisition of maritime refueling support vessel for United States drug interdiction efforts in the Eastern Pacific Maritime Transit Zone.
- Sec. 429. Voyage data recorder requirements.

TITLE V—LIGHTHOUSES

- Sec. 501. Transfer.
- Sec. 502. Misty Fiords National Monument and Wilderness.
- Sec. 503. Cape St. Elias light station.
- Sec. 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.

TITLE VI—RESPONSE

- Sec. 601. Short title.
- Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.
- Sec. 603. Limits on liability.
- Sec. 604. Requirement to update Philadelphia area contingency plan.
- Sec. 605. Submerged oil removal.
- Sec. 606. Delaware River and Bay Oil Spill Advisory Committee.
- Sec. 607. Maritime fire and safety activities.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,586,400,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,903,821,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and

(C) \$284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and

evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$35,900,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2005, and September 30, 2006.

(b) **MILITARY TRAINING STUDENT LOADS.**—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2006, 2,500 student years.

(2) For flight training for fiscal year 2006, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2006, 350 student years.

(4) For officer acquisition for fiscal year 2006, 1,200 student years.

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

TITLE II—COAST GUARD

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988."

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) **IN GENERAL.**—Section 149 of title 14, United States Code, is amended—

(1) by amending the section heading to read as follows:

“§ 149. Assistance to foreign governments and maritime authorities”;

(2) by inserting before the existing undesignated text the following new subsection designation and heading: “(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—”; and

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

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

“149. Assistance to foreign governments and maritime authorities.”.

SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.”.

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by amending the first sentence to read as follows: “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”; and

(B) in the second sentence, by striking “a member so designated” and inserting “an individual so designated”;

(2) in subsection (c)—

(A) by striking “of a member” and inserting “of an individual”; and

(B) by striking “of lieutenant (junior grade) or lieutenant” and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual”;

(3) in subsection (d), by striking “A member” and inserting “An individual”; and

(4) in subsection (e)—

(A) by striking “When a member’s designation is revoked,” and inserting “When an individual’s designation is revoked.”; and

(B) by striking “option:” and inserting “option—”.

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of the enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 677. Turnkey selection procedures

“(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to per-

form, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

“(2) The term ‘construction’ includes the construction, procurement, development, conversion, or extension, of any facility.

“(3) The term ‘facility’ means a building, structure, or other improvement to real property.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

“677. Turnkey selection procedures.”.

SEC. 206. RESERVE RECALL AUTHORITY.

Section 712(a) of title 14, United States Code, is amended—

(1) by inserting “, or to aid in prevention of an imminent,” after “during”;

(2) by striking “or” before “catastrophe”;

(3) by inserting “, act of terrorism as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)), or transportation security incident as defined in section 70101 of title 46” after “catastrophe”;

(4) by striking “thirty days in any four-month period” and inserting “60 days in any 4-month period”; and

(5) by striking “sixty days in any two-year period” and inserting “120 days in any 2-year period”.

SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following: “Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.”; and

(2) in subsection (b), by striking so much as precedes paragraph (2) and inserting the following:

“(b)(1) The Secretary shall, at least once each year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”.

SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by designating the existing undesignated text as subsection (a); and

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

“(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.”.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking “or radio station” and inserting “radio station, or motorized vehicle” each place it appears.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§ 197. Coast Guard history fellowships

“(a) FELLOWSHIPS.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

“(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

“(1) is a graduate student in United States history;

“(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

“(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

“(c) REGULATIONS.—The regulations prescribed under this section shall include—

“(1) the criteria for award of fellowships;

“(2) the procedures for selecting recipients of fellowships;

“(3) the basis for determining the amount of a fellowship; and

“(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“197. Coast Guard history fellowships.”.

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking “Upon the declaration of war or when” and inserting “When”.

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance

to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) **COMMENDATION, RECOGNITION, AND THANKS.**—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) **ELIGIBLE PERSONS.**—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) **REIMBURSEMENT AMOUNT.**—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) **TRANSFER AND DISPOSAL OF PROPERTY.**—

(1) **IN GENERAL.**—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) **TREATMENT OF PROCEEDS.**—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) **QUALIFIED PROPERTY.**—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) **SUBJECT TO APPROPRIATIONS.**—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) **FERRY DEFINED.**—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

“(10b) ‘ferry’ means a vessel that is used on a regular schedule—

“(A) to provide transportation only between places that are not more than 300 miles apart, and

“(B) to transport only—

“(i) passengers, or

“(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.”.

(b) **PASSENGER VESSELS THAT ARE FERRIES.**—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following: “(D) that is a ferry carrying a passenger.”.

(c) **SMALL PASSENGER VESSELS THAT ARE FERRIES.**—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(3) by adding at the end the following: “(E) that is a ferry carrying more than 6 passengers.”.

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by striking “The” and inserting “Before March 1 of each year, the”; and

(2) by adding at the end the following:

“(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.”.

SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking “denial of such claim of registry” and inserting “response”.

SEC. 304. LNG TANKERS.

(a) **PROGRAM.**—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States-flag vessels.

(b) **AMENDMENT TO DEEPWATER PORT ACT.**—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

“(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.”.

(c) **REPORT.**—Within 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

TITLE IV—MISCELLANEOUS

SEC. 401. TECHNICAL CORRECTIONS.

(a) **REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.**—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

(b) **CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.**—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1037) is amended by inserting “of title 14” after “chapter 17”.

(c) **RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.**—Section 93(a) of title 14, United States Code, as

amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Section 302 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1041) is amended by striking “of 1972”.

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1043), is amended by striking “4307(a)of” and inserting “4307(a) of”.

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1049) is amended by striking “of September 30, 2005” and inserting “on September 30, 2005”.

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking “7302” and inserting “7302(c)”.

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, as amended by section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1058), is amended—

(A) by inserting “section” before “30305(b)(5)”;

(B) by inserting “section” before “30304(a)(3)(A)”.

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, as amended by section 609(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1058), is amended by striking “(23 U.S.C. 401 note)”.

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1067), is amended by striking “non-tank” each place it appears and inserting “nontank”.

(2) PUNCTUATION ERROR.—Section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1068) is amended by inserting close quotation marks after “each tank vessel”.

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amended by section 704(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1075), is amended by inserting a comma after “October 1, 2012”.

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item

relating to subtitle VI and inserting the following:

“VII. MISCELLANEOUS 70101”.

(1) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70119”.

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70119”.

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

“70117. Firearms, arrests, and seizure of property.

“70118. Enforcement by State and local officers.

“70119. Civil penalty.

“70120. In rem liability for civil penalties and certain costs.

“70121. Withholding of clearance.”.

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, as amended by section 806 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1082), is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking “hull” the second place it appears.

(o) EFFECTIVE DATE.—This section shall take effect August 9, 2004.

SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the “Secretary”) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 403. TRANSFER.

Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking “to be conveyed” and all that follows through the period and inserting “to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana).”.

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating \$4,000,000 for fiscal year 2006 to carry out the pilot program authorized under subsection (a).

SEC. 405. REPORTS.

(a) ADEQUACY OF ASSETS.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the

Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) **ADEQUACY OF ACTIVE DUTY STRENGTH.**—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review.

SEC. 406. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) in paragraph (2) by striking “and” after the semicolon at the end;

(2) in paragraph (3) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(4) on any other vessel considered necessary or appropriate or in the national interest.”.

SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.

(a) **STUDY.**—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health for a study of the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—

(1) result in information and recommendations that prevent similar casualties;

(2) minimize the effect of similar casualties, given that it has occurred; and

(3) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.

(b) **INCLUDED ELEMENTS.**—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—

(1) the adequacy of resources devoted to marine casualty investigations considering caseload, training and experience of marine casualty investigators, and duty assignment practices;

(2) investigation standards and methods, including a comparison of the formal and informal investigation processes;

(3) use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments, including the British MAIB program;

(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;

(5) the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and

(6) any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report.

(c) **REPORT TO CONGRESS.**—The study, along with its findings and recommenda-

tions, shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$625,000 to carry out the study required by this section.

SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) **IN GENERAL.**—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—
(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least \$700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) **MAINTENANCE AND DELIVERY OF VESSEL.**—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) **OTHER EXCESS EQUIPMENT.**—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SEC. 409. DEEPWATER IMPLEMENTATION REPORT.

Within 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Integrated Deepwater Program that includes—

(1) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program; and

(4) a total cost of the program that aligns with the revised mission needs statement for the program.

SEC. 410. HELICOPTERS.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating may in accordance with this section acquire or lease up to four previously used HH-65 helicopters or airframes (or any combination thereof) that were not under the administrative control of the Coast Guard on January 1, 2005.

(b) **DETERMINATION AND CERTIFICATION.**—The Secretary shall not acquire or lease any previously used HH-65 helicopters or airframes under subsection (a), until the end of the 90-day period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Secretary has—

(1) determined that acquiring or leasing such previously used helicopters or airframes, and making any modifications to such helicopters or airframes that are needed to ensure those helicopters and airframes meet the design, construction, and equipment standards that apply to H-65 helicopters under the administrative control of the Coast Guard on May 18, 2005, is more cost-effective than acquiring or leasing an equal number of MH-68 helicopters; and

(2) certified that the helicopters and airframes will meet all applicable Coast Guard safety requirements.

SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking “owners, masters, and charterers” and inserting “owners, masters, charterers, and mortgagees”.

SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) **STUDY.**—Of the amounts provided under section 1012 of the Oil Pollution Act of 1990, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Coast Guard shall transmit to Congress a report containing the results of the study.

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period “before an administrative law judge”; and

(2) by adding at the end the following:

“(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination.”.

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 415. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).”.

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

“(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.”.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard \$400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the de-

partment in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 425. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation se-

curity card issued under section 70105 of this title, when required.”.

SEC. 426. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of Public Law 91-190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term “community development plan” means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a “community development plan”.

SEC. 427. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108-199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

SEC. 428. ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated \$25,000,000 for fiscal year 2006 and \$25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

SEC. 429. VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“§ 3507. Voyage data recorders

“(a) The Secretary shall prescribe regulations that require that a passenger vessel

described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

“(b) Regulations prescribed under subsection (a) shall establish—

“(1) standards for voyage data recorders required under the regulations;

“(2) methods for approval of models of voyage data recorders under the regulations; and

“(3) procedures for annual performance testing of voyage data recorders required under the regulations.

“(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary \$1,500,000 each fiscal year.”

(b) **DEADLINE FOR REGULATIONS.**—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“3507. Voyage data recorders.”

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) **JURISDICTIONAL TRANSFERS.**—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) **FACILITIES DESCRIBED.**—The facilities described in subsection (a) are the following:

(1) **GUARD ISLAND LIGHT STATION.**—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) **ELDRED ROCK LIGHT STATION.**—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) **MARY ISLAND LIGHT STATION.**—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) **CAPE HINCHINBROOK LIGHT STATION.**—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) **MAPS.**—

(1) **REQUIREMENT TO PREPARE.**—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) **CORRECTIONS AND MODIFICATIONS.**—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) **EFFECT OF TRANSFER.**—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) **TRANSFER OF LAND.**—

(1) **REQUIREMENT.**—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) **RESERVATIONS FOR AIDS TO NAVIGATION.**—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) **NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.**—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

(g) **PRIORITY.**—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) **REQUIREMENT TO TRANSFER.**—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) **EFFECTUATION OF TRANSFER.**—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) **RESERVATION FOR AIDS TO NAVIGATION.**—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) **EASEMENTS AND SPECIAL USE AUTHORIZATIONS.**—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled “Tree Point Light Station,” dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) **ACTIONS FOLLOWING TERMINATION OR REVOCATION.**—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)).

(f) **REVOCATION OF WITHDRAWALS AND RESERVATIONS.**—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) **REMEDIAION RESPONSIBILITIES NOT AFFECTED.**—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) **REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.**—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) **DESCRIPTION OF LAND.**—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) **RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.**—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) **INCLUSION IN REFUGE.**—

(1) **INCLUSION.**—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) **ADMINISTRATION.**—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2005”.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) **REQUIREMENT.**—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) **RESTRICTION ON USE OF NOTIFICATION.**—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”

SEC. 603. LIMITS ON LIABILITY.

(a) **ADJUSTMENT OF LIABILITY LIMITS.**—

(1) **TANK VESSELS.**—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”;

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

(2) **LIMITATION ON APPLICATION.**—In the case of an incident occurring before the date

of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) **ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.**—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) **ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.**—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) **AMENDMENTS.**—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I;”; and

(2) by adding at the end the following:

“SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) **PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

“(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

“(C) The development of techniques to detect and monitor submerged oil.

“(2) **REPORT.**—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) **FUNDING.**—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) **DEMONSTRATION PROJECT.**—

“(1) **REMOVAL OF SUBMERGED OIL.**—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

“(2) **FUNDING.**—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”

Whitfield Wolf Young (AK)
Wicker Woolsey Young (FL)
Wilson (NM) Wu
Wilson (SC) Wynn

NOT VOTING—18

Barton (TX) Cunningham Oliver
Beauprez Ford Pickering
Berman Istook Rogers (MI)
Bishop (UT) Melancon Rothman
Calvert Miller, Gary Tanner
Cooper Nadler Taylor (NC)

Lewis (KY) Pence
Linder Peterson (MN)
LoBiondo Peterson (PA)
Lucas Petri
Lungren, Daniel Pitts
E. Platts
Mack Poe
Manzullo Pombo
Marchant Porter
Marshall Price (GA)
Matheson Pryce (OH)
McCaul (TX) Putnam
McCotter Radanovich
McCrery Ramstad
McHenry Regula
McHugh Rehberg
McKeon Reichert
McMorris Renzi
Mica Reynolds
Miller (FL) Rogers (AL)
Miller (MI) Rogers (KY)
Moran (KS) Rohrabacher
Murphy Ros-Lehtinen
Myrick Royce
Neugebauer Ryan (WI)
Ney Ryun (KS)
Northup Saxton
Norwood Schmidt
Nunes Schwarz (MI)
Nussle Sensenbrenner
Osborne Sessions
Otter Shadegg
Oxley Shaw
Paul Shays
Pearce Sherwood

Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOT VOTING—21

Baca Cunningham Nadler
Barton (TX) Ford Oliver
Beauprez Gallegly Pickering
Berman Istook Rogers (MI)
Bishop (UT) Melancon Rothman
Calvert Miller, Gary Tanner
Cooper Musgrave Taylor (NC)

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

95.17 H. RES. 437—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PUTNAM, announced that yeas had it.

Mr. DREIER demanded the yeas and nays on agreeing to said resolution, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the { Yeas 224
affirmative { Nays 188

95.18 [Roll No. 475]
YEAS—224

Aderholt Culberson Green (WI)
Akin Davis (FL) Gutknecht
Alexander Davis (KY) Hall
Bachus Davis (TN) Harris
Baker Davis, Jo Ann Hart
Barrett (SC) Davis, Tom Hastings (WA)
Barrow Deal (GA) Hayes
Bartlett (MD) DeLay Hayworth
Bass Dent Hefley
Biggert Diaz-Balart, L. Hensarling
Bilirakis Diaz-Balart, M. Henger
Blackburn Doolittle Hobson
Blunt Drake Hoekstra
Boehlert Dreier Hostettler
Boehner Duncan Hulshof
Bonilla Ehlers Hunter
Bonner Emerson Hyde
Bono English (PA) Inglis (SC)
Boozman Everett Issa
Boustany Feeney Jenkins
Bradley (NH) Ferguson Jindal
Brady (TX) Fitzpatrick (PA) Johnson (CT)
Brown (SC) Flake Johnson (IL)
Brown-Waite, Foley Johnson, Sam
Ginny Forbes Jones (NC)
Burgess Fortenberry Keller
Burton (IN) Fossella Kelly
Buyer Foxx Kennedy (MN)
Camp Franks (AZ) King (IA)
Cannon Frelinghuysen King (NY)
Cantor Garrett (NJ) Kingston
Capito Gerlach Kirk
Carter Gibbons Kline
Castle Gilchrest Knollenberg
Chabot Gillmor Kolbe
Chocola Gingrey Kuhl (NY)
Coble Gohmert LaHood
Cole (OK) Goode Latham
Conaway Goodlatte LaTourrette
Crenshaw Granger Leach
Cubin Graves Lewis (CA)

Abercrombie Green, Gene
Ackerman Grijalva
Allen Gutierrez
Andrews Harman
Baird Hastings (FL)
Baldwin Hersheth
Bean Higgins
Becerra Hinchey
Berkley Hinojosa
Berry Holden
Bishop (GA) Holt
Bishop (NY) Honda
Blumenauer Hooley
Boren Hoyer
Boswell Inslee
Boucher Israel
Boyd Jackson (IL)
Brady (PA) Jackson-Lee
Brown (OH) (TX)
Brown, Corrine Jefferson
Butterfield Johnson, E. B.
Capps Jones (OH)
Capuano Kanjorski
Cardin Kaptur
Carloza Kennedy (RI)
Carnahan Kildee
Carson Kilpatrick (MI)
Case Kind
Chandler Kucinich
Clay Langevin
Clever Lantos
Clyburn Larsen (WA)
Conyers Larson (CT)
Costa Lee
Costello Levin
Cramer Lewis (GA)
Crowley Lipinski
Cuellar Lofgren, Zoe
Cummings Lowey
Davis (AL) Lynch
Davis (CA) Maloney
Davis (IL) Markey
DeFazio Matsui
DeGette McCarthy
Delahunt McCollum (MN)
DeLauro McDermott
Dicks McGovern
Dingell McIntyre
Doggett McKinney
Doyle McNulty
Edwards Meehan
Emanuel Meek (FL)
Engel Meeks (NY)
Eshoo Menendez
Etheridge Michaud
Evans Millender-
Farr McDonald
Fattah Miller (NC)
Filner Miller, George
Frank (MA) Mollohan
Gonzalez Moore (KS)
Gordon Moore (WI)
Green, Al Moran (VA)

NAYS—188

Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

95.19 CLERK TO CORRECT
ENGROSSMENT—H.R. 889

On motion of Mr. YOUNG of Alaska, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes the Clerk be authorized to correct section numbers, punctuation and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

95.20 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, September 19, 2005, at noon; and further, when the House adjourns on Monday, September 19, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning-hour debate.

95.21 CALENDAR WEDNESDAY BUSINESS
DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 21, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

95.22 COMMITTEE ELECTION—MAJORITY

Mr. DELAY, by unanimous consent, submitted the following resolution (H. Res. 445):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.

Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foy.

Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.

Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.23 PRESIDENT CHEN SHUI-BIAN

On motion of Mr. CHABOT, by unanimous consent, the Committee on International Relations was discharged from further consideration of the following concurrent resolution (H. Con. Res. 237):

Whereas for more than 50 years an iron-clad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas the upcoming September 20, 2005, visit to the United States of Taiwan's President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

Whereas on September 20, 2005, Taiwan's President Chen Shui-bian will be presented the Human Rights Award by the Congressional Human Rights Caucus for his efforts in promoting tolerance, democracy, and human rights;

Whereas Taiwan's President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq; and

Whereas the Government of Taiwan has donated \$2 million to the Government of the United States to help with relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on September 20, 2005;

(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;

(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;

(4) recognizes the commitment and efforts of President Chen Shui-bian of Taiwan to maintain the peace and stability in the Taiwan Strait;

(5) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the Congressional Human Rights Caucus; and

(6) thanks President Chen Shui-bian and the government and people of Taiwan for their contribution to relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina.

When said concurrent resolution was considered and agreed to.

Mr. CHABOT submitted the following amendment to the preamble, which was agreed to:

In the first clause of the preamble, strike "iron-clad relationship" and insert "enduring friendship".

A motion to reconsider the votes whereby said concurrent resolution

was agreed to and the preamble was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶95.24 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PUTNAM, laid before the House the following communication from Mr. JEFFERSON:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

I will make the determinations required by Rule VIII.

Sincerely,
WILLIAM J. JEFFERSON,
Member of Congress.

¶95.25 MESSAGE FROM THE PRESIDENT—DEFENSE BASE CLOSURE AND REALIGNMENT

The SPEAKER pro tempore, Mr. PUTNAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH,
THE WHITE HOUSE, September 15, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Armed Services and ordered to be printed (H. Doc. 109-56).

¶95.26 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. DAVIS of Kentucky, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
September 15, 2005.

I hereby appoint the Honorable MAC THORBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶95.27 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 276. An Act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

¶95.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. COOPER, for today after 2 p.m.;

To Mr. ISTOOK, for today;

To Mr. Gary G. MILLER of California, for today;

To Mr. PICKERING, for today after 12:30 p.m.;

To Mr. ROGERS of Michigan, for today; and

To Mr. TANNER, for today.

¶95.29 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the previous order of the House, at 8 o'clock and 37 minutes p.m., the House adjourned until noon on Monday, September 19, 2005.

¶95.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. McKEON, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 3784. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3785. A bill to amend the Internal Revenue Code of 1986 to exempt from personal use rules the use of vacation property as a residence for persons displaced by Hurricane Katrina; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. McCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, Mr. MELANCON, and Mr. WICKER):

H.R. 3786. A bill to modify requirements under the emergency relief program under

title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Ms. LINDA T. SANCHEZ of California, Ms. KAPTUR, Mr. MCGOVERN, Ms. BALDWIN, Mr. RUSH, and Ms. DELAURO):

H.R. 3787. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Mr. BOEHNER, Mr. JINDAL, Mr. BAKER, Mr. ALEXANDER, Mr. BOUSTANY, Mr. WICKER, Mr. PICKERING, and Mr. MCKEON):

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3789. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. KIND:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. CAPPS, and Ms. BALDWIN):

H.R. 3791. A bill to provide for the deferment of acquisition of petroleum for the Strategic Petroleum Reserve under certain circumstances; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. CAPPS):

H.R. 3792. A bill to provide for the establishment of a Gasoline Availability Stabilization Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CAPPS:

H.R. 3793. A bill to ensure that predisaster hazard mitigation continues beyond 2005; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself and Mr. RUSH):

H.R. 3794. A bill to require the Secretary of Housing and Urban Development to make single family properties held by the Department pursuant to foreclosure under the FHA mortgage insurance program available for occupancy by families displaced by Hurricane Katrina; to the Committee on Financial Services.

By Mr. FERGUSON (for himself, Mr. PICKERING, Mr. CHOCOLA, Mr. INSLEE, Mr. GERLACH, Mr. WILSON of South Carolina, Mr. HOLDEN, and Mr. VAN HOLLEN):

H.R. 3795. A bill to amend title XVIII of the Social Security Act to modify the definition

of outpatient speech-language pathology services in order to recognize speech-language pathologists as suppliers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 3796. A bill to establish the AmeriCorps Disaster Relief Corps to carry out national service projects that address the needs arising from the consequences of Hurricane Katrina, and other major disasters and emergencies; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. HOSTETTLER, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. GUTKNECHT, Mr. TANCREDO, Mr. GOODE, Mr. MCHENRY, Mr. FEENEY, Mr. CHABOT, Mr. MARCHANT, and Mr. BARTLETT of Maryland):

H.R. 3797. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space for the United States Government until January 1, 2007; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER:

H.R. 3798. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the monthly rates of the basic allowance for housing and the cost-of-living allowance for members of the uniformed services in response to sudden increases in energy and gasoline prices; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas:

H.R. 3799. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 3800. A bill to amend title XIX of the Social Security Act to extend for 1 year the qualified individual (QI) program of Medicare cost-sharing assistance to low-income Medicare beneficiaries; to the Committee on Energy and Commerce.

By Mr. LAHOOD:

H.R. 3801. A bill to reduce temporarily the duty on sulfentazone; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Ms. LINDA T. SANCHEZ of California, Mr. ISRAEL, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. WATT, Mr. PAYNE, Mr. JEFFERSON, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. OWENS):

H.R. 3802. A bill to provide student loan forgiveness to the surviving spouses and parents of the victims of Hurricane Katrina; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 to allow certain surviving spouses to exclude up to \$500,000 of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. MCCARTHY:

H.R. 3804. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mrs. MCCARTHY):

H.R. 3805. A bill to establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Government Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 3806. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. NEY:

H.R. 3807. A bill to amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate "boutique" fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY:

H.R. 3808. A bill to amend title 18, United States Code, to provide criminal penalties for price gouging during times of disaster; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BACA, Mr. HOLDEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CASE, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. HERSETH, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUTTERFIELD, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARROW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. BECERRA, Mr. OBERSTAR, Mr. GRIJALVA, Mr. REYES, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR):

H.R. 3809. A bill to respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3810. A bill to establish a Special Inspectors General Council for Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 3811. A bill to terminate the effect of laws prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 3812. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3813. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the

Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 3814. A bill to ensure that highway safety signs within 5 miles of a border checkpoint in the United States are bilingual; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, and Mr. MEEK of Florida):

H.R. 3815. A bill to ensure that communities are prepared for evacuation in case of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 3816. A bill to reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. RUSH, Mr. PUTNAM, and Mr. COLE of Oklahoma):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. ISSA:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BROWN of Ohio, Ms. HARRIS, Mr. ISSA, Mr. LEVIN, Ms. GRANGER, Ms. DELAURO, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Ms. BALDWIN, Mr. COOPER, Mr. WAXMAN, and Mr. DINGELL):

H. Res. 444. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. DELAY:

H. Res. 445. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MALONEY:

H. Res. 446. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA in preparing for the launch of Space Shuttle Discovery on STS-114; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Ms. MILLENDER-MCDONALD, and Ms. SLAUGHTER):

H. Res. 447. A resolution permitting the use of the frank for mailings which include solicitations for charities responding to a major disaster which is the subject of a Presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H. Res. 448. A resolution recognizing the suffering of both Israelis and Palestinians and acknowledging the sacrifices made in the interest of peace by the Israeli settlers who left the Gaza Strip voluntarily, and for other purposes; to the Committee on International Relations.

By Mr. TIERNEY (for himself and Mr. LEACH):

H. Res. 449. A resolution to create a select committee to monitor and investigate the awarding and carrying out of contracts related to the relief and reconstruction efforts in response to Hurricane Katrina; to the Committee on Rules.

¶95.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 3819. A bill for the relief of Vicente Beltran Luna; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 3820. A bill to clarify section 1511 of the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 3821. A bill for the relief of Alejandra Arias Martinez; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3822. A bill for the relief of Milton De Jesus Marroquin; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 3823. A bill for the relief of Alcibiades Velasquez Olarte, Paulina Garzon de Velasquez, Luis Eduardo Velasquez Garzon, Sandra Pena Escobar, Nicholas Jose Velasquez Pena, Luis Felipe Velasquez Pena, Miguel Antonio Velasquez Garzon, Rocio Suarez Mendez, Michelle Camila Velasquez Suarez, Maria Hilma Velasquez Garcon, Teresa Velasquez Garcon, Sandy Paola Olarte Velasquez, Flor Ines Velasquez Garzon, Ramon Domingo Claro Correa, Sebastian Camilo Claro Velasquez, Marina Velasquez Garzon, and Clara Imelda Velasquez Garzon; to the Committee on the Judiciary.

¶95.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 128: Mr. REYES.
- H.R. 145: Mr. MCCOTTER.
- H.R. 146: Mr. MCCOTTER.

H.R. 147: Ms. WASSERMAN SCHULTZ, Mr. STUPAK, and Ms. VELÁZQUEZ.

H.R. 226: Mr. MEEKS of New York, Mrs. MCCARTHY, and Mr. LARSON of Connecticut.

H.R. 302: Mr. WU.

H.R. 331: Mr. ENGLISH of Pennsylvania.

H.R. 356: Mr. TAYLOR of North Carolina and Mrs. SCHMIDT.

H.R. 363: Ms. CARSON, Mr. LANTOS, Mr. BERRY, and Ms. SLAUGHTER.

H.R. 376: Mr. REYES.

H.R. 445: Mr. MARSHALL.

H.R. 551: Mr. CAPUANO.

H.R. 552: Mr. CONAWAY.

H.R. 583: Mr. LATOURETTE, Mr. GERLACH, and Mr. TIBERI.

H.R. 691: Ms. FOX.

H.R. 698: Mr. KING of Iowa and Mr. CONAWAY.

H.R. 759: Mr. CAPUANO and Ms. VELÁZQUEZ. H.R. 813: Mr. GRIJALVA and Mr. LARSON of Connecticut.

H.R. 819: Mr. GENE GREEN of Texas.

H.R. 874: Mr. GOODE.

H.R. 885: Mr. MARKEY, Mr. BILIRAKIS, Mr. WATT, and Mr. FORTUÑO.

H.R. 896: Mr. SMITH of Washington.

H.R. 920: Mr. BRADY of Texas.

H.R. 923: Mr. BOUSTANY.

H.R. 925: Mr. HERGER and Mr. CALVERT.

H.R. 1002: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. PRICE of North Carolina.

H.R. 1100: Mr. MARCHANT.

H.R. 1121: Mr. KNOLLENBERG.

H.R. 1131: Mr. LAHOOD, Mrs. TAUSCHER, Mr. STARK, Mr. DICKS, and Mr. PETERSON of Minnesota.

H.R. 1153: Ms. DELAURE and Mr. JEFFERSON.

H.R. 1201: Mrs. DAVIS of California.

H.R. 1204: Mr. BISHOP of New York, Mr. GILLMOR, and Mr. TOM DAVIS of Virginia.

H.R. 1282: Mr. BROWN of Ohio, Mr. ORTIZ, and Mr. WAMP.

H.R. 1298: Mrs. JONES of Ohio, Mrs. CAPPS, and Mr. BURTON of Indiana.

H.R. 1329: Mr. PASCRELL, Mr. MENENDEZ, Mr. EVERETT, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. SABO, Mrs. DAVIS of California, and Ms. BERKLEY.

H.R. 1376: Mr. LOBIONDO.

H.R. 1390: Mr. GENE GREEN of Texas, Mr. LANTOS, Mr. REYES, and Ms. LINDA T. SANCHEZ OF CALIFORNIA.

H.R. 1409: Mr. TOWNS.

H.R. 1426: Ms. BEAN.

H.R. 1522: Mr. RYAN of Ohio.

H.R. 1545: Mr. MEEK of Florida.

H.R. 1548: Mr. PAUL, Mr. UPTON, Mr. KINGSTON, Mr. COSTA, and Mr. LEWIS of Kentucky.

H.R. 1558: Mr. EVERETT.

H.R. 1598: Mr. BISHOP of Georgia.

H.R. 1607: Ms. HART.

H.R. 1634: Mr. WESTMORELAND.

H.R. 1691: Mr. PETRI, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. SENSENBRENNER, and Mr. KIND.

H.R. 1707: Mr. PALLONE, Mr. DOGGETT, and Mr. FRANK of Massachusetts.

H.R. 1749: Mr. KING of Iowa, Mr. GOODE, and Mrs. MUSGRAVE.

H.R. 1770: Mrs. CAPITO.

H.R. 1851: Mr. HOLDEN.

H.R. 1898: Ms. HARRIS.

H.R. 1986: Mr. SHADEGG.

H.R. 2014: Mr. MOORE of Kansas.

H.R. 2045: Mr. SOUDER.

H.R. 2121: Mr. MCCOTTER, Mr. TERRY, Mr. BEAUPREZ, and Mr. PAUL.

H.R. 2209: Mr. POMEROY and Mr. STUPAK.

H.R. 2211: Mr. BROWN of South Carolina.

H.R. 2238: Ms. HERSETH.

H.R. 2258: Mrs. WILSON of New Mexico.

H.R. 2317: Mr. HONDA, Mr. SODREL, Mr. REYES, Mr. BARTLETT of Maryland, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Mr. BRADY of Texas.

H.R. 2356: Mr. SANDERS, Mr. ROHRBACHER, Mr. MORAN of KANSAS, and Mr. VAN HOLLEN.

H.R. 2363: Mr. ROHRBACHER, Mr. HERGER, Mr. ISSA, and Mr. CALVERT.
 H.R. 2389: Mrs. SCHMIDT.
 H.R. 2533: Mr. OSBORNE, Mr. STUPAK, and Mr. PETERSON of Minnesota.
 H.R. 2631: Mr. MEEKS of New York.
 H.R. 2661: Mr. EDWARDS.
 H.R. 2662: Ms. NORTON.
 H.R. 2669: Mr. EVERETT, Mrs. TAUSCHER, and Mr. PAYNE.
 H.R. 2673: Mr. VAN HOLLEN.
 H.R. 2679: Mr. MCCOTTER, Mrs. MUSGRAVE, and Mr. MARCHANT.
 H.R. 2694: Mr. REYES.
 H.R. 2759: Mrs. MCCARTHY.
 H.R. 2803: Mr. GILLMOR, Mr. RAHALL, Mr. BILIRAKIS, and Mr. CHOCOLA.
 H.R. 2804: Mr. MICA.
 H.R. 2823: Mr. GARRETT of New Jersey.
 H.R. 2830: Mr. BARTLETT of Maryland.
 H.R. 2926: Mr. BAIRD.
 H.R. 2951: Mr. COSTA.
 H.R. 2952: Mr. SESSIONS and Mr. CUNNINGHAM.
 H.R. 2989: Mr. WALDEN of Oregon and Mr. CANNON.
 H.R. 2990: Mr. ENGLISH of Pennsylvania.
 H.R. 3005: Mr. CUNNINGHAM, Mr. DAVIS of Alabama, Mr. DENT, Mr. FORTUÑO, Mr. AL GREEN of Texas, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. PLATTS, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. UDALL of Colorado.
 H.R. 3034: Mr. SHERMAN.
 H.R. 3042: Mr. WAXMAN.
 H.R. 3096: Mr. TIERNEY.
 H.R. 3098: Mr. TERRY, Mr. BERMAN, Mr. BEAUPREZ, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. GINGREY, Mr. PALLONE, Mr. ISSA, Mr. CUNNINGHAM, and Mr. CARTER.
 H.R. 3103: Mr. SHERMAN and Ms. WATSON.
 H.R. 3128: Ms. PELOSI and Ms. ROS-LEHTINEN.
 H.R. 3135: Mr. REYNOLDS.
 H.R. 3138: Mrs. MALONEY.
 H.R. 3162: Mr. BRADY of Texas.
 H.R. 3163: Mr. PAUL.
 H.R. 3260: Mr. GRIJALVA and Mr. JEFFERSON.
 H.R. 3301: Ms. HART and Mr. HOBSON.
 H.R. 3323: Mr. THOMPSON of California and Mr. HOLT.
 H.R. 3334: Mr. SIMMONS, Mr. WYNN, Ms. SLAUGHTER, Ms. SCHWARTZ of Pennsylvania, Mr. CARNAHAN, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. WICKER, and Mr. HOLT.
 H.R. 3352: Mrs. NORTHUP.
 H.R. 3361: Mr. GARY G. MILLER of California.
 H.R. 3385: Mr. SESSIONS, Mr. HAYWORTH, and Mr. PRICE of North Carolina.
 H.R. 3422: Mr. PETERSON of Minnesota.
 H.R. 3430: Mr. GUTKNECHT.
 H.R. 3444: Mr. MILLER of Florida.
 H.R. 3478: Mr. BARTLETT of Maryland, Mr. OTTER, Mr. ABERCROMBIE, and Mr. SODREL.
 H.R. 3511: Mr. HALL.
 H.R. 3532: Mr. KILDEE.
 H.R. 3555: Mr. OWENS, Mr. McDERMOTT, and Mr. GRIJALVA.
 H.R. 3559: Mr. BOUCHER, Mr. HINCHEY, Mr. KANJORSKI, Mr. ALLEN, Mr. BISHOP of New York, Mr. VISCLOSKY, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 3560: Ms. SCHAKOWSKY.
 H.R. 3561: Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, and Ms. VELÁZQUEZ.
 H.R. 3576: Ms. ZOE LOFGREN of California.
 H.R. 3579: Mr. CROWLEY, Mr. PALLONE, Mrs. MCCARTHY, Mr. CLEAVER, and Mr. BILIRAKIS.
 H.R. 3583: Mr. CROWLEY.
 H.R. 3585: Mrs. MUSGRAVE.
 H.R. 3639: Mr. KANJORSKI and Mr. RAHALL.
 H.R. 3656: Ms. MILLENDER-McDONALD and Ms. ESHOO.

H.R. 3659: Mr. SHERMAN.
 H.R. 3667: Mr. GALLEGLY and Mr. DAVIS of Illinois.
 H.R. 3690: Ms. PELOSI and Ms. CORRINE BROWN of Florida.
 H.R. 3693: Mr. KUHL of New York.
 H.R. 3697: Ms. MATSUI and Mr. KENNEDY of Rhode Island.
 H.R. 3698: Ms. SCHAKOWSKY, Ms. SOLIS, and Ms. ESHOO.
 H.R. 3708: Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. OWENS, and Mr. ETHERIDGE.
 H.R. 3711: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. OWENS, and Mr. FILNER.
 H.R. 3712: Mr. OWENS.
 H.R. 3714: Mr. FOLEY and Mr. BOUSTANY.
 H.R. 3717: Mr. DAVIS of Tennessee, Mr. MILLER of Florida, and Mr. SHUSTER.
 H.R. 3737: Mr. SMITH of Washington and Mr. SOUDER.
 H.R. 3742: Mr. CRENSHAW and Mr. YOUNG of Florida.
 H.R. 3748: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. BURGESS, Ms. WOOLSEY, Mr. DELAHUNT, Mr. FORTUÑO, Mr. SESSIONS, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. MENENDEZ, Mr. EVANS, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. TOWNS, Mr. MICHAUD, Mr. BACHUS, Mr. DAVIS of Illinois, and Mrs. MCCARTHY.
 H.R. 3760: Ms. NORTON and Mr. SCOTT of Virginia.
 H.R. 3763: Ms. LORETTA SANCHEZ of California, Mr. ROSS, Ms. HOOLEY, Ms. HARMAN, Mr. LIPINSKI, Mr. CASE, Mr. CLAY, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.
 H.R. 3764: Mr. ABERCROMBIE, Mr. DEFazio, Mr. LARSON of Connecticut, Mr. BUTTERFIELD, Ms. NORTON, Mr. VISCLOSKY, Mr. COOPER, Mr. FATTAH, Mr. ORTIZ, Mr. RAHALL, and Mr. DAVIS of Alabama.
 H.R. 3769: Mrs. CHRISTENSEN, Mr. BROWN of Ohio, and Mr. MCGOVERN.
 H.R. 3773: Mr. JEFFERSON.
 H.R. 3774: Mr. MARKEY, Mr. OWENS, Mr. NADLER, Mr. LEWIS of Georgia, Mr. FARR, and Mr. AL GREEN of Texas.
 H.R. 3776: Ms. FOXF and Mr. JONES of North Carolina.
 H.J. Res. 55: Mr. EVANS and Mr. McDERMOTT.
 H.J. Res. 57: Mr. GRAVES.
 H.J. Res. 61: Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. KUHL of New York, Mr. CARDIN, Mr. FARR, Mr. CASTLE, Mr. BASS, Mr. OSBORNE, Mr. WEXLER, Mr. MILLER of Florida, Mrs. MILLER of Michigan, and Ms. SOLIS.
 H. Con. Res. 42: Mrs. WILSON of New Mexico.
 H. Con. Res. 50: Mrs. BLACKBURN.
 H. Con. Res. 85: Ms. LINDA T. SANCHEZ of California.
 H. Con. Res. 195: Mr. STRICKLAND, and Ms. LEE.
 H. Con. Res. 210: Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. OWENS, Mr. HIGGINS, Mr. LIPINSKI, Mr. TOM DAVIS of Virginia, and Mr. RAMSTAD.
 H. Con. Res. 222: Mr. FITZPATRICK of Pennsylvania and Mr. CONAWAY.
 H. Con. Res. 228: Ms. HART, Mr. McNULTY, Ms. WASSERMAN SCHULTZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. SIMMONS, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mr. HALL, Ms. MATSUI, Ms. BORDALLO, Mr. ORTIZ, Mr. BRADLEY of New Hampshire, Mr. MARKEY, Mr. RUSH, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WYNN, Mr. DAVIS of Florida, Mr. DINGELL, Mrs. CAPPS, Mr. NADLER, Mrs. KAPTUR, Mr. ALLEN, Mr. CLEAVER, Mr. MCHUGH, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. LEVIN, Mr. COOPER, Mr. KILDEE, Ms. McCOLLUM of Minnesota, Mr. BROWN of Ohio, and Mrs. MCCARTHY.

H. Con. Res. 230: Mr. RANGEL, Mr. BERMAN, Mr. INSLEE, Mr. FORBES, Mr. CARTER, Mr. MEEKS of New York, and Mr. MCCOTTER.
 H. Con. Res. 231: Mr. SMITH of Washington.
 H. Con. Res. 237: Mr. ACKERMAN, Mr. STARK, and Mr. WU.
 H Res. 24: Ms. ROS-LEHTINEN.
 H. Res. 192: Mr. BROWN of Ohio.
 H. Res. 215: Mr. BACHUS and Mr. BARTLETT of Maryland.
 H. Res. 220: Mr. LEACH, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, and Mr. EVANS.
 H. Res. 261: Ms. WOOLSEY, Mr. BAKER, Mr. BOUSTANY, and Mr. LOBIONDO.
 H. Res. 276: Mr. HINCHEY, Mr. SMITH of Washington, and Ms. SOLIS.
 H. Res. 295: Mr. SKELTON.
 H. Res. 316: Ms. PELOSI, Mr. FERGUSON, Ms. SCHAKOWSKY, Mrs. BONO, Mr. OTTER, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. SIMMONS, Mr. KUCINICH, Mr. HOYER, Mr. BECERRA, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CUNNINGHAM, Mr. GERLACH, Mr. EVANS, Mr. FRELINGHUYSEN, Mr. TOWNS, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. PORTER, Ms. KAPTUR, Ms. VELÁZQUEZ, and Mr. BACA.
 H. Res. 323: Mr. MCHUGH and Mrs. KELLY.
 H. Res. 325: Mr. HIGGINS.
 H. Res. 368: Mr. SMITH of Texas and Ms. SCHWARTZ of Pennsylvania.
 H. Res. 409: Mr. FLAKE, Mrs. MUSGRAVE, and Ms. LINDA T. SANCHEZ of California.
 H. Res. 415: Mr. McNULTY.
 H. Res. 441: Mr. GENE GREEN of Texas and Mr. JEFFERSON.

¶95.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3684: Mr. WAMP.
 H.R. 3763: Mr. PRICE of Georgia.

MONDAY, SEPTEMBER 19, 2005 (96)

¶96.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
 September 19, 2005.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶96.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced he had examined and approved the Journal of the proceedings of Thursday, September 15, 2005.

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

¶96.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3959. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, "to authorize the Secretary of Agriculture, at the request of a participating State, to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program"; to the Committee on Agriculture.

3960. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3961. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3962. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of June 30, 2005, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

3963. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3964. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

3965. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, to provide assistance to the United Nations Democracy Fund; to the Committee on International Relations.

3966. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3967. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3968. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3969. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3970. A letter from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting the Department's Annual Progress Report to Congress, covering interagency activities and DoC-specific activities between May 2004 and May 2005, pursuant to Public Law 106-107, section 5; to the Committee on Government Reform.

3971. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3972. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3973. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3974. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2007, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

3975. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revisions to FEC Form 5, Report of Independent Expenditures Made and Contributions received, and Instructions for FEC Form 5, Instructions for FEC 6, and FEC 10, 24-Hour Notice of Expenditures from Candidates's Personal Funds and Instructions for FEC Form 10; to the Committee on House Administration.

3976. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "to authorize the Secretary of the Interior to enter into cooperative agreements to protect park natural resources through collaborative efforts on lands inside and outside of National Park System units"; to the Committee on Resources.

3977. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

3978. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the tenth annual report on amounts paid to telecommunications carriers and manufacturers during FY 2004, and estimates of amounts expected to be paid in the current fiscal year, pursuant to Public Law 103-414; to the Committee on the Judiciary.

3979. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2002 and 2004 Biennial Reports on the Effectiveness of Violence Against Women Act Grant activities, pursuant to Public Law 106-386, section 1003; to the Committee on the Judiciary.

3980. A letter from the Director, Office of Government Relations, Smithsonian Institution, transmitting a copy of the "Annual Proceedings of the One-Hundred Twelfth Continental Congress" of the National Society of the Daughters of the American Revolution, pursuant to 36 U.S.C. 153107; to the Committee on the Judiciary.

3981. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2004-19764; Directorate Identifier 2004-NM-02-AD; Amendment 39-14182; AD 2005-14-05] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3982. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2005-20870; Directorate Identifier 2004-NM-180-AD; Amendment 39-14174; AD 2005-13-37] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3983. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2005-20852; Directorate Identifier 2004-NM-240-AD; Amendment 39-14175; AD 2005-13-38] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A(C-21A), and 36 Airplanes [Docket No. FAA-2005-20872; Directorate Identifier 2004-NM-271-AD; Amendment 39-14173; AD 2005-13-36] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-100 and -200 Series Airplanes [Docket No. FAA-2005-20755; Directorate Identifier 2004-NM-244-AD; Amendment 39-14176; AD 2005-13-39] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3986. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Models HC-B3TN-2, HC-B3TN-3, HC-B3TN-5, HC-B3MN-3, HC-B4TN-3, HC-B4TN-5, HC-B4MN-5, HC-B4MP-3, HC-B4MP-5, and HC-B5MP-3 Propellers [Docket No. FAA-2005-21735; Directorate Identifier 2005-NE-22-AD; Amendment 39-14189; AD 2005-14-12] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3987. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2005-20861; Directorate Identifier 2005-NM-020-AD; Amendment 39-14170; AD 2005-13-33] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3988. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-20079; Directorate Identifier 2004-NM-147AD; Amendment 39-14163; AD 2005-13-26] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3989. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2002-NM-289-AD; Amendment 39-14167; AD 2005-13-30] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200

and -300 Series Airplanes [Docket No. FAA-2005-20660; Directorate Identifier 2004-NM-242-AD; Amendmnt 39-14166; AD 2005-13-29] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2001-NM-89-AD; Amendment 39-14165; AD 2005-13-28] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19533; Directorate Identifier 2004-NM-31-AD; Amendment 39-14164; AD 2005-13-27] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No. FAA-2005-20871; Directorate Identifier 2004-NM-212-AD; Amendment 39-14169; AD 2005-13-32] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10 Series Airplanes; Model DC-9-20 Series Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-40 Series Airplanes; Model DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes [Docket No. FAA-2004-19809; Directorate Identifier 2003-NM-284-AD; Amendment 39-14155; AD 2005-13-18] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. FAA-2004-18716; Directorate Identifier 2003-NM-240AD; Amendment 39-14156; AD 2005-13-19] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2001-NM-296-AD; Amendment 39-14171; AD 2005-13-34] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No. 2003-NM-127-AD; Amendment 39-14168; AD 2005-13-31] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Air-

worthiness Directives; AvCraft Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2005-20869; Directorate Identifier 2004-NM-09-AD; Amendment 39-14139; AD 2005-13-03] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avcraft Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2005-20866; Directorate Identifier 2004-NM-258-AD; Amendment 39-14140; AD 2005-13-04] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2005-20757; Directorate Identifier 2004-NM-192-AD; Amendment 39-14142; AD 2005-13-06] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Series Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. FAA-2004-19754; Directorate Identifier 2004-NM-181-AD; Amendment 39-14138; AD 2005-13-02] (RIN: 2120-AA64) August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400F Series Airplanes [Docket No. FAA-2004-19678; Directorate Identifier 2004-NM-62-AD; Amendment 39-14141; AD 2005-13-05] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4003. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731-2 and -3 Series Turbofan Engines [Docket No. FAA-2004-18496; Directorate Identifier 2004-NE-04-AD; Amendment 39-14143; AD 2005-13-07] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4004. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-20865; Directorate Identifier 2003-NM-103-AD; Amendment 39-14145; AD 2005-13-08] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes [Docket No. FAA-2005-20438; Directorate Identifier 2005-CE-03-AD; Amendment 39-14147; AD 2005-13-10] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4006. A letter from the Commission, United States International Trade Commission,

transmitting the Commission's report entitled, "The Year in Trade 2004: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

¶96.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2005, at 10:25 a.m.:

That the Senate passed without amendment H.R. 3169.

That the Senate passed without amendment H.R. 3668.

That the Senate passed without amendment H.R. 3672.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶96.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. THORNBERRY, signed the following enrolled bills on Friday, September 16, 2005:

H.R. 3169. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An Act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

¶96.6 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 15, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 804. An Act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

And then,

¶96.7 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, by unanimous consent and pursuant to the special order of the House agreed to on

September 15, 2005, at 12 o'clock and 5 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, September 20, 2005.

¶96.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Filed on Sept. 16, 2005]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Resolution 375. Resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; adversely (Rept. 109-223). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 408. Resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; adversely (Rept. 109-224). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 419. Resolution directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109-225). Referred to the House Calendar.

¶96.9 DISCHARGE OF COMMITTEE

[The following action occurred on September 16, 2005]

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 1461 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶96.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (for himself, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. BERRY, Mr. RADANOVICH, Mr. ROSS, Mrs. CUBIN, Miss MCMORRIS, Mr. THOMPSON of Mississippi, Mr. BROWN of South Carolina, Mr. BACA, Mr. GRAVES, Mr. COSTA, and Mr. GIBBONS):

H.R. 3824. A bill to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes; to the Committee on Resources.

By Mr. MURPHY:

H.R. 3825. A bill to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building"; to the Committee on Government Reform.

By Mrs. MALONEY:

H. Res. 450. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle Discovery on STS-114; to the Committee on Science.

¶96.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Mr. MARCHANT and Mr. PETERSON of Minnesota.

H.R. 752: Mr. CROWLEY.

H.R. 864: Mr. ENGEL.

H.R. 998: Ms. PRYCE of Ohio.

H.R. 1262: Ms. ZOE LOFGREN of California, Mr. KENNEDY of Rhode Island, and Mr. PETERSON of Minnesota.

H.R. 2017: Mr. DENT.

H.R. 2037: Mr. SAXTON.

H.R. 2412: Mr. HINCHEY.

H.R. 2874: Mr. PRICE of North Carolina.

H.R. 2877: Ms. ZOE LOFGREN of California.

H.R. 2962: Mr. SPRATT and Mr. WYNN.

H.R. 3042: Mr. OLVER.

H.R. 3128: Mr. HINCHEY.

H.R. 3306: Mr. ALLEN.

H.R. 3638: Mr. HOLDEN, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. McNULTY, Mr. DOYLE, and Mr. ACKERMAN.

H.R. 3708: Mrs. MCCARTHY, Mr. McNULTY, and Mr. HONDA.

H.R. 3749: Mr. PETRI and Mr. BLUMENAUER.

H.R. 3762: Mr. BROWN of Ohio, Mr. WELDON of Pennsylvania, Mr. DELAHUNT, Ms. LEE, Mr. CASE, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. HONDA, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, and Mr. SCHIFF.

H. Con. Res. 190: Mr. INGLIS of South Carolina.

H. Res. 367: Mr. FILNER and Mr. DOYLE.

H. Res. 410: Mr. BERRY.

TUESDAY, SEPTEMBER 20, 2005 (97)

¶97.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MARCHANT, who laid before the House the following communication:

WASHINGTON, DC,

September 20, 2005.

I hereby appoint the Honorable KENNY MARCHANT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶97.2 MESSAGE FROM THE SENATE

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

H.R. 2862. An Act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3768. An Act to provide emergency tax relief for persons affected by Hurricane Katrina.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2862) "An Act making appropriations for Science, the Departments of State, Justice, and Com-

merce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes." requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Appropriations: Messrs. SHELBY, GREGG, STEVENS, DOMENICI, MCCONNELL, Mrs. HUTCHISON, Messrs. BROWNBACK, BOND, COCHRAN, Ms. MIKULSKI, Messrs. INOUE, LEAHY, KOHL, Mrs. MURRAY, Messrs. HARKIN, DORGAN, and BYRD, to be the conferees on the part of the Senate.

¶97.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. MARCHANT, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶97.4 RECESS—12:46 P.M.

The SPEAKER pro tempore, Mr. MARCHANT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 46 minutes p.m., until 2 p.m.

¶97.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, called the House to order.

¶97.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Monday, September 19, 2005.

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

¶97.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4007. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Revisions in Requirement of Certificates of Privilege [Docket No. FV05-966-1 FR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4008. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modification of Pack Requirements [Docket No. FV05-946-3 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4009. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Suspension of Provision Regarding Eligibility of Walnut Marketing Board Members [Docket No. FV05-984-1 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyhexatin; Tolerance Actions [OPP-2005-0160; FRL-7732-8] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4011. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry3AAb1 and Cry35Ab1 Proteins and the Genetic Material Necessary of Their Production in Corn; Exemption from the Requirement of a Tolerance [OPP-2005-0211-FRL-7735-4] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyridine; Ammonia, Chloropicrin, Diazinon, Dihydro-5-heptyl-2(3H)-furanone, Dihydro-5-pentyl-2(3H)-furanone, and Viclozolin; Tolerance Actions [OPP-2005-0209; FRL-7732-5] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7968-3] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4014. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan; Minnesota [R05-OAR-2005-MN-0002; FRL-7969-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Revised Motor Vehicle Emissions Budgets for 1990 and 2007 using MOBILE6 [Region II Docket No. NY69-280, FRL-7968-1] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4016. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Correction [R07-OAR-2005-MO-0003; FRL-7969-6] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4017. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions [R08-OAR-2005-UT-0003; FRL-7961-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4018. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2005-IA-0005; FRL-7967-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4019. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488a; FRL-7966-4] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4020. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Commercial and Industrial Solid Waste Incineration (CISWI) Units [R03-OAR-2005-MD-0008; FRL-7966-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4021. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan and Revision to the Definition of Volatile Organic Compounds (VOC) — Removal of VOC Exemptions for California's Aerosol Coating Products Reactivity-based Regulation [OAR-2003-0200; FRL-7966-2] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4022. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Onondaga County Carbon Monoxide Maintenance Plan Revision; State of New York [Region II Docket No. R02-OAR-2005-NY-0002; FRL-7959-1] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [OPP-2005-0205; FRL-7725-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488c; FRL-7966-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Territory of American Samoa State Implementation Plan, Update to Materials Incorporated by Reference [AS123-NBK; FRL-7955-6] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; LA-3 Ocean Dredged Material Disposal Site Designation [FRL-7967-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4027. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4028. A letter from the Interim Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, [WT Docket No. 03-264] received September 8, 2005, pursu-

ant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4029. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Hawley and Munday, Texas) [MB Docket No. 04-408; RM-11107] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4030. A letter from the Special Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Charlotte and Grand Ledge, Michigan) [MB Docket No. 03-222; RM-10812] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4031. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123; CG Docket No. 98-67] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4032. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4033. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. PA-34 Series Airplanes [Docket No. FAA-2004-19960; Directorate Identifier 2004-CE-47-AD; Amendment 39-14153; AD 2005-13-16] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-602, AT-802, and AT-802A Airplanes [Docket No. FAA-2004-19837; Directorate Identifier 2004-CE-43-AD; Amendment 39-14149; AD 2005-13-12] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 650 Airplanes [Docket No. 2002-NM-332-AD; Amendment 39-14158; AD 2005-13-21] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, -400F; 767-200, -300, -300F; and 777-200

and -300 Series Airplanes [Docket No. FAA-2004-18784; Directorate Identifier 2004-NM-59-AD; Amendment 39-14157; AD 2005-13-20] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2005-20166; Directorate Identifier 2004-NM-175-AD; Amendment 39-14135; AD 2005-12-19] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2004-19867; Directorate Identifier 2004-NM-58-AD; Amendment 39-14151; AD 2005-13-14] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-19567; Directorate Identifier 2004-NM-118-AD; Amendment 39-14152; AD 2005-13-15] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328-100 Airplanes [Docket No. FAA-2005-21053; Directorate Identifier 2005-NM-053-AD; Amendment 39-14161; AD 2005-13-24] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller, Inc. McCauley Propeller Systems, and Sensenich Propeller Manufacturing Company, Inc. Propellers [Docket No. 2003-NE-53-AD; Amendment 39-14188; AD 2005-14-11] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; and Model DC-10-40 and DC-10-40F Airplanes [Docket No. FAA-2004-18670; Directorate Identifier 2002-NM-83-AD; Amendment 39-14187; AD 2005-14-10] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707-300B, -300C, and -400 Series Airplanes [Docket No. FAA-2005-20725; Directorate Identifier 2003-NM-250-AD; Amendment 39-14183; AD 2005-14-06] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-

2004-19795; Directorate Identifier 2004-NM-196-AD; Amendment 39-14181; AD 2005-14-04] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20733; Directorate Identifier 2005-NM-004-AD; Amendment 39-14179; AD 2005-14-02] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-20243; Directorate Identifier 2004-NM-153-AD; Amendment 39-14185; AD 2005-14-08] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell International (Aircraft Specification No. A-2-575 Previously Held by North American and Recently Purchased by Boeing) Models AT-6 (SNJ-2), AT-6A (SNJ-3), AT-6B, AT-6C (SNJ-4), AT-6D (SNJ-5), AT-6F (SNJ-6), BC-1A, SNJ-7, and T-6G Airplanes; and Autair Ltd. (Aircraft Specification No. AR-11 Previously Held by Noorduy Aviation Ltd.) Model Harvard (Army AT-16) Airplanes [Docket No. FAA-2005-21463; Directorate Identifier 2005-CE-30-AD; Amendment 39-14144; AD 2005-12-51] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines [Docket No. FAA-2005-21730; Directorate Identifier 2005-NE-18-AD; Amendment 39-14186; AD 2005-14-09] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-203 and B4-203 Airplanes; Model A310-200 and -300 Series Airplanes; and Model A300-B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2005-20474; Directorate Identifier 2004-NM-221-AD; Amendment 39-14178; AD 2005-14-01] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 and EMB-135 Series Airplanes [Docket No. 2004-NM-37-AD; Amendment 39-14180; AD 2005-14-03] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Pack-

aging, Handling, and Transportation (RIN: 2700-AD16) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4053. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Head of Contracting Activity (HCA) Change for NASA Shared Services Center (NSSC) — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4054. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Intellectual Property Required Reports and Publications (RIN: 2700-AD14) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

197.8 FLEXIBILITY FOR DISPLACED WORKERS

Mr. BOUSTANY moved to suspend the rules and pass the bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. BOUSTANY and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

197.9 STUDENT FINANCIAL ASSISTANCE

Mr. KLINE moved to suspend the rules and pass the bill (H.R. 2132) to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. KLINE and Mr. VAN HOLLEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.10 HIGHER EDUCATION

Mr. BOEHNER moved to suspend the rules and pass the bill (H.R. 3784) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. BOEHNER and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.11 AUTHORITY OF THE SECRETARY OF THE ARMY

Mr. BOUSTANY moved to suspend the rules and pass the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. BOUSTANY and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.12 SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS

Mr. BOUSTANY moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes:

On page 7, after line 3, insert the following new section:

SEC. 302. CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle V of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. BOUSTANY and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶97.13 SIERRA NATIONAL FOREST LAND EXCHANGE

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill as passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.14 MINUTE MAN NATIONAL HISTORICAL PARK

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 394) to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James

Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.15 PITTMAN-ROBERTSON WILDLIFE RESTORATION

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 1340) to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶97.16 WOMEN IN NASA

Mr. CALVERT moved to suspend the rules and agree to the following resolution (H. Res. 450):

Whereas the National Aeronautics and Space Administration was created in 1958 under President Eisenhower and has, since then, accomplished great things in the fields of science, technology, aeronautics, and aerospace exploration;

Whereas women have worked since the 1960's for the right to play a vital role in NASA's missions in outer space;

Whereas after more than twenty years of waiting, the first American woman, Sally Ride, flew in outer space in 1983 aboard the Space Shuttle Challenger;

Whereas in 1984, Kathryn Sullivan became the first American woman to perform a space walk aboard the Space Shuttle Challenger during mission STS-41;

Whereas in 1986, Christa McAuliffe, who was to be the first teacher and civilian in space after being selected from 11,000 applicants, and Mission Specialist Judith Resnick, were killed aboard the space shuttle Challenger just 73 seconds after lift-off during mission STS-51L;

Whereas in 1992, Mae Jemison became the first African-American woman to fly in outer space aboard the Space Shuttle Endeavor during mission STS-47;

Whereas Shannon Lucid previously held the United States record for the amount of time spent living and working in space on a single mission aboard the Russian Mir space station for over 6 months in 1996;

Whereas in 1999, Eileen Collins became the first woman to command a space mission when Space Shuttle Columbia deployed the Chandra X-Ray Observatory;

Whereas in 2003, Mission Specialists Kalpana Chawla and Laurel Clark were killed aboard the Space Shuttle Columbia on reentry during mission STS-107;

Whereas we celebrate America's Return to Flight with Space Shuttle Discovery's STS-114 mission, which Eileen Collins commanded and on which Wendy Lawrence served as Mission Specialist; and

Whereas great strides have been made in the Space Shuttle and International Space Station era to increase the number and prominence of women serving in the NASA Astronaut Corp, thereby giving us hope for the future of American women in space, including Ellen Baker, Yvonne Cagle, Tracy Caldwell, Kalpana Chawla, Laurel B. Clark, Mary Cleave, Catherine Coleman, Eileen Collins, Nancy J. Currie, Jan Davis, Bonnie Dunbar, Anna Fisher, Linda Godwin, Susan J. Helms, Joan Higginbotham, Kathryn Hire, Marsha Ivins, Mae C. Jemison, Tamara E. Jernigan, Janet Kavandi, Susan L. Kilrain, Wendy Lawrence, Shannon Lucid, Sandra Magnus, Megan McArthur, Pamela Melroy, Barbara Morgan, Lisa Nowak, Karen Nyberg, Ellen Ochoa, Judith A. Resnik, Sally K. Ride, Patricia C. Hilliard Robertson, Margaret Rhea Seddon, Heidemarie Sefanyshyn-Piper, Nicole Scott, Kathryn C. Thornton, Janice Voss, Mary E. Weber, Peggy Whitson, Sunita Williams, and Stephanie Wilson: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with the National Aeronautics and Space Administration following the successful mission of the Space Shuttle Discovery on STS-114; and

(2) celebrates the many achievements of women in the National Aeronautics and Space Administration and congratulates Commander Collins and the rest of her crew.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. CALVERT and Mr. Al GREEN of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶97.17 NASA DISCOVERY CREW

Mr. CALVERT moved to suspend the rules and agree to the following resolution (H. Res. 441); as amended:

Whereas the Space Shuttle Return-to-Flight is the first step in the Nation's Vision for Space Exploration;

Whereas the Space Shuttle Discovery Crew completed three highly successful extra-vehicular activity spacewalks;

Whereas the STS flight 114 accomplished the first in-flight heat shield repairs on the Space Shuttle;

Whereas the Discovery crew delivered more than 6 tons of needed supplies and equipment to the International Space Station;

Whereas Discovery's spacewalkers removed a failed Space Station gyroscope and replaced it with a new one, restoring full capability of the Station's attitude control system;

Whereas the Discovery mission successfully used three different Canadian robotic extensions to conduct spacewalks and to survey the Shuttle: the Shuttle Canadarm; the Space Station Canadarm2; and the Orbiter Boom Sensor System;

Whereas the crew of the Discovery experienced "virtual" visits from leaders of 2 nations, the President of the United States and the Prime Minister of Japan; and

Whereas Commander Eileen Collins led the crew of 7 and guided the Discovery vehicle through an unprecedented back flip maneuver: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the entire National Aeronautics and Space Administration team and community, who provided invaluable technical support and leadership for the historic mission of Space Shuttle Discovery STS flight 114;

(2) commends Commander Eileen Collins, for being the first female space shuttle commander and a role model for all;

(3) commends Col. Jim Kelly, pilot of STS 114, for his second flight aboard the Space Shuttle and his participation in robotic arm operations;

(4) commends Charlie Camarda, mission specialist, a "rookie" who performed like a veteran by transferring the multipurpose logistics module from the International Space Station to the Space Shuttle;

(5) commends Wendy Lawrence, mission specialist, for outstanding skill in operating Canadarm2;

(6) commends Soichi Noguchi of Japan, mission specialist, a "rookie" who was a "spacewalker" for the inspections and repairs of the Space Shuttle;

(7) commends Steve Robinson, mission specialist, for his outstanding skill as a "spacewalker," who enhanced and repaired Discovery and the International Space Station; and

(8) commends Andy Thomas, mission specialist, who performed the laser checks on the leading edge of the Space Shuttle by the operation of Canadarm2.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. CALVERT and Mr. Al GREEN of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CALVERT demanded that the vote be taken by the yeas and nays,

which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶97.18 RECESS—4:29 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 29 minutes p.m., until approximately 6:30 p.m.

¶97.19 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. SIMMONS, called the House to order.

¶97.20 H.R. 3761—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; as amended.

The question being put,
Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 400
affirmative } Nays 0

¶97.21 [Roll No. 476]

YEAS—400

Abercrombie	Buyer	Dicks
Ackerman	Calvert	Dingell
Aderholt	Cannon	Doggett
Akin	Cantor	Doyle
Alexander	Capito	Drake
Allen	Capps	Dreier
Baca	Capuano	Duncan
Bachus	Cardin	Edwards
Baird	Cardoza	Ehlers
Baldwin	Carnahan	Emanuel
Barrett (SC)	Carson	Emerson
Barrow	Carter	Engel
Bartlett (MD)	Case	English (PA)
Barton (TX)	Castle	Eshoo
Bass	Chabot	Etheridge
Bean	Chandler	Evans
Beauprez	Chocola	Everett
Becerra	Clay	Farr
Berkley	Cleaver	Fattah
Berman	Clyburn	Feeney
Berry	Coble	Ferguson
Biggart	Cole (OK)	Filner
Bilirakis	Conaway	Fitzpatrick (PA)
Bishop (GA)	Conyers	Flake
Bishop (NY)	Cooper	Foley
Bishop (UT)	Costa	Forbes
Blackburn	Costello	Fortenberry
Blumenauer	Cramer	Fossella
Blunt	Crenshaw	Fox
Boehlert	Crowley	Frank (MA)
Boehner	Cubin	Franks (AZ)
Bonilla	Cuellar	Frelinghuysen
Bonner	Culberson	Gallely
Bono	Cunningham	Garrett (NJ)
Boozman	Davis (AL)	Gerlach
Boren	Davis (CA)	Gilchrest
Boucher	Davis (IL)	Gillmor
Boustany	Davis (KY)	Gingrey
Boyd	Davis (TN)	Gohmert
Bradley (NH)	Davis, Jo Ann	Gonzalez
Brady (PA)	Davis, Tom	Goode
Brady (TX)	Deal (GA)	Goodlatte
Brown (OH)	DeFazio	Gordon
Brown (SC)	DeGette	Granger
Brown-Waite,	Delahunt	Graves
Ginny	DeLauro	Green (WI)
Burgess	DeLay	Green, Al
Butterfield	Dent	Green, Gene

Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseht
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Marshall

Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce

Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wickert
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

Sanders Sessions
Skelton Strickland
Taylor (MS) Towns
Edwards Ehlers Emanuel Emerson Engel English (PA) Eshoo Etheridge Evans Everett Farr Fattah Feeney Ferguson Filner Fitzpatrick (PA) Flake Foley Forbes Fortenberry Fossella Foxx Frank (MA) Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gilchrest Gillmor Gingrey Gohmert Gonzalez Goode Goodlatte Gordon Granger Graves Green (WI) Green, Al Green, Gene Grijalva Gutierrez Gutknecht Hall Harman Harris Hart Hastings (FL) Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Herseht Higgins Hinchey Hinojosa Hobson Holden Holt Honda Hooley Hostettler Hoyer Hulshof Hunter Hyde Inglis (SC) Inslee Israel Issa Istook Jackson (IL) Jackson-Lee (TX) Jefferson Jenkins Jindal Johnson (CT) Johnson (IL) Johnson, E. B. Johnson, Sam Jones (NC) Jones (OH) Kanjorski Kaptur Keller Kelly Kennedy (MN) Kennedy (RI) Kildee Kilpatrick (MI) King (IA) King (NY) Kingston Kirk Kline Knollenberg Kolbe Kucinich Kuhl (NY) LaHood Langevin Lantos Larsen (WA) Larson (CT) Latham LaTourette Leach Lee Levin Lewis (CA) Lewis (GA) Lewis (KY) Linder Lipinski LoBiondo Lofgren, Zoe Lowey Lucas Lungren, Daniel E. Mack Maloney Marchant Markey Marshall

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.22 H. RES. 441—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 441) to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005, which historical mission represented a great step forward into the new beginning of the Second Space Age; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 401 affirmative } Nays 0

¶97.23 [Roll No. 477] YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono

Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble

Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan

Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (GA)
Pryce (NC)
Pryce (OH)

Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOT VOTING—33

Andrews
Baker
Boswell
Brown, Corrine
Burton (IN)
Camp
Cummings
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.

Doolittle
Ford
Gibbons
Hoekstra
Kilpatrick (MI)
Lynch
Manzullo
McHenry
McKinney
Menendez

Murtha
Myrick
Pallone
Platts
Radanovich
Ros-Lehtinen
Rush

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

NOT VOTING—32

Andrews	Hoekstra	Pomeroy
Boswell	Kind	Radanovich
Brown, Corrine	Kolbe	Ros-Lehtinen
Burton (IN)	Lynch	Rush
Camp	Manzullo	Sanders
Davis (FL)	Marshall	Sessions
Diaz-Balart, L.	McHenry	Smith (WA)
Diaz-Balart, M.	Menendez	Strickland
Doolittle	Murtha	Taylor (MS)
Ford	Myrick	Towns
Gibbons	Pallone	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution to congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005, which historical mission represented a great step forward into the new beginning of the Second Space Age."

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to, and the title was amended was, by unanimous consent, laid on the table.

197.24 PROVIDING FOR THE CONSIDERATION OF H.R. 250

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-227) the resolution (H. Res. 451) providing for the consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

197.25 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3649. An Act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

197.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. ESHOO, for today;
To Mr. FORD, for today;
To Mr. MANZULLO, for today; and
To Mr. MENENDEZ, for today.
And then,

197.27 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 11 o'clock and 58 minutes p.m., the House adjourned.

197.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 109-226). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 109-227). Referred to the House Calendar.

197.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MELANCON (for himself and Mr. GORDON):

H.R. 3826. A bill to provide for the establishment of a Katrina Assistance Program through the Manufacturing Extension Partnership program, and for other purposes; to the Committee on Science.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, and Mr. HOSTETTLER):

H.R. 3827. A bill to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 3828. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least \$500 to offset the cost of high 2005 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 3829. A bill to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. FOLEY (for himself, Mr. HASTINGS of Florida, Mr. MACK, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Florida, Mr. BILLIRAKIS, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. HARRIS, Mr. WELDON of Florida, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Mr. PUTNAM, Mr. WEXLER, Mr. MARIO

DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FEENEY, Mr. SHAW, Mr. MICA, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. KELLER, and Mr. STEARNS):

H.R. 3830. A bill to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building"; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 3831. A bill to amend the Internal Revenue Code of 1986 to include certain safe harbor deferred compensation plans for domestic and similar workers in the waiver of the tax on nondeductible contributions; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. NADLER, Mr. SERRANO, Mr. CLEAVER, Mr. DELAHUNT, Mr. GRIJALVA, Mr. JEFFERSON, Mr. MENENDEZ, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 3833. A bill to amend title 18, United States Code, to provide penalties for violent crimes against members of the National Guard during Presidentially declared emergencies; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 3834. A bill to repeal the authority of the President to suspend the prevailing wage requirements of the Davis-Bacon Act during times of national emergency and to reinstate the application of such requirements to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. MCINTYRE, Mr. FARR, Mr. ABERCROMBIE, Mr. SIMMONS, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. FOLEY):

H.R. 3835. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CHABOT, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Ms. HART, Mr. HENSARLING, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PITTS, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. WAMP, Mr. WESTMORELAND, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 3836. A bill to expedite the construction of new refining capacity in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mrs. CAPITO, Mrs. CAPP, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Ms. HART, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. McDERMOTT, Mr. OWENS, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. WEXLER):

H.R. 3837. A bill to ensure that the confidential communications of a member of the Armed Forces with a victim service organization or a health care professional are not disclosed, and for other purposes; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. HOYER, Mr. OBEY, Mr. THOMPSON of Mississippi, Mr. DINGELL, Mr. CONYERS, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. LANTOS, Ms. SLAUGHTER, Ms. DeLAURO, Mr. EMANUEL, Mrs. MALONEY, Mr. OWENS, Mr. CUMMINGS, Ms. NORTON, Mr. WATSON, and Mr. LYNCH):

H.R. 3838. A bill to establish the Independent Commission to Prevent Fraud and Abuse in the Response to Hurricane Katrina, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3839. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. FORD:

H.J. Res. 64. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. LAHOOD:

H.J. Res. 65. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. DAVIS of Illinois (for himself, Mr. MEEK of Florida, Ms. NORTON, Mr. BUTTERFIELD, Ms. CARSON, Mr. CUMMINGS, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, and Mrs. CHRISTENSEN):

H. Con. Res. 246. Concurrent resolution paying tribute to John Harold Johnson in recognition of his many achievements and contributions; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. GRIJALVA, Mr. FILNER, Mr. SERRANO, Mr. KUCINICH, Mr. HOYER, Mr. McDERMOTT, Mr. EMANUEL, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. STARK, Mr. FATTAH, Mr. PAYNE, Mr. HINCHEY, Mr. HONDA, and Ms. SCHAKOWSKY):

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress that a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of citizens; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. CARDIN, Mr. CROWLEY, Mr. VAN

HOLLEN, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. REYES, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. JEFFERSON, Mr. MEEK of Florida, Ms. MATSUI, Ms. HARMAN, Mr. KILDEE, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. McDERMOTT, Mr. SAXTON, Mr. KING of New York, Mr. HOEKSTRA, Mr. DAVIS of Illinois, Ms. BEAN, Mrs. MCCARTHY, Mr. UPTON, Mr. STARK, Mr. ORTIZ, Mr. WALSH, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. YOUNG of Florida, Ms. DeGETTE, and Mr. OBEY):

H. Res. 452. A resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself, Mr. NORWOOD, Mr. DAVIS of Tennessee, Mr. FORD, Mrs. CAPITO, Mrs. SCHMIDT, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PEARCE, Mr. FERGUSON, and Mr. SHUSTER):

H. Res. 453. A resolution expressing the sense of the House of Representatives with respect to a court decision relating to the Pledge of Allegiance; to the Committee on the Judiciary.

¶97.30 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 3840) for the relief of David Adekoya; which was referred to the Committee on the Judiciary.

¶97.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. TAUSCHER, Mr. MARCHANT, and Mr. BOEHLERT.

H.R. 220: Mr. WAMP.

H.R. 303: Mr. RAHALL.

H.R. 503: Mr. CHABOT and Ms. MATSUI.

H.R. 583: Mrs. JONES of Ohio and Mrs. TAUSCHER.

H.R. 657: Mr. UPTON, Mr. GERLACH, Mr. FRELINGHUYSEN, Mr. BASS, Mr. SCHWARZ of Michigan, Mr. PLATTS, Mr. PETRI, Mr. KUHL of New York, Mr. EHLERS, Mr. LEACH, Mr. DENT, Mr. SHAYS, Mr. KIRK, Mr. BOEHLERT, Mrs. KELLY, Mrs. JOHNSON of Connecticut, Mr. BRADLEY of New Hampshire, Mr. HINOJOSA, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. GILLMOR, Mr. GUTIERREZ, and Ms. MATSUI.

H.R. 689: Mr. MARCHANT.

H.R. 745: Mr. GARRETT of New Jersey.

H.R. 764: Mr. HAYWORTH.

H.R. 783: Mr. TERRY.

H.R. 788: Mr. MARSHALL.

H.R. 813: Mr. JEFFERSON.

H.R. 818: Mr. PAUL and Mr. BARTLETT of Maryland.

H.R. 839: Mrs. DAVIS of California.

H.R. 859: Mr. DENT.

H.R. 896: Mr. HINCHEY and Mr. MELANCON.

H.R. 910: Mr. FORD, Mr. PETERSON of Minnesota, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. MORAN of Kansas, and Mr. GUTIERREZ.

H.R. 920: Mr. McCAUL of Texas, Mr. MENENDEZ, and Mr. MICHAUD.

H.R. 923: Mr. WILSON of South Carolina and Mr. MCCOTTER.

H.R. 939: Ms. BERKLEY.

H.R. 947: Mr. ADERHOLT.

H.R. 968: Ms. BEAN.

H.R. 986: Mr. CALVERT.

H.R. 995: Mr. ANDREWS.

H.R. 997: Mr. SHIMKUS and Mr. CHOCOLA.

H.R. 998: Mr. FORD and Mrs. MILLER of Michigan.

H.R. 1000: Mr. ALLEN.

H.R. 1002: Mr. ISRAEL, Mr. RAHALL, and Mr. CROWLEY.

H.R. 1020: Mr. NEAL of Massachusetts and Mr. CARDIN.

H.R. 1043: Mr. HINCHEY, Mr. GENE GREEN of Texas, and Mr. SHIMKUS.

H.R. 1157: Mr. LEWIS of Georgia.

H.R. 1183: Mr. BURGESS.

H.R. 1258: Mr. STUPAK.

H.R. 1262: Mr. BARTLETT of Maryland.

H.R. 1297: Mr. SCOTT of Virginia.

H.R. 1313: Mrs. CAPITO.

H.R. 1356: Mr. FORD.

H.R. 1366: Mr. GOODE.

H.R. 1371: Mr. PAUL.

H.R. 1382: Mr. WESTMORELAND and Mr. GUTKNECHT.

H.R. 1402: Ms. DeGETTE, Mr. Ross, and Ms. BORDALLO.

H.R. 1417: Mr. REYNOLDS.

H.R. 1431: Mr. PASCRELL.

H.R. 1491: Ms. MILLENDER-McDONALD.

H.R. 1561: Mr. SIMPSON, Mr. GILLMOR, Mr. KING of Iowa, Mr. ALLEN, and Mr. PRICE of North Carolina.

H.R. 1574: Mr. LIPINSKI.

H.R. 1578: Mrs. JONES of Ohio and Ms. MATSUI.

H.R. 1607: Mr. HULSHOF.

H.R. 1615: Mrs. MALONEY, Mr. BERMAN, Mr. WEINER, Mr. MICHAUD, and Mrs. CAPP.

H.R. 1651: Mr. GILLMOR.

H.R. 1668: Mr. CLAY and Mr. WEINER.

H.R. 1709: Mr. LEWIS of Georgia, Ms. MILLENDER-McDONALD, Mr. ROTHMAN, Mr. EVANS, Mr. BAIRD, and Ms. VELÁZQUEZ.

H.R. 1736: Mr. MCCOTTER.

H.R. 1738: Ms. VELÁZQUEZ.

H.R. 1792: Mr. WALDEN of Oregon.

H.R. 1849: Mr. WU and Mr. GORDON.

H.R. 1951: Mr. SHAW.

H.R. 1953: Mrs. KELLY and Mr. SESSIONS.

H.R. 1973: Mr. PRICE of North Carolina and Mr. BERMAN.

H.R. 2037: Mr. BACA and Mr. FILNER.

H.R. 2048: Mrs. MYRICK, Mr. FITZPATRICK of Pennsylvania, Ms. ESHOO, Mr. DeFAZIO, Mr. PETERSON of Pennsylvania, Mr. BILLIRAKIS, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. STRICKLAND.

H.R. 2061: Mr. CRENSHAW, Mr. WELDON of Florida, and Mr. BARTLETT of Maryland.

H.R. 2070: Mr. TIERNEY.

H.R. 2106: Mr. CROWLEY.

H.R. 2229: Ms. HARRIS.

H.R. 2234: Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, and Mr. DELAHUNT.

H.R. 2238: Mr. FITZPATRICK of Pennsylvania.

H.R. 2317: Mr. CLAY and Mr. DICKS.

H.R. 2328: Mr. OWENS.

H.R. 2369: Mr. JENKINS.

H.R. 2389: Mr. KING of New York.

H.R. 2412: Ms. BERKLEY.

H.R. 2511: Mr. UDALL of New Mexico.

H.R. 2526: Ms. BEAN.

H.R. 2533: Ms. MATSUI, Mr. LEVIN, and Ms. ROYBAL-ALLARD.

H.R. 2642: Ms. DeGETTE.

H.R. 2668: Mrs. SCHMIDT.

H.R. 2694: Mr. HINCHEY.

H.R. 2716: Mr. OBERSTAR.

H.R. 2719: Mr. PLATTS.

H.R. 2799: Mr. JEFFERSON and Mr. SANDERS.

H.R. 2804: Mr. McCAUL of Texas.

H.R. 2822: Mr. GARRETT of New Jersey.

H.R. 2823: Mr. ALEXANDER.

H.R. 2895: Mr. UDALL of Colorado.

H.R. 2943: Mr. CAPUANO.

H.R. 2963: Mr. KUCINICH and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3011: Mr. HUNTER, Mr. ROGERS of Alabama, Mr. KING of Iowa, and Mr. MCINTYRE.
 H.R. 3042: Mr. KILDEE.
 H.R. 3111: Mr. MELANCON.
 H.R. 3128: Ms. BERKLEY, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, Mr. CAPUANO, and Mr. MCDERMOTT.
 H.R. 3134: Mr. SESSIONS.
 H.R. 3137: Mr. GUTKNECHT, Mrs. CAPITO, Mr. MARCHANT, Mr. SHADEGG, and Mr. ALEXANDER.
 H.R. 3160: Mr. SERRANO, Ms. DEGETTE, and Mr. OWENS.
 H.R. 3162: Mr. MICHAUD.
 H.R. 3180: Mr. GARRETT of New Jersey and Mr. ENGLISH of Pennsylvania.
 H.R. 3191: Mr. EVANS, Mr. BLUMENAUER, Mr. TANCREDI, Ms. MILLENDER-MCDONALD, Mr. LEACH, Mr. WEXLER, Ms. WATSON, Mr. LANTOS, Mr. HONDA, Mr. CROWLEY, and Mr. MEEKS of New York.
 H.R. 3197: Mr. MCCAUL of Texas.
 H.R. 3248: Mr. SHIMKUS, Ms. BALDWIN, Mr. SNYDER, and Mr. ABERCROMBIE.
 H.R. 3255: Mr. COOPER.
 H.R. 3300: Mr. CONAWAY.
 H.R. 3313: Mr. WAXMAN, Mr. OWENS, Mr. MORAN of Virginia, Mr. McNULTY, Mr. PAYNE, Mr. HINCHEY, Mr. FARR, Ms. ESHOO, Ms. SOLIS, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY, Mr. SERRANO, Mr. DOGGETT, Mr. KUCINICH, Mr. KIND, Ms. MCKINNEY, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. MILLER of North Carolina, and Mr. STARK.
 H.R. 3326: Mr. BAIRD, Mr. DAVIS of Illinois, Mr. UDALL of Colorado, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, and Mrs. MCCARTHY.
 H.R. 3352: Mr. WHITFIELD.
 H.R. 3360: Mr. HULSHOF.
 H.R. 3361: Mr. LEVIN.
 H.R. 3373: Mr. VAN HOLLEN, Mrs. KELLY, Mr. SOUDER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. LATHAM, Mr. ADERHOLT, Mr. OLVER, Mr. DOYLE, Ms. MILLENDER-MCDONALD, and Mrs. MALONEY.
 H.R. 3379: Ms. JACKSON-LEE of Texas and Ms. DELAURO.
 H.R. 3380: Ms. DELAURO, Mr. KENNEDY of Rhode Island, and Ms. ZOE LOFGREN of California.
 H.R. 3402: Ms. WATERS.
 H.R. 3405: Mr. CLAY, Mr. EDWARDS, Mrs. MYRICK, Mr. EVERETT, Mr. LEWIS of California, and Mr. PUTNAM.
 H.R. 3420: Mr. CLEAVER and Mr. STARK.
 H.R. 3436: Mr. KING of Iowa.
 H.R. 3438: Mr. WYNN.
 H.R. 3478: Mr. MCGOVERN, Mr. GARRETT of New Jersey, and Mr. HUNTER.
 H.R. 3492: Mr. BLUMENAUER, Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Mr. CUMMINGS.
 H.R. 3502: Mr. JEFFERSON.
 H.R. 3505: Mr. HINOJOSA, Mr. ROSS, Mr. ROTHMAN, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. FEEENEY, Mr. BACHUS, Mr. MARCHANT, Mr. GILLMOR, Mr. NEUGEBAUER, Mr. LEWIS of California, Mr. MEEKS of New York, Mr. PEARCE, Mr. RYUN of Kansas, Mr. ISRAEL, Mr. PAUL, Mr. SESSIONS, Mr. JONES of North Carolina, Ms. ROYBAL-ALLARD, Mr. GARRETT of New Jersey, Ms. HOOLEY, Mr. RENZI, and Mr. CANTOR.
 H.R. 3546: Mr. BERRY.
 H.R. 3561: Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, and Mr. MCDERMOTT.
 H.R. 3584: Mr. MCDERMOTT.
 H.R. 3588: Mr. McNULTY, Mr. SMITH of Washington, and Ms. ESHOO.
 H.R. 3616: Mr. PLATTS and Mr. WAXMAN.
 H.R. 3628: Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. MICHAUD, Mr. BONNER, and Mr. LEWIS of Georgia.

H.R. 3659: Mr. CARNAHAN.
 H.R. 3665: Mr. ABERCROMBIE, Mr. CASE, Mr. GRIJALVA, and Mr. MICHAUD.
 H.R. 3666: Mrs. MALONEY and Mr. MCDERMOTT.
 H.R. 3667: Mr. HERGER and Mr. THOMAS.
 H.R. 3670: Mrs. MALONEY and Mr. MCDERMOTT.
 H.R. 3685: Mr. PASTOR.
 H.R. 3690: Ms. ESHOO and Mr. FRANK of Massachusetts.
 H.R. 3699: Mrs. DRAKE.
 H.R. 3701: Mr. ROTHMAN.
 H.R. 3702: Mrs. EMERSON, Mr. ROSS, Mr. SNYDER, Mr. BOOZMAN, Mr. EVANS, Mr. SKELTON, and Mr. FILNER.
 H.R. 3708: Mr. ORTIZ.
 H.R. 3709: Mr. HENSARLING, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. SODREL, Mr. TIAHRT, Mr. AKIN, Mr. GARRETT of New Jersey, and Mr. MARCHANT.
 H.R. 3711: Mr. INSLEE, Mr. AL GREEN of Texas, and Ms. HERSETH.
 H.R. 3727: Mrs. MALONEY and Mr. MCDERMOTT.
 H.R. 3748: Mr. DAVIS of Alabama, Mr. MCCAUL of Texas, Mr. KUCINICH, Mr. WEINER, and Ms. SCHAKOWSKY.
 H.R. 3754: Mr. SALAZAR.
 H.R. 3757: Mr. DUNCAN and Mr. PAUL.
 H.R. 3760: Mr. WYNN.
 H.R. 3761: Mrs. BIGGERT and Mr. TIBERI.
 H.R. 3764: Mr. BARROW, Ms. MILLENDER-MCDONALD, and Ms. MOORE of Wisconsin.
 H.R. 3774: Ms. KAPTUR, Mr. GRIJALVA, Mr. CONYERS, and Mr. BRADY of Pennsylvania.
 H.R. 3781: Mr. KING of New York.
 H.R. 3782: Mrs. CUBIN, Mr. EVERETT, Mr. WALDEN of Oregon, Mr. SULLIVAN, Mrs. JOHNSON of Connecticut, and Ms. BERKLEY.
 H.R. 3787: Mr. FRANK of Massachusetts.
 H.R. 3792: Mr. FORD and Mr. OWENS.
 H.R. 3796: Mr. PRICE of North Carolina, Mr. SHAYS, Mrs. DAVIS of California, Mr. OSBORNE, and Mr. HIGGINS.
 H.R. 3800: Ms. WASSERMAN SCHULTZ, Mr. CONYERS, and Mr. GRIJALVA.
 H.R. 3809: Mr. EVANS and Mr. SKELTON.
 H.R. 3824: Mr. CANNON.
 H.J. Res. 12: Mr. SHERMAN.
 H.J. Res. 38: Mr. ABERCROMBIE, Mr. FILNER, Mr. MCGOVERN, and Mr. MARKEY.
 H.J. Res. 61: Mrs. CHRISTENSEN, Mr. LOBIONDO, Mr. HONDA, Mr. KUCINICH, Mr. PALLONE, Mrs. NAPOLITANO, Ms. DELAURO, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. ROTHMAN, Mr. SMITH of New Jersey, Mr. UDALL of New Mexico, Mr. GARRETT of New Jersey, Mr. COOPER, Mr. PRICE of North Carolina, Mr. JOHNSON of Illinois, Mrs. JONES of Ohio, Mr. CANNON, Mr. FORTUÑO, Mr. MCHUGH, Mr. GIBBONS, Mr. FRANKS of Arizona, Mr. SHAW, Mr. BILIRAKIS, Mr. GUTIERREZ, Miss MCMORRIS, Mr. MURPHY, Mr. SHUSTER, Mrs. DRAKE, Mr. POMEROY, Mr. SCHIFF, Mr. MCKEON, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. SNYDER, Mr. BOEHLERT, Mr. FRANK of Massachusetts, Ms. MATSUI, Mr. UDALL of Colorado, Mr. RYAN of Ohio, Mr. LARSEN of Washington, Mr. MEEHAN, Ms. BALDWIN, Mrs. LOWEY, Mr. MARKEY, Mr. DICKS, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. SKELTON, Mrs. DAVIS of California, Mr. KILDEE, Mr. MEEKS of New York, and Mr. RENZI.
 H. Con. Res. 130: Mrs. BLACKBURN, Mr. TANCREDI, Mr. CONAWAY, Mr. BACHUS, Mrs. BONO, Mr. ROGERS of Michigan, Mr. TERRY, and Ms. LINDA T. SÁNCHEZ of California.
 H. Con. Res. 173: Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. FILNER, Ms. SOLIS, Mr. PETERSON of Minnesota, Mrs. CHRISTENSEN, Mr. MANZULLO, Mr. CASTLE, Mr. REYNOLDS, and Mr. FOLEY.
 H. Con. Res. 177: Mr. BISHOP of Georgia, Mr. CROWLEY, Mr. MORAN of Virginia, and Mr. FRANK of Massachusetts.
 H. Con. Res. 178: Mr. ABERCROMBIE, Mr. MCHUGH, Mr. VAN HOLLEN, Mr. JEFFERSON, and Mr. McNULTY.

H. Con. Res. 190: Mr. TOWNS.
 H. Con. Res. 210: Mr. CALVERT, Mr. DAVIS of Florida, Ms. MATSUI, Mr. ALLEN, Mr. BERMAN, Mr. HOEKSTRA, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. RUSH, Mr. CASTLE, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Miss MCMORRIS, Mr. WHITFIELD, Mr. FOLEY, Mr. HINOJOSA, Mr. KIND, Mr. STRICKLAND, Ms. BALDWIN, Mr. RANGEL, Mr. TIBERI, Mr. MCDERMOTT, Mr. THOMAS, Mr. LANGEVIN, Mr. CLYBURN, Mr. HINCHEY, Mr. ORTIZ, Mr. WAXMAN, Mrs. MCCARTHY, and Mr. BOUSTANY.
 H. Con. Res. 222: Mr. BRADLEY of New Hampshire, Mr. LYNCH, and Mr. KILDEE.
 H. Con. Res. 231: Mr. MURTHA, Mr. WALSH, Mr. MOORE of Kansas, Mr. SIMMONS, and Ms. ESHOO.
 H. Con. Res. 245: Mr. CHABOT, Mr. PENCE, Mr. CANNON, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, and Mr. FORTUÑO.
 H. Res. 15: Mr. ANDREWS, Mr. SHERWOOD, Mr. MORAN of Virginia, Mr. SHAW, and Mr. WAXMAN.
 H. Res. 84: Mr. PAYNE.
 H. Res. 172: Mr. DICKS.
 H. Res. 215: Mr. AKIN.
 H. Res. 222: Mr. BOEHLERT.
 H. Res. 316: Mr. KUHL of New York.
 H. Res. 335: Mr. FRANK of Massachusetts, Mr. BUTTERFIELD, Mr. MARSHALL, Mr. MCCOTTER, and Mr. TIBERI.
 H. Res. 367: Mr. FRANK of Massachusetts.
 H. Res. 389: Mr. KELLER and Mr. MATHESON.
 H. Res. 415: Mr. SMITH of New Jersey.
 H. Res. 438: Mr. HOLDEN, Mr. BURTON of Indiana, Mr. NADLER, Mr. PALLONE, Mr. CROWLEY, Mr. VISCLOSKEY, Mr. McNULTY, Mr. BISHOP of Georgia, Mrs. MCCARTHY, Mr. MARSHALL, and Mr. WEINER.
 H. Res. 441: Ms. BERKLEY, Mr. GOODE, and Mr. AL GREEN of Texas.

197.32 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

68. The SPEAKER presented a petition of the City of Pembroke Pines, Florida, relative to Resolution No. 3033, requesting affirmative action to maintain the Community Development Block Grant (CDBG) program funding, and seeking restoration of lost funding via the proposed fiscal year 2005 budget; which was referred to the Committee on Financial Services.

WEDNESDAY, SEPTEMBER 21, 2005 (98)

198.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

Washington, DC, September 21, 2005.
 I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

198.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Tuesday, September 20, 2005.

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

198.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4055. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act in the Rural Electrification and Telecommunications Direct Loan Financing Account, Treasury Symbol 12X4208, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4056. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-39, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Armed Services.

4057. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child restraint systems Child restraint systems recordkeeping requirements [Docket No. NHTSA-2005-22324] (RIN: 2127-AI95) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled "Performance Improvement 2005: Evaluation Activities of the U.S. Department of Health and Human Services," pursuant to section 241(b) of the Public Health Service (PHS) Act; to the Committee on Energy and Commerce.

4059. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

4060. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

4061. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

4062. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive

Order 12947 of January 23, 1995; to the Committee on International Relations.

4063. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

4064. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

4065. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the implementation of Section 1001 of the USA PATRIOT Act covering January 1, 2005 through June 30, 2005; to the Committee on the Judiciary.

4066. A letter from the Chairman, Naval Sea Cadet Corps, transmitting the 2004 Annual Audit and the 2004 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

4067. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result of Hurricane Katrina on August 27, 2005 in the State of Mississippi, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4068. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result of Hurricane Katrina on August 26, 2005 in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Offshore Marine Terminal, El Segundo, CA [COTP Los Angeles-Long Beach 03-002] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-05-050] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-04-155] (RIN: 1625-AA00) (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4072. A letter from the Attorney-Advisor, NHTSA, Department of Transportation,

transmitting the Department's final rule — Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination [Docket No. NHTSA-05-22265] (RIN: 2127-AJ66) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4073. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class E Airspace; Columbia Regional Airport, MO [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4074. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2005-20661; Directorate Identifier 2004-NM-261-AD; Amendment 39-14206; AD 2005-16-01] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4075. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-7-100, DHC-7-101, DHC-7-102, and DHC-7-103 Airplanes [Docket No. FAA-2005-20595; Directorate Identifier 2004-NM-149-AD; Amendment 39-14208; AD 2005-16-03] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4076. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped With Pratt & Whitney or Rolls-Royce Engines [Docket No. FAA-2005-20138; Directorate Identifier 2004-NM-167-AD; Amendment 39-14204; AD 2005-15-15] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4077. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, DC-8-43, DC-8F-54, and DC-8F-55 Airplanes; and DC-8-50, DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes [Docket No. 2001-NM-343-AD; Amendment 39-14203; AD 2005-15-14] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4078. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model HS.125 Series 700A Airplanes, Model BAe.125 Series 800A Airplanes, and Model Hawker 800 and Hawker 800XP Airplanes [Docket No. FAA-2005-20111; Directorate Identifier 2004-NM-154-AD; Amendment 39-14207; AD 2005-16-02] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. FAA-2004-19679; Directorate Identifier 2003-NM-132-AD; Amendment 39-14184; AD 2005-14-07], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477; Amendment Nos. 121-312; 135-98] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Topeka, Forbes Field, KS. [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway V-537 [Docket No. FAA 2003-16676; Airspace Docket No. 03-ASO-16] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, MO. [Docket No. FAA-2005-21706; Airspace Docket No. 05-ACE-23] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20446; Airspace Docket No. 05-AAL-04] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chalkyitsik, AK [Docket No. FAA-2005-20450; Airspace Docket No. 05-AAL-07] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Emmonak, AK [Docket No. FAA-2005-20555; Airspace Docket No. 05-AAL-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade Municipal Airport, KS. [Docket No. FAA-2005-21783; Airspace Docket No. 05-ACE-24] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Aspen, CO [Docket No. FAA 2003-16460; Airspace Docket 02-ANM-16] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mariposa, CA [Docket FAA 2004-19084; Airspace Docket 04-ANM-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4090. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Amendment of Class E Airspace; Blairstown, NJ [Docket No. FAA-2005-21103; Airspace Docket No. 05-AEA-10] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newton City-County Airport, KS. [Docket No. FAA-2005-21704; Airspace Docket No. 05-ACE-20] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Legal Description of the Class E Airspace; Columbia Regional Airport, MO. [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4093. A letter from the Secretary, Department of Agriculture, transmitting a copy of the Department's Annual Report to Congress on the Biomass Research and Development Initiative for FY 2004, pursuant to 7 U.S.C. 7624 note; jointly to the Committees on Energy and Commerce and Agriculture.

¶98.4 STATUE OF PO'PAY

Mr. NEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 242):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF PO'PAY FROM THE PEOPLE OF NEW MEXICO FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) IN GENERAL.—The statue of Po'Pay, furnished by the people of New Mexico for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of New Mexico for providing this commemoration of one of New Mexico's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of New Mexico is authorized to use the Rotunda of the Capitol on September 22, 2005, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in the National Statuary Hall Collection.

SEC. 2. TRANSMITTAL TO GOVERNOR OF NEW MEXICO.

The Clerk of the House of Representatives shall transmit an enrolled copy of this concurrent resolution to the Governor of New Mexico.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. NEY and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶98.5 UNITED STATES PAROLE COMMISSION EXTENSION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill of the Senate (S. 1368) to extend the existence of the Parole Commission, and for other purposes.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶98.6 HURRICANE KATRINA IMMIGRATION BENEFITS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3827) to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶98.7 KARL MALDEN STATION

Mr. GUTKNECHT moved to suspend the rules and pass the bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. GUTKNECHT and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶98.8 JACOB L. FRAZIER POST OFFICE BUILDING

Mr. GUTKNECHT moved to suspend the rules and pass the bill (H.R. 3767) to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. GUTKNECHT and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶98.9 WEST OAHU LITTLE LEAGUE BASEBALL

Mr. GUTKNECHT moved to suspend the rules and agree to the following resolution (H. Res. 429):

Whereas on Sunday, August 28, 2005, the West Oahu Little League baseball team of Ewa Beach, Hawaii, defeated the Curacao Little League team by a score of 7-6 to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas the Championship game was one of the most exciting in Little League history, with West Oahu overcoming a 3-run deficit and winning the game in the seventh inning;

Whereas the 2005 West Oahu Little League World Championship team consists of players Layson "Kaeo" Aliviado, Harrison Kam, Ty Tirpak, Zachary Ranit, Ethan Javier, Vonn Fe'ao, Quentin Guevara, Sheyne Baniaga, Michael Memea, Zachary Rosete, Myron "Kini" Enos, Jr., Alaka'i Aglipay, Manager Layton Aliviado, Dugout Coach Tyron Kitashima, and First Base Coach Clint Tirpak;

Whereas the championship victory of the West Oahu Little League Baseball Team testifies to the sportsmanship, hard work, and dedication of its members; and

Whereas the achievement of the West Oahu Little League Baseball Team is the cause of enormous pride for the Nation, the State of Hawaii and the community of Ewa Beach: Now, therefore, be it

Resolved, That the House of Representatives congratulates the West Oahu Little League Baseball Team on its victory in the 2005 Little League World Series Championship games.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. GUTKNECHT and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶98.10 GOLD STAR MOTHERS DAY

Mr. GUTKNECHT moved to suspend the rules and pass the joint resolution (H.J. Res. 61) supporting the goals and ideals of Gold Star Mothers Day.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. GUTKNECHT and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MALONEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶98.11 PROVIDING FOR THE CONSIDERATION OF H.R. 250

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 451):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes. The

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

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. GINGREY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶98.12 KATRINA EMERGENCY TAX RELIEF

Mr. MCCRERY moved to suspend the rules and agree to the following resolution (H. Res. 454):

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3768, with the Senate amendment thereto, and to have concurred in the Senate amendment to the bill with the following amendment:

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Katrina Emergency Tax Relief Act of 2005”.

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

- Sec. 1. Short title, etc.
- Sec. 2. Hurricane Katrina disaster area.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

- Sec. 101. Tax-favored withdrawals from retirement plans for relief relating to Hurricane Katrina.
- Sec. 102. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
- Sec. 103. Loans from qualified plans for relief relating to Hurricane Katrina.
- Sec. 104. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

- Sec. 201. Work opportunity tax credit for Hurricane Katrina employees.
- Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

- Sec. 301. Temporary suspension of limitations on charitable contributions.
- Sec. 302. Additional exemption for housing Hurricane Katrina displaced individuals.
- Sec. 303. Increase in standard mileage rate for charitable use of vehicles.
- Sec. 304. Mileage reimbursements to charitable volunteers excluded from gross income.
- Sec. 305. Charitable deduction for contributions of food inventory.
- Sec. 306. Charitable deduction for contributions of book inventories to public schools.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

- Sec. 401. Exclusions of certain cancellations of indebtedness by reason of Hurricane Katrina.
- Sec. 402. Suspension of certain limitations on personal casualty losses.
- Sec. 403. Required exercise of authority under section 7508A for tax relief relating to Hurricane Katrina.
- Sec. 404. Special rules for mortgage revenue bonds.
- Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
- Sec. 406. Special rule for determining earned income.
- Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—EMERGENCY REQUIREMENT

- Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act—

(1) **HURRICANE KATRINA DISASTER AREA.**—The term “Hurricane Katrina disaster area” means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) **CORE DISASTER AREA.**—The term “core disaster area” means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

SEC. 101. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified Hurricane Katrina distribution.

(b) **AGGREGATE DOLLAR LIMITATION.**—

(1) **IN GENERAL.**—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified Hurricane Katrina distributions for any taxable year shall not exceed the excess (if any) of—

(A) \$100,000, over

(B) the aggregate amounts treated as qualified Hurricane Katrina distributions received by such individual for all prior taxable years.

(2) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to paragraph (1)) be a qualified Hurricane Katrina distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified Hurricane Katrina distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(3) **CONTROLLED GROUP.**—For purposes of paragraph (2), the term “controlled group” means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) **AMOUNT DISTRIBUTED MAY BE REPAID.**—

(1) **IN GENERAL.**—Any individual who receives a qualified Hurricane Katrina distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified Hurricane Katrina distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified Hurricane Katrina distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) **DEFINITIONS.**—For purposes of this section—

(1) **QUALIFIED HURRICANE KATRINA DISTRIBUTION.**—Except as provided in subsection (b),

the term “qualified Hurricane Katrina distribution” means any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

(2) **ELIGIBLE RETIREMENT PLAN.**—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(e) **INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED HURRICANE KATRINA DISTRIBUTIONS.**—

(1) **IN GENERAL.**—In the case of any qualified Hurricane Katrina distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) **SPECIAL RULE.**—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply.

(f) **SPECIAL RULES.**—

(1) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections 401(a)(31), 402(f), and 3405 of such Code, qualified Hurricane Katrina distributions shall not be treated as eligible rollover distributions.

(2) **QUALIFIED HURRICANE KATRINA DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of such Code, a qualified Hurricane Katrina distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

SEC. 102. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) **RECONTRIBUTIONS.**—

(1) **IN GENERAL.**—Any individual who received a qualified distribution may, during the period beginning on August 25, 2005, and ending on February 28, 2006, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) **TREATMENT OF REPAYMENTS.**—Rules similar to the rules of paragraphs (2) and (3) of section 101(c) of this Act shall apply for purposes of this section.

(b) **QUALIFIED DISTRIBUTION DEFINED.**—For purposes of this section, the term “qualified distribution” means any distribution—

(1) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of such Code,

(2) received after February 28, 2005, and before August 29, 2005, and

(3) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

SEC. 103. LOANS FROM QUALIFIED PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) **INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.**—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal

Revenue Code of 1986) to a qualified individual made after the date of enactment of this Act and before January 1, 2007—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) **DELAY OF REPAYMENT.**—In the case of a qualified individual with an outstanding loan on or after August 25, 2005, from a qualified employer plan (as defined in section 72(p)(4) of such Code)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on August 25, 2005, and ending on December 31, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in paragraph (1) shall be disregarded.

(c) **QUALIFIED INDIVIDUAL.**—For purposes of this section, the term “qualified individual” means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

SEC. 104. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) **IN GENERAL.**—If this section applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) **AMENDMENTS TO WHICH SECTION APPLIES.**—

(1) **IN GENERAL.**—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) **CONDITIONS.**—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) **IN GENERAL.**—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) **HURRICANE KATRINA EMPLOYEE.**—For purposes of this section, the term “Hurricane Katrina employee” means—

(1) any individual who on August 28, 2005, had a principal place of abode in the core disaster area and who is hired during the 2-year period beginning on such date for a position the principal place of employment of which is located in the core disaster area, and

(2) any individual who on such date had a principal place of abode in the core disaster area, who is displaced from such abode by reason of Hurricane Katrina, and who is hired during the period beginning on such date and ending on December 31, 2005.

(c) **REASONABLE IDENTIFICATION ACCEPTABLE.**—In lieu of the certification requirement under subparagraph (A) of section 51(d)(12) of such Code, an individual may provide to the employer reasonable evidence that the individual is a Hurricane Katrina employee, and subparagraph (B) of such section shall be applied as if such evidence were a certification described in such subparagraph.

(d) **SPECIAL RULES FOR DETERMINING CREDIT.**—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee as a Hurricane Katrina employee, unless such employee was an employee of the employer on August 28, 2005.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYEES AFFECTED BY HURRICANE KATRINA.

(a) **IN GENERAL.**—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) **DEFINITIONS.**—For purposes of this section—

(1) **ELIGIBLE EMPLOYER.**—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a core disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

(2) **ELIGIBLE EMPLOYEE.**—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a core disaster area.

(3) **QUALIFIED WAGES.**—The term “qualified wages” means wages (as defined in section 51(c)(1) of such Code, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) **CREDIT NOT ALLOWED FOR LARGE BUSINESSES.**—The term “eligible employer” shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

(d) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of such Code shall apply.

(e) **EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.**—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of such Code with respect to such employee for such period.

(f) **CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.**—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) **IN GENERAL.**—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (a) and (d) of section 170 of such Code to other contributions.

(b) **TREATMENT OF EXCESS CONTRIBUTIONS.**—For purposes of section 170 of such Code—

(1) **INDIVIDUALS.**—In the case of an individual—

(A) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s contribution base (as defined in subparagraph (F) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under such section 170(b)(1).

(B) **CARRYOVER.**—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) **CORPORATIONS.**—In the case of a corporation—

(A) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) **CARRYOVER.**—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) **EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions paid during the taxable year shall

not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of such Code)—

(A) paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code),

(B) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, and

(C) with respect to which the taxpayer has elected the application of this section.

(2) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor’s status as a donor.

(3) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under paragraph (1)(C) shall be made separately by each partner or shareholder.

SEC. 302. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 or 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by \$500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed \$2,000, reduced by the amount of the reduction under this section for all prior taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer for any prior taxable year.

(3) IDENTIFYING INFORMATION REQUIRED.—An individual shall not be taken into account under subsection (a) for a taxable year unless the taxpayer identification number of such individual is included on the return of the taxpayer for such taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this section, the term “Hurricane Katrina displaced individual” means, with respect to any taxpayer for any taxable year, any natural person if—

(1) such person’s principal place of abode on August 28, 2005, was in the Hurricane Katrina disaster area,

(2)(A) in the case of such an abode located in the core disaster area, such person is displaced from such abode, or

(B) in the case of such an abode located outside of the core disaster area, such person is displaced from such abode, and

(i) such abode was damaged by Hurricane Katrina, or

(ii) such person was evacuated from such abode by reason of Hurricane Katrina, and

(3) such person is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

(d) COMPENSATION FOR HOUSING.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such housing.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF VEHICLES.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 304. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of an individual for taxable years ending on or after August 25, 2005, does not include amounts received, from an organization described in section 170(c) of such Code, as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization in connection with providing relief relating to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under chapter 1 of such Code if section 274(d) of such Code were applied—

(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

(2) as if the individual were an employee of an organization not described in section 170(c) of such Code.

(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of such Code with respect to the expenses excludable from gross income under subsection (a).

SEC. 305. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

“(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business of the taxpayer, this paragraph shall be applied—

“(I) without regard to whether the contribution is made by a C corporation, and

“(II) only to food that is apparently wholesome food.

“(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer’s aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

“(iii) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term ‘apparently wholesome food’ has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.

“(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

SEC. 306. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property), as amended by section 305, is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether the donee is an organization described in the matter preceding clause (i) of subparagraph (A).

“(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books to a public school which is an educational organization described in subsection (b)(1)(A)(ii) and which provides elementary education or secondary education (kindergarten through grade 12).

“(iii) CERTIFICATION BY DONEE.—Subparagraph (A) shall not apply to any contribution unless (in addition to the certifications required by subparagraph (A) (as modified by this subparagraph)), the donee certifies in writing that—

“(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee’s educational programs, and

“(II) the donee will use the books in its educational programs.

“(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS BY REASON OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person described in subsection (b) by an applicable entity (as defined in section 6050P(c)(1) of such Code).

(b) PERSONS DESCRIBED.—A natural person is described in this subsection if the principal place of abode of such person on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such person suffered economic loss by reason of Hurricane Katrina.

(c) EXCEPTIONS.—

(1) BUSINESS INDEBTEDNESS.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(2) REAL PROPERTY OUTSIDE CORE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the Hurricane Katrina disaster area.

(d) DENIAL OF DOUBLE BENEFIT.—For purposes of the Internal Revenue Code of 1986,

the amount excluded from gross income under subsection (a) shall be treated in the same manner as an amount excluded under section 108(a) of such Code.

(e) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 25, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF RELATING TO HURRICANE KATRINA.

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) of the Internal Revenue Code of 1986 are amended to read as follows:

“(A) Filing any return of income, estate, gift, employment, or excise tax;

“(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;”.

(b) APPLICATION WITH RESPECT TO HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 25, 2005.

SEC. 404. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term “qualified Hurricane Katrina recovery residence” means—

- (1) any residence in the core disaster area, and
- (2) any other residence if—

(A) such other residence is located in the same State as the principal residence referred to in subparagraph (B), and

(B) the mortgagor with respect to such other residence owned a principal residence on August 28, 2005, which—

- (i) was located in the Hurricane Katrina disaster area, and
- (ii) was rendered uninhabitable by reason of Hurricane Katrina.

(c) SPECIAL RULE FOR HOME IMPROVEMENT LOANS.—In the case of any loan with respect to a residence in the Hurricane Katrina disaster area, section 143(k)(4) of such Code shall be applied by substituting \$150,000 for the dollar amount contained therein to the extent such loan is for the repair of damage by reason of Hurricane Katrina.

(d) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting “5 years” for “2 years” with respect to property in the Hurricane Katrina disaster area which is compulsorily or involuntarily converted on or after August 25, 2005, by reason of Hurricane Katrina, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes August 25, 2005, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 25, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means any individual whose principal place of abode on August 25, 2005, was located—

- (1) in the core disaster area, or
- (2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 25, 2005—

(A) such subsection shall apply if either spouse is a qualified individual, and

(B) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary’s delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement

pursuant to section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. MCCRERY and Mr. RANGEL, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RANGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶98.13 RECESS—1:03 P.M.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o’clock and 3 minutes p.m., subject to the call of the Chair.

¶98.14 AFTER RECESS—1:30 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶98.15 MESSAGE FROM THE PRESIDENT

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

¶98.16 H. RES. 451—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 451) providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 222 affirmative } Nays 198

¶98.17 [Roll No. 478]

YEAS—222

Aderholt	Bachus	Bartlett (MD)
Akin	Baker	Bass
Alexander	Barrett (SC)	Beauprez

Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Herger
Hobson
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feehey
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin

Holden
Holt
Honda
Hooley
Hoyer
Insee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Nadler
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller-
Donald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Barton (TX)
Boswell
Buyer
Camp
DeLay
Doolittle
Hefley
Kind
Linder
McKinney
Ortiz
Towns
Weller

So the resolution was agreed to.
A motion to reconsider the vote
whereby said resolution was agreed to
was, by unanimous consent, laid on the
table.

98.18 H.J. RES. 61—UNFINISHED
BUSINESS

The SPEAKER pro tempore, Mrs.
BIGGERT, pursuant to clause 8, rule
XX, announced the further unfinished
business to be the motion to suspend
the rules and pass the joint resolution
(H.J. Res. 61) supporting the goals and
ideals of Gold Star Mothers Day.

The question being put,
Will the House suspend the rules and
pass said joint resolution?

The vote was taken by electronic de-
vice.

It was decided in the { Yeas 419
affirmative Nays 0

98.19 [Roll No. 479]
YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor

Capito
Capps
Capuano
Cardin
Caroza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Delahunt
Dellauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feehey
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchev
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Sessions
Shadegg
Shaw
Latham
LaTourrette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller-
Donald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hereth
Higgins
Hinchev
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kulbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantors
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris

Serrano Stupak Walsh Cramer Hunter Musgrave Stark Tiberi Waxman
 Sessions Sullivan Wamp Crenshaw Hyde Myrick Stearns Tierney Weiner
 Shadegg Sweeney Wasserman Crowley Nadler Strickland Turner Weldon (FL)
 Shaw Tancredo Schultz Cubin Inslee Napolitano Stupak Udall (CO) Weldon (PA)
 Shays Tanner Cuellar Isreal Neal (MA) Sullivan Udall (NM) Westmoreland
 Sherman Tauscher Culberson Issa Neugebauer Upton Wexler
 Sherwood Taylor (MS) Cummings Istook Jackson (IL) Sweeney Van Hollen Whitfield
 Shimkus Taylor (NC) Waxman Jackson-Lee Norwood Tanner Velázquez Wicker
 Shuster Terry Weiner Davis (AL) Davis (CA) Jefferson Nussle Vislosky Wilson (NM)
 Simmons Thomas Weldon (FL) Weldon (PA) Oberstar Terry Walsh Wilson (SC)
 Simpson Thompson (CA) Weldon (PA) Oby Johnson (CT) Wamp Wolf
 Skelton Thompson (MS) Westmoreland Johnson (IL) Thomas Wasserman Woolsey
 Slaughter Thornberry Wexler Johnson (IL) Thompson (CA) Schultz Wu
 Smith (NJ) Tiaht Whitfield Davis, Jo Ann Johnson, E. B. Thompson (MS) Waters Wynn
 Smith (TX) Tiberi Wicker Wilson (NM) Thornberry Watson Young (AK)
 Smith (WA) Tierney Wilson (SC) Tiaht Watt Young (FL)
 Snyder Turner Wolf Wilson (SC) Udall (CO) Udall (NM) Solis Souder Spratt Stark Stearns Strickland

Wamp Crenshaw Crowley Cubin Cuellar Culberson Cummings Cunningham Davis (AL) Davis (CA) Davis (FL) Davis (IL) Davis (KY) Davis (TN) Davis, Jo Ann Davis, Tom Deal (GA) DeFazio DeGette Delahunt DeLauro Dent Diaz-Balart, L. Diaz-Balart, M. Dicks Dingell Doggett Doyle Drake Dreier Duncan Edwards Ehlers Emanuel Emerson Engel English (PA) Eshoo Etheridge Evans Everett Farr Fattah Feeney Ferguson Filner Fitzpatrick (PA) Flake Foley Forbes Ford Fortenberry Fossella Foxx Frank (MA) Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gibbons Gilchrist Gillmor Gingrey Gohmert Gonzalez Goode Goodlatte Gordon Granger Graves Green (WI) Green, Al Green, Gene Grijalva Gutierrez Gutknecht Hall Harman Harris Hart Hastings (FL) Hastings (WA) Hayes Hayworth Hensarling Hergert Herseth Higgins Hinojosa Hobson Hoekstra Holden Holt Honda Hooley Hostettler Hoyer Hulshof

Strickland Strickland Stupak Sullivan Sweeney Tancredo Tauscher Taylor (MS) Taylor (NC) Thompson (CA) Thompson (MS) Thornberry Tiaht Tiberi Tierney Turner Udall (CO) Udall (NM) Upton Van Hollen Velázquez Vislosky Walden (OR) Walsh Wamp Wasserman Schultz Waters Watson Watt

Waxman Weiner Weldon (FL) Weldon (PA) Westmoreland Wexler Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Woolsey Wu Wynn Young (AK) Young (FL)

NOT VOTING—14

Barton (TX) Doolittle Ortiz Becerra Fossella Sanders Boswell Hefley Towns Camp Kind Weller DeLay Linder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

98.20 H. RES. 454—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 454) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 422 Nays 0

98.21 [Roll No. 480]

YEAS—422

Abercrombie Bishop (UT) Calvert Ackerman Blackburn Cannon Aderholt Blumenauer Cantor Akin Blunt Capito Alexander Boehlert Capps Allen Boehner Capuano Andrews Bonilla Cardin Baca Bonner Cardoza Bachus Bono Carnahan Baird Boozman Carson Baker Boren Carter Baldwin Boucher Case Barrett (SC) Boustany Castle Barrow Boyd Chabot Bartlett (MD) Bradley (NH) Chandler Bass Brady (PA) Chocola Bean Brady (TX) Clay Beauprez Brown (OH) Cleaver Becerra Brown (SC) Clyburn Berkeley Brown, Corrine Coble Berman Brown-Waite, Cole (OK) Berry Ginny Biggert Burgess Conyers Bilirakis Burton (IN) Cooper Bishop (GA) Butterfield Costa Bishop (NY) Buyer Costello

Jefferson Jones (OH) Jones (NC) Jones (OH) Kanjorski Kaptur Keller Kelly Kennedy (MN) Kennedy (RI) Kildee Kilpatrick (MI) King (IA) King (NY) Kingston Kirk Kline Knollenberg Kolbe Kucinich Kuhl (NY) LaHood Langevin Lantos Larsen (WA) Larson (CT) Latham LaTourette Leach Lee Levin Lewis (CA) Lewis (GA) Lewis (KY) Lipinski LoBiondo Lofgren, Zoe Lowey Lucas Lungren, Daniel E. Lynch Mack Maloney Manzullo Marchant Markey Marshall Matheson Matsui McCarthy McCaul (TX) McCollum (MN) McCotter McCreery McDermott McGovern McHenry McHugh McIntyre McKeon McKinney McMorris McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Mica Michaud Millender-Donald Miller (FL) Miller (MI) Miller (NC) Miller, Gary Miller, George Molohan Moore (KS) Moore (WI) Moran (KS) Moran (VA) Murphy Murtha

Osborne Otter Owens Oxley Pallone Pascarell Pastor Paul Payne Pearce Pelosi Pence Peterson (MN) Peterson (PA) Petri Pickering Pitts Platts Poe Pombo Pomeroy Porter Price (GA) Price (NC) Price (OH) Putnam Radanovich Rahall Ramstad Rangel Regula Rehberg Reichert Renzi Reyes Reynolds Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Ross Rothman Roybal-Allard Royce Ruppertsberger Rush Ryan (OH) Ryan (WI) Ryun (KS) Sabo Salazar Sanchez, Linda T. Sanchez, Loretta Sanders Saxton Schakowsky Schiff Schmidt Schwartz (PA) Schwarz (MI) Scott (GA) Scott (VA) Sensenbrenner Serrano Sessions Shadegg Shaw Shays Sherman Sherman Shwood Shimkus Shuster Simmons Simpson Skelton Slaughter Smith (NJ) Smith (TX) Smith (WA) Snyder Sodrel Solis Souder Spratt

NOT VOTING—11

Barton (TX) Doolittle Ortiz Boswell Hefley Towns Camp Kind Weller DeLay Linder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

98.22 MANUFACTURING COMPETITIVENESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to House Resolution 451 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, by unanimous consent, designated Mrs. CAPITO as Chairman of the Committee of the Whole; and after some time spent therein,

98.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 109-227, submitted by Ms. JACKSON-LEE of Texas:

Page 20, after line 14, insert the following:

Funds shall be made available under this subsection, to the maximum extent practicable, to diverse institutions, including Historically Black Colleges and Universities and other minority serving institutions.

It was decided in the affirmative { Yeas 416 Nays 8

98.24 [Roll No. 481]

AYES—416

Abercrombie Baker Berman Ackerman Baldwin Berry Aderholt Barrett (SC) Biggert Akin Barrow Billrakis Alexander Bartlett (MD) Bishop (GA) Allen Bass Bishop (NY) Andrews Bean Bishop (UT) Baca Beauprez Blackburn Bachus Becerra Blumenauer Baird Berkley Blunt

Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.

Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-Donald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman

Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabu
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons

Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Ting
Townes
Turner

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

NOT VOTING—9

So the amendment was agreed to.

198.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 109-227, submitted by Mr. LARSON of Connecticut:

At the end of the bill, add the following new section:

SEC. 10. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

- (1) the National Institute of Standards and Technology;
- (2) the National Technical Information Service; and
- (3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

- (1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;
- (2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and
- (3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

- (1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;
- (2) conduct manufacturing and technology policy analyses to improve United States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;
- (3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;
- (4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;
- (5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;
- (6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;
- (7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;
- (8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;
- (9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;
- (10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and
- (11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.).

It was decided in the { Yeas 210 negative } Nays 213

198.26 [Roll No. 482] AYES—210

Abercrombie	Bishop (NY)	Carson
Ackerman	Blumenauer	Case
Allen	Boren	Chandler
Andrews	Boucher	Clay
Baca	Boyd	Cleaver
Baird	Brady (PA)	Clyburn
Baldwin	Brown (OH)	Conyers
Barrow	Brown, Corrine	Cooper
Bean	Butterfield	Costa
Becerra	Capps	Costello
Berkley	Capuano	Cramer
Berman	Cardin	Crowley
Berry	Cardoza	Cuellar
Bishop (GA)	Carnahan	Cummings

Davis (AL) Kucinich Reyes Lucas Pence Sherwood Lewis (GA) Olver Sherman
Davis (CA) Langevin Ross Lungren, Daniel Petri Shimkus Lipinski Owens Skelton
Davis (FL) Lantos Rothman E. Petri Shimkus Lipinski Owens Skelton
Davis (IL) Larsen (WA) Roybal-Allard Mack Poe Smith (TX) Lynch Pastor Snyder
Davis (TN) Larson (CT) Ruppertsberger Manzano Marchant Sodrel Maloney Payne Solis
DeFazio Lee Rush Ryan (OH) McCaul (TX) Porter Souder Marshall Matheson Peterson (MN) Strickland
DeGette Levin Lewis (GA) Sabo McCotter Price (GA) Pryce (OH) Putnam Sweeney Sullivan Sweeney Putnam Radanovich Ramstad Tancred
Delahunt Delahunt Lewis (GA) Sabo McCotter Price (GA) Pryce (OH) Putnam Sweeney Sullivan Sweeney Putnam Radanovich Ramstad Tancred
DeLauro Lipinski Salazar Sánchez, Linda T. McKeon McMorris Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Dicks Lofgren, Zoe Sánchez, Linda T. McKeon McMorris Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Dingell Lynch Sanchez, Loretta Sanders Schakowsky Schiff Schwartz (PA) Scott (GA) Scott (VA) Serrano Shays Sherman Simmons Skelton Slaughter Smith (NJ) Smith (WA) Snyder Solis Spratt Stark Strickland Stupak Tanner Tauscher Taylor (MS) Thompson (CA) Thompson (MS) Tierney Towns Udall (CO) Udall (NM) Van Hollen Velázquez Visclosky Wasserman Schultz Waters Watson Watt Waxman Weiner Wexler Wilson (NM) Woolsey Wu Wynn
Doggett Lynch Sanchez, Loretta Sanders Schakowsky Schiff Schwartz (PA) Scott (GA) Scott (VA) Serrano Shays Sherman Simmons Skelton Slaughter Smith (NJ) Smith (WA) Snyder Solis Spratt Stark Strickland Stupak Tanner Tauscher Taylor (MS) Thompson (CA) Thompson (MS) Tierney Towns Udall (CO) Udall (NM) Van Hollen Velázquez Visclosky Wasserman Schultz Waters Watson Watt Waxman Weiner Wexler Wilson (NM) Woolsey Wu Wynn
Doyle Maloney Markey Marshall Matheson Matsui McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Edwards Doyle Maloney Markey Marshall Matheson Matsui McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Emanuel Emanuel Marshall Matheson Matsui McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Engel Engel Matheson Matsui McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Eshoo Matsui McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Etheridge Etheridge McCarthy McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Evans Evans McCollum (MN) McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Farr Farr McDermott McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Fattah Fattah McGovern McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Filner Filner McGintyre McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Fitzpatrick (PA) Fitzpatrick (PA) McKinney Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Ford Ford McNulty Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Frank (MA) Frank (MA) Meehan Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Gonzalez Gonzalez Meek (FL) Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Goode Goode Meeks (NY) Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Gordon Gordon Melancon Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Green, Al Green, Al Menendez Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Green, Gene Green, Gene Michaud Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Grijalva Grijalva Millender-McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Gutierrez Gutierrez McDonald Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Harman Harman Miller (NC) Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Hastings (FL) Hastings (FL) Miller, George Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Herse Herse Mollohan Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Higgins Higgins Moore (KS) Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Hinche Hinche Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Hinojosa Hinojosa Moran (VA) Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Holden Holden Murtha Nadler Napolitano Neal (MA) Oberstar Obey
Holt Holt Nadler Napolitano Neal (MA) Oberstar Obey
Honda Honda Napolitano Neal (MA) Oberstar Obey
Hooley Hooley Neal (MA) Oberstar Obey
Hoyer Hoyer Oberstar Obey
Inslee Inslee Obey
Israel Israel Olver
Jackson (IL) Jackson (IL) Owens
Jackson-Lee (TX) Jackson-Lee (TX) Pallone Pascrell
Jefferson Jefferson Pastor Watson Watt Waxman Weiner Wexler Wilson (NM) Woolsey Wu Wynn
Johnson (CT) Johnson (CT) Payne Pelosi Peterson (MN) Peterson (PA) Platts
Johnson, E. B. Johnson, E. B. Pelosi Peterson (MN) Peterson (PA) Platts
Jones (NC) Jones (NC) Peterson (MN) Peterson (PA) Platts
Jones (OH) Jones (OH) Peterson (PA) Platts
Kanjorski Kanjorski Platts
Kaptur Kaptur Pomeroy
Kennedy (RI) Kennedy (RI) Price (NC) Rahall
Kildee Kildee Rahall
Kilpatrick (MI) Kilpatrick (MI) Rangel

Lucas Pence Sherwood Lewis (GA) Olver Sherman
Lungren, Daniel Petri Shimkus Lipinski Owens Skelton
E. Petri Shimkus Lipinski Owens Skelton
Mack Poe Smith (TX) Lynch Pastor Snyder
Manzano Marchant Sodrel Maloney Payne Solis
Marchant Sodrel Maloney Payne Solis
McCaul (TX) Porter Souder Marshall Matheson Peterson (MN) Strickland
McCotter Price (GA) Pryce (OH) Putnam Sweeney Sullivan Sweeney Putnam Radanovich Ramstad Tancred
McCrery Price (GA) Pryce (OH) Putnam Sweeney Sullivan Sweeney Putnam Radanovich Ramstad Tancred
McHenry Putnam Sweeney Sullivan Sweeney Putnam Radanovich Ramstad Tancred
McHugh Radanovich Ramstad Tancred
McKeon McMorris Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
McMorris Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Ney Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Northup Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Norwood Nunes Nussle Osborne Otter Oxley Paul Pearce
Nunes Nussle Osborne Otter Oxley Paul Pearce
Nussle Osborne Otter Oxley Paul Pearce
Osborne Otter Oxley Paul Pearce
Otter Oxley Paul Pearce
Oxley Paul Pearce
Paul Pearce
Pearce

Lewis (GA) Olver Sherman
Lipinski Owens Skelton
Lofgren, Zoe Pallone Pascrell
Lowe Lynch Pastor Snyder
Lynch Lynch Pastor Snyder
Maloney Payne Solis
Markey Markey Pelosi
Marshall Marshall Peterson (MN) Strickland
Matheson Matheson Peterson (PA)
Matsui Matsui Pomeroy
McCarthy McCarthy Porter
McCollum (MN) McCollum (MN) Price (GA) Price (NC)
McDermott McDermott Price (NC)
McGovern McGovern Rahall
McIntyre McIntyre Rangel
McKinney McKinney Renzi
McNulty McNulty Reyes
Meehan Meehan Ross
Meek (FL) Meek (FL) Rothman
Melancon Melancon Roybal-Allard Udall (NM)
Menendez Menendez Ruppertsberger Van Hollen
Michaud Michaud Rush
Ryan (OH) Ryan (OH) Velázquez
Sabo Sabo Visclosky
Salazar Salazar Wasserman
Sánchez, Linda Sánchez, Linda Schultz
T. T. Waters
Sanchez, Loretta Sanchez, Loretta Watson
Sanders Sanders Watt
Schakowsky Schakowsky Waxman
Schiff Schiff Weiner
Schwartz (PA) Schwartz (PA) Wexler
Scott (GA) Scott (GA) Wilson (NM)
Scott (VA) Scott (VA) Woolsey
Serrano Serrano Wu
Shays Shays Wynn

NOT VOTING—10

Barton (TX) DeLay Ortiz
Boswell Doolittle Weller
Camp Hefley
Carter Kind

So the amendment was not agreed to.

§98.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 109-227, submitted by Mr. UDALL of Colorado:

- Page 20, line 3, strike "\$55,000,000" and insert "\$70,000,000".
Page 20, line 7, strike "\$57,750,000" and insert "\$73,500,000".
Page 20, line 11, strike "\$60,600,000" and insert "\$77,000,000".

It was decided in the { Yeas 210
negative } Nays 212

§98.28 [Roll No. 483]

AYES—210

NOES—213
Aderholt Aderholt
Akin Akin
Alexander Alexander
Bachus Bachus
Baker Baker
Barrett (SC) Barrett (SC)
Bartlett (MD) Bartlett (MD)
Bass Bass
Beauprez Beauprez
Biggart Biggart
Bilirakis Bilirakis
Bishop (UT) Bishop (UT)
Blackburn Blackburn
Blunt Blunt
Boehlert Boehlert
Boehner Boehner
Bonilla Bonilla
Bonner Bonner
Bono Bono
Boozman Boozman
Boustany Boustany
Bradley (NH) Bradley (NH)
Brady (TX) Brady (TX)
Brown (SC) Brown (SC)
Brown-Waite, Brown-Waite,
Ginny Ginny
Burgess Burgess
Burton (IN) Burton (IN)
Buyer Buyer
Calvert Calvert
Cannon Cannon
Cantor Cantor
Capito Capito
Castle Castle
Chabot Chabot
Chocola Chocola
Cole (OK) Cole (OK)
Conaway Conaway
Crenshaw Crenshaw
Cubin Cubin
Culberson Culberson
Cunningham Cunningham
Davis (KY) Davis (KY)
Davis, Jo Ann Davis, Jo Ann
Davis, Tom Davis, Tom
Deal (GA) Deal (GA)
Dent Dent
Diaz-Balart, L. Diaz-Balart, L.
Diaz-Balart, M. Diaz-Balart, M.
Drake Drake
Dreier Dreier
Duncan Duncan
Ehlers Ehlers
Emerson Emerson
English (PA) English (PA)
Everett Everett
Feeney Feeney
Ferguson Ferguson
Flake Flake
Foley Foley
Forbes Forbes
Fortenberry Fortenberry
Fossella Fossella
Foxy Foxy
Franks (AZ) Franks (AZ)
Frelinghuysen Frelinghuysen
Gallegly Gallegly
Garrett (NJ) Garrett (NJ)
Gerlach Gerlach
Gibbons Gibbons
Gillmor Gillmor
Gingrey Gingrey
Gohmert Gohmert
Goodlatte Goodlatte
Coble Coble
Granger Granger
Graves Graves
Green (WI) Green (WI)
Gutknecht Gutknecht
Hall Hall
Harris Harris
Hart Hart
Hastings (WA) Hastings (WA)
Hayes Hayes
Abercrombie Abercrombie
Ackerman Ackerman
Allen Allen
Andrews Andrews
Baca Baca
Baird Baird
Baldwin Baldwin
Barrow Barrow
Bean Bean
Beceerra Beceerra
Berkley Berkley
Berman Berman
Berry Berry
Bishop (GA) Bishop (GA)
Bishop (NY) Bishop (NY)
Blumenauer Blumenauer
Boren Boren
Boucher Boucher
Boyd Boyd
Brady (PA) Brady (PA)
Brown (OH) Brown (OH)
Brown, Corrine Brown, Corrine
Butterfield Butterfield
Capps Capps
Capuano Capuano
Cardin Cardin
Cardoza Cardoza
Carnahan Carnahan
Carson Carson
Case Case
Chandler Chandler
Clay Clay
Cleaver Cleaver
Clyburn Clyburn
Coble Coble
Cooper Cooper
Costa Costa
Costello Costello
Cramer Cramer
Crowley Crowley
Cuellar Cuellar
Cummings Cummings
Davis (AL) Davis (AL)
Davis (CA) Davis (CA)
Davis (FL) Davis (FL)
Davis (IL) Davis (IL)
Davis (TN) Davis (TN)
Davis, Tom Davis, Tom
DeFazio DeFazio
DeGette DeGette
Delahunt Delahunt
DeLauro DeLauro
Dicks Dicks
Dingell Dingell
Doggett Doggett
Doyle Doyle
Edwards Edwards
Emanuel Emanuel
Engel Engel
Eshoo Eshoo
Etheridge Etheridge
Evans Evans
Farr Farr
Fattah Fattah
Filner Filner
Fitzpatrick (PA) Fitzpatrick (PA)
Ford Ford
Frank (MA) Frank (MA)
Gibbons Gibbons
Gonzalez Gonzalez
Gordon Gordon
Green (WI) Green (WI)
Green, Al Green, Al
Green, Gene Green, Gene
Grijalva Grijalva
Gutierrez Gutierrez
Harman Harman
Hastings (FL) Hastings (FL)
Herseth Herseth
Higgins Higgins
Hinche Hinche
Hinojosa Hinojosa
Holden Holden
Holt Holt
Honda Honda
Hooley Hooley
Hoyer Hoyer
Inslee Inslee
Israel Israel
Jackson (IL) Jackson (IL)
Jackson-Lee (TX) Jackson-Lee (TX)
Jefferson Jefferson
Johnson, E. B. Johnson, E. B.
Jones (OH) Jones (OH)
Kanjorski Kanjorski
Kaptur Kaptur
Kennedy (MN) Kennedy (MN)
Kennedy (RI) Kennedy (RI)
Kildee Kildee
Kilpatrick (MI) Kilpatrick (MI)
Kucinich Kucinich
Langevin Langevin
Lantos Lantos
Larsen (WA) Larsen (WA)
Larson (CT) Larson (CT)
Lee Lee
Levin Levin

Green, Al Green, Al
Green, Gene Green, Gene
Grijalva Grijalva
Gutierrez Gutierrez
Harman Harman
Hastings (FL) Hastings (FL)
Herseth Herseth
Higgins Higgins
Hinche Hinche
Hinojosa Hinojosa
Holden Holden
Holt Holt
Honda Honda
Hooley Hooley
Hoyer Hoyer
Inslee Inslee
Israel Israel
Jackson (IL) Jackson (IL)
Jackson-Lee (TX) Jackson-Lee (TX)
Jefferson Jefferson
Johnson, E. B. Johnson, E. B.
Jones (OH) Jones (OH)
Kanjorski Kanjorski
Kaptur Kaptur
Kennedy (MN) Kennedy (MN)
Kennedy (RI) Kennedy (RI)
Kildee Kildee
Kilpatrick (MI) Kilpatrick (MI)
Kucinich Kucinich
Langevin Langevin
Lantos Lantos
Larsen (WA) Larsen (WA)
Larson (CT) Larson (CT)
Lee Lee
Levin Levin
Aderholt Aderholt
Akin Akin
Alexander Alexander
Bachus Bachus
Baker Baker
Barrett (SC) Barrett (SC)
Bartlett (MD) Bartlett (MD)
Bass Bass
Beauprez Beauprez
Biggart Biggart
Bilirakis Bilirakis
Bishop (UT) Bishop (UT)
Blackburn Blackburn
Blunt Blunt
Boehlert Boehlert
Boehner Boehner
Bonilla Bonilla
Bonner Bonner
Bono Bono
Boozman Boozman
Boustany Boustany
Bradley (NH) Bradley (NH)
Brady (TX) Brady (TX)
Brown (SC) Brown (SC)
Brown-Waite, Brown-Waite,
Ginny Ginny
Burgess Burgess
Burton (IN) Burton (IN)
Buyer Buyer
Calvert Calvert
Cannon Cannon
Cantor Cantor
Capito Capito
Castle Castle
Chabot Chabot
Chocola Chocola
Cole (OK) Cole (OK)
Conaway Conaway
Crenshaw Crenshaw
Cubin Cubin
Culberson Culberson
Cunningham Cunningham
Davis (KY) Davis (KY)
Davis, Jo Ann Davis, Jo Ann
Davis, Tom Davis, Tom
Deal (GA) Deal (GA)
Dent Dent
Diaz-Balart, L. Diaz-Balart, L.
Diaz-Balart, M. Diaz-Balart, M.
Drake Drake
Dreier Dreier
Duncan Duncan
Ehlers Ehlers
Emerson Emerson
English (PA) English (PA)
Everett Everett
Feeney Feeney
Ferguson Ferguson
Flake Flake
Foley Foley
Forbes Forbes
Fortenberry Fortenberry
Fossella Fossella
Foxy Foxy
Franks (AZ) Franks (AZ)
Frelinghuysen Frelinghuysen
Gallegly Gallegly
Garrett (NJ) Garrett (NJ)
Gerlach Gerlach
Gibbons Gibbons
Gillmor Gillmor
Gingrey Gingrey
Gohmert Gohmert
Goodlatte Goodlatte
Coble Coble
Granger Granger
Graves Graves
Green (WI) Green (WI)
Gutknecht Gutknecht
Hall Hall
Harris Harris
Hart Hart
Hastings (WA) Hastings (WA)
Hayes Hayes
Abercrombie Abercrombie
Ackerman Ackerman
Allen Allen
Andrews Andrews
Baca Baca
Baird Baird
Baldwin Baldwin
Barrow Barrow
Bean Bean
Beceerra Beceerra
Berkley Berkley
Berman Berman
Berry Berry
Bishop (GA) Bishop (GA)
Bishop (NY) Bishop (NY)
Blumenauer Blumenauer
Boren Boren
Boucher Boucher
Boyd Boyd
Brady (PA) Brady (PA)
Brown (OH) Brown (OH)
Brown, Corrine Brown, Corrine
Butterfield Butterfield
Capps Capps
Capuano Capuano
Cardin Cardin
Cardoza Cardoza
Carnahan Carnahan
Carson Carson
Case Case
Chandler Chandler
Clay Clay
Cleaver Cleaver
Clyburn Clyburn
Coble Coble
Cooper Cooper
Costa Costa
Costello Costello
Cramer Cramer
Crowley Crowley
Cuellar Cuellar
Cummings Cummings
Davis (AL) Davis (AL)
Davis (CA) Davis (CA)
Davis (FL) Davis (FL)
Davis (IL) Davis (IL)
Davis (TN) Davis (TN)
Davis, Tom Davis, Tom
DeFazio DeFazio
DeGette DeGette
Delahunt Delahunt
DeLauro DeLauro
Dicks Dicks
Dingell Dingell
Doggett Doggett
Doyle Doyle
Edwards Edwards
Emanuel Emanuel
Engel Engel
Eshoo Eshoo
Etheridge Etheridge
Evans Evans
Farr Farr
Fattah Fattah
Filner Filner
Fitzpatrick (PA) Fitzpatrick (PA)
Ford Ford
Frank (MA) Frank (MA)
Gibbons Gibbons
Gonzalez Gonzalez
Gordon Gordon
Green (WI) Green (WI)
Green, Al Green, Al
Green, Gene Green, Gene
Grijalva Grijalva
Gutierrez Gutierrez
Harman Harman
Hastings (FL) Hastings (FL)
Herseth Herseth
Higgins Higgins
Hinche Hinche
Hinojosa Hinojosa
Holden Holden
Holt Holt
Honda Honda
Hooley Hooley
Hoyer Hoyer
Inslee Inslee
Israel Israel
Jackson (IL) Jackson (IL)
Jackson-Lee (TX) Jackson-Lee (TX)
Jefferson Jefferson
Johnson, E. B. Johnson, E. B.
Jones (OH) Jones (OH)
Kanjorski Kanjorski
Kaptur Kaptur
Kennedy (MN) Kennedy (MN)
Kennedy (RI) Kennedy (RI)
Kildee Kildee
Kilpatrick (MI) Kilpatrick (MI)
Kucinich Kucinich
Langevin Langevin
Lantos Lantos
Larsen (WA) Larsen (WA)
Larson (CT) Larson (CT)
Lee Lee
Levin Levin

NOES—212

Fossella Fossella
Foxy Foxy
Franks (AZ) Franks (AZ)
Frelinghuysen Frelinghuysen
Gallegly Gallegly
Garrett (NJ) Garrett (NJ)
Gerlach Gerlach
Gilchrest Gilchrest
Gillmor Gillmor
Gingrey Gingrey
Gohmert Gohmert
Goode Goode
Goodlatte Goodlatte
Granger Granger
Graves Graves
Gutknecht Gutknecht
Hall Hall
Harris Harris
Hart Hart
Hastings (WA) Hastings (WA)
Hayes Hayes
Hayworth Hayworth
Hensarling Hensarling
Herger Herger
Hobson Hobson
Hoekstra Hoekstra
Hostettler Hostettler
Hulshof Hulshof
Hunter Hunter
Hyde Hyde
Inglis (SC) Inglis (SC)
Issa Issa
Istook Istook
Jenkins Jenkins
Jindal Jindal
Johnson (CT) Johnson (CT)
Johnson (IL) Johnson (IL)
Johnson, Sam Johnson, Sam
Jones (NC) Jones (NC)
Keller Keller
Kelly Kelly
King (IA) King (IA)
King (NY) King (NY)
Kingston Kingston
Kirk Kirk
Kline Kline
Knollenberg Knollenberg
Kolbe Kolbe
Kuhl (NY) Kuhl (NY)
LaHood LaHood
Latham Latham
LaTourette LaTourette
Leach Leach
Lewis (CA) Lewis (CA)
Lewis (KY) Lewis (KY)
Linder Linder
LoBiondo LoBiondo
Lucas Lucas
Lungren, Daniel Lungren, Daniel
E. E.
Mack Mack
Manzullo Manzullo
Marchant Marchant
McCaul (TX) McCaul (TX)
McCotter McCotter
McCrery McCrery
McHenry McHenry
McHugh McHugh
McKeon McKeon
McMorris McMorris
Mica Mica
Miller (FL) Miller (FL)
Miller (MI) Miller (MI)
Miller, Gary Miller, Gary
Moran (KS) Moran (KS)
Murphy Murphy
Musgrave Musgrave
Myrick Myrick
Neugebauer Neugebauer
Ney Ney
Northup Northup
Norwood Norwood
Nunes Nunes
Nussle Nussle
Osborne Osborne
Otter Otter
Oxley Oxley
Paul Paul
Pearce Pearce
Pence Pence
Petri Petri
Pickering Pickering
Pitts Pitts
Poe Poe
Pombo Pombo
Pryce (OH) Pryce (OH)
Putnam Putnam
Radanovich Radanovich
Ramstad Ramstad
Tancred Tancred
Aderholt Aderholt
Akin Akin
Alexander Alexander
Bachus Bachus
Baker Baker
Barrett (SC) Barrett (SC)
Bartlett (MD) Bartlett (MD)
Bass Bass
Beauprez Beauprez
Biggart Biggart
Bilirakis Bilirakis
Bishop (UT) Bishop (UT)
Blackburn Blackburn
Blunt Blunt
Boehlert Boehlert
Boehner Boehner
Bonilla Bonilla
Bonner Bonner
Bono Bono
Boozman Boozman
Boustany Boustany
Bradley (NH) Bradley (NH)
Brady (TX) Brady (TX)
Brown (SC) Brown (SC)
Brown-Waite, Brown-Waite,
Ginny Ginny
Burgess Burgess
Burton (IN) Burton (IN)
Buyer Buyer
Calvert Calvert
Cannon Cannon
Cantor Cantor
Capito Capito
Castle Castle
Chabot Chabot
Chocola Chocola
Cole (OK) Cole (OK)
Conaway Conaway
Crenshaw Crenshaw
Cubin Cubin
Culberson Culberson
Cunningham Cunningham
Davis (KY) Davis (KY)
Davis, Jo Ann Davis, Jo Ann
Davis, Tom Davis, Tom
Deal (GA) Deal (GA)
Dent Dent
Diaz-Balart, L. Diaz-Balart, L.
Diaz-Balart, M. Diaz-Balart, M.
Drake Drake
Dreier Dreier
Duncan Duncan
Ehlers Ehlers
Emerson Emerson
English (PA) English (PA)
Everett Everett
Feeney Feeney
Ferguson Ferguson
Flake Flake
Foley Foley
Forbes Forbes
Fortenberry Fortenberry
Fossella Fossella
Foxy Foxy
Franks (AZ) Franks (AZ)
Frelinghuysen Frelinghuysen
Gallegly Gallegly
Garrett (NJ) Garrett (NJ)
Gerlach Gerlach
Gibbons Gibbons
Gillmor Gillmor
Gingrey Gingrey
Gohmert Gohmert
Goodlatte Goodlatte
Coble Coble
Granger Granger
Graves Graves
Green (WI) Green (WI)
Gutknecht Gutknecht
Hall Hall
Harris Harris
Hart Hart
Hastings (WA) Hastings (WA)
Hayes Hayes
Abercrombie Abercrombie
Ackerman Ackerman
Allen Allen
Andrews Andrews
Baca Baca
Baird Baird
Baldwin Baldwin
Barrow Barrow
Bean Bean
Beceerra Beceerra
Berkley Berkley
Berman Berman
Berry Berry
Bishop (GA) Bishop (GA)
Bishop (NY) Bishop (NY)
Blumenauer Blumenauer
Boren Boren
Boucher Boucher
Boyd Boyd
Brady (PA) Brady (PA)
Brown (OH) Brown (OH)
Brown, Corrine Brown, Corrine
Butterfield Butterfield
Capps Capps
Capuano Capuano
Cardin Cardin
Cardoza Cardoza
Carnahan Carnahan
Carson Carson
Case Case
Chandler Chandler
Clay Clay
Cleaver Cleaver
Clyburn Clyburn
Coble Coble
Cooper Cooper
Costa Costa
Costello Costello
Cramer Cramer
Crowley Crowley
Cuellar Cuellar
Cummings Cummings
Davis (AL) Davis (AL)
Davis (CA) Davis (CA)
Davis (FL) Davis (FL)
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Davis (TN) Davis (TN)
Davis, Tom Davis, Tom
DeFazio DeFazio
DeGette DeGette
Delahunt Delahunt
DeLauro DeLauro
Dicks Dicks
Dingell Dingell
Doggett Doggett
Doyle Doyle
Edwards Edwards
Emanuel Emanuel
Engel Engel
Eshoo Eshoo
Etheridge Etheridge
Evans Evans
Farr Farr
Fattah Fattah
Filner Filner
Fitzpatrick (PA) Fitzpatrick (PA)
Ford Ford
Frank (MA) Frank (MA)
Gibbons Gibbons
Gonzalez Gonzalez
Gordon Gordon
Green (WI) Green (WI)
Green, Al Green, Al
Green, Gene Green, Gene
Grijalva Grijalva
Gutierrez Gutierrez
Harman Harman
Hastings (FL) Hastings (FL)
Herseth Herseth
Higgins Higgins
Hinche Hinche
Hinojosa Hinojosa
Holden Holden
Holt Holt
Honda Honda
Hooley Hooley
Hoyer Hoyer
Inslee Inslee
Israel Israel
Jackson (IL) Jackson (IL)
Jackson-Lee (TX) Jackson-Lee (TX)
Jefferson Jefferson
Johnson, E. B. Johnson, E. B.
Jones (OH) Jones (OH)
Kanjorski Kanjorski
Kaptur Kaptur
Kennedy (MN) Kennedy (MN)
Kennedy (RI) Kennedy (RI)
Kildee Kildee
Kilpatrick (MI) Kilpatrick (MI)
Kucinich Kucinich
Langevin Langevin
Lantos Lantos
Larsen (WA) Larsen (WA)
Larson (CT) Larson (CT)
Lee Lee
Levin Levin

Smith (NJ)	Thomas	Weldon (PA)
Smith (TX)	Thornberry	Westmoreland
Sodrel	Tiahrt	Whitfield
Souder	Tiberi	Wicker
Stearns	Turner	Wilson (SC)
Sullivan	Upton	Wolf
Sweeney	Walden (OR)	Young (AK)
Tancredo	Walsh	Young (FL)
Taylor (NC)	Wamp	
Terry	Weldon (FL)	

NOT VOTING—11

Barton (TX)	DeLay	Meeks (NY)
Boswell	Doolittle	Ortiz
Camp	Hefley	Weller
Conyers	Kind	

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. BASS, assumed the Chair.

When Mr. TERRY, Acting Chairman, pursuant to House Resolution 451, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2005".

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Chair of the Interagency Committee shall be designated by the Director of the Office of Science and Technology Policy.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research,

development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) RECOMMENDATIONS AND VIEWS.—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) RECOMMENDATIONS.—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) REPORT.—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) PARTICIPANTS.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied re-

search to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period."

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

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

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position."

SEC. 5. MANUFACTURING EXTENSION.

(a) **MANUFACTURING CENTER EVALUATION.**—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.” after “sixth year at declining levels.”.

(b) **FEDERAL SHARE.**—Strike section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) and insert the following:

“(d) **ACCEPTANCE OF FUNDS.**—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).”.

(c) **MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.**—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

“(e) **COMPETITIVE GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) **PARTICIPANTS.**—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) **PURPOSE.**—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

“(4) **APPLICATIONS.**—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

“(5) **SELECTION.**—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

“(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

“(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

“(C) that will contribute to the long-term economic stability of that region.

“(6) **PROGRAM CONTRIBUTION.**—Recipients of awards under this subsection shall not be required to provide a matching contribution.

“(f) **AUDITS.**—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A-133 and shall make such audits available to the public on request.”.

(d) **PROGRAMMATIC AND OPERATIONAL PLAN.**—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) **LABORATORY ACTIVITIES.**—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) \$426,267,000 for fiscal year 2006, of which—

(A) \$50,833,000 shall be for Electronics and Electrical Engineering;

(B) \$28,023,000 shall be for Manufacturing Engineering;

(C) \$52,433,000 shall be for Chemical Science and Technology;

(D) \$46,706,000 shall be for Physics;

(E) \$33,500,000 shall be for Material Science and Engineering;

(F) \$24,321,000 shall be for Building and Fire Research;

(G) \$68,423,000 shall be for Computer Science and Applied Mathematics;

(H) \$20,134,000 shall be for Technical Assistance;

(I) \$48,326,000 shall be for Research Support Activities;

(J) \$29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) \$18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) \$447,580,000 for fiscal year 2007; and

(3) \$456,979,000 for fiscal year 2008.

(b) **MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.**—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) \$5,654,000 for fiscal year 2006;

(2) \$5,795,000 for fiscal year 2007; and

(3) \$5,939,000 for fiscal year 2008.

(c) **CONSTRUCTION AND MAINTENANCE.**—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) \$58,898,000 for fiscal year 2006;

(2) \$61,843,000 for fiscal year 2007; and

(3) \$63,389,000 for fiscal year 2008.

(d) **ADVANCED TECHNOLOGY PROGRAM ELIMINATION REPORT.**—Not later than 3 months after the date of enactment of this Act, the Secretary shall provide to the Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards and Technology.

(e) **LOSS OF FUNDING.**—At the time of the President's budget request for fiscal year 2007, the Secretary shall provide the Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) **PROGRAM AUTHORIZED.**—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) **SELECTION PROCESS.**—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) \$773,000 for fiscal year 2006;

(2) \$796,000 for fiscal year 2007; and

(3) \$820,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.**—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) \$110,000,000 for fiscal year 2006, of which not more than \$1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) \$115,000,000 for fiscal year 2007, of which not more than \$4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) \$120,000,000 for fiscal year 2008, of which not more than \$4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

- (1) \$10,000,000 for fiscal year 2006;
(2) \$10,000,000 for fiscal year 2007; and
(3) \$10,000,000 for fiscal year 2008.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 4 of this Act—

- (1) \$1,500,000 for fiscal year 2006;
(2) \$1,750,000 for fiscal year 2007; and
(3) \$2,000,000 for fiscal year 2008.

SEC. 9. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the Advanced Technological Education Program established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(1) \$55,000,000 for fiscal year 2006, \$5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(2) \$57,750,000 for fiscal year 2007, \$5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(3) \$60,600,000 for fiscal year 2008, \$5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

Funds shall be made available under this subsection, to the maximum extent practicable, to diverse institutions, including Historically Black Colleges and Universities and other minority serving institutions.

(b) AMENDMENT.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by inserting “, including manufacturing” after “advanced-technology fields” each place it appears other than in subsection (c)(2); and

(2) by inserting “, including manufacturing,” after “advanced-technology fields” in subsection (c)(2).

SEC. 10. KATRINA ASSISTANCE PROGRAM.

(a) PROGRAM ESTABLISHMENT.— Not later than 30 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall establish within the Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) a Katrina Assistance Program, to provide assistance to impacted small and medium-sized manufacturers in the areas affected by Hurricane Katrina.

(b) PURPOSES.—The Katrina Assistance Program shall—

(1) establish triage teams, consisting of personnel from within the national network of Manufacturing Extension Partnership Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and local experts, the purpose of which shall be to assist impacted manufacturers;

(2) develop virtual assistance centers, consisting of databases incorporating the results and recommendations of the triage team assessments;

(3) assess the potential disruption on national manufacturing supply chains as a result of Hurricane Katrina, and develop recommendations of how to minimize such disruption; and

(4) provide assistance to small and medium-sized manufacturers in the areas affected by Hurricane Katrina, consistent with the authorities of the Manufacturing Extension Partnership program established under section 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(c) NO MATCHING FUND REQUIREMENT.— Assistance under the Program established under this section shall be exempt from matching requirements for the Manufacturing Extension Partnership program under the National Institute of Standards and Technology Act.

(d) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for the Katrina Assistance Program established under this section.

SEC. 11. BUILT ENVIRONMENT INVESTIGATION FOR HURRICANE KATRINA.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall carry out an engineering performance study of the effects of Hurricane Katrina in the areas of Louisiana, Alabama, and Mississippi covered by the President’s major disaster declarations of August 29, 2005. The study shall be based on an examination of physical structures damaged due to excessive wind, storm surge, and flooding, including—

(1) key physical infrastructures such as ports, utilities, lifelines associated with infrastructure facilities, and transportation systems; and

(2) engineered and nonengineered buildings.

(b) PURPOSE.—The purpose of the study shall be to—

(1) develop new knowledge concerning practices related to building standards and codes; and

(2) review the adequacy of current building codes and standards for excessive wind, storm surge, and flooding.

(c) MEETINGS AND CONFERENCES.—The Director of the National Institute of Standards and Technology may convene public meetings and conferences to inform the public, government authorities, and relevant professional associations regarding findings and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to the Director of the National Institute of Standards and Technology \$3,000,000 for carrying out this section.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HONDA moved to recommit the bill to the Committee on Science with instructions to report the bill back to the House forthwith with the following amendment:

At the end of section 8, insert the following new subsection:

(d) ADVANCED TECHNOLOGY PROGRAM.— There are authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) \$140,000,000 for fiscal year 2006, of which \$40,000,000 shall be for new awards.

After debate, By unanimous consent, the previous question was ordered on the motion to recommit with instructions. The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.

Mr. HONDA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 196 negative } Nays 226

198.29

[Roll No. 484]

AYES—196

Table listing names of members of Congress and their party affiliations, including Abercrombie, Ackerman, Allen, Andrews, Baca, Baird, Baldwin, Barrow, Bean, Becerra, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Boren, Boucher, Boyd, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Case, Chandler, Clay, Cleaver, Clyburn, Conyers, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (TN), DeGette, Delahunt, DeLauro, Dicks, Dingell, Doggett, Doyle, Edwards, Emanuel, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Gonzalez, Gordon, Green, Al, Green, Gene, Grijalva, Gutierrez, Harman, Hastings (FL), Herse, Higgins, Hinojosa, Holden, Holt, Honda, Hooley, Hoyer, Inslee, Israel, Jackson (IL), Jackson-Lee, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Lee, Levin, Lewis (GA), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McDermott, McGovern, McIntyre, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Michael, Millender-Schuld, McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Olver, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Rahall, Rangel, Reyes, Ross, Rothman, Roybal-Allard, Ruppersberger, Rush, Ryan (OH), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Schakowsky, Schiff, Schwartz (PA), Scott (GA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson (CA), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velázquez, Visclosky, Wasserman Schultz, Waters, Watson, Watt, Weiner, Wexler, Woolsey, Wu, Wynn

NOES—226

Table listing names of members of Congress and their party affiliations, including Aderholt, Akin, Alexander, Bachus, Baker, Barrett (SC), Bartlett (MD), Bass, Beauprez, Biggart, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boustany, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert

Cannon	Hunter	Pitts	Barrow	Evans	LoBiondo	Ruppersberger	Skelton	Udall (NM)
Cantor	Hyde	Platts	Bartlett (MD)	Everett	Lofgren, Zoe	Rush	Slaughter	Upton
Capito	Inglis (SC)	Poe	Bass	Farr	Lowey	Ryan (OH)	Smith (NJ)	Van Hollen
Carter	Issa	Pombo	Beauprez	Fattah	Lucas	Ryan (WI)	Smith (TX)	Velázquez
Castle	Istook	Porter	Becerra	Ferguson	Lungren, Daniel	Ryun (KS)	Smith (WA)	Visclosky
Chabot	Jenkins	Price (GA)	Berkley	Filner	E.	Sabo	Snyder	Walden (OR)
Chocola	Jindal	Pryce (OH)	Berman	Fitzpatrick (PA)	Lynch	Salazar	Sodrel	Walsh
Coble	Johnson (CT)	Putnam	Berry	Foley	Mack	Sánchez, Linda	Solis	Wamp
Cole (OK)	Johnson (IL)	Radanovich	Biggert	Forbes	Maloney	T.	Souder	Wasserman
Conaway	Johnson, Sam	Ramstad	Bilirakis	Fort	Manzullo	Sanchez, Loretta	Spratt	Schultz
Crenshaw	Jones (NC)	Regula	Bishop (GA)	Fortenberry	Markey	Sanders	Stark	Waters
Cubin	Keller	Rehberg	Bishop (NY)	Fossella	Marshall	Saxton	Strickland	Watson
Culberson	Kelly	Reichert	Bishop (UT)	Frank (MA)	Matheson	Schakowsky	Stupak	Watt
Cunningham	Kennedy (MN)	Renzi	Blackburn	Frelinghuysen	Matsui	Schiff	Sullivan	Waxman
Davis (KY)	King (IA)	Reynolds	Blumenauer	Gallegly	McCarthy	Schmidt	Sweeney	Weiner
Davis, Jo Ann	King (NY)	Rogers (AL)	Blunt	Gerlach	McCaul (TX)	Schwartz (PA)	Tanner	Weldon (FL)
Davis, Tom	Kingston	Rogers (KY)	Boehlert	Gibbons	McCollum (MN)	Schwarz (MI)	Tauscher	Weldon (PA)
Deal (GA)	Kirk	Rogers (MI)	Boehner	Gilchrest	McCotter	Scott (GA)	Taylor (MS)	Wexler
DeFazio	Kline	Rohrabacher	Bonilla	Gillmor	McCrery	Scott (VA)	Taylor (NC)	Whitfield
Dent	Knollenberg	Ros-Lehtinen	Bonner	Gingrey	McDermott	Sensenbrenner	Terry	Wicker
Diaz-Balart, L.	Kolbe	Royce	Bono	Gohmert	McGovern	Serrano	Thomas	Wilson (NM)
Diaz-Balart, M.	Kuhl (NY)	Ryan (WI)	Boozman	Gonzalez	McHugh	Sessions	Thompson (CA)	Wilson (SC)
Drake	LaHood	Ryun (KS)	Boren	Goode	McIntyre	Shaw	Thompson (MS)	Wolf
Dreier	Latham	Sanders	Boustany	Goodlatte	McKeon	Shays	Thornberry	Woolsey
Duncan	Saxton	Saxton	Boyd	Gordon	McKinney	Sherman	Tiahrt	Wu
Ehlers	Leach	Schmidt	Bradley (NH)	Granger	McMorris	Sherwood	Tiberi	Wynn
Emerson	Lewis (CA)	Schwarz (MI)	Brady (PA)	Graves	McNulty	Shimkus	Tierney	Young (AK)
English (PA)	Lewis (KY)	Sensenbrenner	Brady (TX)	Green (WI)	McNulty	Shuster	Towns	Young (FL)
Everett	Linder	Sessions	Brown (OH)	Green, Al	Meek (FL)	Simmons	Turner	
Feeney	LoBiondo	Shadegg	Brown (SC)	Green, Gene	Meeks (NY)	Simpson	Udall (CO)	
Ferguson	Lucas	Shaw	Brown, Corrine	Grijalva	Melancon			
Fitzpatrick (PA)	Lungren, Daniel	Shays	Brown-Waite,	Gutierrez	Menendez			
Flake	E.	Sherwood	Ginny	Hall	Mica			
Foley	Mack	Shimkus	Burgess	Harman	Michaud			
Forbes	Manzullo	Shuster	Burton (IN)	Hart	Millender-			
Fortenberry	Marchant	Simmons	Butterfield	Hastings (FL)	McDonald			
Fossella	McCaul (TX)	Simpson	Buyer	Hastings (WA)	Miller (MI)			
Fox	McCotter	Smith (NJ)	Calvert	Hayes	Miller (NC)			
Franks (AZ)	McCrery	Smith (TX)	Cannon	Hayworth	Miller, George			
Frelinghuysen	McHenry	Sodrel	Cantor	Herger	Mollohan			
Gallegly	McHugh	Souder	Capito	Herseth	Moore (KS)			
Garrett (NJ)	McKeon	Stearns	Capps	Higgins	Moore (WI)			
Gerlach	McMorris	Sullivan	Capuano	Hinche	Moran (KS)			
Gibbons	Mica	Sweeney	Cardin	Hinojosa	Moran (VA)			
Gilchrest	Miller (FL)	Tancred	Cardoza	Hobson	Murphy			
Gillmor	Miller (MI)	Taylor (NC)	Carnahan	Hoekstra	Murtha			
Gingrey	Miller, Gary	Terry	Carson	Holden	Nadler			
Gohmert	Moran (KS)	Thomas	Carter	Holt	Napolitano			
Goode	Murphy	Thornberry	Case	Honda	Neal (MA)			
Goodlatte	Musgrave	Tiahrt	Castle	Hooley	Neugebauer			
Granger	Myrick	Tiberi	Chabot	Hoyer	Ney			
Graves	Neugebauer	Turner	Chandler	Hulshof	Northup			
Green (WI)	Ney	Upton	Chocola	Hunter	Norwood			
Gutknecht	Northup	Walden (OR)	Clay	Hyde	Nunes			
Hall	Norwood	Walsh	Cleaver	Inglis (SC)	Nussle			
Harris	Nunes	Wamp	Clyburn	Inslee	Oberstar			
Hart	Nussle	Weldon (FL)	Coble	Israel	Obey			
Hastings (WA)	Osborne	Weldon (PA)	Cole (OK)	Issa	Olver			
Hayes	Otter	Westmoreland	Conaway	Istook	Osborne			
Hayworth	Oxley	Whitfield	Conyers	Jackson (IL)	Otter			
Hensarling	Paul	Wicker	Cooper	Jackson-Lee	Owens			
Herger	Pearce	Wilson (NM)	Costa	(TX)	Oxley			
Hobson	Pence	Wilson (SC)	Costello	Jefferson	Pallone			
Hoekstra	Peterson (PA)	Wolf	Cramer	Jenkins	Pascrell			
Hostettler	Petri	Young (AK)	Crenshaw	Jindal	Pastor			
Hulshof	Pickering	Young (FL)	Crowley	Johnson (CT)	Payne			
			Cubin	Johnson (IL)	Pearce			
			Cuellar	Johnson, E. B.	Pelosi			
			Culberson	Jones (OH)	Peterson (MN)			
			Cummings	Kanjorski	Peterson (PA)			
			Cunningham	Kaptur	Petri			
			Davis (AL)	Keller	Pickering			
			Davis (CA)	Kelly	Pitts			
			Davis (FL)	Kennedy (MN)	Platts			
			Davis (IL)	Kennedy (RI)	Poe			
			Davis (TN)	Kildee	Pombo			
			Davis, Jo Ann	Kilpatrick (MI)	Pomeroy			
			Davis, Tom	King (NY)	Porter			
			Deal (GA)	Kingston	Price (GA)			
			DeFazio	Kirk	Price (NC)			
			DeGette	Kline	Pryce (OH)			
			Delahunt	Knollenberg	Putnam			
			DeLauro	Kolbe	Radanovich			
			Dent	Kucinich	Rahall			
			Diaz-Balart, L.	Kuhl (NY)	Ramstad			
			Diaz-Balart, M.	LaHood	Rangel			
			Dicks	Langevin	Regula			
			Dingell	Lantos	Rehberg			
			Doggett	Larsen (WA)	Reichert			
			Doyle	Larson (CT)	Renzi			
			Drake	Latham	Reyes			
			Dreier	LaTourrette	Reynolds			
			Edwards	Leach	Rogers (AL)			
			Ehlers	Lee	Rogers (KY)			
			Emanuel	Levin	Rogers (MI)			
			Emerson	Lewis (CA)	Rohrabacher			
			Engel	Lewis (GA)	Ros-Lehtinen			
			English (PA)	Lewis (KY)	Ross			
			Eshoo	Linder	Rothman			
			Etheridge	Lipinski	Roybal-Allard			

NAYS—24

Barrett (SC)	Hostettler	Musgrave
Duncan	Johnson, Sam	Myrick
Flake	Jones (NC)	Pence
Fox	King (IA)	Royce
Franks (AZ)	Marchant	Shadegg
Garrett (NJ)	McHenry	Stearns
Gutknecht	Miller (FL)	Tancred
Hensarling	Miller, Gary	Westmoreland

NOT VOTING—15

Barton (TX)	Davis (KY)	Hefley
Bean	DeLay	Kind
Boswell	Doolittle	Ortiz
Boucher	Feeney	Paul
Camp	Harris	Weller

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶98.31 ADVERSE REPORT ON H. RES. 418

Mr. HOEKSTRA, by direction of the Permanent Select Committee on Intelligence, adversely reported (Rept. No. 109-228) the resolution (H. Res. 418) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to; referred to the House Calendar and ordered printed.

¶98.32 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY WITH RESPECT
TO TERRORISTS

The SPEAKER pro tempore, Mr. BASS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to

NOT VOTING—11

Barton (TX)	Doolittle	Ortiz
Boswell	Hefley	Waxman
Camp	Kind	Weller
DeLay	McKinney	

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 394
affirmative } Nays 24

¶98.30 [Roll No. 485]

YEAS—394

Abercrombie	Alexander	Bachus
Ackerman	Allen	Baird
Aderholt	Andrews	Baker
Akin	Baca	Baldwin

continue in Effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2004 (69 FR 56923).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 21, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-57).

¶98.33 PROVIDING FOR THE CONSIDERATION OF H.R. 2123

Mr. BISHOP of Utah, by direction of the Committee on Rules, reported (Rept. No. 109-229) the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶98.34 MESSAGE FROM THE SENATE

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

H. Con. Res. 242. A concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1713. An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

¶98.35 SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

THE SPEAKER pro tempore, Mr. SCHWARZ of Michigan, announced that the Speaker, pursuant to section 2(a) of House Resolution 437, 109th Congress, and the order of the House of January 4, 2005, appointed the following Members of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina: Messrs. Tom DAVIS of Virginia, Chairman, SEN-SENBRENNER, ROGERS of Kentucky, SHAYS, BONILLA, BUYER, Mrs. MYRICK, Mr. THORNBERRY, Ms. GRANGER, Messrs. PICKERING, and SHUSTER.

¶98.36 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1340. An Act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

¶98.37 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 19, 2005 he presented to the President of the United States, for his approval, the following bills

H.R. 3169. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An Act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

¶98.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARTON of Texas, for today;

To Mr. HEFLEY, for today and balance of the week; and

To Mr. ORTIZ, for today and September 22.

And then,

¶98.39 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 26 minutes p.m., the House adjourned.

¶98.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. House Resolution 418. Resolution requesting the President to transmit to the House of Representatives not

later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109-228). Referred to the House Calendar and ordered to be printed.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes (Rept. 109-229). Referred to the House Calendar.

¶98.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. GOHMERT, Mr. BARTLETT of Maryland, Mrs. KELLY, Mr. POE, Mr. AKIN, Mr. MCCOTTER, and Mr. KING of Iowa):

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. KUHLMANN of New York:

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than \$3.00 per gallon; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3843. A bill to amend the South Carolina National Heritage Corridor Act of 1996 to expand the boundaries of the heritage corridor to include Georgetown, Berkeley, and Saluda Counties, South Carolina; to the Committee on Resources.

By Mr. EMANUEL (for himself, Mr. LEWIS of Georgia, Mr. TAYLOR of Mississippi, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to provide for advance payment of the earned income tax credit and the child tax credit for 2005 in order to provide needed funds to victims of Hurricane Katrina and to stimulate local economies; to the Committee on Ways and Means.

By Mr. GINGREY (for himself, Mr. AL-EXANDER, Mr. BOUSTANY, and Mr. TAYLOR of Mississippi):

H.R. 3845. A bill to set at 90 percent the Federal medical assistance percentage (FMAP) and the enhanced FMAP for medical and child health assistance provided in States highly impacted by Hurricane Katrina and to Katrina Hurricane evacuees in other States during fiscal year 2006 under the Medicaid Program and SCHIP; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 3846. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of calendar year 2005; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3847. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of fiscal year 2007; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3848. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program for an additional month; to the Committee on Agriculture.

By Mr. LUCAS (for himself, Mr. GOODLATTE, Mr. PETERSON of Minnesota, and Mr. HOLDEN):

H.R. 3849. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Mr. SHAYS, and Mr. BISHOP of New York):

H.R. 3850. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself and Mr. WESTMORELAND):

H.R. 3851. A bill to provide for the competitive operation of the Northeast rail corridor using State and private sector initiatives; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina:

H.R. 3852. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Financial Services.

By Mr. ROSS (for himself, Mr. BERRY, Mr. SNYDER, Mr. BOOZMAN, and Mr. DAVIS of Illinois):

H.R. 3853. A bill to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. LEACH, Ms. LEE, Mr. EVANS, Ms. SCHWARTZ of Pennsylvania, Mr. CROWLEY, Mr. WAXMAN, Mr. KIRK, Mr. EMANUEL, Mr. BERMAN, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. LARSON of Connecticut, Ms. BEAN, Mr. MCNULTY, Mr. OWENS, Mr. WEXLER, Mr. RUSH, Mr. GUTIERREZ, Mr. McDERMOTT, Mr. McGOVERN, Mr. VAN HOLLEN, Mr. STARK, and Mr. HONDA):

H.R. 3854. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. ROHRBACHER, Mrs. CUBIN, Mr. WELDON of Florida, Mr. PITTS, Mr. FEENEY, Mr. AKIN, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. POE, Mr. BISHOP of Utah, and Mr. OTTER):

H.R. 3855. A bill to raise funds necessary to respond to Hurricane Katrina and future disasters by selling a portion of the lands administered by the Forest Service and the Department of the Interior, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agri-

culture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. ROSLEHTINEN, Mr. VAN HOLLEN, Mr. LYNCH, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. DELAURO, Mr. SCHIFF, Mr. MCGOVERN, Mr. HIGGINS, and Mr. HOLT):

H.J. Res. 66. A joint resolution supporting the goals and ideals of "Lights On After-school!", a national celebration of after-school programs; to the Committee on Education and the Workforce.

By Mr. PLATTS (for himself and Mr. ANDREWS):

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. MCCRERY:

H. Res. 454. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768; considered and agreed to.

By Mr. CROWLEY (for himself, Mr. McDERMOTT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. BLUMENAUER):

H. Res. 456. A resolution expressing support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. EHLERS, Mr. OLVER, Mrs. BIGGERT, and Mr. GINGREY):

H. Res. 457. A resolution recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week; to the Committee on Science.

¶98.42 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

172. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 403, condemning the National Football League's recent actions restricting the availability of televised games; to the Committee on Energy and Commerce.

173. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 365, urging the Congress of the United States to refrain from taking action in developing legislation that would have the effect of preventing or hindering the exploration, drilling, development and production of natural gas in the Great Lakes; to the Committee on Energy and Commerce.

174. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 346, memorializing the Congress of the United States to pass the Violence Against Women Act reauthorization legislation and to reaffirm our commitment to helping victims of violent crimes; to the Committee on Energy and Commerce.

175. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 326, encouraging the Congress of the United States and the Environmental Protection Agency to release funds to the states from the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

176. Also, a memorial of the House of Representatives of the Commonwealth of Penn-

sylvania, relative to House Resolution No. 332, urging the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials; to the Committee on Energy and Commerce.

177. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a House Resolution supporting the Taiwan-U.S. Free Trade Agreement (TUFTA); to the Committee on Ways and Means.

178. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 94, memorializing the Congress of the United States to reject privatizing Social Security; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 6, urging the Congress of the United States to enact legislation to make English the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

¶98.43 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RUSH introduced a bill (H.R. 3856) for the relief of Elvira Arellano, Maria Isabel Benitez, Adrian Brisenno Esparza, Francisco Javier Castro, Araceli Contreras Del Toro, Jaime Cruz, Disifredo Adan Del Valle, Oralia Espindola, Angel Espinoza Martinez, Laura Flores, Juan Antonio Guzman, Francisca Lino, Maria Natividad Loza, Maria Antonia Martin Gonzalez, Blanca Estela Nolte, Mario Pacheco, Domenico Papaiani, Romina Perea, Ruben Ramirez, Martha Elena Davalos, Hermion Davalos Renteria, Juan Jose Rangel, Jorge Santos, Martin Guerrero Barrios, Antonino Cerami, Juan Carlos Arreguin Lara, Sylvia Soler, Dayron Rios, Jose Pelayo, Juan Jose Mesa, Tomas Martinez, Aurelia Martinez, Veronica Lopez, Alma Delia Jimenez de Sosa, and Rosalva Gutierrez; which was referred to the Committee on the Judiciary.

¶98.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. COSTELLO and Mr. NEUGEBAUER.

H.R. 65: Mr. BARTLETT of Maryland.

H.R. 202: Mr. THOMPSON of California.

H.R. 302: Mr. POMBO.

H.R. 323: Mr. SHERMAN.

H.R. 328: Mr. COSTELLO.

H.R. 445: Mr. WATT.

H.R. 503: Mr. HOLT.

H.R. 515: Mr. BERMAN.

H.R. 558: Ms. CORRINE BROWN of Florida.

H.R. 565: Mr. MENENDEZ.

H.R. 583: Mr. MURTHA.

H.R. 665: Mr. CROWLEY.

H.R. 698: Mr. MCCOTTER.

H.R. 747: Mr. JEFFERSON and Mr. MORAN of Kansas.

H.R. 771: Mr. McNULTY.

H.R. 791: Mr. OLVER.

H.R. 799: Ms. ZOE LOFGREN of California.

H.R. 819: Ms. ZOE LOFGREN of California.

H.R. 890: Mr. CROWLEY.

H.R. 916: Mr. LATHAM, Mr. DICKS, Mr. WALSH, and Mr. TURNER.

H.R. 923: Ms. BERKLEY and Ms. HERSETH.

H.R. 925: Mr. MANZULLO.

H.R. 939: Mr. BAIRD.

H.R. 972: Ms. MCCOLLUM of Minnesota.

H.R. 986: Mr. MENENDEZ.

H.R. 997: Mr. CANTOR.

H.R. 999: Mr. SOUDER.

H.R. 1068: Mr. UPTON, Mr. COOPER, and Mr. PAYNE.
 H.R. 1078: Mr. WYNN.
 H.R. 1080: Mr. WYNN.
 H.R. 1200: Mr. HONDA, Mr. DELAHUNT, and Mrs. JONES of Ohio.
 H.R. 1216: Ms. MILLENDER-MCDONALD.
 H.R. 1217: Mr. MEEKS of New York.
 H.R. 1246: Mr. SCOTT of Virginia, Mr. LATOURETTE, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. DAVIS of Kentucky.
 H.R. 1258: Mr. MORAN of Virginia.
 H.R. 1259: Mr. SCHWARZ of Michigan and Mr. SHERMAN.
 H.R. 1288: Mrs. SCHMIDT.
 H.R. 1306: Mr. SESSIONS, Mr. WEXLER, Mr. STEARNS, Mr. WELLER, Mr. REYNOLDS, Mr. PRICE of North Carolina, and Mr. KING of New York.
 H.R. 1310: Mr. WYNN.
 H.R. 1356: Mr. ROTHMAN.
 H.R. 1402: Mr. SKELTON and Mr. FRELINGHUYSEN.
 H.R. 1447: Mr. KENNEDY of Rhode Island and Mr. WALDEN of Oregon.
 H.R. 1520: Mr. STUPAK.
 H.R. 1526: Mr. JACKSON of Illinois.
 H.R. 1554: Mr. KLINE.
 H.R. 1602: Mr. FOSSELLA and Ms. ZOE LOFGREN of California.
 H.R. 1632: Mr. RAMSTAD.
 H.R. 1634: Mr. STUPAK.
 H.R. 1636: Mr. KUCINICH.
 H.R. 1736: Mr. KILDEE.
 H.R. 1806: Mr. SCHWARZ of Michigan.
 H.R. 1814: Mr. SMITH of Washington.
 H.R. 1898: Mr. REYNOLDS.
 H.R. 1973: Mr. MARKEY.
 H.R. 2043: Mr. OWENS.
 H.R. 2068: Mr. LEWIS of Kentucky, Mr. SCHWARZ of Michigan, Mr. HULSHOF, and Mr. RYAN of Wisconsin.
 H.R. 2129: Mr. SCHWARZ of Michigan.
 H.R. 2209: Ms. HERSETH.
 H.R. 2211: Mr. CLAY and Mr. TIAHRT.
 H.R. 2231: Mr. GENE GREEN of Texas, Mr. GORDON, Mrs. WILSON of New Mexico, and Mr. CAPUANO.
 H.R. 2237: Mrs. MALONEY.
 H.R. 2298: Mr. SHERMAN.
 H.R. 2308: Mr. MCGOVERN and Mr. PRICE of North Carolina.
 H.R. 2317: Mr. SWEENEY and Ms. DELAURO.
 H.R. 2327: Mr. LEWIS of Georgia.
 H.R. 2386: Mr. EVERETT, Mr. CLAY, Mrs. CAPITO, Mr. KENNEDY of Rhode Island, Mr. PRICE of Georgia, Mrs. EMERSON, Mr. DAVIS of Tennessee, and Mr. BISHOP of Utah.
 H.R. 2389: Mr. POMBO.
 H.R. 2567: Mr. EVERETT and Mr. GORDON.
 H.R. 2594: Mr. SHAW.
 H.R. 2671: Mr. SCOTT of Virginia.
 H.R. 2682: Mr. UPTON.
 H.R. 2694: Mr. EMANUEL.
 H.R. 2716: Mr. KILDEE.
 H.R. 2730: Mr. FERGUSON, Mr. BARROW, and Ms. WASSERMAN SCHULTZ.
 H.R. 2736: Mr. HONDA.
 H.R. 2925: Miss MCMORRIS.
 H.R. 2961: Mr. GRAVES and Mr. OSBORNE.
 H.R. 2990: Mr. FOLEY and Mr. BARRETT of South Carolina.
 H.R. 3072: Mr. RANGEL and Mr. CONYERS.
 H.R. 3142: Mr. MILLER of North Carolina, Mr. WAXMAN, and Mr. BISHOP of New York.
 H.R. 3160: Mr. STARK and Ms. WOOLSEY.
 H.R. 3171: Mr. DAVIS of Florida, Mr. STRICKLAND, Mr. LATOURETTE, Mr. ISRAEL, Mr. SHERMAN, Mr. WU, Mr. FARR, and Mr. CAPUANO.
 H.R. 3189: Mr. LINCOLN DIAZ-BALART of Florida.
 H.R. 3194: Mr. RANGEL, Mr. SANDERS, Mr. REYES, and Mr. MEEKS of New York.
 H.R. 3203: Mrs. NAPOLITANO, Mr. SERRANO, Mr. BACA, Mr. LARSEN of Washington, Ms. DEGETTE, Mr. PASTOR, Ms. WASSERMAN SCHULTZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FARR, Mr. PAUL, Ms. SOLIS, Ms. WATSON, Mr.

HASTINGS of Florida, Mr. OWENS, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. FILNER.
 H.R. 3267: Ms. PELOSI.
 H.R. 3282: Mr. MOORE of Kansas.
 H.R. 3301: Mr. LAHOOD, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. DOOLITTLE, Mr. TERRY, and Mrs. CAPITO.
 H.R. 3361: Mr. JACKSON of Illinois.
 H.R. 3369: Mr. BERMAN.
 H.R. 3428: Mr. DOOLITTLE, Mr. JEFFERSON, and Mr. MURPHY.
 H.R. 3504: Mr. FILNER.
 H.R. 3505: Mr. ADERHOLT and Mr. MILLER of Florida.
 H.R. 3548: Mr. KUHLE of New York, Mr. MCNULTY, Mr. OWENS, Mr. SERRANO, Ms. SLAUGHTER, and Mr. WALSH.
 H.R. 3569: Mr. BRADY of Pennsylvania and Mr. GORDON.
 H.R. 3617: Mr. PETERSON of Minnesota, Ms. ESHOO, and Mr. WELLER.
 H.R. 3639: Mr. MCGOVERN.
 H.R. 3666: Mr. KUCINICH.
 H.R. 3670: Mr. KUCINICH.
 H.R. 3671: Mrs. WILSON of New Mexico.
 H.R. 3684: Mr. KINGSTON, Mr. STEARNS, Mr. CARTER, Mr. MCCAUL of Texas, and Mr. GARY G. MILLER of California.
 H.R. 3708: Ms. SOLIS and Mr. CONYERS.
 H.R. 3710: Mr. CARNAHAN.
 H.R. 3711: Mr. WAXMAN and Mr. LANTOS.
 H.R. 3712: Mr. BISHOP of New York.
 H.R. 3727: Mr. KUCINICH.
 H.R. 3739: Mr. WAMP and Mr. ROGERS of Michigan.
 H.R. 3763: Ms. WATERS, Mr. SALAZAR, Mr. CUMMINGS, Mr. GORDON, Mr. BACA, Ms. Bean, Mr. EDWARDS, Mr. MURTHA, Mr. MEEHAN, Mr. PASTOR, Mr. FORD, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. GONZALEZ, and Mr. MEEKS of New York.
 H.R. 3764: Mr. MOORE of Kansas.
 H.R. 3774: Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. KILDEE, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 3782: Mr. STRICKLAND and Mr. MCNULTY.
 H.R. 3785: Ms. HARRIS.
 H.R. 3832: Mr. BISHOP of New York.
 H.R. 3836: Mr. SHIMKUS.
 H.J. Res. 38: Mr. PASCRELL.
 H.J. Res. 57: Ms. GRANGER.
 H.J. Res. 60: Mrs. CAPITO.
 H.J. Res. 61: Mr. BUTTERFIELD, Mr. FORBES, Mr. ABERCROMBIE, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. WALSH, Mr. SENSENBRENNER, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. REHBERG, and Mr. CONYERS.
 H. Con. Res. 43: Mr. GILLMOR.
 H. Con. Res. 144: Mr. TOWNS.
 H. Con. Res. 173: Mr. MARKEY.
 H. Con. Res. 195: Mr. BERMAN.
 H. Con. Res. 230: Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. LINDER, Mr. MILLER of Florida, Mr. ENGEL, Mr. WEXLER, and Mr. FEENEY.
 H. Con. Res. 245: Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WAMP, Mr. GUTKNECHT, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ROHR-ABACHER, Mr. TANCREDO, Mr. HENSARLING, Mr. HUNTER, Mr. BACHUS, Mr. KOLBE, Mr. SODRELE, and Mrs. MUSGRAVE.
 H. Con. Res. 248: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. HIGGINS, Mr. KIRK, Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Ms. WATSON, Mrs. MALONEY, Mr. WEINER, Mr. HONDA, Mr. SHERMAN, Mr. ACKERMAN, Mr. CARDOZA, Mr. NADLER, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. CONYERS, Mr. PENNCE, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Ms. BERKLEY, and Ms. WASSERMAN SCHULTZ.
 H. Res. 84: Mr. BACHUS.

H. Res. 192: Mr. OWENS, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. KUCINICH, and Mr. DELAHUNT.
 H. Res. 409: Mr. SHAYS, Mr. EVANS, Mr. KUCINICH, and Mr. LYNCH.
 H. Res. 444: Mr. RUSH, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MARKEY, Mr. OWENS, Mr. WILSON of South Carolina, Mr. MCDERMOTT, Mr. PALLONE, Mr. CAPUANO, Mr. ALLEN, Mr. CONYERS, Mr. SHIMKUS, Mr. KILDEE, Ms. WOOLSEY, and Mr. BERMAN.

¶98.45 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

69. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 419 requesting the Congress of United States enact legislation to assist reservists currently on active duty and facing a "pay-gap" between their civilian salaries and their military pay; to the Committee on Energy and Commerce.

70. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 418, requesting the Congress of the United States introduce and pass a bill, "to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media on the development of children; to the Committee on Energy and Commerce.

71. Also, a petition of the City Council of the City of Miami Springs, Florida, relative to Resolution No. 2005-3285, recognizing the 75th Anniversary of the death of Glenn Hammond Curtiss and supporting the establishment of Glenn Hammond Curtiss Day to recognize his innovative spirit and legacy; to the Committee on Government Reform.

**THURSDAY, SEPTEMBER 22, 2005
(99)**

The House was called to order by the SPEAKER.

¶99.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 21, 2005.

Ms. WASSERMAN SCHULTZ, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Ms. WASSERMAN SCHULTZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER, pursuant to clause 8, rule XX, announced that the vote would be postponed.

¶99.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4094. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Action Compact Area [R06-OAR-2005-LA-0001; FRL-7955-7] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; San Juan County Early Action Compact Area [R06-OAR-2005-NM-0002; FRL-7954-5] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas [R04-OAR-2004-NC-0005-200513, FRL-7956-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Central Oklahoma Early Action Compact Area [R06-OAR-2005-OK-0001; FRL-7953-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Principal Deputy Associate Administrator, Federal Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Tulsa Early Action Compact Area [R06-OAR-2005-OK-0002; FRL-7956-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina and Georgia; Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Santee Lynches, Berkeley-Charleston-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas [R04-OAR-2005-SC-0001, R04-OAR-2005-GA-0001-200516; FRL-7957-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Early Action Compact Ozone Plan; Attainment Demonstration of the 8-hour Ozone Standard, and Approval of Related Revisions [RME Docket Number R08-OAR-2005-CO-0001; FRL-7954-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions [RME Docket Number R08-OAR-2004-CO-0004; FRL-7954-7] received August 23, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2005-IA-0003; FRL-7953-7] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee and Georgia; Attainment Demonstrations for the Chattanooga, Nashville, and Tri-Cities Early Action Compact Areas [R04-OAR-2005-TN-0001, R04-OAR-2004-GA-0004-200522; FRL-7956-9] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the Austin Early Action Compact Area [R06-OAR-2005-TX-0011; FRL-7955-9] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the San Antonio Early Action Compact Area [R06-OAR-2005-TX-0010; FRL-7955-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Clean Air Action Plan and Attainment Demonstration for the Northeast Texas Early Action Compact Area; Agreed Orders Regarding Control of Air Pollution for the Northeast Texas Area [R06-OAR-2005-TX-0009; FRL-7956-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Maine; Negative Declaration [R01-OAR-2005-ME-0005; FRL-7956-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4108. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Roanoke Metropolitan Statistical Area (MSA) Ozone Early Action Compact Area [R03-OAR-2005-VA-0004; FRL-7954-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4109. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Attainment Demonstration for the Eastern Panhandle Region Ozone Early Action Compact Area [R03-OAR-2005-WV-0001; FRL-7954-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4110. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Washington County Ozone Early Action Compact Area [R03-OAR-2005-MD-0004; FRL-7954-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Texas; Control of Air Pollution from Motor Vehicles, Mobile Source Incentive Programs [R06-OAR-2005-TX-0021; FRL-7956-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4112. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Northern Shenandoah Valley Ozone Early Action Compact Area [R03-OAR-2005-VA-0005; FRL-7954-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4113. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Standardized Permit for RCRA Hazardous Waste Management Facilities [RCRA-2001-0029; FRL-7948-4] (RIN: 2050-AE44) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4114. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portsmouth, NH, Piscataqua River Bridges. [CGD01-04-130] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River [CGD05-04-199] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Budd Inlet, West Bay, Olympia, Washington and SS CAPE HORN [CGD13-04-042] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; M/V Tunica Queen, Mile 695 to Mile Lower Mississippi River, Tunica, MS [COTP Memphis-04-006] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; McClellan-Kerr Arkansas River between mile 116.0 and 120.0, Little Rock, AR [COTP Memphis 04-009] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Chief, Regulations and Administration Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Security Zone: Presidential Debate and visit to Miami, Four Seasons Marriott Hotel, Biscayne Bay, Miami, FL [COTP Miami 04-116] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Andrews Bay, Panama City, FL [COTP Mobile-04-015] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; West Bay, Panama City, FL [COTP Mobile-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; West Bay, Panama City, FL [COTP Mobile-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bayou Grande, Pensacola, FL [COTP Mobile-04-019] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bayou Chico, Pensacola, FL [COTP Mobile-04-020] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pensacola Bay Bridge, Pensacola, FL [COTP Mobile-04-023] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cinco Bayou, Fort Walton Beach, FL [COTP Mobile-04-024] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Garnier Bayou, Fort Walton Beach, FL [COTP Mobile-04-025] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Rocky Bayou, Niceville, FL [COTP Mobile-04-026] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choctawhatchee Bay, Destin, FL [COTP Mobile-04-027] (RIN: AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Monongahela River, Mile Marker 0.0 to Mile Marker 1.0, Pittsburgh, PA [COTP Pittsburgh-04-010] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4131. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Monongahela River, Mile Marker 0.0 to Mile Marker 1.0, Pittsburgh, PA [COTP Pittsburgh-04-014] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River, Mile Marker 90.4 to Mile Marker 90.8, Wheeling, WV [COTP Pittsburgh-04-025] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving and Fixed Security Zone: Port of Fredericksted, Saint Croix, U.S. Virgin Islands. [COTP San Juan 04-138] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bull Island, S.C. and surrounding waterways. [COTP Savannah-04-152] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix River Mile 16.0 to Mile 17.5, Hudson, WI [COTP St. Louis-04-033] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4136. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Upper Mississippi River Mile 578.5 to Mile 582.0, Dubuque, IA [COTP St. Louis-04-044] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4137. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Upper Mississippi River Mile 698.1 to Mile 697.6, La Crosse, WI [COTP St. Louis-04-045] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regu-

lation; Tampa Bay, FL. [COTP TAMPA 04-AA87] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4139. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; St. Petersburg, FL. [COTP TAMPA 04-128] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4140. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Tampa Bay, FL. [COTP 04-130] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area, South Lake Tahoe, CA [Docket FAA 2005-21522; Airspace Docket No. 05-AWP-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Los Angeles Class B Airspace Area; CA [Docket No. FAA-2004-18612; Airspace Docket No. 04-AWA-05] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D Airspace; and Class E Airspace; Topeka, Forbes Field, KS. [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30452; Amdt. No. 3128] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

199.3 MESSAGE FROM THE SENATE

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

H.R. 3761. An Act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 3768) "An act to provide emergency tax relief for persons affected by Hurricane Katrina."

The message also announced that pursuant to Public Law 98-183, as amended by Public Law 103-419, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, appoints Arlan D. Melendez, of Nevada, to the United States Commission on Civil Rights.

¶99.4 PROVIDING FOR THE CONSIDERATION OF H.R. 2123

Mr. BISHOP of Utah, by direction of the Committee on Rules, called up the following resolution (H. Res. 455):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. BISHOP of Utah, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 221 Nays 189

¶99.5 [Roll No. 486] YEAS—221

- Aderholt Gohmert Osborne
Akin Goode Otter
Alexander Goodlatte Oxley
Bachus Granger Paul
Baker Graves Pearce
Barrett (SC) Green (WI) Pence
Bartlett (MD) Gutknecht Peterson (PA)
Barton (TX) Hall Petri
Bass Harris Pickering
Beauprez Hart Pitts
Biggett Hastings (WA) Platts
Bilirakis Hayes Pombo
Bishop (UT) Hayworth Porter
Blackburn Hensarling Price (GA)
Blunt Herger Pryce (OH)
Boehkert Hobson Putnam
Boehner Hoekstra Radanovich
Bonilla Hostettler Ramstad
Bonner Hulshof Regula
Bono Hunter Rehberg
Boozman Hyde Reichert
Bradley (NH) Inglis (SC) Renzi
Brown (SC) Issa Reynolds
Brown-Waite, Istook Rogers (AL)
Ginny Jenkins Rogers (KY)
Burgess Jindal Rogers (MI)
Burton (IN) Johnson (CT) Rohrabacher
Buyer Johnson (IL) Ros-Lehtinen
Calvert Johnson, Sam Royce
Cannon Jones (NC) Ryan (WI)
Cantor Keller Ryun (KS)
Capito Kelly Saxton
Carter Kennedy (MN) Schmitt
Castle King (IA) Schwarz (MI)
Chabot King (NY) Sensenbrenner
Chocola Kingston Kirk
Coble Kline Shadegg
Cole (OK) Kline Knollenberg
Conaway Knollenberg Shaw
Crenshaw Kolbe Shaays
Cubin Kuhl (NY) Sherwood
Culberson LaHood Shimkus
Cunningham Latham Shuster
Davis (KY) LaTourette Simmons
Davis, Jo Ann Leach Simpson
Davis, Tom Lewis (CA) Smith (NJ)
Deal (GA) Lewis (KY) Smith (TX)
Dent Linder Sodrel
Diaz-Balart, L. LoBiondo Souder
Diaz-Balart, M. Lucas Stearns
Drake Lungren, Daniel Sullivan
Dreier E. Sweeney
Duncan Mack Tancredo
Ehlers Manzullo Taylor (NC)
Emerson Marchant Terry
English (PA) McCaul (TX) Thomas
Everett McCotter Thornberry
Feehey McCrery Tiahrt
Ferguson McHenry Tiberi
Fitzpatrick (PA) McHugh Turner
Flake McKeon Upton
Foley Mica Walden (OR)
Forbes Miller (FL) Walsh
Fortenberry Miller (MI) Wamp
Fossella Miller, Gary Weldon (FL)
Franks (AZ) Moran (KS) Weldon (PA)
Frelinghuysen Murphy Westmoreland
Gallegly Musgrave Whitfield
Garrett (NJ) Myrick Wicker
Gerlach Neugebauer Wilson (NM)
Gibbons Ney Wilson (SC)
Gilchrist Northup Wolf
Gillmor Norwood Young (AK)
Gingrey Nunes Young (FL)
Nussle

NAYS—189

- Abercrombie Boren Clyburn
Ackerman Boucher Cooper
Allen Boyd Costa
Andrews Brady (PA) Costello
Baca Brown (OH) Cramer
Baird Butterfield Crowley
Baldwin Capps Cuellar
Barrow Capuano Cummings
Bean Cardin Davis (AL)
Becerra Cardoza Davis (CA)
Berkley Carnahan Davis (FL)
Berman Carson Davis (TN)
Berry Case DeFazio
Bishop (GA) Chandler DeGette
Bishop (NY) Clay Delahunt
Blumenauer Cleaver DeLauro

- Dicks Lewis (GA) Roybal-Allard
Dingell Lipinski Ruppertsberger
Doggett Lofgren, Zoe Ryan (OH)
Doyle Lowey Salazar
Edwards Lynch Sanchez, Linda
Emanuel Maloney T.
Engel Markey Sanchez, Loretta
Eshoo Marshall Sanders
Etheridge Matheson Schakowsky
Evans Matsui Schiff
Farr McCarthy Schwartz (PA)
Filner McCollum (MN) Scott (GA)
Ford McDermott Scott (VA)
Frank (MA) McGovern Serrano
Gonzalez McIntyre Sherman
Gordon McKinney Skelton
Green, Al McNulty Slaughte
Grijalva Meehan Smith (WA)
Gutierrez Meek (FL) Snyder
Harman Meeks (NY) Soils
Hastings (FL) Melancon Spratt
Herseht Menendez Stark
Higgins Michaud Strickland
Hincey Miller (NC) Stupak
Holden Miller, George Tanner
Holt Mollohan Tauscher
Honda Moore (KS) Taylor (MS)
Hoolley Moore (WI) Thompson (CA)
Hoyer Moran (VA) Thompson (MS)
Insee Nadler Tierney
Israel Napolitano Towns
Jackson (IL) Neal (MA) Udall (CO)
Jefferson Oberstar Udall (NM)
Johnson, E. B. Obey Van Hollen
Jones (OH) Oliver Velázquez
Kanjorski Owens Visclosky
Kaptur Pallone Wasserman
Kennedy (RI) Pascrell Schultz
Kildee Pastor Waters
Kilpatrick (MI) Payne Watson
Kind Pelosi Watt
Kucinich Pomeroy Waxman
Langevin Price (NC) Weiner
Lantos Rahall Wexler
Larsen (WA) Rangel Woolsey
Larson (CT) Reyes Wu
Lee Ross Wynn
Levin Rothman

NOT VOTING—23

- Boswell Fattah Murtha
Boustany Green, Gene Ortiz
Brady (TX) Hefley Peterson (MN)
Brown, Corrine Hinojosa Poe
Camp Jackson-Lee Rush
Conyers (TX) Sabo
Davis (IL) McMorris Weller
DeLay Millerder-
Doolittle McDonald

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.6 APPROVAL OF THE JOURNAL— UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, September 21, 2005.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 346 Nays 59 Answered present 1

¶99.7 [Roll No. 487] YEAS—346

- Abercrombie Baker Bilirakis
Ackerman Barrett (SC) Bishop (GA)
Aderholt Bartlett (MD) Bishop (NY)
Akin Barton (TX) Bishop (UT)
Alexander Bass Blackburn
Allen Bean Blumenauer
Andrews Beauprez Boehkert
Baca Berkley Boehmer
Bachus Biggett Bonilla

Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Grijalva
Gutierrez
Hall

Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herse
Higgins
Hinchee
Hobson
Hoekstra
Holden
Honda
Hoyer
Hunter
Hyde
Ingraham (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meeke (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Musgrave

Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascarella
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrs (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda
T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tierney
Towns
Turner
Upton

Van Hollen
Walden (OR)
Walden
Wamp
Wasserman
Schultz
Watson
Watt

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—59

Baird
Baldwin
Barrow
BeCerra
Berry
Brady (PA)
Capito
Capuano
Chandler
Costello
DeFazio
English (PA)
English (CA)
Evans
Filner
Fitzpatrick (PA)
Ford
Fossella
Graves
Gutknecht
Hart

Hastings (FL)
Holt
Hulshof
Johnson, E. B.
Kucinich
Larsen (WA)
Latham
LoBiondo
Marshall
Matheson
McCotter
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Moran (KS)
Oberstar
Oliver
Peterson (MN)

Ramstad
Sanchez, Loretta
Schakowsky
Sherwood
Slaughter
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—27

Berman
Blunt
Boswell
Boustany
Brady (TX)
Brown, Corrine
Camp
Cantor
Conyers
Davis (IL)

DeLay
Doolittle
Edwards
Fattah
Green, Gene
Hefley
Hinojosa
Hostettler
Jackson-Lee
(TX)

Millender-
McDonald
Murtha
Ortiz
Paul
Poe
Rush
Sabo
Weller

So the Journal was approved.

199.8 ADVERSE REPORT ON H. RES. 420

Mr. COBLE, by direction of the Committee on the Judiciary, adversely reported (Rept. No. 109-230) the resolution (H. Res. 420) directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identity and employment of Ms. Valerie Plame; referred to the House Calendar and ordered printed.

199.9 SCHOOL READINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 455 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. LATHAM as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

199.10 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. TERRY, announced the signature of the Speaker to enrolled bills of the following titles:

On September 21, 2005:

H.R. 3761. An Act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

On September 22, 2005:

H.R. 3768. An Act to provide emergency tax relief for persons affected by Hurricane Katrina.

The Committee resumed its sitting; and after some further time spent therein,

199.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 109-229, submitted by Mr. SOUDER:

Strike page 71, line 22 through page 77, line 13, and insert the following:

"(4) Implement a system of shared governance for oversight of the Head Start program, which includes the following:

"(A) An independent board of directors selected from among eligible individuals who shall serve on the board of directors (or may designate an existing entity whose members are eligible individuals, that shall be such board) for a period not to exceed 5 years, except that board members who oversee a public entity and who are selected by election (or members of a board of a local educational agency or a local council, appointed by an elected official or an official of a general purpose local government), may serve for such period as may be determined by the electing or appointing authority, as the case may be. An individual who has a conflict of interest is ineligible to serve as a member of the board of directors. Members of the board of all nonpublic entities shall include representatives of the local community (including at least 1 member with significant financial management or accounting experience and the chair of the council described in section 642(b)(4)(B)). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board of directors shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. The board of directors shall provide direction to the executive director of the Head Start agency and shall operate as an entity independent of staff employed by the head Start agency, entity, or applicant and have the following duties and responsibilities:

"(i) To provide independent oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644.

"(ii) To establish 1 or more standing committees to facilitate governance of the Head Start agency which shall include the following: an audit and finance committee whose primary responsibility shall be—

"(I) to approve annually the operating budget of the Head Start agency;

"(II) to review and recommend to the board of directors the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee;

“(III) to review and recommend to the board of directors the termination or extension of the existing audit firm at least once every 5 years;

“(IV) to review and advise the board of directors of the audit management letter provided pursuant to the chapter 75 of title 31 of the United States Code, and of any audit findings; and

“(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices.

“(iii) To approve the selection and dismissal of the Head Start director, and to review annually the human resources available to ensure the effective operation of the Head Start agency.

“(iv) To consult on a regular basis, with the policy council and to take actions on recommendations submitted by such council.

“(v) To review and approve the major operational policies of the Head Start agency, including policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits)

“(vi) To ensure that the Head Start agency is operated in compliance with applicable Federal, State, and local laws (including regulations), and to monitor agency implementation of any corrective action necessary to comply with applicable laws (including regulations);

“(vii) To oversee the program planning of the Head Start agency, including adoption of the Head Start agency philosophy and mission statement, adoption of policies for determining community needs, setting long- and short-range goals and objectives, establishment of criteria for selecting families in Head Start programs or Early Head Start programs, and to oversee and approve the agency’s applications to receive funds made available under this subchapter; and

“(viii) To establish, to adopt, and to periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing and resolving—

“(I) any conflict of interest, and any appearance of a conflict of interest by board members, officers, employees, consultants, and agents who provide services or furnish goods to the Head Start agency; and

“(II) complaints, including investigations, when appropriate.

“(ix) To develop processes, in consultation with the policy council, to resolve internal disputes in the instance when the board of directors and the policy council have reached an impasse on an issue of dispute relative to matters of joint governance.

“(x) In all matters of serious fiscal mismanagement, fraud, or criminal activity, the board of directors will have discretionary authority to act unilaterally without policy council approval.

“(B) A policy council, a majority of whose representatives shall be parents of children participating in a Head Start program or in an Early Head Start program, or of children who participated in an Early Head Start program in the then most recent 5-year period preceding the selection of the particular representative involved, and whose primary responsibilities shall be to serve as a link between parents and the board of directors and to share joint responsibilities with the board of directors in making recommendations and approving or disapproving the following program planning and operation activities:

“(i) Program planning, including—
“(I) program design and management, including long and short-term planning goals, all funding applications and amendments to

funding applications and objectives based on the annual community assessment and self-assessment;

“(II) program recruitment, selection, and enrollment priorities;

“(III) budget planning for program expenditures, including policies for reimbursement and participation in policy council activities; and

“(IV) the operating budget of the Head Start agency.

“(ii) Program operation policies, including standards of conduct for program staff and volunteers, and policies governing employment and dismissal of program staff.

“(iii) Selection and dismissal of the Head Start director and program staff.

“(iv) Activities to support the active involvement of parents in supporting program operations.

“(v) Classroom activities and staffing.

“(vi) Program responsiveness to community and parent needs.

“(vii) Processes to resolve internal disputes in the instance when the board of directors and the policy council have reached an impasse on an issue of dispute relative to matters of joint governance.

“(vii) Other areas the council identifies as necessary to improve program operations.

“(C) Training for all members of the board of directors and policy council in the management responsibilities and obligations, ethics, and financial literacy and management.”.

Page 78, line 6, strike “section 642(b)(4)(B)(ii)” and insert “section 642(b)(4)(B)”.

It was decided in the { Yeas 153
negative } Nays 266

¶99.12 [Roll No. 488] AYES—153

- Akin Goode Moore (WI)
Baca Green, Al Moran (KS)
Baird Gutierrez Musgrave
Bartlett (MD) Gutknecht Nadler
Becerra Hayworth Napolitano
Biggert Hensarling Nunes
Bilirakis Hoekstra Oberstar
Bishop (GA) Holden Otter
Bishop (UT) Holt Pallone
Blumenauer Hostettler Paul
Boozman Hulshof Payne
Brown, Corrine Insee Pence
Burton (IN) Israel Peterson (MN)
Cannon Jackson-Lee Platts
Caputo (TX) Radanovich
Capuano Jefferson Ramstad
Cardin Johnson (CT) Rogers (KY)
Case Johnson (IL) Rohrabacher
Chabot Johnson, E. B. Rothman
Chandler Jones (NC) Roybal-Allard
Costello Jones (OH) Royce
Cramer Keller Ryun (KS)
Crowley Kennedy (MN) Sabo
Cubin Kennedy (RI) Sánchez, Linda
Cuellar Langevin T.
Culberson Larson (CT) Sanchez, Loretta
Cummings Lee Sanders
Davis (IL) Lewis (GA) Schakowsky
Davis, Jo Ann Lewis (KY) Schiff
DeFazio Lipinski Scott (GA)
DeLauro Lofgren, Zoe Scott (VA)
Dent Lowey Serrano
Doolittle Lungren, Daniel Shadegg
Duncan E. Shaw
Emanuel Lynch Simmons
Emanuel Maloney Smith (NJ)
English (PA) Manzullo Sodrel
Etheridge Marshall Souder
Evans Matheson Stearns
Farr Filner Strickland
Fitzpatrick (PA) McHenry Tancredo
Flake McKinney Tanner
Forbes McNulty Taylor (NC)
Foxy Meeks (NY) Tiahrt
Franks (AZ) Melancon Towns
Frelinghuysen Menendez Udall (CO)
Garrett (NJ) Millender Udall (NM)
Gibbons McDonald Van Hollen
Gillmor Miller (FL) Velázquez
Gonzalez Moore (KS) Visclosky

- Wamp
Waters
Watt
Weldon (FL)
Whitfield
Wu

NOES—266

- Abercrombie Gilcrest Obey
Ackerman Gingrey Oliver
Aderholt Gohmert Osborne
Alexander Goodlatte Owens
Allen Gordon Oxley
Andrews Granger Pascrell
Bachus Graves Pastor
Baker Green (WI) Pearce
Baldwin Grijalva Pelosi
Barrett (SC) Hall Peterson (PA)
Barrow Harman Petri
Barton (TX) Harris Pickering
Bass Hart Pitts
Bean Hastings (FL) Pombo
Beauprez Hayes Pomeroy
Berkley Herger Porter
Berman Herseth Price (GA)
Berry Higgins Price (NC)
Bishop (NY) Hinchey Pryce (OH)
Blackburn Hobson Putnam
Blunt Honda Rahall
Boehert Hooley Rangel
Boehner Hoyer Regula
Bonilla Hunter Rehberg
Bonner Hyde Reichert
Bono Inglis (SC) Renzi
Boren Issa Reyes
Boucher Istook Reynolds
Boyd Jackson (IL) Rogers (AL)
Bradley (NH) Jenkins Rogers (MI)
Brady (PA) Jindal Ros-Lehtinen
Brown (OH) Johnson, Sam Ross
Brown (SC) Kanjorski Ruppertsberger
Brown-Waite, Kaptur Rush
Ginny Kelly Ryan (OH)
Burgess Kildee Ryan (WI)
Butterfield Kilpatrick (MI) Salazar
Calvert King (IA) Saxton
Cantor King (NY) Schmidt
Capps Kingston Schwartz (PA)
Cardoza Kirk Schwarzw (MI)
Carnahan Kline Sensenbrenner
Carson Knollenberg Sessions
Carter Kolbe Shays
Castle Kucinich Sherman
Chocola Kuhl (NY) Sherwood
Clay LaHood Shimkus
Cleaver Lantos Shuster
Clyburn Larsen (WA) Simpson
Coble Latham Skelton
Cole (OK) LaTourette Slaughter
Conaway Leach Smith (TX)
Conyers Levin Smith (WA)
Cooper Lewis (CA) Snyder
Costa Linder Soils
Crenshaw LoBiondo Spratt
Cunningham Lucas Stark
Davis (AL) Mack Stupak
Davis (CA) Marchant Sullivan
Davis (FL) Markey Sweetney
Davis (KY) McCarthy Tauscher
Davis (TN) McCaul (TX) Taylor (MS)
Davis, Tom McCollum (MN) Terry
Deal (GA) McCotter Thomas
DeGette McCrery Thompson (CA)
Delahunt McDermott Thompson (MS)
Diaz-Balart, L. McGovern Thornberry
Diaz-Balart, M. McHugh Tiberi
Dicks McIntyre McKeon
Dingell McKeon Tierney
Doggett McMorris Turner
Doyle Meehan Upton
Drake Meek (FL) Walden (OR)
Dreier Mica Walsh
Edwards Michaud Wasserman
Ehlers Miller (MI) Schultz
Emerson Miller (NC) Watson
Engel Miller, Gary Waxman
Eshoo Miller, George Weiner
Everett Mollohan Weldon (PA)
Fattah Moran (VA) Westmoreland
Feeney Murphy Wexler
Ferguson Murtha Wicker
Foley Myrick Wilson (NM)
Ford Neal (MA) Wilson (SC)
Fortenberry Neugebauer Wolf
Fossella Ney Woolsey
Frank (MA) Northup Young (AK)
Gallegly Norwood Young (FL)
Gerlach Nussle

NOT VOTING—14

- Boswell Buyer Green, Gene
Boustany Camp Hastings (WA)
Brady (TX) DeLay

Hefley Kind Poe
Hinojosa Ortiz Weller

So the amendment was not agreed to.

¶99.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 109-229, submitted by Mr. STEARNS:

Page 110, line 7, after "families," insert "families with one or more children with disabilities."

It was decided in the Yeas 411 affirmative Nays 0

¶99.14 [Roll No. 489]

AYES—411

- Abercrombie Cramer Hall
Ackerman Crenshaw Harman
Aderholt Crowley Harris
Akin Cubin Hart
Alexander Cuellar Hastings (FL)
Allen Culberson Hayes
Andrews Cummings Hayworth
Baca Cunningham Hensarling
Bachus Davis (AL) Heger
Baird Davis (CA) Herseth
Baker Davis (FL) Higgins
Baldwin Davis (IL) Hinchey
Barrett (SC) Davis (KY) Hobson
Barrow Davis (TN) Hoekstra
Bartlett (MD) Davis, Jo Ann Holden
Barton (TX) Davis, Tom Holt
Bass Deal (GA) Honda
Bean DeFazio Hooley
Beauprez DeGette Hostettler
Becerra Delahunt Hoyer
Berkley DeLauro Hulshof
Berman Dent Hunter
Berry Diaz-Balart, L. Hyde
Biggart Diaz-Balart, M. Inglis (SC)
Bilirakis Dicks Inslie
Bishop (GA) Dingell Israel
Bishop (NY) Doggett Issa
Bishop (UT) Doolittle Istock
Blackburn Doyle Jackson (IL)
Blumenauer Drake Jackson-Lee
Blunt Dreier (TX)
Boehlert Duncan Jefferson
Boehner Ehlers Jenkins
Bonilla Emanuel Jindal
Bonner Emerson Johnson (IL)
Bono Engel Johnson, E. B.
Boozman English (PA) Johnson, Sam
Boren Eshoo Jones (NC)
Boucher Etheridge Jones (OH)
Boyd Evans Kanjorski
Bradley (NH) Everett Kaptur
Brady (PA) Farr Keller
Brown (OH) Fattah Kelly
Brown (SC) Feeney Kennedy (MN)
Brown, Corrine Ferguson Kennedy (RI)
Brown-Waite, Filner Kildee
Ginny Fitzpatrick (PA) Kilpatrick (MI)
Burgess Flake King (IA)
Burton (IN) Foley King (NY)
Butterfield Forbes Kingston
Calvert Ford Kirk
Cannon Fortenberry Kline
Cantor Fossella Knollenberg
Capito Foxx Kolbe
Capps Frank (MA) Kucinich
Capuano Franks (AZ) Kuhl (NY)
Cardin Frelinghuysen LaHood
Cardoza Gallegly Langevin
Carnahan Garrett (NJ) Lantos
Carson Gerlach Larsen (WA)
Carter Gibbons Larson (CT)
Case Gilchrest Latham
Castle Gillmor LaTourette
Chabot Gingrey Leach
Chandler Gohmert Lee
Chocola Gonzalez Levin
Clay Goode Lewis (CA)
Cleaver Goodlatte Lewis (GA)
Clyburn Gordon Lewis (KY)
Coble Granger Linder
Cole (OK) Graves Lintner
Conaway Green (WI) Lipinski
Conyers Green, Al LoBiondo
Cooper Grijalva Lofgren, Zoe
Costa Gutierrez Lowey
Costello Gutknecht Lucas

- Lungren, Daniel Pastor
E. Paul
Lynch Payne
Mack Pearce
Maloney Pelosi
Manzullo Pence
Marchant Peterson (MN)
Markey Peterson (PA)
Marshall Petri
Matheson Pickering
Matsui Pitts
McCarthy Platts
McCaul (TX) Pombo
McCollum (MN) Pomeroy
McCotter Porter
McCrery Price (GA)
McDermott Price (NC)
McGovern Pryce (OH)
McHenry Putnam
McHugh Radanovich
McIntyre Rahall
McKeon Ramstad
McKinney Rangel
McMorris Regula
McNulty Rehberg
Meehan Reichert
Meek (FL) Renzi
Meeks (NY) Reyes
Menendez Reynolds
Mica Rogers (AL)
Michaud Rogers (KY)
Millender Rogers (MD)
McDonald Rohrabacher
Miller (FL) Ros-Lehtinen
Miller (MI) Ross
Miller (NC) Rothman
Miller, Gary Roybal-Allard
Miller, George Royce
Mollohan Ruppertsberger
Moore (KS) Rush
Moore (WI) Ryan (OH)
Moran (KS) Ryan (WI)
Moran (VA) Ryan (KS)
Murphy Sabo
Murtha Salazar
Muschgrave Sanchez, Linda
Nadler T.
Napolitano Sanchez, Loretta
Neal (MA) Sanders
Neugebauer Saxton
Ney Schiff
Northup Schmidt
Norwood Schwartz (PA)
Nunes Schwarz (MI)
Nussle Scott (GA)
Oberstar Scott (VA)
Obey Sensenbrenner
Oliver Serrano
Osborne Sessions
Otter Shadegg
Owens Shaw
Oxley Shays
Pallone Sherman
Pascrell Sherwood

NOT VOTING—22

- Boswell Hastings (WA)
Hefley Poe
Hinojosa Schakowsky
Walsh
Johnson (CT) Watt
Kind Weller
Melancon Young (FL)
Edwards Myrick
Ortiz

So the amendment was agreed to.

¶99.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 109-229, submitted by Mr. DAVIS of Illinois:

Page 110, after line 19, insert the following new subsection (and redesignate subsequent subsections proposed to be added by the relevant provision accordingly):

"(h) The Secretary shall develop and implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers in order to increase the provision of quality services and instruction to children with diverse backgrounds."

It was decided in the Yeas 401 affirmative Nays 14

¶99.16 [Roll No. 490]

AYES—401

- Abercrombie Dent Kennedy (RI)
Ackerman Diaz-Balart, M. Kildee
Aderholt Dicks Kilpatrick (MI)
Akin Dingell King (NY)
Alexander Doggett Kingston
Allen Doolittle Kirk
Andrews Doyle Kline
Baca Drake Knollenberg
Bachus Dreier Kolbe
Baird Duncan Kucinich
Baldwin Edwards Kuhl (NY)
Barrett (SC) Ehlers LaHood
Barrow Emanuel Langevin
Bartlett (MD) Emerson Lantos
Barton (TX) Engel Larsen (WA)
Bass English (PA) Larson (CT)
Bean Eshoo Latham
Beauprez Etheridge LaTourette
Becerra Evans Leach
Berkley Everett Lee
Berman Farr Levin
Berry Fattah Lewis (CA)
Biggart Feeney Lewis (GA)
Bilirakis Ferguson Lewis (KY)
Bishop (GA) Filner Linder
Bishop (NY) Fitzpatrick (PA) Lipinski
Bishop (UT) Foley LoBiondo
Blackburn Forbes Lofgren, Zoe
Blumenauer Blumenauer Ford
Boehlert Fortenberry Lucas
Boehner Fossella Lungren, Daniel
Bonilla Foxx E.
Bonner Frank (MA) Mack
Bono Frelinghuysen Maloney
Boozman Gallegly Manzullo
Boren Garrett (NJ) Markey
Boucher Gerlach Marshall
Boyd Gibbons Matheson
Bradley (NH) Gilchrest Matsui
Brady (PA) Gillmor McCarthy
Brown (OH) Gingrey McCaul (TX)
Brown (SC) Gohmert McCollum (MN)
Brown, Corrine Gonzalez McCotter
Brown-Waite, Goodlatte McCrery
Ginny Gordon McDermott
Burgess Granger McGovern
Burton (IN) Graves McHugh
Butterfield Butterfield Green (WI)
Calvert Calvert Green, Al
Cannon Grijalva McKinney
Cantor Cantor Gutierrez McMorris
Capito Capito Gutknecht McNulty
Capps Capps Harman
Capuano Harris Meek (FL)
Cardin Hart Meeks (NY)
Cardoza Hastings (FL) Melancon
Carnahan Hayes Menendez
Carson Hayworth Mica
Case Hensarling Michaud
Castle Herseth Millender-
Chabot Higgins McDonald
Chandler Hinchey Miller (FL)
Chocola Hobson Miller (MI)
Clay Hoekstra Miller (NC)
Cleaver Holden Miller, Gary
Clyburn Holt Miller, George
Coble Honda Mollohan
Cole (OK) Hooley Moore (KS)
Conaway Hostettler Moore (WI)
Conyers Hoyer Moran (KS)
Cooper Hulshof Moran (VA)
Costa Hunter Murphy
Costello Hyde Murtha
Cramer Inglis (SC) Musgrave
Crenshaw Inslie Nadler
Crowley Israel Napolitano
Cubin Issa Neal (MA)
Cuellar Istock Neugebauer
Culberson Jackson (IL) Ney
Cummings Jackson-Lee Northup
Cunningham (TX) Norwood
Davis (AL) Jefferson Nunes
Davis (CA) Jenkins Osborne
Davis (FL) Jindal Otter
Davis (IL) Johnson (CT) Owens
Davis (KY) Johnson (IL) Oxley
Davis (TN) Johnson, E. B.
Davis, Jo Ann Jones (NC)
Davis, Tom Jones (OH)
Deal (GA) Kanjorski
DeFazio Kaptur
DeGette Keller
Delahunt Kelly
DeLauro Kennedy (MN) Paul

Payne Sánchez, Linda Taylor (NC)
 Pearce T. Terry
 Pelosi Sanchez, Loretta Thomas
 Pence Sanders Thompson (CA)
 Peterson (MN) Saxton Thompson (MS)
 Peterson (PA) Schakowsky Thornberry
 Petri Schiff Tiahrt
 Pickering Schmidt Tiberi
 Pitts Schwartz (PA) Tierney
 Platts Schwarz (MI) Towns
 Pombo Scott (GA) Turner
 Pomeroy Scott (VA) Udall (CO)
 Porter Sensenbrenner Udall (NM)
 Price (NC) Serrano Upton
 Pryce (OH) Shaw Van Hollen
 Putnam Shays Velázquez
 Radanovich Sherman Visclosky
 Rahall Sherwood Walden (OR)
 Ramstad Shimkus Walsh
 Rangel Shuster Wamp
 Regula Simmons Wasserman
 Rehberg Simpson Schultz
 Reichert Skelton Waters
 Renzi Slaughter Watson
 Reyes Smith (NJ) Watt
 Reynolds Smith (TX) Waxman
 Rogers (AL) Smith (WA) Weiner
 Rogers (KY) Snyder Weldon (FL)
 Rogers (MI) Sodrel Weldon (PA)
 Rohrabacher Solis Westmoreland
 Ros-Lehtinen Souder Wexler
 Ross Spratt Whitfield
 Rothman Stark Wicker
 Roybal-Allard Stearns Wilson (NM)
 Royce Strickland Wilson (SC)
 Ruppertsberger Stupak Wolf
 Rush Sullivan Woolsey
 Ryan (OH) Sweeney Wu
 Ryan (WI) Tancredo Wynn
 Ryan (KS) Tanner Young (AK)
 Sabo Tauscher Young (FL)
 Salazar Taylor (MS)

NOES—14

Blunt Herger Myrick
 Carter Johnson, Sam Price (GA)
 Flake King (IA) Sessions
 Franks (AZ) Marchant Shadegg
 Hall McHenry

NOT VOTING—18

Baker DeLay Hinojosa
 Boswell Diaz-Balart, L. Kind
 Boustany Goode Lynch
 Brady (TX) Green, Gene Ortiz
 Buyer Hastings (WA) Poe
 Camp Hefley Weller

So the amendment was agreed to.

¶99.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 109-229, submitted by Mrs. MUSGRAVE:

At the end of the bill, insert the following new section:

SEC. ____ ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) in subsection (b), by inserting immediately before “exceed 15 percent” the following: “, and any reasonable amounts, in excess of allowable direct and indirect costs, normally incurred or recognized by an entity eligible under section 641(a)(1) by virtue of its organization.”; and

(2) in subsection (c), by inserting after the second sentence the following: “For purposes of this section, the Secretary shall prescribe no rules or regulations that prohibit an entity eligible under section 641(a)(1) from effectively competing for or administering a grant by virtue of its organization.”.

It was decided in the { Yeas 175
 negative } Nays 241

¶99.18 [Roll No. 491]

AYES—175

Aderholt Gibbons Neugebauer
 Akin Gilchrest Northup
 Alexander Gillmor Norwood
 Bachus Gingrey Nunes
 Barrett (SC) Gohmert Nussle
 Bartlett (MD) Goode Otter
 Barton (TX) Goodlatte Oxley
 Beauprez Granger Paul
 Bishop (UT) Graves Pearce
 Blackburn Green (WI) Pence
 Blunt Gutknecht Petri
 Boehner Hall Pickering
 Bonilla Harris Pitts
 Bonner Hayes Pombo
 Bono Hayworth Price (GA)
 Boozman Hensarling Pryce (OH)
 Brown (SC) Hobson Putnam
 Brown-Waite, Hoekstra Radanovich
 Ginny Hostettler Rehberg
 Burgess Hunter Reichert
 Burton (IN) Hyde Reynolds
 Calvert Inglis (SC) Rogers (AL)
 Cannon Issa Rogers (KY)
 Cantor Istook Rohrabacher
 Capito Jenkins Ros-Lehtinen
 Carter Jindal Royce
 Chabot Johnson (IL) Ryan (WI)
 Chocola Johnson, Sam Ryun (KS)
 Coble Jones (NC) Schmidt
 Cole (OK) Keller Sensenbrenner
 Conaway Kennedy (MN) Sessions
 Crenshaw King (IA) Shadegg
 Cubin King (NY) Shaw
 Culberson Kingston Sherwood
 Cunningham Kirk Shuster
 Davis (KY) Kline Simpson
 Davis, Jo Ann Knollenberg Smith (NJ)
 Davis, Tom Kolbe Smith (TX)
 Deal (GA) Latham Sodrel
 Diaz-Balart, L. Lewis (CA) Souder
 Diaz-Balart, M. Lewis (KY) Stearns
 Doolittle Linder Sullivan
 Drake Lucas Tancredo
 Dreier Lungren, Daniel Taylor (NC)
 Duncan E. Thomas
 Ehlers Mack Thornberry
 English (PA) Manullo Tiahrt
 Everrett Marchant Tiberi
 Feeney McCaul (TX) Turner
 Ferguson McCrery Wamp
 Flake McHenry Weldon (FL)
 Foley McKeon Westmoreland
 Forbes McMorrison Whitfield
 Fortenberry Miller (FL) Wicker
 Fossella Miller (MI) Wilson (NM)
 Foxx Miller, Gary Wilson (SC)
 Franks (AZ) Moran (KS) Wolf
 Gallegly Musgrave Young (AK)
 Garrett (NJ) Myrick Young (FL)

NOES—241

Abercrombie Carnahan Emerson
 Ackerman Carson Engel
 Allen Case Eshoo
 Andrews Castle Etheridge
 Baca Chandler Evans
 Baird Clay Farr
 Baldwin Cleaver Fattah
 Barrow Clyburn Filner
 Bass Conyers Fitzpatrick (PA)
 Bean Cooper Ford
 Becerra Costa Frank (MA)
 Berkley Costello Frelinghuysen
 Berman Cramer Gerlach
 Berry Crowley Gonzalez
 Biggert Cuellar Gordon
 Billrakis Cummings Green, Al
 Bishop (GA) Davis (AL) Grijalva
 Bishop (NY) Davis (CA) Gutierrez
 Blumenauer Davis (FL) Harman
 Boehlert Davis (IL) Hart
 Boren Davis (TN) Hastings (FL)
 Boucher DeFazio Herger
 Boyd DeGette Herseth
 Bradley (NH) Delahunt Higgins
 Brady (PA) DeLauro Hinchey
 Brown (OH) Dent Holden
 Brown, Corrine Dicks Holt
 Butterfield Dingell Honda
 Capps Doggett Hooley
 Capuano Doyle Hoyer
 Cardin Edwards Hulshof
 Cardoza Emanuel Inslee

Israel Michael Schakowsky
 Jackson (IL) Millender-Schiff
 Jackson-Lee McDonald Schwartz (PA)
 (TX) Miller (NC) Schwarz (MI)
 Jefferson Miller, George Scott (VA)
 Johnson (CT) Mollohan Scott (GA)
 Johnson, E. B. Moore (KS) Serrano
 Jones (OH) Moore (WI) Shays
 Kanjorski Moran (VA) Sherman
 Kaptur Murphy Shimkus
 Kelly Murtha Simmons
 Kennedy (RI) Nadler Skelton
 Kildee Napolitano Slaughter
 Kilpatrick (MD) Neal (MA) Smith (WA)
 Kucinich Ney Snyder
 Kuhl (NY) Oberstar Solis
 LaHood Obey Spratt
 Langevin Oliver Stark
 Lantos Osborne Strickland
 Larsen (WA) Owens Stupak
 Larson (CT) Pallone Sweeney
 LaTourrette Pascrell Tanner
 Leach Pastor Tauscher
 Lee Payne Taylor (MS)
 Levin Pelosi Terry
 Lewis (GA) Peterson (MN) Thompson (CA)
 Lipinski Platts Thompson (MS)
 LoBiondo Pomeroy Tierney
 Lofgren, Zoe Porter Towns
 Lowey Price (NC) Udall (CO)
 Rahall Ramstad Udall (NM)
 Markey Rangel Upton
 Marshall Rangel Van Hollen
 Matheson Regula Velázquez
 Matsui Renzi Visclosky
 McCarthy Rogers (MI) Walden (OR)
 McCollum (MN) Ross Walsh
 McCotter Rothman Wasserman
 McDermott Rothman Schultz
 McGovern Roybal-Allard Waters
 McHugh Ruppertsberger Watson
 McIntyre Rush Watt
 McKinney Ryan (OH) Waxman
 McNulty Sabo Weiner
 Meehan Salazar Weldon (PA)
 Meek (FL) Sánchez, Linda Wexler
 Meeks (NY) T. Woolsey
 Melancon Sanchez, Loretta Wu
 Menendez Sanders Wynn
 Mica Saxton

NOT VOTING—17

Baker DeLay Lynch
 Boswell Green, Gene Ortiz
 Boustany Hastings (WA) Peterson (PA)
 Brady (TX) Hefley Poe
 Buyer Hinojosa Weller
 Camp Kind

So the amendment was not agreed to.

¶99.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 109-229, submitted by Mr. BOEHRNER:

At the end of the bill, insert the following new section:

SEC. ____ DISCRIMINATION PROVISIONS.

Section 654 of the Head Start Act is amended to read as follows:

“SEC. 654 NONDISCRIMINATION PROVISIONS.

“(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

“(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

"(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2)."

It was decided in the { Yeas 220 affirmative } Nays 196

199.20 [Roll No. 492] AYES—220

- Aderholt Emerson LaHood
Akin English (PA) Latham
Alexander Everett LaTourette
Bachus Feeney Lewis (CA)
Barrett (SC) Ferguson Lewis (KY)
Barrow Fitzpatrick (PA) Linder
Bartlett (MD) Flake LoBiondo
Barton (TX) Foley Lucas
Bass Forbes Lungren, Daniel E.
Beauprez Fortenberry E.
Biggart Fossella Mack
Bilirakis Foxx Manzullo
Bishop (UT) Franks (AZ) Marchant
Blackburn Frelinghuysen Marshall
Blunt Gallegly McCaul (TX)
Boehlert Garret (NJ) McCotter
Boehner Gerlach McCrery
Bonilla Gibbons McHenry
Bonner Gilchrist McHugh
Bono Gillmor McIntyre
Boozman McGrey McKeon
Boren Goode McMorris
Brown (SC) Goodlatte Mica
Brown-Waite, Granger Miller (FL)
Ginny Graves Miller (MI)
Burgess Green (WI) Miller, Gary
Burton (IN) Gutknecht Mollohan
Calvert Hall Moran (KS)
Cannon Harris Murphy
Cantor Hart Musgrave
Capito Hayes Myrick
Carter Hayworth Neugebauer
Case Hensarling Ney
Castle Herger Northrup
Chabot Hobson Norwood
Chandler Hoekstra Nunes
Chocola Hostettler Nussle
Coble Hulshof Osborne
Cole (OK) Hunter Otter
Conaway Hyde Oxley
Crenshaw Inglis (SC) Paul
Cubin Issa Pearce
Culberson Istook Pence
Cunningham Jenkins Peterson (MN)
Davis (KY) Jindal Peterson (PA)
Davis (TN) Johnson (IL) Petri
Davis, Jo Ann Johnson, Sam Pickering
Davis, Tom Jones (NC) Pitts
Deal (GA) Keller Platts
Dent Kennedy (MN) Pombo
Diaz-Balart, L. King (IA) Porter
Diaz-Balart, M. King (NY) Price (GA)
Doolittle Kingston Pryce (OH)
Drake Kline Putnam
Dreier Knollenberg Radanovich
Duncan Kolbe Ramstad
Ehlers Kuhl (NY) Regula

- Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry

NOES—196

- Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carloza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hersteth
Higgins
Hinchev
Holden
Holt
Honda
Hooley
Hoyer
Insee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowe
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

- Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Gohmert
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Poe
Weller

- Tiaht
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

When Mr. TERRY, Acting Chairman, pursuant to House Resolution 455, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Readiness Act of 2005".

SEC. 2. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, including development of cognitive abilities, through educational instruction in prereading skills, premathematics skills, language, and social and emotional development linked to school readiness and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary."

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) in paragraph (17) by striking " , but for fiscal years" and all that follows down to the period;

(2) by redesignating paragraphs (16) and (17) as paragraphs (23) and (24), respectively;

(3) by redesignating paragraph (15) as paragraph (21);

(4) by redesignating paragraphs (11) through (14) as paragraphs (16) through (19), respectively;

(5) by redesignating paragraph (10) as paragraph (14);

(6) by redesignating paragraphs (3) through (9) as paragraphs (6) through (12), respectively;

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

(8) by inserting after paragraph (1) the following:

"(2) The term 'challenging State developed academic content standards' has the meaning given such term in paragraphs (1) and (5) of section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(3) The term 'deficiency' means—

"(A) a systemic or significant failure of a Head Start agency in an area of performance that the Secretary determines involves—

"(i) a threat to the health, safety, or civil rights of children or staff;

"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

"(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

"(iv) the misuse of funds received under this subchapter;

"(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

"(vi) failure to meet any other Federal or State requirement;

"(B) failure of the board of directors of a Head Start agency to fully exercise its legal and fiduciary responsibilities;

"(C) failure of a Head Start agency to meet the administrative requirements of section 644(b); or

So the amendment was agreed to. The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

“(D) failure of a Head Start agency to meet the integration requirements of section 642B(a).”;

(9) by inserting after paragraph (4), as so redesignated, the following:

“(5) The term ‘eligible entities’ means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood education programs.”;

(10) by inserting after paragraph (12), as so redesignated, the following:

“(13) The term ‘homeless children’ has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).”;

(11) by inserting after paragraph (14), as so redesignated, the following:

“(15) LIMITED ENGLISH PROFICIENT; LIMITED ENGLISH PROFICIENCY.—The terms ‘limited English proficient’ and ‘limited English proficiency’ mean with respect to an individual, that such individual—

“(A)(i) was not born in the United States or has a native language that is not English;

“(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

“(II) comes from an environment in which a language that is not English has had a significant impact on such individual’s level of English language proficiency; or

“(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

“(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to deny such individual—

“(i) the ability to successfully achieve in classrooms in which the language of instruction is English; or

“(ii) the opportunity to fully participate in society.”;

(12) by inserting after paragraph (19), as so redesignated, the following:

“(20) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means high quality activities that will enhance the school readiness of eligible children and prevent such children from encountering difficulties once they enter school by improving the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, including activities that—

“(A) provide teachers with the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

“(B) assist teachers in meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

“(C) improve teachers’ classroom management skills, as appropriate;

“(D) for teachers, are sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and teachers’ performance in the classroom;

“(E) are not primarily 1-day or short-term workshops or conferences, and attendance at activities that are 1-day or short-term workshops or conferences must be as part of the professional development plan defined in section 648A(f);

“(F) assist teachers and staff in increasing their knowledge and skills in program administration, program quality, and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families;

“(G) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

“(H) advance teacher understanding of effective instructional strategies that are—

“(i) based on scientifically based research; and

“(ii) strategies for improving school readiness or substantially increasing the knowledge and teaching skills of teachers;

“(I) are, where applicable, aligned with and directly related to—

“(i) challenging State academic content standards, student academic achievement standards, assessments, and the Head Start Child Outcomes Framework developed by the Secretary; and

“(ii) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1);

“(J) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

“(K) are developmentally appropriate for the children being served;

“(L) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of such children, as appropriate;

“(M) as a whole, are regularly evaluated for their impact on increased teacher and staff effectiveness and improved ability of teachers to support learning and increase participating children’s school readiness, with the findings of the evaluations used to improve the quality of professional development;

“(N) provide instruction in methods of teaching children with special needs, as appropriate;

“(O) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate; and

“(P) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate.”;

(13) by inserting after paragraph (21), as so redesignated, the following:

“(22) The term ‘scientifically based research’—

“(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

“(B) includes research that—

“(i) employs systematic, empirical methods that draw on observation or experiment;

“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

“(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

“(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

“(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”; and

(14) by inserting after paragraph (24), as so redesignated, the following:

“(25) The term ‘State educational agency’ has the meaning given such term in the Elementary and Secondary Education Act of 1965.

“(26) The term ‘unresolved area of non-compliance’ means a failure to correct a noncompliance item within 90 days, or within such additional time (if any) authorized by the Secretary, after receiving from the Secretary notice of such noncompliance item.

“(27) The term ‘auditor’ means a certified public accountant or a Federal, State, or local government audit organization, which meets the general standards specified in generally accepted government auditing standards.”.

SEC. 4. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended by inserting “for a period of 5 years” after “provide financial assistance to such agency”.

SEC. 5. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

“SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter \$6,899,000,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal years 2007 through 2011.

“(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available not more than \$20,000,000 for fiscal year 2006, and such sums as may be necessary for fiscal years 2007 through 2011 to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649, of which not more than \$7,000,000 for each of the fiscal years 2006 through 2011 to carry out impact studies under section 649(g).”.

SEC. 6. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

“(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

“(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2005 (including under any decision made by the Secretary under clause (ii) or (iv));

“(ii) migrant and seasonal Head Start programs shall receive at least 5 percent of the amount appropriated for such fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(i), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the

date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services prior to such reduction in funding; and

“(iii) Indian Head Start programs shall receive at least 3.5 percent of the amount appropriated for such fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children based on the data collected, and in accordance with the requirements of, section 648(i), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services prior to such reduction in funding;” and

(B) by amending subparagraph (B) to read as follows:

“(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States, and subject to the requirements of section 105(f)(1)(B)(ix) of Public Law 108-188 to Palau;”;

(C) by amending (C) to read as follows:

“(C) training and technical assistance activities to foster program quality and management improvement as described in section 648, in an amount for each fiscal year which is equal to 2 percent of the amount appropriated for such fiscal year, of which—

“(i) not less than 50 percent shall be made available to local Head Start agencies to make program improvements identified by such agencies and comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

“(ii) not less than 20 percent shall be made available to support a State system of early childhood education training and technical assistance, including the State Early Learning Council described in section 642B(b);

“(iii) not less than 30 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1) and shall be allocated to address program weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c); and

“(iv) not less than \$3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(d)(4);” and

(D) by striking the last sentence.

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)(I) by striking “year 1999” and all that follows down to the semicolon and inserting “years 2006 through 2011”; and

(ii) by adding at the end the following:

“(iii) After the reservation of amounts under paragraph (2) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available—

“(I) to expand services to underserved populations, such as children receiving services under Early Head Start programs and under migrant and seasonal Head Start programs; and

“(II) to increase funding to grantees with full enrollment and whose aggregate amount of financial assistance provides funding per child that is below the national average.”;

(B) by amending subparagraph (B) to read as follows:

“(B) Funds reserved under this paragraph (in this paragraph referred to as ‘quality improvement funds’) shall be used to accomplish the following goals:

“(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

“(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with limited English proficiency, children referred by child welfare services, and children with disabilities, when appropriate.

“(iii) Developing and financing the salary scales described under section 644(a)(3) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

“(iv) Using salary increases—

“(I) to assist with the implementation of quality programs and improve staff qualifications;

“(II) to ensure that staff can promote the language skills and literacy growth of children and can provide children with a variety of skills that have been identified, through scientifically based early reading research, as predictive of later reading achievement; and

“(III) to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

“(iv) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

“(v) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

“(vi) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

“(vii) Providing assistance to complete postsecondary course work including scholarships or other financial incentives, such as differential and merit pay, to enable Head Start teachers to improve competencies and the resulting child outcomes.

“(viii) Upgrading the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

“(ix) Promoting the regular attendance and stability of all children participating in Head Start programs, with particular attention to highly mobile children, including children from migrant and seasonal farm worker families (if appropriate), homeless children, and children in foster care.

“(x) Making such other improvements in the quality of such programs as the Secretary may designate.”; and

(C) by amending subparagraph (C) to read as follows:

“(C) Quality improvement funds shall be used to carry out the activities in any or all of the following clauses:

“(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

“(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

“(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary may carry out the activities described in clauses (ii) through (vii).

“(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

“(I) to promote children’s language and prereading growth, through techniques identified through scientifically based reading research;

“(II) to promote the acquisition of the English language for limited English proficient children and families, while ensuring that children are making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

“(III) to foster children’s school readiness through activities described in section 648A(a)(1); and

“(IV) to provide education and training necessary to improve the qualifications of Head Start staff, particularly assistance to enable more instructors to be fully competent and to meet the degree requirements under section 648A(a)(2)(A), and to support staff training, child counseling, and other services necessary to address the challenges of children participating in Head Start programs, including children from immigrant, refugee, and asylee families, children from families in crisis, children who experience chronic violence in their communities, children who experience substance abuse in their families, and children with emotional and behavioral problems.

“(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio, lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

“(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

“(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

“(vi) To conduct outreach to homeless families in an effort to increase the program participation of homeless children.

“(vii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.

“(viii) Such other activities as the Secretary may designate.”;

(3) in paragraph (4) by striking “1998” in subparagraph (A) and inserting “2005”;

(4) in paragraph (5) by amending subparagraphs (A), (B), and (C) to read as follows:

“(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B) and (D).

“(B) From the reserved sums in paragraph (4), the Secretary shall award a collaboration grant to any State that submits a written request. Such grant shall be equal to the amount the State received under this paragraph for such activity for fiscal year 2005. Such grant shall be used by the State to facilitate collaboration regarding activities carried out in the State under this subchapter, and other activities carried out in and by the State that are designed to benefit low-income children and families and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance under the Child Care and Development Block Grant Act of 1990 and the entities that provide child care resource and referral services in the State) in order to better meet the needs of low-income children and their families.

“(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall appoint an individual to serve as the State Director of Head Start Collaboration to be a liaison between the appropriate regional office of the Administration for Children and Families and agencies carrying out Head Start programs in the State. The State shall—

“(i) ensure that such Director holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies and local entities, including—

“(I) the State educational agency;

“(II) the State Department of Health and Human Services;

“(III) the State agency that oversees child care;

“(IV) the State agency that assists children with developmental disabilities;

“(V) the State Head Start Association;

“(VI) the State network of child care resource and referral agencies;

“(VII) local educational agencies;

“(VIII) community-based and faith-based organizations;

“(IX) representatives of migrant and seasonal Head Start programs located in the State;

“(X) representatives of Indian Head Start programs located in the State;

“(XI) State and local providers of early childhood education and child care, including providers with experience serving children with limited English proficiency; and

“(XII) other entities carrying out programs serving low-income children and families in the State;

“(ii) involve the entities described in clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and to implement strategies based on a needs assessment, which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed not later than 1 year after the date of enactment of the School

Readiness Act of 2005 and be updated on an annual basis and shall be made available to the general public within the State;

“(iii) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.)), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act of 2001 (42 U.S.C. 11432(g)(1)(J)(ii));

“(iv) require the State Director of Head Start Collaboration to—

“(I) serve on the Early Learning Council pursuant to section 642B(b);

“(II) consult with the Early Learning Council, chief State school officer, local educational agencies, representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards;

“(III) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local child care resource and referral agencies, local early childhood councils, providers of early childhood education and care, and other relevant State and local agencies, and representatives of the State Head Start Association to plan for the provision of full-working-day, full-calendar-year early care and education services for eligible children with working parents who have a demonstrated need;

“(IV) consult with the chief State school officer, local educational agencies, other State and local agencies administering the State prekindergarten program, as applicable, and Head Start agencies to improve alignment between Head Start programs and State-funded prekindergarten activities to meet shared goals of school readiness; and

“(V) establish improved linkages between Head Start agencies and other children and family agencies, including agencies that provide health, mental health or family services or other child and family support services.”;

(C) in subparagraph (D)(i) by inserting “and providers of services supporting early childhood education and child care” after “Associations”; and

(D) by amending paragraph (6)(A) to read as follows:

“(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for each of the fiscal years 2006 through 2011, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B).”;

(b) SERVICE DELIVERY MODELS.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended by inserting before the period at the end the following: “, including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care”.

(c) MAINTENANCE OF SERVICE LEVELS.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(1) by striking “For the purpose of expanding Head Start programs, in” and inserting “In”;

(2) by amending subparagraph (C) to read as follows:

“(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and Federal, State, and local public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities and homeless children including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));”;

(3) in subparagraph (D) by striking “other local” and inserting “the State and local”;

(4) in subparagraph (E) by inserting “would like to participate but” after “community who”;

(5) in subparagraph (G)—

(A) by inserting “leverage the existing delivery systems of such services and” after “manner that will”; and

(B) by striking “and” at the end;

(6) in subparagraph (H)—

(A) by inserting “, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)),” after “community involved”;

(B) by striking “plans to coordinate” and inserting “successfully coordinated its activities”; and

(C) by striking the period at the end and inserting “; and”; and

(7) by adding at the end the following:

“(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to serve each enrolled child.”.

(d) VEHICLE SAFETY REQUIREMENTS.—Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking “(i) The” and inserting the following:

“(i) TRANSPORTATION SAFETY.—

“(1) REGULATIONS.—The”; and

(2) by adding at the end the following:

“(2) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary may waive for a period of up to one year the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

“(i) such requirements pertain to child restraint systems and bus monitors;

“(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

“(iii) is in the best interest of the child.

“(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).”.

(e) MIGRANT AND SEASONAL HEAD START PROGRAMS.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to meet such needs, including training

and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.”; and

(2) by adding at the end the following:

“(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

“(B) The consultations shall be for the purpose of better meeting the needs of American Indian and Alaska Native children and families pertinent to subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services within tribal communities.

“(C) The Secretary shall publish a notification of the consultations in the Federal Register prior to conducting the consultations.

“(D) A detailed report of each consultation shall be prepared and made available, on a timely basis, to all tribal governments receiving funds under this subchapter.”.

(f) ENROLLMENT OF HOMELESS CHILDREN.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

“(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such regulations shall require Head Start agencies—

“(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

“(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

“(3) coordinate individual Head Start centers and programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

“(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

“(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age and developmentally appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.”.

SEC. 7. DESIGNATION OF AGENCIES.

(a) AUTHORITY TO DESIGNATE.—Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended to read as follows:

“(a) AUTHORITY TO DESIGNATE.—

“(1) IN GENERAL.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit or for-profit agency within a State, including a community-based or faith-based organization that—

“(A) has power and authority to carry out the purpose of this subchapter and perform the functions set forth in section 642 within a State; and

“(B) is determined to be capable of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Head Start program.

“(2) DESIGNATION REQUIREMENTS.—To be designated as a Head Start agency and to receive financial assistance under this subparagraph, an entity described in subparagraph (1) shall—

“(A) establish measurable objectives for—

“(i) the school readiness of children participating in the program under this subchapter;

“(ii) meeting the performance standards described in section 641A;

“(iii) educational instruction in prereading, premathematics, and language skills; and

“(iv) the provision of health, educational, nutritional, social and other services related to school readiness; and

“(B) align curricula to challenging State developed academic content standards and the Head Start Child Outcomes Framework developed by the Secretary.

“(3) ELIGIBILITY FOR SUBSEQUENT FINANCIAL ASSISTANCE.—In order to receive financial assistance under this subchapter subsequent to the initial financial assistance provided following the effective date of this subsection, an entity described in paragraph (1) shall demonstrate that the entity has met the measurable objectives described in paragraph (2);

“(4) MEASURING PROGRESS.—Progress in meeting such measurable objectives shall not be measured primarily or solely by the results of assessments.”.

(b) PRIORITY IN DESIGNATION.—Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended to read as follows:

“(c) CONSULTATION.—In the administration of this section, the Secretary shall, in consultation with the chief executive officer of the State involved, give priority in the designation of Head Start agencies to Head Start agencies that—

“(1) are receiving assistance under this subchapter on the effective date of this subsection;

“(2) meet or exceed program and financial management requirements, standards described in section 641A(a);

“(3) meet or exceed the education standards and requirements described in section 641A(a)(1)(B);

“(4) have no unresolved area of non-compliance;

“(5) have not been deemed to have a deficiency since the then most recent designation;

“(6) employ qualified staff (including in center-based programs, a teaching staff of whom at least 50 percent have an associate, baccalaureate, or advanced degree in early child education or a related field), except that the Secretary may waive the application of this paragraph, for a period not to exceed 3 years, for Head Start programs operating in rural areas, for migrant and seasonal Head Start programs, and for Indian Head Start programs, on a case-by-case basis, if the program demonstrates progress in increasing the qualifications of teaching staff and demonstrates adequate instructional supervision by qualified staff;

“(7) were not deemed by the Secretary as chronically under-enrolled since the then most recent designation;

“(8) utilize curricula based on scientifically based research that are aligned with challenging State developed academic content standards and the Head Start Child Outcomes Framework developed by the Secretary;

“(9) demonstrate active partnerships with local educational agencies serving the

same communities to facilitate smooth transitions to kindergarten;

“(10) actively implement a memorandum of understanding described in section 642B(a) and additional collaborative partnerships with organizations that enhance the delivery of services to children;

“(11) demonstrate success in improving child outcomes across all domains of development, including measurable progress in language skills, prereading knowledge, and premathematics knowledge;

“(12) maintain classroom environments constructive to early learning and future school success;

“(13) demonstrate strong parental involvement and activities to develop parent skills to support their children’s educational development and ability to participate effectively in decisions relating to the education of their children;

“(14) are overseen by a board described in section 642(b) that provides direction and actively oversees all program activities;

“(15) document strong fiscal controls, including—

“(A) the employment of well-qualified fiscal staff with a history of successful management of a public or private organization;

“(B) having no reportable material weaknesses with applicable laws and regulations on all annual financial audits performed since the most recent designation;

“(C) meeting or exceeding annual requirements for financial support under section 640(b); and

“(D) maintaining total administrative costs at or below 15 percent of total program costs;

“(16) are licensed to operate in accordance with all applicable State child care regulations;

“(17) conduct outreach activities to ensure that services are provided to the most at-risk families in the community;

“(18) have developed strong community partnerships with public and private organizations, such as businesses, health, providers of early childhood education, and social service providers; and

“(19) provide opportunities for ongoing professional development.”.

(c) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—Section 641(d) of the Head Start Act (43 U.S.C. 9836(d)) is amended to read as follows:

“(d) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

“(1) IN GENERAL.—If no entity in a community is entitled to the priority specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

“(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

“(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

“(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school;

“(C) the capacity of such applicant to serve eligible children with curriculum and teaching practices based on scientifically based research that promote the school readiness of children participating in the program;

“(D) the plan of such applicant to meet standards set forth in section 641A(a)(1), with

particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

“(E) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

“(F) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out with other educational programs for young children, including—

“(i) the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

“(ii) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(iii) State prekindergarten programs;

“(iv) child care programs;

“(v) the educational programs that the children participating in the Head Start program involved will enter at the age of compulsory school attendance; and

“(vi) reading readiness programs such as those conducted by public and school libraries;

“(G) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

“(H) the plan of such applicant—

“(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

“(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

“(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

“(I) family literacy services; and

“(II) parenting skills training;

“(iv) to offer to parents of participating children, substance abuse counseling (either directly or through referral to local entities), including information on the effect of drug exposure on infants and fetal alcohol syndrome;

“(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

“(I) training in basic child development (including cognitive development);

“(II) assistance in developing literacy and communication skills;

“(III) opportunities to share experiences with other parents (including parent mentor relationships);

“(IV) regular in-home visitation;

“(V) mental and behavioral health services; or

“(VI) any other activity designed to help such parents become full partners in the education of their children;

“(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

“(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the

role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

“(I) in appropriate cases, including fathers in home visits and providing opportunities for direct father-child interactions; and

“(II) targeting increased male participation in the conduct of the program;

“(I) the ability of such applicant to carry out the plans described in paragraphs (2), (4), and (5);

“(J) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

“(K) the plan of such applicant to meet the diverse cultural needs of the population served;

“(L) the plan of such applicant to meet the needs of children with disabilities;

“(M) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program, to obtain health services from other sources;

“(N) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community, including private entities and charter schools offering pre-kindergarten;

“(O) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care;

“(P) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based educational curricula aligned with challenging State-developed academic content standards, the Head Start Child Outcomes Framework developed by the Secretary, and the State early learning standards in States in which such standards are developed;

“(Q) the plan of such applicant to enter into memoranda of understanding with local educational agencies, child care providers, and other entities within the service area; and

“(R) other factors related to the requirements of this subchapter.”.

(d) SELECTION OF APPLICANTS.—Section 641(g) of the Head Start Act (43 U.S.C. 9836(g)) is amended to read as follows:

“(g) ISSUANCE OF RULES.—Not later than 180 days after the enactment of the School Readiness Act of 2005, the Secretary shall issue rules to carry out this section.”.

SEC. 8. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) by amending paragraph (1)(B)—

(A) in clause (i)—

(i) by inserting “based on sound scientific evidence” after “standards”; and

(ii) by inserting “and sustained academic gains” after “readiness”; and

(B) by amending clause (ii) to read as follows:

“(i) additional scientifically-based education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

“(I) language knowledge and skills, including oral language and listening comprehension;

“(II) prereading knowledge and skills that prepare children for early literacy in schools, including phonological awareness, print awareness and print skills, and alphabetic knowledge;

“(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

“(IV) cognitive abilities related to academic achievement and child development;

“(V) social and emotional development related to early learning, school success, and sustained academic gains;

“(VI) approaches to learning related to child development and early learning; and

“(VII) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in subclauses (I) through (IV);”;

(2) in paragraph (2)—

(A) by amending subparagraph (B) to read as follows:

“(B) take into consideration—

“(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

“(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

“(iii) developments concerning research based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

“(iv) projected needs of an expanding Head Start program;

“(v) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children’s motor development and overall health and nutrition;

“(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

“(vii) scientifically based research to ensure that children participating in Head Start programs make a successful transition to schools that the children will be attending; and

“(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and”;

(B) in subparagraph (C)(ii) by striking “the date” and all that follows through “Act of 1998”, and inserting “October 27, 1998”; and

(3) by adding at the end the following:

“(4) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

“(A) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

“(i) procedures for evaluating delegate agencies;

“(ii) procedures for defunding delegate agencies; and

“(iii) procedures for appealing a defunding decision relating to a delegate agency.

“(B) EVALUATIONS.—Each Head Start agency—

“(i) shall evaluate its delegate agencies using the procedures established pursuant to this section, including subparagraph (A); and

“(ii) shall inform the delegate agencies of the deficiencies identified through the evaluation that shall be corrected.

“(C) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency for a delegate agency through the evaluation, the Head Start agency may—

“(i) initiate procedures to terminate the designation of the agency unless the agency corrects the deficiency;

“(ii) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and

“(iii) release funds to such delegate agency only as reimbursements until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.”

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to impact or obviate the responsibilities of the Secretary with respect to Head Start agencies or delegate agencies receiving funding under this subchapter.”

(b) RESULTS-BASED PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

“(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

“(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

“(C) be developed for other program purposes as determined by the Secretary;

“(D) be appropriate for the population served; and

“(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subparagraphs (A) and (B) of subsection (a)(1).”

(2) by amending paragraph (3) to read as follows:

“(3) USE OF MEASURES.—

“(A) The Secretary shall use the performance measures pursuant to this subsection to identify—

“(i) strengths and weaknesses in the operation of Head Start programs nationally, regionally, and locally as appropriate; and

“(ii) program areas that may require additional training and technical assistance resources.

“(B) The Secretary shall provide a detailed justification to the Congress regarding the planned uses of the data collected by the National Reporting System developed by the Secretary and shall demonstrate its scientific validity and reliability for such purposes, including its scientific validity and reliability with children with limited English proficiency for such purposes;

“(C) The Secretary shall not use the National Reporting System assessment results either as the primary method for assessing program effectiveness or as the primary method for making grantee funding determinations.

“(D) The Secretary shall develop a process to ensure that the National Reporting System shall not be used to exclude children from Head Start programs.”; and

(3) by amending paragraph (4) to read as follows:

“(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child’s school readiness and later performance in school.”

(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by inserting “develop and utilize a risk-based assessment system to” after “shall”;

(B) by amending subparagraph (C) to read as follows:

“(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 6 months after the date of such finding.”; and

(C) by amending subparagraph (D) to read as follows:

“(D) Unannounced site inspections of Head Start centers and other reviews, as appropriate.”;

(2) by amending paragraph (2) to read as follows:

“(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

“(A) that incorporate a monitoring visit, may be done without prior notice of the visit to the local agency or program;

“(B) are conducted by review teams composed of individuals who are knowledgeable about the program areas they are reviewing and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

“(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, including strengths and areas for improvement, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

“(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

“(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

“(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

“(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families);

“(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C); and

“(I) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and based on a transparent and reliable system of review.”

(d) CORRECTIVE ACTION; TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1) by amending the matter preceding subparagraph (A) to read as follows:

“(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant

to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—”;

(2) by amending paragraph (2) to read as follows:

“(2) QUALITY IMPROVEMENT PLAN.—

“(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

“(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

“(I) the deficiencies to be corrected;

“(II) the actions to be taken to correct such deficiencies; and

“(III) the timetable for accomplishment of the corrective actions specified; and

“(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

“(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

“(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.”; and

(3) in paragraph (3) by inserting “and programs” after “agencies”;

(4) by amending subsection (e) to read as follows:

“(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication.”; and

(5) by adding at the end the following:

“(f) REDUCTION OF GRANTS AND REDISTRIBUTION OF FUNDS IN CASES OF UNDER-ENROLLMENT.—

“(1) DEFINITIONS.—In this subsection:

“(A) ACTUAL ENROLLMENT.—The term ‘actual enrollment’ means, with respect to a Head Start program, the actual number of children enrolled in such program in a given month.

“(B) BASE GRANT.—The term ‘base grant’ means, with respect to a Head Start agency for a fiscal year, that portion of the grant derived—

“(i) from amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

“(ii) from amounts reserved for payments under section 640(a)(2)(B); or

“(iii) from amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

“(C) FUNDED ENROLLMENT.—The term ‘funded enrollment’ means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant agreement.

“(2) ENROLLMENT REPORTING REQUIREMENT FOR CURRENT FISCAL YEAR.—Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—

“(A) the actual enrollment in such program; and

“(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

“(3) SECRETARIAL REVIEW AND PLAN.—The Secretary shall—

“(A) on a semiannual basis, determine which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment based on not less than the average of 4 consecutive months of data;

“(B) for each such Head Start agency operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, as determined under subparagraph (A), develop, in collaboration with such agency, a plan and timetable for reducing or eliminating under-enrollment taking into consideration—

“(i) the quality and extent of the outreach, recruitment, and community needs assessment conducted by such agency;

“(ii) changing demographics, mobility of populations, and the identification of new underserved low-income populations;

“(iii) facilities-related issues that may impact enrollment;

“(iv) the ability to provide full-day programs, where needed, through Head Start funds or through collaboration with entities carrying out other preschool or child care programs, or programs with other funding sources (where available);

“(v) the availability and use by families of other preschool and child care options (including parental care) in the local catchment area; and

“(vi) agency management procedures that may impact enrollment; and

“(C) provide timely and ongoing technical assistance to each agency described in subparagraph (B) for the purpose of implementing the plan described in such subparagraph.

“(4) IMPLEMENTATION.—Upon receipt of the technical assistance described in paragraph (3)(C), a Head Start agency shall immediately implement the plan described in paragraph (3)(B).

“(5) SECRETARIAL ACTION FOR CONVERSION TO SERVE YOUNGER CHILDREN.—If, after implementing the plan described in paragraph (3)(B), the grantee continues to operate a program at less than full enrollment, the grantee may, upon approval by the Secretary, be permitted to use a portion of the base grant equal to the percentage difference between funded enrollment and actual enrollment for the most then recent year, to serve persons described in section 645A(c) if such agency currently operates a grant de-

scribed in section 645A and submits an application containing—

“(A) evidence of community need for such services;

“(B) a description of how the needs of pregnant women, infants, and toddlers will be addressed in accordance with section 645A(b) and with regulations prescribed by the Secretary pursuant to section 641A in areas including—

“(i) the approach to childhood development and health services; and

“(ii) the approach to family and community partnerships; and approach to program design and management;

“(C) assurances that the agency will participate in technical assistance activities for newly funded and existing grantees under section 654A; and

“(D) evidence that the agency meets the eligibility criteria as grantees under section 645A.

Any grantee permitted to serve children under this paragraph shall be subject to the rules, regulations, and conditions under section 645A.

“(6) SECRETARIAL ACTION FOR CONTINUED UNDER-ENROLLMENT.—If, 1 year after the date of implementation of the plan described in paragraph (3)(B), the Head Start agency continues to operate a program at less than full enrollment, the Secretary shall, where determined appropriate, continue to provide technical assistance to such agency.

“(7) SECRETARIAL REVIEW AND ADJUSTMENT FOR CHRONIC UNDER-ENROLLMENT.—

“(A) IN GENERAL.—If, after receiving technical assistance and developing and implementing a plan to the extent described in paragraphs (3), (4), (5), and (6) for 6 months, a Head Start agency is still operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, the Secretary may—

“(i) designate such agency as chronically under-enrolled; and

“(ii) recapture, withhold, or reduce the base grant for the program by a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year in which the agency is determined to be under-enrolled under paragraph (2)(B).

“(B) WAIVER OR LIMITATION OF REDUCTIONS.—If the Secretary, after the implementation of the plan described in paragraph (3)(B), finds that—

“(i) the shortfall can reasonably be expected to be temporary; or

“(ii) the number of slots allotted to the agency is small enough that under-enrollment does not constitute a significant shortfall,

the Secretary may, as appropriate, waive or reduce the percentage recapturing, withholding, or reduction otherwise required by subparagraph (A).

“(C) PROCEDURAL REQUIREMENTS; EFFECTIVE DATE.—The actions taken by the Secretary under this paragraph with respect to a Head Start agency shall take effect 1 day after the date on which—

“(i) the time allowed for appeal under section 646(a) expires without an appeal by the agency; or

“(ii) the action is upheld in an administrative hearing under section 646.

“(8) REDISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant in accordance with paragraph (7) in a fiscal year shall be redistributed in such fiscal year as follows:

“(i) If such funds are attributable to the portion of a base grant derived from amounts specified in paragraph (1)(B)(i) payable, but for the operation of this paragraph, to carry out an Indian Head Start program, then such

funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Indian Head Start programs.

“(ii) If such funds are attributable to the portion of a base grant derived from amounts specified in paragraph (1)(B)(i) payable, but for the operation of this paragraph, to carry out a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

“(iii) If such funds are attributable to the portion of a base grant derived from amounts specified in clause (ii) or (iii) of paragraph (1)(B) payable, but for the operation of this paragraph, to carry out a Head Start program (excluding Indian Head Start programs, and migrant and seasonal Head Start programs) in a State, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more—

“(I) other Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State; or

“(II) if the Secretary determines that children eligible under section 641 are being adequately served within such State, 1 or more Early Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) or 1 or more Head Start programs for the purpose of becoming a grantee pursuant to section 645A.

“(B) ADJUSTMENT TO FUNDED ENROLLMENT.—The Secretary shall adjust as necessary the requirements relating to funded enrollment indicated in the grant agreement of a Head Start agency receiving funds redistributed under this paragraph.”.

SEC. 9. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

(a) QUALIFICATIONS FOR DESIGNATION.—Section 642(b) of the Head Start Act (42 U.S.C. 9837(b)) is amended to read as follows:

“(b) In order to be so designated, a Head Start agency shall do all of the following:

“(1) Establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section.

“(2) Demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program.

“(3) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

“(4) Establish an independent board of directors selected from among eligible individuals who shall serve on the board (or may designate an existing entity whose members are eligible individuals, that shall be such board) for a period not to exceed 5 years, except that board members who oversee a public entity and who are selected by election (or members of a board of a local educational agency or a local council, appointed by an elected official or an official of a general purpose local government), may serve for such period as may be determined by the electing or appointing authority, as the case may be. An individual who has a conflict of interest is ineligible to serve as a member of the board. Members of the board of all non-public entities shall include representatives of the local community (including at least 1 member with significant financial management or accounting experience and the chair of (or the designee of the chair, approved by) the council described in section 642(b)(4)(B)(ii)). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other

areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board shall receive training in the management responsibilities and obligations, ethics, and financial literacy and management, and shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. The board shall provide direction to the executive director of the Head Start agency and shall operate as an entity independent of staff employed by the Head start agency, entity, or applicant and have the following duties and responsibilities:

“(A) To provide independent oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644.

“(B) To establish 2 or more standing committees to facilitate governance of the Head Start agency which shall include both of the following:

“(i) An audit and finance committee whose primary responsibility shall be—

“(I) to approve annually the operating budget of the Head Start agency;

“(II) to review and recommend to the board the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee except when the auditor is assigned by the State under State law;

“(III) to review and recommend to the board the termination or extension of the existing audit firm at least once every 5 years;

“(IV) to review and advise the board of the audit management letter provided pursuant to the chapter 75 of title 31 of the United States Code, and of any audit findings; and

“(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices.

“(ii) A policy council, a majority of whose representatives shall be parents of children participating in a Head Start program or in an Early Head Start program, or of children who participated in a Head Start program or in an Early Head Start program in the then most recent 5-year period preceding the selection of the particular representative involved, and whose primary responsibility shall be to serve as a link between parents and the board of directors and to make and submit recommendations on the following activities to the Board:

“(I) The strategic direction of the program, including long and short-term planning goals and objectives.

“(II) Program operation policies, including standards of conduct for program staff and volunteers.

“(III) Activities to support the active involvement of parents in supporting program operations.

“(IV) Classroom activities and staffing.

“(V) Program responsiveness to community and parent needs.

“(VI) Other areas the committee identifies as necessary to improve program operations.

“(C) To approve the selection and dismissal of the Head Start director, and to review annually the human resources available to ensure the effective operation of the Head Start agency.

“(D) To consult, on a regular basis, with the policy council and to take actions on recommendations submitted by such council.

“(E) To review and approve the major operational policies of the Head Start agen-

cy, including policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits).

“(F) To ensure that the Head Start agency is operated in compliance with applicable Federal, State, and local laws (including regulations), and to monitor agency implementation of any corrective action necessary to comply with applicable laws (including regulations);

“(G) To oversee the program planning of the Head Start agency, including adoption of the Head Start agency philosophy and mission statement, adoption of policies for determining community needs, setting long- and short-range goals and objectives, establishment of criteria for selecting families in Head Start programs or Early Head Start programs, and to oversee and approve the agency's applications to receive funds made available under this subchapter; and

“(H) To establish, to adopt, and to periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

“(i) any conflict of interest, and any appearance of a conflict of interest, by board members, officers, employees, consultants, and agents who provide services or furnish goods to the Head Start agency; and

“(ii) complaints, including investigations, when appropriate.

“(5) To seek the involvement of parents, area residents, and local business in the design and implementation of the program.

“(6) To provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

“(7) To establish effective procedures to facilitate the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start program select the parent representatives to serve on the council under section 642(b)(4)(B)(ii).

“(8) To conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

“(9) To offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

“(10) To offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome.

“(11) At the option of such agency, to offer (directly or through referral to local entities), to such parents—

“(A) training in basic child development (including cognitive development);

“(B) assistance in developing literacy and communication skills;

“(C) opportunities to share experiences with other parents (including parent-mentor relationships);

“(D) mental and behavioral health services;

“(E) regular in-home visitation; or

“(F) any other activity designed to help such parents become full partners in the education of their children.

“(12) To provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

“(13) To consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources.

“(14) To perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

“(15)(A) To inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

“(B) To refer eligible parents to the child support offices of State and local governments.

“(16) To provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.”

(b) COORDINATION AND COLLABORATION.—Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended to read as follows:

“(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.”

(c) OTHER COORDINATION.—Section 642(d) of the Head Start Act (42 U.S.C. 9837(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraph (5) through (7), respectively;

(2) by inserting after paragraph (1) the following:

“(2) COORDINATION.—

“(A) LOCAL EDUCATIONAL AGENCY.—In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children.

“(B) ELEMENTARY SCHOOLS.—Head Start staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

“(i) to share information about such children;

“(ii) to receive advice and support from the teachers in such elementary schools participating in Early Reading First programs funded under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 regarding scientifically based teaching strategies and options; and

“(iii) to ensure a smooth transition to elementary school for such children.

“(C) OTHER EARLY EDUCATION AND CHILD DEVELOPMENT PROGRAMS.—The head of each Head Start agency shall coordinate activities and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other entities carrying out early childhood education and development programs, programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), serving the children and families served by the Head Start agency.

“(D) OTHER PROGRAMS.—Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

“(3) COLLABORATION.—A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

“(A) collaborating on the shared use of transportation and facilities;

“(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

“(C) exchanging information on the provision of noneducational services to such children.

“(4) PARENTAL INVOLVEMENT.—In order to promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall work with the local educational agency—

“(A) to provide training to the parents—

“(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

“(ii) to enable the parents—

“(I) to understand and work with schools in order to communicate with teachers and other school personnel;

“(II) to support the schoolwork of their children; and

“(III) to participate, as appropriate, in decisions relating to the education of their children; and

“(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.”;

(3) in paragraph (5), as so redesignated—

(A) by striking “A” and inserting “Each”;

(B) by striking “may” and inserting “shall”;

(C) by striking “and” at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following:

“(B) collaborating to increase the program participation of underserved populations of eligible children; and”;

and

(4) by adding at the end the following:

“(8) Head Start agencies shall implement a research-based early childhood curricula that promotes young children’s school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional development, physical development, and approaches to learning. Such curricula shall be—

“(A) based on scientifically based research and have standardized training procedures and published curriculum materials to support implementation; and

“(B) comprehensive, outcomes based, and linked to ongoing assessment with instructional goals and measurable objectives.

“(9) Head Start agencies shall use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children’s daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the program’s curricula and Section 641A(a)(1).

“(10) For the purpose of meeting the performance standards, Head Start agencies shall use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children from a range of racial, ethnic, linguistic, and cultural backgrounds.

“(11) Head Start agencies may develop or maintain partnerships with institutions of higher education and non-profit organizations that recruit, train, place, and support college students to serve as mentors and reading coaches to preschool children in Head Start programs.”.

(d) ASSESSMENT.—Section 642 of the Head Start Act (42 U.S.C. 9837) is amended by striking subsection (e) and inserting the following:

“(e) ASSESSMENT.—Each Head Start agency shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula.

“(f) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.”.

SEC. 10. HEAD START ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended—

(1) by amending the heading to read as follows:

“SEC. 642A. HEAD START ALIGNMENT WITH K-12 EDUCATION.”;

(2) in paragraph (2)—

(A) by inserting “ongoing” after “establishing”; and

(B) by inserting “McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)),” after “social workers.”;

(3) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively; and

(4) by inserting the following after paragraph (2):

“(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children’s learning and development as they make such transition to school;

“(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;”;

(5) by amending paragraph (7), as so redesignated, to read as follows:

“(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435);”;

(6) in paragraph (8), as so redesignated—

(A) by inserting “and continuity in parental involvement activities” after “developmental continuity”; and

(B) by striking “and” at the end;

(7) by amending paragraph (9), as so redesignated, to read as follows:

“(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;”;

(8) by adding at the end the following:

“(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child’s academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

“(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

“(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program is aligned with—

“(A) State early learning standards with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate; and

“(B) the Head Start Child Outcomes Framework developed by the Secretary.”.

SEC. 11. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642A the following:

“SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

“(a) LOCAL INTEGRATION.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies, State-funded preschool and other early childhood programs. Head Start agencies shall operate in a manner consistent with the goal of creating and expanding an efficient and effective system of early childhood and school readiness services in each State and community, while maintaining compliance with standards under section 641A(a).

“(1) MEMORANDA OF UNDERSTANDING.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of

publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

“(A) Educational activities, curricula, and instruction aligned to challenging State developed educational activities, curricula, and instruction aligned to challenging State developed academic content standards.

“(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

“(C) Selection priorities for eligible children to be served by programs.

“(D) Service delivery areas.

“(E) Staff training, including opportunities for joint staff training on topics such as academic content standards and instructional methods.

“(F) Program technical assistance.

“(G) Provision of additional services to meet the child care needs of working parents.

“(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

“(I) Provision and use of facilities, transportation, and other program elements.

“(J) Other elements mutually agreed to by the parties to such memorandum.

“(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

“(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

“(A) If a Head Start agency is unable to comply with the requirement in (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into within 30 days, the Secretary shall make 1 of the following determinations:

“(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such memorandum despite reasonable efforts on the part of the Head Start agency.

“(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

“(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

“(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found to have a deficiency and shall be considered by the Secretary in the same manner as other deficiency findings.

“(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

“(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to

such memorandum, in alignment with the beginning of the school year.

“(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State, and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

“(b) STATEWIDE INTEGRATION.—From the amounts reserved under section 640(a)(2)(C)(ii), the Secretary shall award an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

“(1) establish a State Early Learning Council, which shall include the State Director of Head Start Collaboration, representatives from the State preschool programs, representatives of local educational agencies, the State official who oversees child care programs, the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), the State official who oversees the State educational agency, and representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs. The chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

“(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 30 percent of the cost of carrying out this subsection;

“(3) direct the Early Learning Council—

“(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

“(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, school districts, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

“(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop a coherent sequence of standards for children age 3 through the early elementary grades to effect a smooth transition to and success in the early elementary grades;

“(D) to conduct periodic statewide needs assessments concerning early care and education programs for children from birth to school entry;

“(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

“(F) to develop recommendations regarding means of establishing a unified data col-

lection system for early care and education programs operating throughout the State;

“(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

“(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b); and

“(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to alter the provisions of this Act.

“(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.”.

SEC. 12. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended—

(1) in subsection (a)—

(A) by inserting “(1) STANDARDS.—” after “(a)”; and

(B) by inserting after the 3d sentence the following:

“(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child:

“(A) The total amount of public and private funds received and the amount from each source.

“(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

“(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

“(D) The results of the most recent review by the Secretary and the financial audit.

“(E) The percentage of enrolled children that received medical and dental exams.

“(F) Information about parent involvement activities.

“(G) The agency’s efforts to prepare children for kindergarten.

“(H) Any other information that describes the activities of the agency.

“(3) PROCEDURAL CONDUCT.—” and

(2) in subsection (f)(2)

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

“(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;”.

SEC. 13. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(i)—

(i) by striking “to a reasonable extent” and inserting “not to exceed 10 percent of the total enrollment”;

(ii) by striking “benefit from such programs” and inserting “benefit from such programs, including children referred by child welfare services.”; and

(iii) by inserting “(a homeless child shall be deemed to meet the low-income criteria)” before the semicolon; and

(2) by adding at the end the following:

“(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.”.

SEC. 14. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A(b) of the Head Start Act (42 U.S.C. 9840a(b)) is amended—

(1) by amending paragraphs (4) and (5) to read as follows:

“(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

“(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services, and family support services);”;

(2) by amending paragraph (8) to read as follows:

“(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);”;

(3) by redesignating paragraph (9) as paragraph (11); and

(4) by inserting after paragraph (8) the following:

“(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program into a Head Start program or another local early childhood education program;

“(10) establish channels of communication between staff of Early Head Start programs and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and”.

(b) MIGRANT AND SEASONAL PROGRAMS; COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d) of the Head Start Act (42 U.S.C. 9840a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and”;

(2) in paragraph (2) by inserting “, including community- and faith-based organizations” after “entities” the 2d place it appears.

(c) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—Section 645A(g)(2)(B) of the Head

Start Act (42 U.S.C. 9640a(g)(2)(B)) is amended—

(1) in clause (iii) by striking “and” at the end;

(2) in clause (iv) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(v) providing professional development designed to increase program participation for underserved populations of eligible children.”.

(d) CENTER-BASED STAFF.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended by adding at the end the following:

“(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2008, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers have a minimum of a child development associate credential or an associate degree, and have been trained (or have equivalent course work) in early childhood development.”.

SEC. 15. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 645A the following:

“SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES, INCLUDING NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

“(a) DEFINITIONS.—For purposes of this section:

“(1) The term ‘health care service’ includes—

“(A) any nonemergency intrusive physical examination; and

“(B) any screening, included but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

“(2) The term ‘nonemergency intrusive physical examination’ means, with respect to a child, a physical examination that—

“(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

“(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

“(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency or an entity that receives assistance under section 645A shall obtain the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

“(c) RULES OF CONSTRUCTION.—

“(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse or neglect that are in compliance with applicable Federal, State, or tribal law.

“(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

“(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.”.

SEC. 16. RIGHT TO APPEAL.

Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)) is amended to read as follows:

“(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided this subchapter, or suspension of financial assistance is continued for more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal.”.

SEC. 17. AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

“(c)(1) Not later than 270 days after the end of each fiscal year, each Head Start agency and each entity that receives assistance under section 645A shall, with financial assistance provided by this subchapter—

“(A) undergo a single audit under the requirements of the Single Audit Act and submit its financial statement audit and compliance audit of Federal assistance to the Secretary and to the Federal Audit Clearinghouse an independent financial audit of the Head Start program if subject to the Single Audit Act Amendments of 1996; or

“(B) undergo a financial statement audit in accordance with the generally accepted government auditing standards issued by the American Institute of Certified Public Accountants and Government Auditing Standards issued by the Comptroller General of the United States, if not subject to the Single Audit Act.

“(2) Audits described in subparagraph (A) and (B) shall be carried out by an auditor selected through a competitive process by the board described in section 642(b)(4) except when conducted by the State auditor as required by State law.

“(3) No audit partner shall perform audits of such agency for a period exceeding 5 consecutive fiscal years except when such agency notifies the Secretary that rotation is not possible because an alternate audit partner is not available or would present a significant challenge to the agency.

“(4) Not later than 60 days after receiving such audit, the Secretary shall provide to such agency or such entity, and to the chief executive officer of the State in which such program is operated, a notice identifying the actions such agency or such entity is required to take to correct all deficiencies identified in such audit.

“(d) Each recipient of financial assistance under this subchapter shall—

“(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses); and

“(2) provide such additional documentation as the Secretary may require.”.

SEC. 18. TECHNICAL ASSISTANCE AND TRAINING.

(a) ALLOCATION OF RESOURCES.—Section 648(c) of the Head Start Act (42 U.S.C. 9843(c)) is amended—

(1) in paragraph (2) by inserting “and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965” after “disabilities”; and

(2) in paragraph (5) by inserting “, including the needs of homeless children and their families” after “assessment”;

(3) in paragraph (10) by striking “and” at the end;

(4) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(5) by adding the following at the end:

“(12) assist Head Start agencies and programs in increasing program participation of homeless children; and

“(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census.”.

(b) TRAINING IN USE OF MEDIA.—Section 648(d) of the Head Start Act (42 U.S.C. 9843(d)) is amended by inserting “, including community- and faith-based organizations” after “entities” the first place such term appears.

(c) CHILD DEVELOPMENT AND NATIONAL ASSESSMENT PROGRAM.—Section 648(e) of the Head Start Act (42 U.S.C. 9843(e)) is amended to read as follows:

“(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.”.

(d) ADDRESSING UNIQUE NEEDS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended by adding at the end the following:

“(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with one or more children with disabilities, families with a limited English proficiency, and homeless families.

“(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

“(1) Education and early childhood development.

“(2) Child health, nutrition, and safety.

“(3) Family and community partnerships.

“(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

“(h) The Secretary shall develop and implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers in order to increase the provision of quality services and instruction to children with diverse backgrounds.

“(i) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities

available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

“(j)(1) The Secretary shall work in collaboration with the Head Start agencies that carry out migrant and seasonal Head Start programs and Indian Head Start programs, State Directors of Head Start Collaboration, the Indian Head Start Collaboration Director, the migrant and seasonal Head Start collaboration director, and other appropriate entities, including tribal governments—

“(A) to accurately determine the number of children nationwide who are eligible to participate in migrant and seasonal Head Start programs and in Indian Head Start programs each year;

“(B) to document how many of these children are receiving Head Start services each year; and

“(C) to the extent practicable, to ensure that access to migrant and seasonal Head Start programs and in Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children;

“(2) In carrying out paragraph (1)(A), the Secretary shall consult with the Secretary of Education about the Department of Education’s systems for collecting and reporting data about, and maintaining records on, students from migrant and seasonal farmworker families and American Indian and Alaska Native students.

“(3) Not later than 9 months after the effective date of this subsection, the Secretary shall publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress.

“(4) Not later than 1 year after the effective date of this subsection, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1).

“(5) The Secretary shall submit annually a report to the Congress detailing the number of children of migrant and seasonal farmworkers, American Indian and Alaska Native children who are eligible to participate in Head Start programs and the number of such children who are enrolled in Head Start programs.

“(6) The Secretary shall take appropriate action, consistent with section 444 of the General Education Provisions Act, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs and in Indian Head Start programs, by State Directors of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration Project Director, by the Indian Head Start Collaboration Project Director, and by other appropriate entities pursuant to this subsection.

“(7) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

“(k) For purposes of this section, the term ‘eligible entities’ means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.”.

SEC. 19. STAFF QUALIFICATIONS AND DEVELOPMENT.

(a) CLASSROOM TEACHERS.—Section 648A(a)(2) of the Head Start Act (42 U.S.C. 9843a(a)(2)) is amended to read as follows:

“(2) DEGREE REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2011, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

“(i) a baccalaureate or advanced degree in early childhood education; or

“(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

“(B) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

“(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Within 3 years after the effective date of this subparagraph, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the effective date of this subparagraph—

“(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

“(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

“(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

“(E) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001–1002).”.

(b) CLASSROOM TEACHERS.—Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended by adding at the end the following:

“(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.”.

SEC. 20. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

(a) NEW IDEAS AND APPROACHES.—Section 649(a)(1)(B) of the Head Start Act (42 U.S.C. 9844(a)(1)(B)) is amended to read as follows:

“(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.”.

(b) STUDY.—Section 649(d) of the Head Start Act (42 U.S.C. 9844(d)) is amended—

(1) in paragraph (8) by adding “and” at the end;

(2) in paragraph (9) by striking the semicolon and inserting a period;

(3) by striking paragraph (10); and

(4) by striking the last sentence.

(c) EXPERT PANEL.—Section 649(g) of the Head Start Act (42 U.S.C. 9844(g)) is amended—

(1) in paragraph (1)(A)—

(A) by striking clause (i); and

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(2) in paragraph (7)(C)(i) is amended to read as follows:

“(i) Not later than September 30, 2007, the Secretary shall transmit to the committees specified in clause (ii) the final report.”.

(d) NAS STUDY.—Section 649(h) of the Head Start Act (42 U.S.C. 9844(h)) is amended to read as follows:

“(h) NAS STUDY.—

“(1) IN GENERAL.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and to make recommendations on early childhood pedagogy with regard to each of the following:

“(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including the domains in 641A(a)(B).

“(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

“(C) Appropriate assessments of young children (including systematic observation assessment in a child’s natural environment, and parent and provider interviews) for purposes of improving instruction, services, and program quality, and accommodations for children with disabilities and appropriate assessments for children with special needs (including needs related to the acquisition of the English language).

“(D) An evaluation of the current and appropriate uses of the National Reporting System developed by the Secretary.

“(2) COMPOSITION.—The panel shall consist of multiple experts in each of the following areas:

“(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

“(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

“(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

“(3) TIMING.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of the enactment of the School Readiness Act of 2005. The panel shall complete its recommendations within 18 months of its convening.

“(4) APPLICATION OF PANEL RECOMMENDATIONS.—The recommendations of the panel shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.”.

(e) STUDY OF STATUS OF LIMITED ENGLISH PROFICIENT CHILDREN.—Section 649 of the Head Start Act (42 U.S.C. 9844) is amended by adding at the end the following:

“(i) LIMITED ENGLISH PROFICIENT CHILDREN.—

“(1) STUDY.—Not later than 1 year after the date of enactment of the School Readiness Act of 2005, the Secretary shall conduct a study on the status of limited English proficient children and their families in Head Start programs and Early Head Start programs.

“(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

“(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

“(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

“(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

“(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

“(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

“(E) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

“(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

“(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

“(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

“(F) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.”.

(f) NATIONAL ASSESSMENT SYSTEM.—Section 649 of the Head Start Act (42 U.S.C. 9834), as amended by subsection (d), is amended by adding at the end the following:

“(j) NATIONAL REPORTING SYSTEM.—The Secretary shall temporarily suspend the implementation of the National Reporting System pending the completion of the recommendations required by subsection (h), and shall integrate such recommendations to develop a national assessment system, as appropriate, that will inform improving Head Start program success.”.

SEC. 21. REPORTS.

(a) REPORT.—Section 650(a) of the Head Start Act (42 U.S.C. 9845(a)) is amended—

(1) by amending the first sentence to read as follows: “At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education

and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and limited English proficient children) in Head Start programs, including the number of children and the services being provided to such children.”; and

(2) in paragraph (8) by inserting “, homelessness” after “background”.

(b) NATIONAL REPORTING SYSTEM.—Section 650 of the Head Start Act (42 U.S.C. 9845) is amended by adding at the end the following:

“(c) NATIONAL REPORTING SYSTEM.—The Secretary shall submit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the status of the National Reporting System developed by the Secretary. Such report shall include—

“(1) information on all contracts, grants, and expenses relating to the development and implementation of the National Reporting System;

“(2) information described in section 641A(b)(3)(B); and

“(3) a description of the recommendations made by the Technical Working Group, including issues of the technical adequacy, purpose, and administration of the System, and an explanation of how the Secretary plans to address these recommendations.”.

SEC. 22. LIMITATION ON RATE OF FEDERAL FUNDING FOR COMPENSATION.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended—

(1) by striking the heading;

(2) by striking “SEC. 653. The” and inserting the following:

“SEC. 653. WAGES AND COMPENSATION.

“(a) COMPARABILITY OF WAGES.—The”; and

(3) by adding at the end the following:

“(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs or any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.”.

SEC. 23. LIMITATION ON USE OF FUNDS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 656 the following:

“SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

“No funds made available to carry out this subchapter may be used—

“(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

“(2) unless authorized by law in effect on the effective date of this section, to produce any prepackaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.”.

SEC. 24. CONFORMING AMENDMENT.

Section 641A(a)(2)(A) of the Head Start Act (42 U.S.C. 9836a(a)(2)(A)) is amended by striking “non-English language background” and inserting “limited English proficient”.

SEC. 25. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act

and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to any fiscal year that begins before the date of the enactment of this Act.

(c) PRIORITY IN THE DESIGNATION OF HEAD START AGENCIES.—

(1) EFFECTIVE DATE.—Section 641(c), as amended by section 7(b) of this Act, shall take effect exactly twelve months from the date of the enactment of this Act, except for section 641(c)(5), which shall take effect on the date of the enactment of this Act.

(2) IMPLEMENTATION RULE.—For purposes of carrying out section 641(c) of the Head Start Act, as amended by section 7(b) of this Act, the Secretary may only consider the performance of a Head Start program in meeting the requirements described in section 641(c) of the Head Start Act, as amended by section 7(b) of this Act, from the date of enactment of this Act, except any performance that constitutes a deficiency since the then most recent designation.

SEC. 26. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is further amended by adding at the end the following new subsection:

“(g) In carrying out the provisions of section 641A, and in addition to the use of whatever other resources the Secretary deems appropriate, the Secretary shall—

“(1) contract with an intermediary organization which, in the determination of the Secretary, meets each of the following criteria—

“(A) focuses on improving the performance management and the use of technology for non-profit, educational, and social service organizations;

“(B) has demonstrated experience in providing a range of assistance, including but not limited to—

“(i) assessing performance metrics;

“(ii) the use of technology;

“(iii) improving financial management; and

“(iv) developing recommendations to improve performance and the use of technology;

“(C) has a proven methodology for systemic change in the not-for-profit sector, including governmental and nongovernmental entities;

“(D) has demonstrated results in providing performance management support to small-, mid- and large-size not-for-profit organizations annually on a pro bono basis;

“(E) has demonstrated the ability to identify areas for program improvement related to—

“(i) accomplishing the goals and objectives as outlined in Head Start regulations, reporting criteria and measurement of program outcomes;

“(ii) meeting reporting requirements;

“(iii) using technology in classrooms and enabling its use by administrators;

“(F) has demonstrated the ability to develop an implementation plan for recommended improvements by the organizations it assists;

“(G) has demonstrated the ability to assist with and provide on-site, hands-on guidance with the implementation of the recommendations;

“(H) has demonstrated the ability to tailor the assessment and implementation process to the children and communities served (where appropriate); and

“(I) has demonstrated the ability to create an online community that allows Head Start administrators, teachers, service providers, parents, policy makers, and other

stakeholders to communicate and provide support during and following the assessment and subsequent implementation process;

“(2) utilize the intermediary organization selected in paragraph (1) not later than 90 days from the date of enactment of this Act to—

“(A) assess the performance of the Secretary in overseeing the Head Start Bureau and ensuring the effective management of the Head Start program in the areas of finance, operations, human capital, and customer service;

“(B) evaluate the Department’s organizational structure, policies, and procedures for managing Head Start grant recipients, make recommendations to improve national program quality and maximize the efficiency in the use of program dollars, and support implementation of the recommendations;

“(C) evaluate the Secretary’s administrative resource allocations to determine if investment is properly targeted based on risk assessment to address the program’s most significant national and local challenges, and propose adjustments as appropriate;

“(D) evaluate and identify best practice Head Start models and build process models to enable their replication;

“(E) develop early warning systems to identify Head Start programs that need intervention;

“(F) evaluate processes to assist Head Start programs that need intervention in implementing necessary program improvements;

“(G) evaluate the effectiveness of the current process for selecting Head Start organizations and develop and implement improvements to ensure that performance metrics emerge as a key criteria for evaluating successful Head Start applicants, including the creation of evaluation criteria that ensure the selection of quality Head Start applicants;

“(H) evaluate how the Department targets resources to remedy ongoing problems or deficiencies in the program’s management or governance, and propose solutions as appropriate; and

“(I) conduct a detailed assessment of the Secretary’s ability to monitor grantees.”.

SEC. 27. ALLOTMENT OF FUNDS.

Section 640(a)(2) of the Head Start Act (42 U.S.C. 9835) is further amended by adding at the end the following new clause:

“(v) not less than \$7,500,000 of the amount in clause (iii) appropriated for fiscal years 2006 and 2007 shall be made available to carry out activities described in section 641A(g).”.

SEC. 28. TEACHER RETENTION REPORT.

Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels.

SEC. 29. IMPROVING HEAD START ACCESS FOR HOMELESS AND FOSTER CHILDREN.

(a) DEFINITIONS.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following:

“(18) The term ‘family’ means all persons living in the same household who are—

“(A) supported by the income of at least 1 parent or guardian (including any relative acting in place of a parent, such as a grandparent) of a child enrolling or participating in the Head Start program; and

“(B) related to the parent or guardian by blood, marriage, or adoption.

“(19) The term ‘homeless child’ means a child described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

“(20) The term ‘homeless family’ means the family of a homeless child.”.

(b) ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.—

(1) QUALITY IMPROVEMENT.—Section 640(a)(3) of the Head Start Act (42 U.S.C. 9835(a)(3)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by inserting “children in foster care, children referred to Head Start programs by child welfare agencies,” after “background”; and

(ii) in clause (v), by inserting “, including collaboration to increase program participation by underserved populations, including homeless children, eligible children in foster care, and children referred to Head Start programs by child welfare agencies” before the period; and

(B) in subparagraph (C)—

(i) in clause (ii)(IV)—

(I) by inserting “homeless children, children in foster care, children referred to Head Start programs by child welfare agencies,” after “dysfunctional families”; and

(II) by inserting “and families” after “communities”; and

(ii) in clause (v)—

(I) by inserting “homeless children, children in foster care, children referred to Head Start programs by child welfare agencies,” after “dysfunctional families”; and

(II) by inserting “and families” after “communities”; and

(iii) by redesignating clause (vi) as clause (viii); and

(iv) by inserting after clause (v) the following:

“(vi) To conduct outreach to homeless families and to increase Head Start program participation by homeless children.”.

(2) COLLABORATION GRANTS.—Section 640(a)(5)(C)(iv) of the Head Start Act (42 U.S.C. 9835(a)(5)(C)(iv)) is amended—

(A) by inserting “child welfare (including child protective services),” after “child care,”;

(B) by inserting “home-based services (including home visiting services),” after “family literacy services”; and

(3) ALLOCATION OF FUNDS.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(A) in subparagraph (C)—

(i) by inserting “organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and” after “(including”;

(ii) by striking “and public entities serving children with disabilities” and inserting “, public entities, and individuals serving children with disabilities and homeless children (including local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))”;

(B) in subparagraph (H), by inserting “(including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))” after “community involved”.

(c) RESEARCH, DEMONSTRATIONS, AND EVALUATION.—Section 649 of the Head Start Act (42 U.S.C. 9844) is amended in subsection (a)(1)(B), by striking “disabilities” and inserting “disabilities, homeless children, children who have been abused or neglected, and children in foster care”.

(d) REPORTS.—Section 650(a) of the Head Start Act (42 U.S.C. 9846(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “disabled and” and inserting “disabled children, homeless children, children in foster care, and”;

(2) in paragraph (8), by inserting “homelessness, whether the child is in foster care or was referred by a child welfare agency,” after “background”.

SEC. 30. CHILDREN AFFECTED BY HURRICANE KATRINA.

(a) Definitions.—For the purposes of this section, the following definitions apply:

(1) CHILDREN AFFECTED BY HURRICANE KATRINA.—The term “children affected by Hurricane Katrina” means a child who is not older than 5 and who resides or who resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) IMPACTED HEAD START AGENCIES.—The term “impacted Head Start Agencies” means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) MAJOR DISASTER.—The term “major disaster” means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief Emergency Assistance Act (42 U.S.C. 4170), related to Hurricane Katrina.

(b) TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.—The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources, through other regional offices of the Administration, at the request of such offices, that administer affected Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to affected Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

(c) WAIVER.—For such period up to March 31, 2006, and to such extent as the Secretary considers appropriate, the Secretary of Health and Human Services—

(1) may waive section 640(b) of the Head Start Act; and

(2) shall waive requirements of documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

SEC. 31. DISCRIMINATION PROVISIONS.

Section 654 of the Head Start Act is amended to read as follows:

“SEC. 654 NONDISCRIMINATION PROVISIONS.

“(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

“(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

“(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from

participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

“(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2).”

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. WOOLSEY demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 231 affirmative Nays 184

199.21

[Roll No. 493]

AYES—231

- Aderholt Diaz-Balart, L. Jenkins
Akin Diaz-Balart, M. Jindal
Alexander Doolittle Johnson (CT)
Bachus Drake Johnson (IL)
Barrett (SC) Dreier Johnson, Sam
Barrow Edwards Keller
Bartow Ehlers Kelly
Barton (TX) Emerson Kennedy (MN)
Bass English (PA) King (IA)
Bean Eshoo King (NY)
Beauprez Everrett Kingdon
Biggart Feeney Kirk
Bilirakis Ferguson Kline
Bishop (UT) Ferguson Knollenberg
Blackburn Fitzpatrick (PA) Kolbe
Blunt Foley Kuhl (NY)
Boehlert Forbes Latham
Boehner Ford LaTourette
Bonilla Fortenberry Lewis (CA)
Bonner Fossella Lewis (KY)
Bono Foxx Linder
Boozman Franks (AZ) LoBiondo
Boren Frelinghuysen Lucas
Bradley (NH) Gallegly
Brown (SC) Garrett (NJ) Lungren, Daniel
Brown-Waite, Gerlach
Ginny Gibbons Mack
Burgess Gilchrest Marchant
Burton (IN) Gillmor Marshall
Calvert Gingrey McCaul (TX)
Cannon Goode McCotter
Cantor Goodlatte McCrery
Capito Gordon McHenry
Cardoza Granger McHugh
Carter Graves McIntyre
Case Green (WI) McKeon
Castle Gutknecht McMorris
Chabot Hall Mica
Chandler Harris Miller (FL)
Choccola Hart Miller (MI)
Coble Hayes Miller, Gary
Cole (OK) Hayworth Mollohan
Conaway Hensarling Moran (KS)
Costa Hergert Murphy
Cramer Herseth Musgrave
Crenshaw Hobson Myrick
Cubin Hoekstra Neugebauer
Cuellar Holden Ney
Cunningham Hostettler Northup
Davis (KY) Hulshof Norwood
Davis (TN) Hunter Norwood
Davis, Jo Ann Hyde Nussle
Davis, Tom Inglis (SC) Osborne
Deal (GA) Issa Otter
Dent Istook Oxley

- Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—184

- Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Lantos
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Diringell
Doggett
Doyle
Duncan
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeke (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—18

- Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Gohmert
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Poe
Smith (NJ)
Weller

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.22 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. DREIER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, citations and cross references, and to make such other technical and conforming changes as may be necessary or appropriate to reflect the actions of the House in amending the bill.

¶99.23 HOUR OF MEETING

On motion of Mr. CANTOR, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, September 26, 2005, and further, when the House adjourns on Monday, September 26, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, September 27, 2005, for morning-hour debate.

¶99.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. CANTOR, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 28, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶99.25 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1368. An Act to extend the existence of the Parole Commission, and for other purposes.

¶99.26 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 3649. An Act funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

¶99.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. CHRISTENSEN, for today;
To Mr. Gene GREEN of Texas, for today after 11 a.m.;

To Mr. HASTINGS of Washington, for today after 3 p.m.;

To Mr. HINOJOSA, for today; and
To Mr. KIND, for September 20, 21, and today after 3 p.m.

And then,

¶99.28 ADJOURNMENT

On motion of Mr. McDERMOTT, pursuant to the previous order of the

House, at 6 o'clock and 42 minutes p.m., the House adjourned until 2 p.m. on Monday, September 26, 2005.

¶99.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. Supplemental report on H.R. 513. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes (Rep. 109-181 Pt. 2).

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 420. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identity and employment of Ms. Valerie Plame, Adversely; (Rep. 109-320). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 609. A bill to amend and extend the Higher Education Act of 1965; with an amendment (Rept. 109-231). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; with an amendment (Rept. 109-232 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3402. A bill to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; with an amendment (Rept. 109-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 417. Resolution directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame (Rept. 109-234). Referred to the House Calendar.

¶99.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than September 30, 2005.

¶99.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOODLATTE (for himself, Mr. BERRY, Mrs. MUSGRAVE, Ms. FOX, Mrs. JO ANN DAVIS of Virginia, Mr. CONAWAY, Mr. UPTON, Mr. SCHWARZ of Michigan, and Mr. ALEXANDER):

H.R. 3857. A bill to simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to such workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ag-

riculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. SHAYS, Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. FRANK of Massachusetts):

H.R. 3858. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself and Ms. BEAN):

H.R. 3859. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. KINGSTON, Mr. WESTMORELAND, Mr. GINGREY, Mr. LINDER, Mrs. JO ANN DAVIS of Virginia, Mr. CANTOR, Mr. PENCE, and Mr. GOODE):

H.R. 3860. A bill to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. WAXMAN, and Mr. PALLONE):

H.R. 3861. A bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. JINDAL, and Mr. BOUSTANY):

H.R. 3862. A bill to provide for appropriate waivers, suspensions, or exemptions from provisions of title I of the Employee Retirement Income Security Act of 1974 with respect to individual account plans affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. JINDAL (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. BOUSTANY, Mr. PAUL, Mr. GEORGE MILLER of California, Mr. HINOJOSA, Mr. KILDEE, Mr. MARCHANT, and Mr. PICKERING):

H.R. 3863. A bill to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. JINDAL, and Mr. MARCHANT):

H.R. 3864. A bill to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3865. A bill to provide for the establishment of medical malpractice insurance corporations which may operate and function without hindrance or impedance in any or all of the States, to limit frivolous medical malpractice lawsuits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3866. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware; to the Committee on Resources.

By Mrs. CUBIN (for herself, Mr. WICKER, Mr. HOLT, and Mr. OWENS):

H.R. 3867. A bill to reauthorize the Congressional Award Act; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 3868. A bill to increase and expand expensing under section 179 of the Internal Revenue Code of 1986 for property in hurricane disaster areas declared in 2005; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. HENSARLING, Ms. HARRIS, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Mr. ROHRBACHER, and Mr. MILLER of Florida):

H.R. 3869. A bill to amend Public Law 109-59 to allow the States of Louisiana, Mississippi, and Alabama to designate the projects for which certain highway and transit funds allocated to such States may be obligated; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE (for himself, Mr. PENCE, and Mr. HENSARLING):

H.R. 3870. A bill to amend part D of title XVIII of the Social Security Act to delay for 2 years implementation of the Medicare prescription drug benefit for individuals who are not lowest-income subsidy eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself, Mr. TERRY, and Mr. OSBORNE):

H.R. 3871. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Resources.

By Mr. FORTENBERRY:

H.R. 3872. A bill to amend the Internal Revenue Code of 1986 to allow loans from individual retirement plans for qualified small business capital assets; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 3873. A bill to amend the Internal Revenue Code of 1986 to permit rollovers from retirement plans to health savings accounts; to the Committee on Ways and Means.

By Mr. FORTENBERRY (for himself, Mr. OSBORNE, and Mr. TERRY):

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Mr. GORDON (for himself and Mr. SESSIONS):

H.R. 3875. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. ROSS):

H.R. 3876. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3877. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3878. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3879. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3880. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3881. A bill to suspend temporarily the duty on machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3882. A bill to preserve competitive equity in financial services; to the Committee on Financial Services.

By Mr. MCCRERY (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. CANTOR, Mr. BAIRD, Mr. DICKS, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. JINDAL, Mr. LARSEN of Washington, Mr. REICHERT, Mr. ROSS, Mr. SMITH of Washington, Mr. WALDEN of Oregon, Mr. BOUSTANY, and Mr. HALL):

H.R. 3883. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 3884. A bill to provide incentives for highly qualified teachers and administrators to remain in and relocate to areas affected by major disasters; to the Committee on Education and the Workforce.

By Ms. NORTON (for herself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALCOMA, and Mr. FORTUÑO):

H.R. 3885. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. ORTIZ (for himself and Mr. TAYLOR of Mississippi):

H.R. 3886. A bill to require the Secretary of the Navy to comply with certain rever- sionary requirements related to property donated to the Navy for use as a Navy home- port whenever the property ceases to be used for that purpose; to the Committee on Armed Services.

By Mr. PITTS:

H.R. 3887. A bill to provide for the designa- tion of 3 closed military installations as ap- propriate sites for construction of an oil re- finery; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subse- quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Ms. WA- TERS, Mr. LEACH, Mr. WATT, Mr. DAVIS of Alabama, Mr. GERLACH, Mr. FRANK of Massachusetts, Mr. BOEH- LERT, Mrs. MALONEY, Mr. PASTOR, Mrs. JOHNSON of Connecticut, Mr. PE- TERSON of Minnesota, Mr. HOLT, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Ms. BALDWIN, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. CUMMINGS, Ms. DELAUNO, Mr. MAR- KEY, Mr. MCINTYRE, Mr. OWENS, Mr. GUTIERREZ, Mr. RUSH, Mr. KILDEE, Mr. WEXLER, Mr. COOPER, Mr. MOORE of Kansas, Mrs. MCCARTHY, Ms. KAP- TUR, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. CONYERS, Mr. MENENDEZ, Mr. BERMAN, and Mr. PAYNE):

H.R. 3888. A bill to reauthorize the HOPE VI program for revitalization of public hous- ing projects; to the Committee on Financial Services.

By Mr. SOUDER (for himself, Mr. SEN- SENBRENNER, Mr. BLUNT, Mr. COBLE, Mr. CALVERT, Mr. LARSEN of Wash- ington, Mr. BOSWELL, Mr. KENNEDY of Minnesota, Mr. CANNON, Ms. HOOLEY, Mr. BAIRD, Mr. OSBORNE, Mr. CARDOZA, Mr. CASE, Mr. ROGERS of Alabama, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. SMITH of Texas, Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mr. BOREN, Ms. HERSETH, Mr. FRANKS of Arizona, Mr. ABERCROMBIE, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. WAMP, Mr. MCHENRY, Mr. GRAVES, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. SCHWARZ of Michigan, Miss McMORRIS, and Ms. GRANGER):

H.R. 3889. A bill to further regulate and punish illicit conduct relating to meth- amphetamine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judi- cary, International Relations, and Transpor- tation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi- sions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3890. A bill to provide for the partici- pation in Head Start programs and Early Head Start programs, by children affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. TIERNEY (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LYNCH, Mrs. MALONEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. NAD- LER, Mr. OLVER, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Mr. STARK, Mr.

THOMPSON of Mississippi, Mr. UDALL of New Mexico, Mr. WEINER, Mr. DELAHUNT, Ms. BALDWIN, Mr. PAYNE, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. KUCINICH, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, and Ms. CARSON):

H.R. 3891. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 3892. A bill to amend title 31, United States Code, to authorize the issuance of Hurricane Katrina Relief EE savings bonds; to the Committee on Ways and Means.

By Ms. HARRIS (for herself and Mr. RAMSTAD):

H. Con. Res. 249. Concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Government Reform.

By Mr. MCGOVERN (for himself, Mr. LEACH, Mr. LANTOS, Mr. KING of New York, Mr. BERMAN, Mr. PAYNE, Mr. ENGEL, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. CROWLEY, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Mr. TIERNEY, Mrs. LOWEY, Ms. PELOSI, Mr. SERRANO, Ms. KAPTUR, Mr. McNULTY, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. LYNCH, Mr. KUCINICH, Mrs. JONES of Ohio, Mrs. KELLY, and Mr. OBEY):

H. Res. 458. A resolution remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980; to the Committee on International Relations.

By Mr. DINGELL (for himself and Mr. WELDON of Pennsylvania):

H. Res. 459. A resolution recognizing the achievements and contributions of the Waterfowl Population Survey Program of the United States Fish and Wildlife Service; to the Committee on Resources.

199.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. WATERS.
 H.R. 97: Ms. SCHWARTZ of Pennsylvania.
 H.R. 147: Mrs. MILLER of Michigan, Mr. MANZULLO, and Mr. SERRANO.
 H.R. 154: Mr. PAUL.
 H.R. 226: Mr. MCINTYRE and Mr. KUHL of New York.
 H.R. 305: Mr. SCHWARZ of Michigan.
 H.R. 551: Mr. LYNCH.
 H.R. 558: Ms. SCHWARTZ of Pennsylvania.
 H.R. 582: Mr. FILNER.
 H.R. 583: Mr. BOOZMAN.
 H.R. 698: Mr. TAYLOR of North Carolina.
 H.R. 743: Mr. WEXLER.
 H.R. 758: Mr. MARCHANT.
 H.R. 817: Mr. GILCHREST, Mr. SWEENEY, Ms. HARRIS, Mrs. BONO, and Mr. EVERETT.
 H.R. 819: Mr. LAHOOD and Mr. CONAWAY.
 H.R. 839: Mr. WU.
 H.R. 846: Mr. MARIO DIAZ-BALART of Florida.
 H.R. 859: Mr. MURTHA.
 H.R. 865: Mr. JINDAL.

H.R. 896: Mr. KNOLLENBERG and Mr. PICKERING.

H.R. 910: Mr. WALSH and Mr. VISCLOSKEY.

H.R. 920: Mr. AL GREEN of Texas.

H.R. 923: Mr. MICHAUD.

H.R. 994: Mr. LEWIS of Georgia, Mr. SPRATT, Mr. DAVIS of Kentucky, Mr. MARCHANT, Mr. BONILLA, Mr. DENT, Mr. SCOTT of Virginia, Mr. JONES of North Carolina, Mrs. JOHNSON of Connecticut, and Mr. BLUMENAUER.

H.R. 1002: Mr. BECERRA and Mr. RANGEL.

H.R. 1020: Mr. STRICKLAND.

H.R. 1079: Mr. MARCHANT.

H.R. 1080: Mr. PRICE of North Carolina.

H.R. 1124: Mr. MEEHAN.

H.R. 1150: Mr. ALEXANDER.

H.R. 1219: Mr. PETERSON of Minnesota, Mr. KLINE, and Mr. MARCHANT.

H.R. 1243: Mr. MARCHANT and Ms. FOX.

H.R. 1246: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1251: Mr. NADLER, Mr. HIGGINS, and Mr. GRIJALVA.

H.R. 1262: Mr. WOLF.

H.R. 1356: Mr. CLAY.

H.R. 1358: Mr. ROTHMAN.

H.R. 1425: Mr. LEVIN.

H.R. 1440: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1471: Mr. SMITH of Washington and Mr. KUHL of New York.

H.R. 1502: Mr. FILNER, Mr. HINCHEY, and Mr. PASTOR.

H.R. 1548: Mr. BISHOP of Georgia and Mr. BURTON of Indiana.

H.R. 1646: Mr. ROTHMAN, Mrs. WILSON of New Mexico, and Ms. BEAN.

H.R. 1707: Mr. STARK and Mr. PLATTS.

H.R. 1708: Mr. KENNEDY of Minnesota.

H.R. 1736: Mr. KIND.

H.R. 1745: Mr. MURTHA and Mr. MARCHANT.

H.R. 1792: Mr. MCGOVERN.

H.R. 1898: Mrs. BIGBERT.

H.R. 1951: Mr. DENT and Mr. YOUNG of Florida.

H.R. 1952: Mr. FOSSELLA and Mr. HENSARLING.

H.R. 1956: Mr. MARCHANT.

H.R. 2048: Mr. VAN HOLLEN.

H.R. 2121: Mrs. EMERSON and Mr. HULSHOF.

H.R. 2175: Mr. MICHAUD.

H.R. 2177: Mr. HULSHOF and Mr. SKELTON.

H.R. 2209: Mr. DAVIS of Alabama.

H.R. 2238: Mr. ETHERIDGE, Mr. PUTNAM, Mr. MOORE of Kansas, and Mr. KING of New York.

H.R. 2356: Mr. BAIRD, Mr. VISCLOSKEY, Mr. GARRETT of New Jersey, Mr. JENKINS, and Mr. WELLER.

H.R. 2418: Mr. MOORE of Kansas, Mr. HONDA, Mr. ALEXANDER, Mr. FORD, Mr. VAN HOLLEN, and Mr. COSTELLO.

H.R. 2421: Mr. BEAUPREZ, Mr. GONZALEZ, Ms. SOLIS, Mr. MILLER of Florida, Mr. WOLF, Mr. KILDEE, Mr. WEXLER, Ms. ESHOO, Mr. BERMAN, Mr. GRIJALVA, Mr. McNULTY, Mr. WEINER, Mr. MORAN of Virginia, Mr. OWENS, Mr. HIGGINS, Mr. SHUSTER, Mr. KUCINICH, Mr. CAPUANO, Mr. GEORGE MILLER of California, Mr. TIBERI, and Mr. ENGEL.

H.R. 2471: Mr. WAMP.

H.R. 2594: Mr. RAMSTAD.

H.R. 2635: Mr. CROWLEY, Mr. LARSEN of Washington, Ms. SLAUGHTER, Ms. DEGETTE, Mrs. DAVIS of California, and Mrs. MALONEY.

H.R. 2662: Mr. OBERSTAR, Mr. JACKSON of Illinois, and Mr. MILLER of North Carolina.

H.R. 2669: Mr. MURPHY, Mr. KING of New York, Mr. CUMMINGS, and Mr. LYNCH.

H.R. 2682: Mr. HASTINGS of Washington.

H.R. 2717: Mr. WALDEN of Oregon, Mr. ANDREWS, and Mr. WALSH.

H.R. 2872: Mr. SAXTON, Mr. HOLDEN, Mr. LOBIONDO, Mr. OSBORNE, Mr. ROTHMAN, Mrs. JO ANN DAVIS of Virginia, Ms. BERKLEY, Mr. GUTKNECHT, Mr. FITZPATRICK of Pennsylvania, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. ACKERMAN, Ms. BALDWIN, Mr. McNULTY, Mr. BARROW, Mrs. CUBIN, and Mr. GEORGE MILLER of California.

H.R. 2876: Mr. DAVIS of Florida, Mr. SIMMONS, Mr. LATOURETTE, Mr. LYNCH, Mr. KUHL of New York, Mr. DENT, Mr. HOYER, Mr. JEFFERSON, Mr. WU, Mr. KLINE, Mr. MEEKS of New York, and Ms. LORETTA SANCHEZ of California.

H.R. 2928: Mr. VAN HOLLEN, Mr. LANTOS, Mr. DICKS, Mr. KIND, Mr. ISRAEL, Ms. KILPATRICK of Michigan, and Mr. SABO.

H.R. 2963: Mr. CHANDLER.

H.R. 2968: Mr. BOEHLERT.

H.R. 3011: Mr. DUNCAN.

H.R. 3042: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3098: Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. HUNTER, Mr. RADANOVICH, and Mrs. BONO.

H.R. 3127: Mr. FITZPATRICK of Pennsylvania, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. KILPATRICK of Michigan, Mr. JEFFERSON, and Mr. CUMMINGS.

H.R. 3128: Mr. BERMAN.

H.R. 3256: Mr. FITZPATRICK of Pennsylvania and Mr. PLATTS.

H.R. 3260: Mr. PRICE of North Carolina.

H.R. 3298: Mr. BONILLA, Mrs. BONO, Mr. GERLACH, Mr. COBLE, and Mr. RADANOVICH.

H.R. 3322: Mr. LEVIN.

H.R. 3329: Mrs. NORTHUP.

H.R. 3373: Mr. ROGERS of Alabama, Mr. KUHL of New York, Mr. UDALL of Colorado, Mr. STRICKLAND, and Mr. SHERWOOD.

H.R. 3403: Mr. SESSIONS, Mr. BARTLETT of Maryland, and Mr. CONAWAY.

H.R. 3417: Mr. PETERSON of Minnesota.

H.R. 3418: Mr. CARTER.

H.R. 3452: Mr. TIBERI, Mr. STRICKLAND, and Mr. GILLMOR.

H.R. 3465: Mr. GONZALEZ and Mr. MCDERMOTT.

H.R. 3505: Mr. AL GREEN of Texas and Mrs. MALONEY.

H.R. 3506: Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. RUPPERSBERGER, Mr. OWENS, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. HULSHOF, Ms. LEE, Mr. DICKS, Mr. MORAN of Virginia, Mr. SERRANO, Ms. WATSON, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. RUSH, Mrs. CHRISTENSEN, Mr. CUMMINGS, and Mr. FRANK of Massachusetts.

H.R. 3547: Mr. BACHUS and Mr. MOORE of Kansas.

H.R. 3559: Mr. MURTHA, Mr. GERLACH, Mr. PETERSON of Minnesota, Mr. WAMP, and Mr. REGULA.

H.R. 3561: Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. CARDIN, and Ms. BALDWIN.

H.R. 3586: Ms. GINNY BROWN-WAITE of Florida and Mr. GARRETT of New Jersey.

H.R. 3612: Mr. FILNER.

H.R. 3614: Mr. REYES.

H.R. 3622: Ms. GRANGER and Mr. LATOURETTE.

H.R. 3644: Mr. WELLER, Mr. BAIRD, and Mr. SHIMKUS.

H.R. 3690: Mr. LANTOS.

H.R. 3697: Mr. WAXMAN and Mr. LANTOS.

H.R. 3698: Mr. ALLEN, Mr. LANTOS, and Ms. BALDWIN.

H.R. 3717: Mr. CANNON, Mr. GRAVES, Mr. WOLF, Mr. NORWOOD, and Mr. GOODE.

H.R. 3737: Mr. PASTOR, Mr. MANZULLO, and Mr. GILLMOR.

H.R. 3752: Mr. CASE, Mrs. MCCARTHY, Mr. OWENS, and Mr. CLAY.

H.R. 3753: Mr. BEAUPREZ, Mr. GARRETT of New Jersey, Mr. NEY, and Mr. MARCHANT.

H.R. 3757: Mr. MILLER of Florida and Mr. SIMMONS.

H.R. 3763: Mr. FATTAH and Mr. MOORE of Kansas.

H.R. 3776: Mr. BURTON of Indiana and Mr. MILLER of Florida.

H.R. 3782: Mr. RUPPERSBERGER and Mr. CUNNINGHAM.

H.R. 3787: Ms. LEE.

H.R. 3797: Mr. HENSARLING and Mr. PAUL.

H.R. 3800: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McNULTY, Mr. FRANK of Massachusetts, Ms. SOLIS, and Mr. NADLER.

H.R. 3809: Mr. COSTELLO and Mr. HOLT.

H.R. 3811: Mr. GOHMBERT, Mrs. CUBIN, Mr. WAMP, and Mrs. MYRIK.

H.R. 3824: Mrs. DRAKE, Mr. BONILLA, Mr. CONAWAY, Mrs. BLACKBURN, Mr. DAVIS of Kentucky, Mr. LEWIS of Kentucky, Mr. JINDAL, Mr. PETERSON of Pennsylvania, Mr. REHBERG, Mr. OTTER, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOREN, Mr. OWENS, and Mr. PETERSON of Minnesota.

H.R. 3825: Mr. DENT and Mr. PLATTS.

H.R. 3828: Mr. WELDON of Florida, Mr. HOSTETTLER, Mr. GARRETT of New Jersey, Mrs. BLACKBURN, Mr. TURNER, Mr. AKIN, Mrs. CUBIN, Mr. MCHENRY, Mr. GREEN of Wisconsin, Mr. PENCE, Ms. FOXX, Mr. LEWIS of Kentucky, Mr. KELLER, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. TIBERI, Mr. COLE of Oklahoma, Mr. HAYWORTH, Mr. BURTON of Indiana, Mr. BISHOP of Utah, and Mr. KUHL of New York.

H.R. 3836: Mr. BAKER and Mr. MORAN of Kansas.

H.R. 3838: Mr. GRIJALVA, Mr. HONDA, Mr. BROWN of Ohio, Mr. JEFFERSON, Mr. SCHIFF, Mr. KANJORSKI, and Ms. LINDA T. SANCHEZ of California.

H.J. Res. 55: Mrs. MALONEY and Mr. CLAY.

H.J. Res. 57: Mr. SODREL.

H.J. Res. 58: Mr. MORAN of Kansas.

H.J. Res. 60: Mr. BACHUS.

H.J. Res. 65: Mr. GENE GREEN of Texas, Mr. HOLT, Mr. BARROW, Mr. PALLONE, and Mr. EVANS.

H. Con. Res. 40: Mr. ROTHMAN.

H. Con. Res. 42: Mr. McCOTTER.

H. Con. Res. 106: Mr. BRADLEY of New Hampshire.

H. Con. Res. 123: Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 172: Ms. ZOE LOFGREN of California, Mr. STARK, Mr. CLAY, and Ms. SCHWARTZ of Pennsylvania.

H. Con. Res. 174: Ms. WOOLSEY, Mr. GORDON, Mr. SCHWARZ of Michigan, Mr. PLATTS, and Mr. KIRK.

H. Con. Res. 190: Mr. HOLT.

H. Con. Res. 210: Mr. DICKS, Mr. YOUNG of Florida, Mr. CASE, Mr. SCHIFF, Mr. DEFazio, Mr. MARSHALL, Mr. SIMPSON, Mr. ANDREWS, Mr. WOLF, Mr. FORD, Mr. BRADLEY of New Hampshire, Mr. CARTER, Mrs. CAPITO, Mr. MCHUGH, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. REYNOLDS, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. LINDER, Mr. BEAUPREZ, Ms. HART, Mr. CHOCOLA, and Mr. NUNES.

H. Con. Res. 228: Mr. JEFFERSON, Mr. BERMAN, Mr. WATT, Mr. GRIJALVA, Mrs. Drake, Mr. OWENS, Mr. TERRY, Mr. WOLF, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Ms. SOLIS, Ms. KILPATRICK of Michigan, Mr. SHERMAN, Mr. HOLT, Mr. SMITH of Washington, Mr. NORWOOD, Mr. PAYNE, Mr. TOM DAVIS of Virginia, and Mr. CASTLE.

H. Con. Res. 230: Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mrs. BLACKBURN, Mr. TANCREDO, Mr. FERGUSON, Mr. CONAWAY, Mr. BACHUS, Mrs. BONO, Mr. ROGERS of Michigan, Ms. LINDA T. SANCHEZ of California, Mr. TERRY, Mr. ROYCE, Mr. CUNNINGHAM, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. MCKEON, Mr. CALVERT, Mr. LEWIS of California, Mr. MCCRERY, Mr. COBLE, and Mr. RADANOVICH.

H. Con. Res. 245: Mr. MCHUGH, Mr. FORBES, Mr. HALL, Mr. ALEXANDER, and Mr. KUHL of New York.

H. Con. Res. 247: Mr. CAPUANO and Ms. PELOSI.

H. Con. Res. 248: Mr. FOSSELLA, Mr. UDALL of New Mexico, Mr. STEARNS, Mr. TANCREDO,

Mr. HOLT, Mr. FOLEY, Mr. HOLDEN, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. McNULTY, Mr. WILSON of South Carolina, Mr. WEXLER, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. DOGGETT, Mr. SNYDER, Mr. ROTHMAN, Mr. SCHWARZ of Michigan, and Mrs. MCCARTHY.

H. Res. 137: Mr. BONILLA, Mr. HINOJOSA, Mr. CUELLAR, Mr. ADERHOLT, Mr. POMBO, and Mr. SHERWOOD.

H. Res. 166: Mr. PASCRELL.

H. Res. 192: Mr. FRANK of Massachusetts.

H. Res. 276: Mr. SHAW.

H. Res. 323: Mr. FORD and Mr. ROTHMAN.

H. Res. 388: Mr. CONAWAY and Mr. SCHWARZ of Michigan.

H. Res. 407: Mr. CONAWAY.

H. Res. 411: Mr. MEEHAN and Mr. PAYNE.

H. Res. 438: Mr. ISRAEL, Mr. WAMP, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BERMAN, and Mr. MENENDEZ.

H. Res. 444: Ms. SOLIS, Mr. MCHUGH, and Mr. TOM DAVIS of Virginia.

H. Res. 449: Mr. EMANUEL, Mr. HONDA, Mr. PETERSON of Minnesota, Mr. INSLEE, Mr. CONYERS, and Mr. CASE.

MONDAY, SEPTEMBER 26, 2005 (100)

¶100.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
September 26, 2005.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶100.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Thursday, September 22, 2005.

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

¶100.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic Acid, 2-Ethylhexyl Ester; Exemption from the Requirement of a Tolerance [OPP-2003-0230; FRL-7729-5] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-metolachlor; Pesticide Tolerance [OPP-2004-0326; FRL-7716-1] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4147. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amicarbazone; Pesticide Tolerance [OPP-2005-0185; FRL-7736-3] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4148. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary for Their Production in Corn; Exemption from the Requirement of a Tolerance [OPP-2005-0211; FRL-7735-4] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4149. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0259; FRL-7737-9] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4150. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Revocation of 34 Pesticide Tolerance Exemptions for 31 Chemicals [OPP-2005-0069; FRL-7737-3] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4151. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Iprovalicarb; Pesticide Tolerance [OPP-2005-0074; FRL-7736-2] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4152. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lindane; Tolerance Actions [OPP-2004-0246; FRL-7734-3] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Reynoutria Sachalinensis Extract; Exemption from the Requirement of a Tolerance [OPP-2005-0221; FRL-7730-3] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference [DC102-2050; FRL-7953-9] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona; Correction of Redesignation of Phoenix to Attainment for the Carbon Monoxide Standard [R09-OAR-2005-AZ-0003; FRL-7960-8] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Montgomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Non-attainment Area to Attainment [R04-OAR-2005-TN-0007-200527(a) FRL-7973-5] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4157. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of Christian County, Kentucky Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment for Ozone [R04-OAR-2005-KY-0001-200521(a); FRL-7972-9] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4158. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; Illinois; Lake Calumet PM-10 Redesignation and Maintenance Plan [R05-OAR-2005-IL-0003; FRL-7973-2] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; Illinois; Lyons Township PM-10 Redesignation and Maintenance Plan [R05-OAR-2005-IL-0002; FRL-7972-7] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) [FRL-79791-8] (RIN: 2050-AE01) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4161. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources; Commercial and Industrial Solid Waste Incineration Units [OAR-2003-0119; FRL-7971-9] (RIN: 2060-AN31) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4162. A letter from the Architect of the Capitol, transmitting a copy of actions taken on the GAO's report, "Capitol Power Plant Utility Master Plan," pursuant to 31 U.S.C. 720; to the Committee on House Administration.

4163. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Patuxent River, Solomons, Maryland [CGD05-05-090] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Susquehanna River, Port Deposit, MD [CGD05-05-091] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ, Change of Location [CGD05-05-073] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-05-013] (RIN: 1625-AA87) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving and Fixed Security Zone; Port of Frederickstad, Saint Croix, U.S. Virgin Islands [COTP SAN JUAN 05-002] (RIN: 1625-AA87) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-04-057] (RIN: 1625-AA87) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-05-007] (RIN: 1625-AA87) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4170. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30453; Amdt. No. 456] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4171. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes [Docket No.: FAA-2003-15279; Amendment No. 36-27] (RIN: 2120-A125) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4172. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R-22 Series Helicopters [Docket No. FAA-2005-22026; Directorate Identifier 2005-SW-05-AD; Amendment 39-14210; AD 2005-16-05] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce GmbH) Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No. FAA-2005-22070; Directorate Identifier 2005-NE-23-AD; Amendment 39-14218; AD 2005-16-12] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes Equipped with Rolls Royce Model RB211 Engines [Docket No. FAA-2005-22054; Directorate Identifier 2005-NM-137-AD; Amendment 39-14216; AD 2005-04-14 R1] (RIN: 2120-

AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes; Equipped With Pratt & Whitney Model JT9D-3 and -7 Series Engines [Docket No. FAA-2005-20325; Directorate Identifier 2003-NM-129-AD; Amendment 39-14217; AD 2005-16-11] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No. FAA-2005-22073; Directorate Identifier 2005-NM-140-AD; Amendment 39-14219; AD 2005-16-13] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-IV, GIV-X, GV, and GV-SP Series Airplanes [Docket No. FAA-2005-22074; Directorate Identifier 2005-NM-152-AD; Amendment 39-14220; AD 2005-16-14] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft, Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2005-20515; Directorate Identifier 2005-CE-09-AD; Amendment 39-14221; AD 2005-17-01] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshift Engines [Docket No. FAA-2005-22039; Directorate Identifier 2005-NE-33-AD; Amendment 39-14238; AD 2005-17-17] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22145; Directorate Identifier 2005-NM-148-AD; Amendment 39-14223; AD 2005-17-12] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-22142; Directorate Identifier 2005-NM-153-AD; Amendment 39-14228; AD 2205-17-07] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747, 757,

767, and 777 Series Airplanes [Docket No. FAA-2004-19865; Directorate Identifier 2003-NM-242-AD; Amendment 39-14230; AD 2005-17-09] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2005-21341; Directorate Identifier 2003-NM-026-AD; Amendment 39-14231; AD 2005-17-10] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321 Series Airplanes [Docket No. FAA-2005-21342; Directorate Identifier 2004-NM-15-AD; Amendment 39-14229; AD 2005-17-08] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2 and CF6-80E1 Turbofan Engines [Docket No. FAA-2004-19144; Directorate Identifier 2003-NE-18-AD; Amendment 39-14226; AD 2005-17-05] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste III Series Turbohaft Engines [Docket No. FAA-2005-20849; Directorate Identifier 2005-NE-04-AD; Amendment 39-14227; AD 2005-17-06] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 525, 525A, and 525B Airplanes [Docket No. FAA-2005-21109; Directorate Identifier 2005-CE-21-AD; Amendment 39-14232; AD 2005-17-11] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2005-20662; Directorate Identifier 2004-NM-191-AD; Amendment 39-14225; AD 2005-17-04] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4189. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-20350; Directorate Identifier 2004-NM-202-AD; Amendment 39-14223; AD 2005-17-02] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4190. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-20353; Directorate Identifier 2004-NM-255-AD; Amendment 39-14224; AD 2005-17-03] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4191. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Tiger Aircraft LLC Models AA-5, AA-5A, AA-5B, and AG-5B Airplanes [Docket No. FAA-2005-20968; Directorate Identifier 94-CE-15-AD; Amendment 39-14222; AD 95-19-15 R1] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4192. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No. FAA-2005-22168; Directorate Identifier 2005-NM-146-AD; Amendment 39-14234; AD 2005-17-13] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4193. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-20794; Directorate Identifier 2004-NM-172-AD; Amendment 39-14235; AD 2005-17-14] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4194. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes; and Model A340-541 and -642 Airplanes [Docket No. FAA-2005-22196; Directorate Identifier 2005-NM-170-AD; Amendment 39-14239; AD 2005-17-18] (RIN: 2120-AA64) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶100.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2528. An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2528) "An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Messrs. BURNS, CRAIG,

DEWINE, BROWNBACK, ALLARD, MCCONNELL, COCHRAN, Mrs. FEINSTEIN, Messrs. INOUE, JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2744. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2744) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. BENNETT, COCHRAN, SPECTER, BOND, MCCONNELL, BURNS, CRAIG, BROWNBACK, STEVENS, KOHL, HARKIN, DORGAN, Mrs. FEINSTEIN, Messrs. DURBIN, JOHNSON, Ms. LANDRIEU and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed without amendments bills of the following titles in which the concurrence of the House is requested:

S. 1752. An Act to amend the United States Grain Standards Act to reauthorize that Act.

S. 1758. An Act to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and underlying security, and for other purposes.

S. 1764. An Act to provide for the continued education of students affected by Hurricane Katrina.

¶100.5 COMMITTEE RESIGNATION— MAJORITY

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a member of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

This resignation is made necessary by the fact that most of the Select Committee's hearings will conflict with business of the Committee on the Judiciary, thus making it impossible for me to actively participate in the Select Committee's activities.

Thank you for your confidence in me.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶100.6 SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the Speaker, pursuant to section 2(a) of House

Resolution 437, 109th Congress, and the order of the House of January 4, 2005, appointed the following Member of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, to fill an existing vacancy thereon: Mr. MILLER of Florida.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶100.7 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1758. An Act to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and underlying security, and for other purposes, to the Committee on Resources.

S. 1764. An Act to provide for the continued education of students affected by Hurricane Katrina; to the Committee on Education and the Workforce; in addition to the Committee on Transportation and Infrastructure and the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶100.8 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 22, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 3761. An Act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An Act to provide emergency tax relief for persons affected by Hurricane Katrina.

And then,

¶100.9 ADJOURNMENT

The SPEAKER pro tempore, Mr. BOOZMAN, by unanimous consent and pursuant to the special order of the House agreed to on September 22, 2005, at 2 o'clock and 5 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, September 27, 2005.

¶100.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas:

H.R. 3893. A bill to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER (for himself, Mr. BAKER, Mr. McCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. JINDAL, and Mr. MELANCON):

H.R. 3894. A bill to provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development

to assist victims of Hurricane Katrina in obtaining housing; to the Committee on Financial Services.

By Mr. BAKER (for himself, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. JINDAL):

H.R. 3895. A bill to amend title V of the Housing Act of 1949 to provide rural housing assistance to families affected by Hurricane Katrina; to the Committee on Financial Services.

By Mr. BAKER (for himself, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. JINDAL):

H.R. 3896. A bill to temporarily suspend, for communities affected by Hurricane Katrina, certain requirements under the community development block grant program; to the Committee on Financial Services.

¶100.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 521: Ms. FOXX.

H.R. 923: Ms. FOXX and Mr. WEXLER.

H.R. 1526: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2533: Mr. DAVIS of Tennessee, Mr. FORTENBERRY, Mr. JACKSON of Illinois, and Mr. GILLMOR.

H.R. 2822: Mr. SODREL.

H.R. 3074: Mr. GINGREY.

H.R. 3076: Mr. MILLER of Florida and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3323: Mr. UDALL of New Mexico, Mr. FORTUÑO, and Mr. ANDREWS.

H.R. 3334: Mr. WALSH, Mr. BERRY, Ms. BERKLEY, Ms. HARMAN, Mr. PALLONE, Mr. RANGEL, Mr. LIPINSKI, Mr. COSTELLO, Mr. GUTIERREZ, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. DICKS, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Ms. WASSERMAN SCHULTZ, Mr. CARDIN, Mr. FATTAH, and Mr. ETHERIDGE.

H.R. 3639: Mr. COSTELLO, Mr. KIRK, Mr. GRUJALVA, and Mr. ROTHMAN.

H.R. 3704: Mr. TANCREDO, Mr. GARY G. MILLER of California, and Mr. DAVIS of Kentucky.

H.R. 3737: Mr. SCHWARZ of Michigan.

H.R. 3748: Mrs. DAVIS of California, Mr. LANTOS, Mr. FILNER, Mr. CONYERS, Mr. BACA, and Mr. PAYNE.

H.R. 3762: Ms. DELAURO, Ms. SCHWARTZ of Pennsylvania, Ms. BERKLEY, Mr. EVANS, Mr. OWENS, Mr. GRUJALVA, Mr. SPRATT, Mr. OBEY, Mr. FITZPATRICK of Pennsylvania, and Mr. GEORGE MILLER of California.

H.R. 3855: Mr. HERGER.

H. Con. Res. 69: Mr. SIMPSON.

H. Con. Res. 173: Mr. RANGEL and Mr. GORDON.

H. Con. Res. 209: Mr. DAVIS of Tennessee, Mr. VAN HOLLEN, Mr. BERMAN, Ms. HERSETH, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. KUHL of New York, Mrs. DRAKE, and Mr. MCGOVERN.

H. Con. Res. 248: Mr. LINCOLN DIAZ-BALART of Florida, Mrs. JONES of Ohio, Mr. REYES, Mr. KENNEDY of Minnesota, Mr. DREIER, Mr. FERGUSON, Mr. MOORE of Kansas, Mr. CASE, Mr. BROWN of Ohio, Mr. MARKEY, Mr. SESSIONS, Mr. ENGEL, Mr. ETHERIDGE, Mr. MEEHAN, Mr. CANNON, Mr. DINGELL, Mr. CLYBURN, Mr. FRANK of Massachusetts, Mr. KING of New York, Mr. BACA, and Mr. BROWN of South Carolina.

H. Res. 325: Mrs. DRAKE.

H. Res. 413: Mr. SOUDER.

TUESDAY, SEPTEMBER 27, 2005 (101)

¶101.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore,

Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,

September 27, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶101.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2385. An Act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3784. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

¶101.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. PETRI, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶101.4 RECESS—12:37 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 37 minutes p.m., until 2 p.m.

¶101.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, called the House to order.

¶101.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced he had examined and approved the Journal of the proceedings of Monday, September 26, 2005.

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

¶101.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0208; FRL-7727-5] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance [OPP-2005-0133; FRL-7738-7] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Kasugamycin; Pesticide Tolerance [OPP-2005-0017; FRL-7736-4] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Muscodorus albus QST 20799

and the Volatiles Produced on Rehydration; Exemption from the Requirement of a Tolerance [OPP-2005-0244; FRL-7739-5] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Removal of Expired Time-Limited Tolerance Exemptions [OPP-2005-0238; FRL-7735-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerance [OPP-2005-0267; FRL-7738-6] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [OPP-2005-0246; FRL-7737-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutani; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0225; FRL-7731-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4203. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2004, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

4204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the State of Hawaii State Implementation Plan, Update to Materials Incorporated by Reference [HI 125-NBK; FRL-7946-7] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment [RCRA-2004-0012; FRL-7948-1] (RIN: 2050-AE52) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Commonwealth of the Northern Mariana Islands State Implementation Plan, Update to Materials Incorporated by Reference [CMNI 124-NBK; FRL-7938-6] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Transportation Control Measures in the Dallas/Fort Worth Ozone Nonattainment Area [TX-126-1-7691; FRL-7947-7] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4208. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation

Areas for Air Quality Planning Purposes; Indiana; Lake County Sulfur Dioxide Regulations; Redesignation and Maintenance Plan [R05-OAR-2005-IN-0004; FRL-7972-6] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—North Dakota; Final Authorization of State Hazardous Waste Management Program Revision [FRL-7974-3] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; Site Designation [FRL-7973-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Dallas-Fort Worth Voluntary Mobile Emission Reduction Program [TX 126-1-7690; FRL-7960-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Chattanooga, Tennessee; Revised Format for Materials Being Incorporated by Reference [TN-200524-FRL-7952-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Knox County, Tennessee; Revised Format for Materials Being Incorporated by Reference [TN-2000506; FRL-7952-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wallula, Washington, Area [R10-OAR-2005-WA-0005; FRL-7959-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky; Regulatory Limit on Potential to Emit [R04-OAR-2003-KY-0001-200410(a); FRL-7958-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas [OAR-2003-0090; FRL-7959-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Limited Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown

and Malfunction Activities [R06-OAR-2005-TX-0022; FRL-7959-5] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New and Existing Stationary Sources; Electric Utility Steam Generating Units [OAR-2002-0056; FRL-7960-1] (RIN: 2060-AJ65) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [Docket No. OAR-2004-0440; FRL-7960-2] (RIN: 2060-AN06) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2004 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, ("the CFE Flank Document"); to the Committee on International Relations.

4221. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act; to the Committee on the Judiciary.

4222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mentor Harbor Offshore Powerboat Race, Mentor, Ohio [CGD09-05-026] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4223. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Port of Fredericksted, Saint Croix, U.S. Virgin Islands [COTP SAN JUAN 04-138] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4224. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-022] (RIN: 1625-AA00) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Atchafalaya River, Eugene Island Sea Buoy to Mile Marker 119.8, Berwick, LA [COTP Morgan City-04-015] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4226. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Bayou Grande, Pensacola, FL [COTP Mobile-05-003] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4227. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Bayou Chico, Pensacola, FL [COTP Mobile-05-004] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4228. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Captain of the Port Detroit Zone, Detroit River, Detroit, MI [CGD09-05-0002] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4229. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Ohio River, Mile 602.0 to 606.0, in Louisville, KY [COTP Louisville-05-006] (RIN: 2115-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4230. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Palatka, FL [COTP Jacksonville 05-050] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4231. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Jones Beach Air Show, Jones Beach, NY [CGD01-05-033] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4232. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP TAMPA 05-062] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4233. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Captain of the Port Detroit Zone [CGD09-05-022] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4234. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Indian River, New Smyrna, FL [COTP Jacksonville 05-076] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tacoma Tall Ships 2005, Commencement Bay, Washington [CGD13-05-021] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4236. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 05-051] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4237. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Fireworks displays in the Captain of the Port Portland Zone. [CGD13-05-022] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4238. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, Freedom Fair Air Show Performance, Commencement Bay, WA [CGD13-05-024] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4239. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Independence Day Celebration Fireworks—Ipswich, Massachusetts. [CGD01-05-053] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4240. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Tank Level or Pressure Monitoring Devices on Single-hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo [USCG-2001-9046] (RIN: 1625-AA94) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30448; Amdt. No. 455] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4242. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report on the Exploration Systems Architecture Study; to the Committee on Science.

4243. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs [Notice 2005-68] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4244. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Sherwin-Williams Co. Employee Health Plan Trust v. Commissioner, 330 F.3d 449 (6th Cir. 2003), rev'g 115 T.C. 440 (2000) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4245. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Returns Prepared For or Executed by Secretary (Rev. Rul. 2005-59) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4246. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Rev. Rul. 2005-62) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4247. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final

rule—Updating Estimated Income Tax Regulations Under Section 6654 [TD 9224] (RIN: 1545-BD17) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4248. A letter from the Assistant Secretary for Health Affairs Under Secretary for Benefits, Departments of Defense and Veterans Affairs, transmitting the Departments' report entitled, "VA/DOD Single Separation Examinations at Benefits Delivery at Discharge Sites," pursuant to Public Law 107-107, section 734; jointly to the Committees on Armed Services and Veterans' Affairs.

4249. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles [CMS-3017-IFC] (RIN: 0938-AM74) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶101.8 NATURAL DISASTER STUDENT AID FAIRNESS

Mr. JINDAL moved to suspend the rules and pass the bill (H.R. 3863) to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster; as amended.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Mr. JINDAL and Mr. TIERNEY, each for 20 minutes.

After debate,

The question being put, *viva voce*.

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.9 LIGHTS ON AFTERSCHOOL

Mr. EHLERS moved to suspend the rules and pass the joint resolution (H.J. Res. 66) supporting the goals and ideals of "Lights On Afterschool!"; a national celebration of after-school programs.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Mr. EHLERS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

Mr. EHLERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶101.10 STAFF SERGEANT MICHAEL SCHAFFER POST OFFICE BUILDING

Ms. Ginny BROWN-WAITE of Florida moved to suspend the rules and pass the bill (H.R. 3703) to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schaffer Post Office Building".

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Ms. Ginny BROWN-WAITE of Florida and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.11 RANDALL D. SHUGHART POST OFFICE BUILDING

Ms. Ginny BROWN-WAITE of Florida, moved to suspend the rules and pass the bill (H.R. 2062) to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Ms. Ginny BROWN-WAITE of Florida, and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.12 MAUELLE SHIREK POST OFFICE BUILDING

Ms. Ginny BROWN-WAITE of Florida, moved to suspend the rules and pass the bill (H.R. 438) to designate the facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, as the "Maudelle Shirek Post Office Building".

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Ms. Ginny BROWN-WAITE of Florida, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KING of Iowa, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶101.13 DOMESTIC VIOLENCE AWARENESS MONTH

Ms. Ginny BROWN-WAITE of Florida, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 209):

Whereas since the Violence Against Women Act was passed in 1994, the rate of domestic violence has diminished; the rate of family violence fell between 1993 and 2002 from 5.4 victims to 2.1 victims per 1,000 United States residents age 12 or older;

Whereas although great strides have been made toward breaking the cycle of violence, much work remains to be done;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas family violence accounted for 11 percent of all reported and unreported violence between 1998 and 2002;

Whereas about 22 percent of murders in 2002 were family murders;

Whereas family members were responsible for 43 percent of murders of females in 2002;

Whereas of the nearly 500,000 men and women in State prisons for a violent crime in 1997, 15 percent were there for a violent crime against a family member;

Whereas the average age for a child killed by a parent is 7 years old and 4 out of 5 victims killed by a parent were younger than 13 years old;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and children;

Whereas the month of October, 2005, has been recognized as an appropriate month for activities furthering awareness of domestic violence; and

Whereas the dedication and success of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of

Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, recognized Ms. Ginny BROWN-WAITE of Florida, and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Al GREEN of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶101.14 RECESS—3:34 P.M.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 34 minutes p.m., until approximately 6:30 p.m.

¶101.15 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. GILCHREST, called the House to order.

¶101.16 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 2600 Oak Street, in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3200. An Act to amend title 38, United States Code, to enhance the Service members' Group Life Insurance program, and for other purposes.

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

S. 1017. An Act to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984.

S. 1709. An Act to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes.

DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller

NOT VOTING—28

Blumenauer
Boswell
Boustany
Brady (TX)
Cardin
Culberson
Davis (FL)
Fattah
Grijalva
Gutierrez

Harman
Hunter
McDermott
McIntyre
McKinney
Meek (FL)
Melancon
Menendez
Murtha
Northup

Pombo
Ros-Lehtinen
Rush
Ryan (OH)
Shadegg
Strickland
Watt
Weller

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶101.21 H. CON. RES. 209—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) supporting the goals and ideals of Domestic Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

The question being put,
Will the House suspend the rules and agree to said concurrent resolution?
The vote was taken by electronic device.

It was decided in the affirmative { Yeas 404
Nays 0

¶101.22 [Roll No. 496]
YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehrlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro

Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rohrbaugh
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)

NOT VOTING—29

Blumenauer
Boehner
Boswell
Boustany
Brady (TX)
Cardin
Culberson
Davis (FL)
Fattah
Gordon

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶101.23 RECESS—8:31 P.M.

The SPEAKER pro tempore, Mr. POE, pursuant to clause 12(a) of rule I, declared the House in recess at 8 o'clock and 31 minutes p.m., subject to the call of the Chair.

¶101.24 AFTER RECESS—9:39 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶101.25 PROVIDING FOR THE CONSIDERATION OF H.R. 3402

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-236) the resolution (H. Res. 462) providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶101.26 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1017. An Act to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

S. 1709. An Act to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶101.27 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2385. An Act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3784. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

¶101.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARDIN, for today;

To Mr. CULBERSON, for today and September 28th;

To Mr. GRIJALVA, for today;

To Ms. HARMAN, for today and balance of the week;

To Ms. MCKINNEY, for today;

To Mr. MENENDEZ, for today; and

To Mr. RYAN of Ohio, for today before 7 p.m..

And then,

¶101.29 ADJOURNMENT

On motion of Mr. GINGREY, at 9 o'clock and 40 minutes p.m., the House adjourned.

¶101.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2491. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; with an amendment (Rept. 109-235). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 462. Resolution providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice

for fiscal years 2006 through 2009, and for other purposes (Rept. 109-236). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 3824. A bill to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes; with an amendment (Rept. 109-237). Referred to the Committee of the Whole House on the State of the Union.

¶101.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RADANOVICH:

H.R. 3897. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project; to the Committee on Resources.

By Mr. AKIN:

H.R. 3898. A bill to direct the Administrator of the Small Business Administration to establish Veterans Business Outreach Centers and Technical Mentoring Assistance Committees; to the Committee on Small Business.

By Mr. ANDREWS (for himself and Mr. NUSSLE):

H.R. 3899. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for the combination of defined benefit plans and deferred compensation arrangements in a single plan, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. HERGER, Mr. WILSON of South Carolina, Mr. RUPPERSBERGER, Mr. TERRY, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. MCCAUL of Texas, Mr. ISSA, and Mr. MCKEON):

H.R. 3900. A bill to amend title 18, United States Code, to increase the penalty on persons who are convicted of killing peace officers and who flee the country, and to express the sense of Congress that the Secretary of State should renegotiate the extradition treaty with Mexico; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3901. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3902. A bill to require proper and accurate labeling for products identified, described or sold as "chamois"; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3903. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3904. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mr. KIND (for himself, Mrs. JOHNSON of Connecticut, Mrs. TAUSCHER, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. MEEHAN, and Mr. SIMMONS):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3906. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself and Mr. NORWOOD):

H.R. 3907. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BISHOP of Georgia, Mr. BOOZMAN, Mr. CANTOR, Mr. CULBERSON, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EMANUEL, Mr. FOLEY, Mr. FORD, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GRAVES, Mr. GREEN of Wisconsin, Ms. HARRIS, Ms. HART, Mr. HASTERT, Mr. HAYES, Ms. HOOLEY, Mr. HOSTETTLER, Mr. HULSHOF, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. MORAN of Kansas, Ms. NORTON, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RAMSTAD, Mr. REGULA, Mr. RENZI, Mr. ROGERS of Michigan, Mr. SESSIONS, Mr. SHAYS, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. SHAW, Mr. GORDON, Mr. RUPPERSBERGER, Mr. REYNOLDS, Mr. SWEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. FERGUSON, Mr. PICKERING, Mr. MCCAUL of Texas, Mr. BROWN of South Carolina, Mr. ROGERS of Alabama, Mr. CRENSHAW, Mr. DELAY, Mr. ISSA, Mr. HERGER, Mrs. BIGGERT, and Mr. WICKER):

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. HOOLEY, Mr. BACHUS, and Mr. BAKER):

H.R. 3909. A bill to provide emergency authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration, in accordance with guidance issued by the Board of Governors of the Federal Reserve System, to guarantee checks

cashied by insured depository institutions and insured credit unions for the benefit of noncustomers who are victims of certain 2005 hurricanes, and for other purposes; to the Committee on Financial Services.

By Mr. FEENEY (for himself, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. ISSA, and Mr. WESTMORELAND):

H.R. 3910. A bill to amend the Help America Vote Act of 2002 to require individuals to present a government-issued photo identification as a condition of voting in elections for Federal office, to prohibit any individual from tabulating votes in an election for Federal office unless the individual has been subject to a criminal background check, and for other purposes; to the Committee on House Administration.

By Mr. GERLACH:

H.R. 3911. A bill to amend the Immigration and Nationality Act to exempt members of the Armed Forces from naturalization requirements relating to English language, knowledge of government, good moral character, and period of service; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. JONES of Ohio, and Mr. ENGLISH of Pennsylvania):

H.R. 3912. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. KUHL of New York:

H.R. 3913. A bill to provide for investment and protection of the Social Security surplus; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD:

H.R. 3914. A bill to suspend temporarily the duty on 2 Benzylthio-nicotinic acid; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 3915. A bill to resolve the structural indebtedness of the Black Lung Disability Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. BLUMENAUER, and Mr. HINCHEY):

H.R. 3916. A bill to amend the Millennium Challenge Act of 2003 to promote environmental sustainability in the implementation of programs and activities carried out under such Act, and for other purposes; to the Committee on International Relations.

By Mr. PALLONE:

H.R. 3917. A bill to provide for payment by large employers for employees, and spouses and dependents of employees, who are covered under the Medicaid Program or SCHIP; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. COLE of Oklahoma, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. REGULA, Mr. KING of Iowa, Mrs. EMERSON, Mr. BISHOP of Utah, Mr. DUNCAN, Mr. WICKER, Mr. OSBORNE, Mr. EDWARDS, Mrs. CUBIN, Mr. ISTOOK, Mr. PEARCE, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. MICA, and Mr. GENE GREEN of Texas):

H.R. 3918. A bill to terminate the effect of all provisions of existing Federal law prohibiting the spending of appropriated funds to conduct natural gas leasing and preleasing activities, to revoke Presidential withdrawals from disposition of areas of the Outer Continental Shelf with respect to natural gas, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3919. A bill to amend the Federal Land Policy and Management Act to enhance the reliability of the electricity grid and reduce the threat of wildfires to electric transmission and distribution facilities on Federal lands by authorizing vegetation management on such lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mrs. CAPITO, and Mrs. CAPPS):

H.R. 3920. A bill to authorize the establishment of domestic violence court systems from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mrs. CAPITO, and Mrs. CAPPS):

H.R. 3921. A bill to provide grants for public information campaigns to educate racial and ethnic minority communities and immigrant communities about domestic violence; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. MELANCON, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. BOYD, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CASE, Mr. FORD, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. ROSS, Mr. SCOTT of Georgia, Mr. ACKERMAN, Mr. COSTA, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BARROW, Mr. BERRY, Mr. MOORE of Kansas, Mr. MICHAUD, Mr. CRAMER, Mr. HOLDEN, Mr. ISRAEL, Mr. MATHESON, Mr. DAVIS of Tennessee, Mr. MCINTYRE, Mr. SCHIFF, Mr. BOREN, and Mr. POMEROY):

H.R. 3922. A bill to strengthen the national flood insurance program, encourage participation in the program, and provide owners of properties not located in flood hazard zones that, therefore, were not subject to the mandatory purchase requirements of the national flood insurance program, but which suffered flood damage resulting from Hurricane Katrina or Hurricane Rita and were covered by windstorm insurance, a one-time opportunity to purchase flood insurance coverage for a period covering such hurricane; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 3923. A bill to provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3924. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for oil refineries, oil and gas pipelines, and petroleum storage facilities; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Ms. PELOSI, and Mr. LANTOS):

H.R. 3925. A bill to provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements; to the Committee on Government Reform.

By Mr. WYNN:

H.R. 3926. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. LEWIS of California:

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker,

in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. LEVIN, Mr. BURTON of Indiana, Ms. DELAURO, and Ms. HARRIS):

H. Con. Res. 250. Concurrent resolution supporting the goals and ideals of Gynecologic Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. BACHUS (for himself, Mr. MOORE of Kansas, Mrs. TAUSCHER, and Mr. WILSON of South Carolina):

H. Con. Res. 251. Concurrent resolution regarding the awarding of contracts with respect to the recovery from the devastation caused by Hurricane Katrina and Hurricane Rita; to the Committee on Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. MENENDEZ, Ms. HARRIS, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. MACK, and Mr. ROHRBACHER):

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country; to the Committee on International Relations.

By Mr. BONILLA (for himself, Mr. REYES, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. CARTER, Mr. SESSIONS, Mr. BURGESS, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. HALL, Ms. GRANGER, and Mr. MORAN of Kansas):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that reciting the pledge of allegiance by students attending public schools contributes to the moral foundation of our Nation and urging the Supreme Court to uphold the pledge's constitutionality; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. BURTON of Indiana, Mr. WELDON of Florida, Mr. KING of New York, Mr. LANTOS, Mr. CROWLEY, Mr. WOLF, Mr. McDERMOTT, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. REYES, Mr. MORAN of Virginia, Mr. KIND, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. KLINE, and Mr. PUTNAM):

H. Con. Res. 254. Concurrent resolution honoring the Autism Society of America on the occasion of its 40th anniversary; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER:

H. Res. 460. A resolution providing for consideration of the bill (H.R. 3764) to establish a National Independent Inquiry Commission on Disaster Preparedness and Response to examine and evaluate the Federal Government's response to Hurricane Katrina and assess its ability to respond to future large-scale disasters; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. ROYCE, Mr. FLAKE, and Mr. MEEKS of New York):

H. Res. 461. A resolution encouraging the accelerated removal of agricultural subsidies of industrialized countries to alleviate poverty and promote growth, health, and stability in the economies of African countries; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. HOLDEN, Ms. HOOLEY, Mr. WATT, Mr. COOPER, Mr. DEFAZIO, Mr. WU, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. FORD, Mr. SNYDER, Mr. GRJALVA, Mr. PASTOR, and Mr. TERRY):

H. Res. 463. A resolution of inquiry directing the Secretary of Homeland Security to

provide certain information to the House of Representatives relating to the reapportionment of airport screeners; to the Committee on Homeland Security.

By Mr. ISRAEL (for himself and Ms. DELAURO):

H. Res. 464. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mr. HONDA, Mr. LANTOS, Mr. CONYERS, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mr. FILNER, Mr. ABERCROMBIE, Mr. SERRANO, and Ms. SCHAKOWSKY):

H. Res. 465. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Ms. PELOSI, and Mr. BOOZMAN):

H. Res. 466. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a semipostal stamp relating to Alzheimer's disease; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. HINOJOSA, Ms. MCCOLLUM of Minnesota, Mr. TIERNEY, Mr. WU, Mr. SCOTT of Virginia, Mr. KILDEE, Mr. HOLT, Mrs. DAVIS of California, Mr. RYAN of Ohio, Mr. PAYNE, Mr. ANDREWS, Mr. BARROW, and Mr. KIND):

H. Res. 467. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers; to the Committee on Education and the Workforce.

101.32 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LINDER introduced a bill (H.R. 3927) for the relief of Sung Hee Kim; which was referred to the Committee on the Judiciary.

101.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BURGESS.
 H.R. 87: Mr. PALLONE.
 H.R. 97: Mr. HIGGINS and Mr. DICKS.
 H.R. 114: Mr. NADLER.
 H.R. 268: Mr. SCHWARZ of Michigan.
 H.R. 302: Mr. BURTON of Indiana.
 H.R. 341: Ms. MCCOLLUM of Minnesota.
 H.R. 363: Mr. MENENDEZ.
 H.R. 371: Mr. PRICE of North Carolina, Mr. NADLER, and Mr. GRIJALVA.
 H.R. 376: Ms. SOLIS.
 H.R. 398: Mr. SANDERS.
 H.R. 543: Mr. GUTTERREZ.
 H.R. 550: Mr. CARDIN.

H.R. 583: Mr. MENENDEZ and Mr. KANJORSKI.

H.R. 595: Mr. NADLER.

H.R. 657: Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD, Mr. CARDIN, Mr. CLYBURN, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. Emanuel, Mr. GENE GREEN of Texas, Mr. HONDA, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. RUSH, Ms. SCHWARTZ of Pennsylvania, Mr. SNYDER, Mr. STRICKLAND, Mr. OBERSTAR, Mr. KENNEDY of Rhode Island, and Mr. ROTHMAN.

H.R. 699: Mr. SNYDER, Mr. BERRY, and Mrs. DAVIS of California.

H.R. 735: Mr. BISHOP of Georgia.

H.R. 791: Mr. HONDA.

H.R. 818: Mr. BRADY of Pennsylvania, Ms. SOLIS, and Mr. UDALL of New Mexico.

H.R. 823: Mr. MURPHY and Mr. CHANDLER.

H.R. 874: Ms. GINNY BROWN-WAITE of Florida.

H.R. 920: Mr. PUTNAM.

H.R. 926: Mr. KLINE.

H.R. 944: Mr. DAVIS of Tennessee.

H.R. 968: Mr. CARTER.

H.R. 986: Mr. JOHNSON of Illinois and Mr. OTTER.

H.R. 997: Mr. McKEON.

H.R. 1000: Mr. PALLONE.

H.R. 1002: Mr. CAPUANO, Mr. WELDON of Pennsylvania, and Mr. NEY.

H.R. 1010: Mr. NEY.

H.R. 1016: Mr. REHBERG.

H.R. 1070: Mr. DUNCAN and Mr. SHIMKUS.

H.R. 1106: Mr. WALSH.

H.R. 1150: Mr. BARTLETT of Maryland.

H.R. 1202: Ms. MOORE of Wisconsin and Mr. SENSENBRENNER.

H.R. 1241: Mr. HERGER.

H.R. 1246: Mr. EVERETT, Mr. THOMPSON of California, Mr. LYNCH, Mr. OXLEY, Mr. GREEN of Wisconsin, Mr. KIND, and Mr. JACKSON of Illinois.

H.R. 1251: Mr. ROTHMAN.

H.R. 1287: Mr. JACKSON of Illinois.

H.R. 1298: Mr. DAVIS of Florida, Mr. HONDA, Mr. HOBSON, Mr. PICKERING, and Mr. REICHERT.

H.R. 1310: Mr. PASTOR.

H.R. 1322: Mr. STUPAK.

H.R. 1329: Ms. CARSON.

H.R. 1345: Mr. ALLEN.

H.R. 1353: Mr. ROGERS of Michigan.

H.R. 1380: Ms. MCKINNEY, Mr. RYAN of Ohio, Mr. GERLACH, Mr. LARSEN of Washington, and Mr. AKIN.

H.R. 1402: Mr. THOMPSON of California, Mr. MILLER of North Carolina, and Mr. WILSON of South Carolina.

H.R. 1424: Mr. ANDREWS.

H.R. 1438: Mr. MANZULLO and Mr. PLATTS.

H.R. 1449: Mr. MANZULLO.

H.R. 1549: Ms. VELÁZQUEZ, Mr. VAN HOLLEN, Mr. JOHNSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. GOODE, and Mr. McKEON.

H.R. 1588: Mr. NADLER.

H.R. 1595: Mr. BRADY of Pennsylvania, Ms. HERSETH, Mr. MOORE of Kansas, and Mr. SCHIFF.

H.R. 1607: Mr. PENCE.

H.R. 1615: Mr. KUCINICH, Mr. PAYNE, Mr. BISHOP of New York, Ms. MATSUI, and Mr. LARSON of Connecticut.

H.R. 1636: Mr. BLUMENAUER and Mr. LYNCH.

H.R. 1665: Mr. PRICE of North Carolina.

H.R. 1671: Mr. EVERETT.

H.R. 1689: Mr. MARIO DIAZ-BALART of Florida and Mr. ROTHMAN.

H.R. 1736: Mr. BRADLEY of New Hampshire and Mr. ROGERS of Michigan.

H.R. 1749: Mr. CONAWAY.

H.R. 1861: Mr. MOORE of Kansas.

H.R. 1872: Mr. BARRETT of South Carolina.

H.R. 1898: Mr. DOOLITTLE, Mr. PETRI, Mr. BACHUS, Mr. PEARCE, and Mr. TOM DAVIS of Virginia.

H.R. 1956: Mr. BROWN of South Carolina.

H.R. 2045: Mr. CHOCOLA.

H.R. 2061: Mr. RUPPERSBERGER and Mr. PUTNAM.

H.R. 2112: Mr. ADERHOLT, Mr. CONAWAY, and Mr. SESSIONS.

H.R. 2231: Ms. JACKSON-LEE of Texas.

H.R. 2233: Mr. SHERMAN.

H.R. 2237: Mr. MOORE of Kansas.

H.R. 2238: Mr. SCOTT of Georgia and Mr. EVANS.

H.R. 2251: Mr. KING of Iowa, Mr. ALEXANDER, and Mr. SOUDER.

H.R. 2339: Mr. PLATTS and Mr. MCCOTTER.

H.R. 2357: Mr. ENGLISH of Pennsylvania.

H.R. 2389: Mr. GREEN of Wisconsin and Mr. OXLEY.

H.R. 2470: Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Kansas, Mr. MICA, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. SHAW, Mr. FORBES, Mr. GARRETT of New Jersey, Ms. HART, Mr. McKEON, Mr. BLUNT, Mr. BASS, Mr. HALL, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. SESSIONS, Mr. HOEKSTRA, Mr. ADERHOLT, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. FLAKE, Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, Mr. FRANKS of Arizona, Mr. GILLMOR, Mr. TANCREDO, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. NEUGEBAUER, Mr. MILLER of Florida, and Mr. CHOCOLA.

H.R. 2533: Mr. INSLEE, Mr. JOHNSON of Illinois, Mr. BRADY of Pennsylvania, Mr. KENNEDY of Minnesota, and Mr. HOLT.

H.R. 2562: Mr. WAXMAN and Mr. WEXLER.

H.R. 2646: Mr. GIBBONS and Mr. BOUSTANY.

H.R. 2682: Mr. BARTLETT of Maryland.

H.R. 2695: Mr. McNULTY.

H.R. 2717: Mr. LEWIS of Georgia, and Mr. LARSON of Connecticut.

H.R. 2730: Mr. INSLEE.

H.R. 2786: Mr. UDALL of New Mexico.

H.R. 2804: Mr. FRANKS of Arizona.

H.R. 2926: Mr. GRIJALVA.

H.R. 2941: Mr. RAMSTAD, Mr. DENT, and Mr. MCHUGH.

H.R. 2943: Mr. MOORE of Kansas.

H.R. 2989: Mr. CALVERT, Mr. LANGEVIN, Mr. TURNER, Mr. JOHNSON of Illinois, Mr. NEY, and Mr. PUTNAM.

H.R. 3008: Mr. CANTOR.

H.R. 3042: Mr. FILNER.

H.R. 3050: Mr. BOREN and Mr. CRAMER.

H.R. 3096: Mr. REICHERT.

H.R. 3111: Mr. CANTOR.

H.R. 3128: Mr. SABO.

H.R. 3137: Mr. MILLER of Florida, Mr. ROGERS of Michigan, and Mr. UPTON.

H.R. 3147: Mr. BOUCHER, Mr. GOODE, and Mr. MORAN of Kansas.

H.R. 3162: Mr. JACKSON of Illinois.

H.R. 3191: Mr. ENGEL and Mr. JEFFERSON.

H.R. 3192: Ms. SOLIS and Ms. SCHAKOWSKY.

H.R. 3300: Mr. KING of Iowa.

H.R. 3301: Mrs. BIGGERT, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BOOZMAN, and Mr. WESTMORELAND.

H.R. 3334: Mr. LEVIN, Ms. NORTON, Mr. McNULTY, and Mr. ANDREWS.

H.R. 3352: Mr. STRICKLAND.

H.R. 3359: Mr. MCHUGH.

H.R. 3361: Mrs. MCCARTHY.

H.R. 3385: Mr. CANNON.

H.R. 3420: Mr. WAXMAN.

H.R. 3478: Mr. PAUL, Mr. KLINE, Mr. MILLER of Florida, Mr. MCCOTTER, and Mrs. CAPITO.

H.R. 3505: Mr. PENCE and Mr. RUPPERSBERGER.

H.R. 3532: Mr. STUPAK.

H.R. 3546: Mr. OWENS, Mr. McNULTY, Ms. SOLIS, and Mr. CONYERS.

H.R. 3565: Mr. GRIJALVA.

H.R. 3579: Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. FRANK of Massachusetts, and Mr. STRICKLAND.

H.R. 3586: Mr. TERRY and Mr. PAUL.

H.R. 3599: Mr. CANNON.

H.R. 3616: Mrs. DAVIS of California, Mr. GOODLATTE, and Mr. VAN HOLLEN.

H.R. 3617: Mr. FARR and Ms. HARMAN.
 H.R. 3639: Ms. HARRIS and Mr. GUTIERREZ.
 H.R. 3662: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, and Mr. EVANS.
 H.R. 3665: Mr. DAVIS of Kentucky and Mr. SCHIFF.
 H.R. 3666: Mr. LANTOS and Mr. NADLER.
 H.R. 3670: Mr. LANTOS and Mr. NADLER.
 H.R. 3680: Mr. BRADY of Texas, Mr. SIMPSON, Mr. CONAWAY, Mr. SAM JOHNSON of Texas, and Mr. OTTER.
 H.R. 3683: Mr. SWEENEY.
 H.R. 3684: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 3693: Mr. MILLER of Florida and Mr. JONES of North Carolina.
 H.R. 3696: Mr. BERRY.
 H.R. 3698: Mr. OBERSTAR.
 H.R. 3711: Ms. SOLIS, Mr. BROWN of Ohio, Mr. CARDIN, Ms. SCHAKOWSKY, and Mr. CONYERS.
 H.R. 3714: Mr. PAUL.
 H.R. 3727: Mr. LANTOS and Mr. NADLER.
 H.R. 3731: Ms. LEE and Mr. FILNER.
 H.R. 3748: Mrs. NAPOLITANO, Ms. WATSON, Mr. MOORE of Kansas, Mr. CLYBURN, Mr. BISHOP of Georgia, and Mr. WAXMAN.
 H.R. 3749: Ms. MCCOLLUM of Minnesota.
 H.R. 3763: Mr. DAVIS of Florida, Mr. BARROW, Mr. WATT, Mr. SPRATT, Mr. CUELLAR, Mr. BOREN, Mr. BOUCHER, Mr. ETHERIDGE, Mr. MARSHALL, Ms. MCKINNEY, and Mr. BISHOP of Georgia.
 H.R. 3764: Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH, and Mr. BOREN.
 H.R. 3769: Mr. McDERMOTT, Mr. WEXLER, Ms. SCHAKOWSKY, and Mr. GRIJALVA.
 H.R. 3782: Mr. SWEENEY and Ms. HARRIS.
 H.R. 3787: Ms. SCHAKOWSKY and Mr. WEXLER.
 H.R. 3788: Mr. GEORGE MILLER of California and Mr. KILDEE.
 H.R. 3791: Mr. BISHOP of New York.
 H.R. 3792: Mr. BISHOP of New York.
 H.R. 3800: Mr. HIGGINS, Mr. REYES, and Mr. CLAY.
 H.R. 3811: Mr. BROWN of South Carolina and Mr. KING of Iowa.
 H.R. 3813: Mr. ADERHOLT, Mr. BARRETT of South Carolina, Mr. CHABOT, Mrs. CUBIN, Mr. CULBERSON, Mr. FEENEY, Mr. FLAKE, Mr. FORD, Ms. FOXF, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GUTKNECHT, Mr. HENSARLING, Mr. HERGER, Mr. MARCHANT, Mr. PITTS, Mr. RYAN of Wisconsin, Mr. TANCREDO, Mr. TERRY, and Mr. WELDON of Florida.
 H.R. 3824: Mr. BRADY of Texas, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. FLAKE, Mr. Fortuño, Mr. HAYWORTH, Mr. HUNTER, Mr. ISSA, Mr. KING of Iowa, Mr. LUCAS, Mr. DANIEL E. LUNGBREN of California, Mr. MCKEON, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. NUNES, Mr. PEARCE, Mr. RENZI, Mr. SHADEGG, Mr. SULLIVAN, Mr. TANCREDO, Mr. THOMAS, Mr. THORNBERRY, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. HERGER, Mr. SCOTT of Georgia, Mr. KLINE, Mr. FALCOMA, Mr. KENNEDY of Minnesota, Mr. MCCAUL of Texas, Mr. MELANCON, Mr. GARY G. MILLER of California, Mr. SIMPSON, Mr. SHUSTER, Mr. KINGSTON, Mr. SOUDER, Mr. NORWOOD, Mr. JENKINS, Mr. SHERWOOD, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. COLE of Oklahoma, Mr. BARTON of Texas, Mr. PICKERING, Mr. ORTIZ, Mr. BACHUS, Mr. EDWARDS, Mr. EVERETT, Mr. BONNER, Mr. GINGREY, Mr. ADERHOLT, Mr. DAVIS of Alabama, Mr. RYUN of Kansas, Mr. BAKER, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. MCINTYRE, Mr. CRAMER, Mr. HINOJOSA, Mr. OSBORNE, Ms. GINNY BROWN-WAITE of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.
 H.R. 3838: Ms. SCHAKOWSKY, Mr. CARDIN, Mr. MOORE of Kansas, Mrs. MCCARTHY, Mrs. CAPPS, Mr. MEEHAN, Mr. VAN HOLLEN, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. KILDEE, Mr. AL GREEN of Texas, Ms. WOOL-

SEY, Mr. EVANS, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. PRICE of North Carolina, Mr. ACKERMAN, Mr. BACA, Mr. SERRANO, Mr. CASE, Mr. CARDOZA, Mr. HINCHEY, Ms. BERKLEY, Mr. MARKEY, and Mr. BLUMENAUER.
 H.R. 3860: Mr. PITTS.
 H.R. 3861: Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. FARR, Mr. McDERMOTT, Mr. JEFFERSON, Mr. EMANUEL, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. McNULTY.
 H.R. 3864: Mr. PAUL, Mr. BACHUS, and Mr. PICKERING.
 H.R. 3872: Mr. TERRY.
 H.R. 3873: Mr. TERRY.
 H.R. 3876: Mr. MOORE of Kansas and Mr. McNULTY.
 H.R. 3883: Mr. PETERSON of Minnesota.
 H.R. 3888: Mr. AL GREEN of Texas, Mr. STARK, Ms. VELÁZQUEZ, Mr. CARDIN, Mr. CLEAVER, and Mr. DICKS.
 H.R. 3889: Mr. BOOZMAN, Ms. FOXF, Mr. MICA, Mr. COSTA, Mr. SMITH of Washington, Mr. ADERHOLT, Mr. ROGERS of Michigan, and Mr. WESTMORELAND.
 H.J. Res. 38: Mr. HOLT, Mr. ANDREWS, and Mr. ROTHMAN.
 H.J. Res. 53: Mr. ROGERS of Michigan.
 H.J. Res. 64: Mr. SCOTT of Georgia.
 H.J. Res. 65: Mr. ABERCROMBIE, Mr. FITZPATRICK of Pennsylvania, Mr. SMITH of New Jersey, and Mr. SCOTT of Georgia.
 H.J. Res. 66: Mr. MENENDEZ, Mrs. CUBIN, Mr. GORDON, and Ms. MCCOLLUM of Minnesota.
 H. Con. Res. 38: Mr. SHERMAN and Mr. BARROW.
 H. Con. Res. 42: Mr. SNYDER.
 H. Con. Res. 85: Mr. HULSHOF.
 H. Con. Res. 88: Mr. CROWLEY.
 H. Con. Res. 90: Mr. ROHRABACHER.
 H. Con. Res. 108: Mr. SHERMAN.
 H. Con. Res. 137: Mr. SCHIFF.
 H. Con. Res. 178: Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. OWENS, and Mr. KUHL of New York.
 H. Con. Res. 190: Mr. ENGEL and Mr. MCCOTTER.
 H. Con. Res. 192: Ms. SCHAKOWSKY, Mr. ANDREWS, and Mr. KUCINICH.
 H. Con. Res. 230: Mr. PENCE, Mr. WAXMAN, Mr. JENKINS, Mr. CONYERS, Mr. WHITSON of South Carolina, Mr. SCHIFF, Mr. WHITFIELD, Mr. GALLEGLY, Mr. FOLEY, and Mr. SIMPSON.
 H. Con. Res. 231: Mr. SNYDER.
 H. Con. Res. 248: Mr. MCCOTTER, Ms. LINDA T. SÁNCHEZ of California, Mr. Wynn, Mr. SERRANO, and Mr. ISRAEL.
 H. Res. 123: Mr. TANCREDO.
 H. Res. 192: Mr. FARR.
 H. Res. 215: Mr. BARRETT of South Carolina.
 H. Res. 229: Mr. ANDREWS.
 H. Res. 335: Mr. KILDEE, Mrs. MCCARTHY, and Ms. BALDWIN.
 H. Res. 382: Ms. HART and Mr. AL GREEN of Texas.
 H. Res. 388: Mr. CHANDLER.
 H. Res. 430: Mr. SULLIVAN and Mr. BOREN.
 H. Res. 458: Mr. CAPUANO, Mr. McDERMOTT, Ms. KILPATRICK of Michigan, Mr. OBERSTAR, Mr. MORAN of Virginia, Mr. GRIJALVA, Mrs. MALONEY, Mr. SNYDER, Mr. CONYERS, and Mr. EVANS.

¶101.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 438: Mr. RADANOVICH.
 H.R. 3824: Mr. OWENS.

WEDNESDAY, SEPTEMBER 28, 2005 (102)

¶102.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHAW,

who laid before the House the following communication:

WASHINGTON, DC,
 September 28, 2005.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

¶102.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Tuesday, September 27, 2005.

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

¶102.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4250. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on status of V-22 Osprey Aircraft before resumption of flight testing, pursuant to Public Law 107-107, section 123 (115 Stat. 1031); to the Committee on Armed Services.

4251. A letter from the Engine Manager, Department of the Air Force, Department of Defense, transmitting a request for a congratulatory letter for the retirement of Master Sergeant Christopher A. Shipp; to the Committee on Armed Services.

4252. A letter from the Administrator of National Banks, Comptroller of the Currency, transmitting the issues of the Quarterly Journal that comprise the 2004 annual report to Congress of the Office of the Comptroller of the Currency; to the Committee on Financial Services.

4253. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — HIPAA Administrative Simplification: Standards for Electronic Health Care Claims Attachments [CMS-0050-P] (RIN: 0938-AK62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4254. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-44, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance for defense articles and services; to the Committee on International Relations.

4255. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 038-05); to the Committee on International Relations.

4256. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 081805B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Acting Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Commercial Trip Limits for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 020405D] (RIN: 0648-AS97) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Limited Access System [Docket No. 050408096-5182-02; I.D. 033105A] (RIN: 0648-AS69) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Haddock Incidental Catch Allowance for the 2005 Atlantic Herring Fishery [Docket No. 050517132-5132-01; I.D. 051105D] (RIN: 0648-AT36) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Fishery Closure [Docket No. 050816224-5224-01; I.D. 081005A] (RIN: 0648-AT69) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Modification of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5237-02; I.D. 090105A] (RIN: 0648-AT48) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 050421110-5192-02; I.D. 041505F] (RIN: 0648-AT03) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5 — Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, OR [Docket No. 050426117-5117-01; I.D. 080805A] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Ves-

sels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805C] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 082505A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4268. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4269. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 040830250-5109-04; I.D. 081605C] (RIN: 0648-AS27) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4270. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090605E] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4271. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705F] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and

Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705G] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705E] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4274. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands [Docket No. 041126332-5039-02; I.D. 072205B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4275. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205C] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4276. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071505D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4277. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2005 Winter II Quota [Docket No. 030912231-3266-02; I.D. 071905B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4278. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071905A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4279. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4280. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004 [Docket No.: 2004-P-034] (RIN: 0651-AB76) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4281. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report for 2004 on the STOP Violence Against Women Formula Grant Program; to the Committee on the Judiciary.

4282. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7889] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4283. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4284. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4285. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Hampton Roads, VA [CGD05-04-043] (RIN: 1625-AA01) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4286. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; St. Croix, United States Virgin Islands [CGD07-05-042] (RIN: 1625-AA87) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchoutacabouffa River, Cedar Lake, MS [CGD08-05-034] (RIN: 1625-AA09) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marana Regional Airport, AZ [Docket No. FAA-2005-21005; Airspace Docket No. 05-AWP-2] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ruidoso, NM [Docket No. FAA-2005-22160; Airspace Docket No. 2005-ASW-12] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment to Class E Airspace; Santa Teresa, NM [Docket No. FAA-2005-22159; Airspace Docket No. 2005-ASW-11] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Stage 4 Aircraft Noise Standards [Docket No.: FAA-2003-16526] (RIN: 2120-AH99) (RIN: 2120-AA99) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimum; Miscellaneous Amendments [Docket No. 30449; Amdt. No. 3125] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4293. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30451; Amdt. No. 3127] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4294. A letter from the Director, Regulations & Rulings Division, Department of the Treasury, transmitting the Department's "Major" final rule — Certification Requirements for Imported Natural Wine (2005R-002P) [T.D. TTB-31] (RIN: 1513-AB00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinurance Amounts for Calendar Year 2006 [CMS-8026-N] (RIN: 0938-AO00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Part A Premium for Calendar Year 2006 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8025-AO01] (RIN: 0938-AO01) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4297. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures [CMS-1478-IFC] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4298. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible for Calendar Year 2006 [CMS-8027-N] (RIN: 0938-AO02) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4299. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2006 [CMS-1286-F] (RIN: 0938-AN89) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶102.4 HOMELAND SECURITY APPROPRIATIONS FY 2006

On motion of Mr. ROGERS of Kentucky, by the direction of the Committee on Appropriations, and pursuant to clause 1, rule XXII, the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006,

and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROGERS of Kentucky, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶102.5 MOTION TO INSTRUCT CONFEREES—H.R. 2360

Mr. SABO moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2360, be instructed to insist on the headings and appropriations accounts in Title III of the House-passed bill.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the nays had it.

Mr. SABO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶102.6 MESSAGE FROM THE SENATE

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

H.R. 2132. An Act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 37. An Act to extend the special postage stamp for cancer research for 2 years.

¶102.7 PROVIDING FOR THE CONSIDERATION OF H.R. 3402

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 462):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman

and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. HASTINGS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶102.8 MOTION TO INSTRUCT CONFEREES TO H.R. 2360—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. SABO, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the { Yeas 196
negative } Nays 227

¶102.9 [Roll No. 497]

YEAS—196

Abercrombie Green, Gene
Ackerman Grijalva
Allen Hastings (FL)
Andrews Herseth
Baca Higgins
Baird Hinchey
Baldwin Hinojosa
Barrow Holden
Bean Holt
Becerra Honda
Berkley Hooley
Berman Hoyer
Berry Insee
Bishop (GA) Israel
Bishop (NY) Jackson (IL)
Boren Jackson-Lee
Boucher (TX)
Boyd Jefferson
Brady (PA) Johnson, E. B.
Brown (OH) Jones (OH)
Brown, Corrine Kanjorski
Butterfield Kaptur
Capps Kennedy (RI)
Capuano Kildee
Cardin Kilpatrick (MI)
Cardoza Kind
Carmahan Kucinich
Carson Langevin
Case Lantos
Chandler Larsen (WA)
Clay Larson (CT)
Cleaver Lee
Clyburn Levin
Conyers Lewis (GA)
Cooper Lipinski
Costa Lofgren, Zoe
Costello Lowey
Cramer Lynch
Crowley Maloney
Cuellar Markey
Cummings Marshall
Davis (AL) Matheson
Davis (CA) Matsui
Davis (IL) McCarthy
Davis (TN) McCollum (MN)
DeFazio McDermott
DeGette McGovern
DeLaHunt McIntyre
DeLauro McKinney
Dicks McNulty
Dingell Meehan
Doggett Meek (FL)
Doyle Meeks (NY)
Edwards Menendez
Emanuel Michaud
Engel Millender-
Eshoo McDonald
Etheridge Miller (NC)
Evans Miller, George
Farr Mollohan
Fattah Moore (KS)
Filner Moore (WI)
Ford Moran (VA)
Frank (MA) Murtha
Gonzalez Nadler
Gordon Napolitano
Green, Al Neal (MA)

NAYS—227

Aderholt Boustany
Akin Bradley (NH)
Alexander Brady (TX)
Bachus Brown (SC)
Baker Brown-Waite,
Barrett (SC) Ginny
Bartlett (MD) Burgess
Barton (TX) Burton (IN)
Bass Buyer
Beauprez Calvert
Biggert Camp
Bilirakis Cannon
Bishop (UT) Cantor
Blackburn Capito
Blunt Carter
Boehlert Castle
Boehner Chabot
Bonilla Chocola
Bonner Coble
Bono Cole (OK)
Boozman Conaway

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Hastings (WA)
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

LaHood
Latham
LaTourette
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg

NOT VOTING—10

Blumenauer
Boswell
Culberson
Davis (FL)
Davis, Jo Ann
Gutierrez
Harman
Hunter
Melancon
Shays

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶102.10 H. RES. 462—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 462) providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 330
affirmative { Nays 89

¶102.11 [Roll No. 498]
YEAS—330

Abercrombie	Emanuel	Lungren, Daniel
Aderholt	Emerson	E.
Akin	Engel	Lynch
Alexander	English (PA)	Mack
Allen	Eshoo	Manzullo
Andrews	Etheridge	Marchant
Baca	Everett	Marshall
Bachus	Feeney	Matheson
Baker	Ferguson	McCaul (TX)
Barrett (SC)	Fitzpatrick (PA)	McCotter
Bartlett (MD)	Flake	McCrery
Barton (TX)	Foley	McHenry
Bass	Forbes	McHugh
Beauprez	Ford	McKeon
Berman	Fortenberry	McMorris
Berry	Fossella	McNulty
Biggert	Foxx	Mica
Bilirakis	Franks (AZ)	Michaud
Bishop (GA)	Frelinghuysen	Millender-
Bishop (UT)	Gallagher	McDonald
Blackburn	Garrett (NJ)	Miller (FL)
Blunt	Gerlach	Miller (MI)
Boehlert	Gibbons	Miller (NC)
Boehner	Gilchrest	Miller, Gary
Bonilla	Gillmor	Mollohan
Bonner	Gingrey	Moore (KS)
Bono	Gohmert	Moore (WI)
Boozman	Goode	Moran (KS)
Boren	Goodlatte	Moran (VA)
Boucher	Gordon	Murphy
Boustany	Granger	Murtha
Boyd	Graves	Musgrave
Bradley (NH)	Green (WI)	Myrick
Brady (PA)	Green, Al	Napolitano
Brady (TX)	Green, Gene	Neugebauer
Brown (OH)	Gutknecht	Ney
Brown (SC)	Hall	Northup
Brown, Corrine	Harris	Norwood
Brown-Waite,	Hart	Nunes
Ginny	Hastings (WA)	Nussle
Burgess	Hayes	Oberstar
Burton (IN)	Hayworth	Obey
Butterfield	Hefley	Ortiz
Buyer	Hensarling	Osborne
Calvert	Herger	Otter
Camp	Herseth	Owens
Cannon	Hinojosa	Oxley
Cantor	Hobson	Pascrell
Capito	Hoekstra	Paul
Capuano	Holden	Pearce
Cardin	Hooley	Pence
Cardoza	Hostettler	Peterson (MN)
Carnahan	Hulshof	Peterson (PA)
Carter	Hyde	Petri
Case	Inglis (SC)	Pickering
Castle	Issa	Pitts
Chabot	Istook	Platts
Chandler	Jackson (IL)	Poe
Chocola	Jackson-Lee	Pombo
Clay	(TX)	Pomeroy
Cleaver	Jenkins	Porter
Coble	Jindal	Price (GA)
Cole (OK)	Johnson (CT)	Price (NC)
Conaway	Johnson (IL)	Pryce (OH)
Cooper	Johnson, Sam	Putnam
Costa	Jones (NC)	Radanovich
Cramer	Jones (OH)	Rahall
Crenshaw	Kanjorski	Ramstad
Cubin	Keller	Rangel
Cuellar	Kelly	Regula
Cunningham	Kennedy (MN)	Rehberg
Davis (AL)	Kennedy (RI)	Reichert
Davis (CA)	Kildee	Reyes
Davis (IL)	Kilpatrick (MI)	Reynolds
Davis (KY)	Kind	Rogers (AL)
Davis (TN)	King (IA)	Rogers (KY)
Davis, Tom	King (NY)	Rogers (MI)
Deal (GA)	Kingston	Rohrabacher
DeGette	Kirk	Ros-Lehtinen
Delahunt	Kline	Ross
DeLauro	Knollenberg	Rothman
DeLay	Kolbe	Royce
Dent	Kuhl (NY)	Ruppersberger
Diaz-Balart, L.	LaHood	Ryan (OH)
Diaz-Balart, M.	Larsen (WA)	Ryan (WI)
Dicks	Larson (CT)	Ryun (KS)
Dingell	Latham	Sabo
Doolittle	LaTourette	Salazar
Doyle	Leach	Sanders
Drake	Levin	Saxton
Dreier	Lewis (CA)	Schmidt
Duncan	Lewis (KY)	Schwarz (MI)
Edwards	Linder	Scott (GA)
Ehlers	LoBiondo	Scott (VA)

Sensenbrenner	Sullivan
Sessions	Sweeney
Shadegg	Tancredo
Shaw	Tanner
Sherwood	Taylor (MS)
Shimkus	Taylor (NC)
Shuster	Terry
Simmons	Thomas
Simpson	Thompson (CA)
Skelton	Thornberry
Smith (NJ)	Tiaht
Smith (TX)	Tiberi
Smith (WA)	Turner
Snyder	Udall (CO)
Sodrel	Upton
Souder	Visclosky
Spratt	Walden (OR)
Stearns	Walsh

NAYS—89

Ackerman	Israel
Baird	Jefferson
Baldwin	Johnson, E. B.
Barrow	Kaptur
Bean	Kucinich
Becerra	Langevin
Berkley	Lantos
Bishop (NY)	Lee
Capps	Lewis (GA)
Carson	Lipinski
Clyburn	Lofgren, Zoe
Conyers	Lowe
Costello	Maloney
Crowley	Markey
Cummings	Matsui
DeFazio	McCarthy
Doggett	McDermott
Evans	McGovern
Farr	McIntyre
Fattah	McKinney
Filner	Meehan
Frank (MA)	Meek (FL)
Gonzalez	Meeks (NY)
Grijalva	Menendez
Hastings (FL)	Miller, George
Higgins	Nadler
Hinche	Neal (MA)
Holt	Oliver
Honda	Pallone
Hoyer	Pastor
Inslee	Payne

NOT VOTING—14

Blumenauer	Gutierrez
Boswell	Harman
Culberson	Hunter
Davis (FL)	Lucas
Davis, Jo Ann	McCollum (MN)

Wamp	Weiner
Weldon (FL)	Weldon (PA)
Weller	Westmoreland
Wexler	Whitfield
Wicker	Wilson (NM)
Wilson (SC)	Wolf
Wu	Wynn
Young (AK)	Young (FL)

¶102.13 HURRICANES KATRINA AND RITA
DISABILITIES ASSISTANCE

Mr. BOUSTANY moved to suspend the rules and pass the bill (H.R. 3864) to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. BOUSTANY and Mr. KILDEE, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.14 HUMAN RIGHTS VIOLATIONS IN
CUBA

Mr. BOOZMAN moved to suspend the rules and agree to the following resolution (H. Res. 388):

Whereas the European Union instituted measures on the Cuban Government after the Cuban Government exercised extreme repression on peaceful prodemocracy activists in 2003, but in January 2005 the European Union suspended its measures;

Whereas on July 13, 2005, the Cuban Government detained 24 human rights activists who were participating in a solemn event in remembrance of the victims of the tugboat massacre of innocent civilians by the Cuban government of July 13, 1994;

Whereas human rights activists Rene Montes de Oca, Emilio Leiva Perez, Camilo Cairo Falcon, Manuel Perez Soira, Roberto Guerra Perez, and Lazaro Alonso Roman remain incarcerated from the July 13, 2005, event and face trumped up charges of "disorderly conduct";

Whereas on July 14, 2005, the Government of France invited the Cuban regime's Foreign Minister to the French Embassy in Havana for a "Bastille Day" celebration;

Whereas members of the prodemocracy opposition in Cuba sought, on July 22, 2005, in Havana, to demonstrate in front of the French Embassy in a peaceful and orderly manner, on behalf of the liberation of all Cuban political prisoners, and to protest the current policy of the European Union toward the Cuban Government;

Whereas the Cuban regime mobilized its repressive state security apparatus to intimidate and harass the peaceful demonstrators in order to prevent prodemocracy activists from reaching the French Embassy;

Whereas the Cuban regime arrested and detained many who were planning on attending the peaceful protest of July 22 in front of the French Embassy, including Martha Beatriz Roque Cabello, Félix Antonio Bonne

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.12 APPOINTMENT OF CONFEREES—
H.R. 2360

The SPEAKER pro tempore, Mrs. EMERSON, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEENEY, KOLBE, ISTOOK, LAHOOD, CRENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

Carcassés, Rene Gómez Manzano, Jose Javier Baeza Dis, María de los Angeles Borrego, Ernesto Colás García, Emma Maria Alonso Del Monte, Jose Escuredo Marrero, Uldarico García, Yusimi Gil Portel, Oscar Mario González Pérez, Humberto Guerra, Luis Cesar Guerra, Julio Cesar López Rodríguez, Miguel López Santos, Jacqueline Montes de Oca, Raul Martínez Prieto, Ricardo Medina Salabarría, Francisco Moure Saladrigas, Georgina Noa Montes, Niurka María Peña Rodríguez, Luis Manuel Peñalver, Pastor Pérez Sánchez, Jesús Adolfo Reyes Sánchez, Gloria Cristina Rodríguez González, Juan Mario Rodríguez Guillen, Miguel Valdés Tamayo, Santiago Valdeolla Pérez, and Jesús Alejandro Victore Molina;

Whereas Rene Gómez Manzano, a distinguished leader of the struggle for freedom in Cuba, and other prodemocracy activists, continue to be detained without cause;

Whereas hundreds of political prisoners and prisoners of conscience languish in the Cuban regime's prisons for the crime of seeking democracy for Cuba;

Whereas thousands of others languish in Cuba's totalitarian prisons accused of "common crimes", such as illegally attempting to leave the country and violating the norms of the totalitarian economic system, who should be recognized as prisoners of conscience because they are being jailed for attempting to exercise personal freedoms;

Whereas the Cuban regime has arrested more than 400 young Cubans, from late 2004 through June of 2005, and according to the Cuban regime, the arrests were carried out as a "measure of pre-delinquent security";

Whereas the Cuban regime has continued to repress attempts by the Cuban people to bring democratic change to the island and denies universally recognized liberties, including freedom of speech, association, movement, and the press;

Whereas the Cuban Government remains designated as one of 6 state sponsors of terrorism by the United States Department of State;

Whereas the Cuban Government continues to provide safe harbor to fugitives from United States law enforcement agencies and to international terrorists;

Whereas the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas the Cuban regime engages in torture and other cruel, inhumane, and degrading treatment, including extended periods of solitary confinement and denial of nutritional and medical attention, according to the Department of State's Country Report on Human Rights 2004;

Whereas the personal representative of the United Nations Human Rights Commissioner has not been allowed by the Cuban regime to enter the island to carry out the mandate assigned by the United Nations Human Rights Commission in its resolution of 2002/18 of 19 April 2002, and reaffirmed in resolutions 2003/13 of 17 April 2003, 2004/11 of 15 April 2004, and 2005/12 of 14 April 2005; and

Whereas the Cuban regime continues to violate the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the noted Resolutions of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the gross human rights violations committed by the Cuban regime;

(2) calls on the Secretary of State to initiate an international solidarity campaign

on behalf of the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, the press, and the right to multiparty elections;

(4) calls on the European Union to reexamine its current policy toward the Cuban regime, before June of 2006; and

(5) calls on the United States Permanent Representative to the United Nations, and other international organizations, to work with the member countries of the United Nations Commission on Human Rights (UNCHR) throughout the 62d session of the UNCHR in Geneva, Switzerland, to ensure a resolution that includes the strongest possible condemnation of the July 2005 measures of extreme repression on opposition activists and of all the human rights violations committed by the Cuban regime.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. BOOZMAN and Ms. BERKLEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, September 29, 2005.

¶102.15 SERVICEMEMBERS' GROUP LIFE INSURANCE

Mr. MILLER of Florida moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3200) to amend title 348, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemembers' Group Life Insurance Enhancement Act of 2005".

SEC. 2. REPEALER.

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM \$250,000 TO \$400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking "\$250,000" and inserting "\$400,000"; and

(2) in subsection (d), by striking "of \$250,000" and inserting "in effect under paragraph (3)(A)(i) of that subsection".

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking "in excess of \$250,000 at any one time" and inserting "at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title"; and

(2) in paragraph (2)—

(A) by striking "for less than \$250,000 under Servicemembers' Group Life Insurance" and inserting "under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title"; and

(B) by striking "does not exceed \$250,000" and inserting "does not exceed such maximum amount in effect under such section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

"(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

"(A) in the case of the first such election; and

"(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

"(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

"(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3)."

SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking "member or spouse" in the last sentence and inserting "member, be evenly divisible by \$50,000 and, in the case of a member's spouse,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. MILLER of Florida and Ms. BERKLEY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to the amendment of the Senate?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.16 UNITED STATES GRAIN STANDARDS

Mr. GOODLATTE moved to suspend the rules and pass the bill of the Senate (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. GOODLATTE and Mr. PETERSON of Minnesota, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.17 PLEDGE OF ALLEGIANCE IN SCHOOLS

Mr. SENSENBRENNER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 245):

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) judicial rulings by the United States Court of Appeals for the 4th and 9th circuits have split on the issue of whether the Constitution allows the recitation of the Pledge of Allegiance in schools;

(2) the ruling by the United States Court of Appeals for the 4th circuit correctly finds the Constitution does allow such a recitation; and

(3) the United States Supreme Court should at the earliest opportunity resolve this conflict among the circuits in a manner which recognizes the importance and Constitutional propriety of the recitation of the Pledge of Allegiance by school children.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, September 29, 2005.

¶102.18 JUSTICE AUTHORIZATION FY 2006 THROUGH 2009

The SPEAKER pro tempore, Mr. ISSA, pursuant to House Resolution 462 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The SPEAKER pro tempore, Mr. ISSA, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. KING of Iowa, assumed the Chair.

When Mr. LAHOOD, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶102.19 RECESS—3:10 P.M.

The SPEAKER pro tempore, Mr. KING of Iowa, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶102.20 AFTER RECESS—4:04 P.M.

The SPEAKER pro tempore, Mr. BOEHNER, called the House to order.

¶102.21 JUSTICE AUTHORIZATION FY 2006 THROUGH 2009

The SPEAKER pro tempore, Mr. BOEHNER, pursuant to House Resolution 462 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

Mr. LAHOOD, Chairman of the Committee of the Whole, assumed the chair; and after some time spent therein,

¶102.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 109-236, submitted by Mr. SENSENBRENNER:

Page 6, line 14, strike "pardon and".

Page 10, line 14, strike "pardon and".

Page 25, line 1, insert "(1)" before "Any".

Page 25, line 7, strike the close quotation marks and strike "; and".

Page 25, after line 7, insert the following:

"(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009."

Page 27, strike line 23, and insert the following:

"(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);"

Page 40, after line 16, insert the following as quoted matter:

SEC. 508. INCLUSION OF INDIAN TRIBES.

In this subpart, the term "State" includes an Indian tribal government.

Page 40, line 17, redesignate section 508 as section 509.

Page 43, strike lines 8 through 11 and insert the following:

(ii) by striking "the application submitted pursuant to section 503 of this title." and inserting "the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).";

Page 46, line 5, insert "tribal," before "and local".

Page 47, beginning on line 1, strike "National Criminal History Background Check System" and insert "National Instant Criminal Background Check System".

Page 55, line 22, before the close quotation marks, insert the following as quoted matter:

SEC. 105. INCLUSION OF INDIAN TRIBES.

For purposes of sections 103 and 104, the term "State" includes an Indian tribal government.

Page 65, strike line 1 and all that follows through line 10.

Page 65, line 11, strike "(d)" and insert "(c)".

Page 67, line 3, strike "provisions" and insert "provision".

Page 67, line 4, strike "are" and insert "is".

Page 67, strike lines 7-8.

Page 74, line 12, strike "5" and insert "3".

Page 78, line 1, strike "OFFICE" and insert "DIVISION".

Page 78, line 4, strike "an office" and insert "of Science and Technology, the Division".

Page 78, line 5, strike "a Director" and insert "an individual".

Page 78, line 6, strike "Office" and insert "Division".

Page 78, beginning on line 10, strike "Office, the Director" and insert "Division, the head of the Division".

Page 80, line 17, insert ", in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice," after "Programs".

Page 81, line 2, insert ", in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice," after "General".

Page 81, line 11, insert ", in coordination with the Chief Information Officer and Chief

Financial Officer of the Department of Justice," after "General".

Page 83, strike line 22 and all that follows through page 84, line 8.

Page 84, line 22, insert "and" at the end.

Page 84, line 25, strike the semicolon and all that follows through page 85, line 19, and insert a period.

Page 90, after line 6, insert the following new section:

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking "2003" and inserting "2009".

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after "The Attorney General" the following: ", acting through the Office of Community Oriented Policing Services,".

Page 91, strike lines 5 through 9.

Page 91, after line 19, insert the following:

"(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103-322 is amended by striking subsection (c)."

Page 91, line 24, strike "predominately" and insert "predominantly".

Page 96, strike lines 6 through 9, and insert the following:

inserting "or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "in a Federal prison,".

Page 97, strike lines 3 through 8, and insert the following:

Section 1791(d)(4) of title 18, United States Code, is amended by inserting "or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "penal facility".

Page 100, line 24, insert after "bullying" the following: ", cyberbullying,".

Page 104, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 324. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

Page 116, line 2, insert "or sexual assault" after "violence".

Page 120, beginning on line 3, strike "subparagraph (C)" and insert "subparagraphs (C) and (D)".

Page 120, line 19, insert ", except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor" before the period.

Page 121, line 15, strike "and" at the end.

Page 121, line 18, insert "protection order" after "governmental".

Page 121, line 20, strike the period and insert "; and".

Page 121, after line 20, insert the following:

"(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes."

Page 123, line 13, strike "3793(a)(8)" and insert "3793(a)(18)".

Page 126, lines 1-2, strike "racial and ethnic minorities and other underserved populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General."

Page 126, lines 6-7, strike "racial and ethnic and other underserved populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 126, lines 8-9, strike "racial and ethnic and other underserved" and insert "those".

Page 126, line 24, insert "coalitions for" after the open quotation marks.

Page 130, line 4, insert "or Indian Tribal government" after "State".

Page 130, line 9, insert "(1)" before "Part".

Page 130, line 17, strike "that" and insert "must certify".

Page 130, line 18, insert "will" after "practices".

Page 131, after line 2, insert the following:

(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(d)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following:

"(4) proof of compliance with the requirements regarding polygraph testing provided in section 2012."

Page 134, at the end of line 25, add the following: "Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas."

Page 135, line 2, insert "probation and parole officers," after "prosecutors,".

Page 135, line 6, strike the close quotation marks and the semicolon at the end.

Page 135, after line 6, insert the following: "(13) To develop, to enhance, and to maintain protection order registries,".

Page 135, line 13, insert "that" after "certify".

Page 135, line 15, strike "that".

Page 135, line 15, insert "will" after "practices".

Page 137, beginning on line 2, strike "to offer" and all that follows through "violence".

Page 142, lines 8-12, strike "racial and ethnic communities" and all that follows through the semicolon on line 12 and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 147, lines 22-23, strike "Office on Violence Against Women" and insert "Violence Against Women Office".

Page 150, line 3, strike "assure" and insert "ensure".

Page 151, line 23, strike "every 18 months".

Page 152, strike lines 2 through 15, and insert the following:

"tain information on the activities implemented by the recipients of the grants awarded under this section."

Page 158, line 7, insert "(a) OFFENSES.—" before "Section".

Page 158, after line 14, insert the following: (b) DEFINITION.—Section 2216 of title 18, United States Code, is amended by adding at the end the following:

"(c) DEFINITION.—The term 'dating partner' refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuser. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency of interaction between the persons involved in the relationship."

Page 161, line 7, strike "and".

Page 161, line 19, strike the period and insert "; and".

Page 161, after line 19, insert the following: "(3) to enhance coordinated community responses to sexual assault."

Page 162, line 9, insert "and support coordinated community responses to sexual assault" before the period at the end.

Page 164, line 11, strike "and" at the end.

Page 164, line 14, strike "clauses (A) through (G)." insert "paragraphs (1) through (7);".

Page 164, after line 14, insert the following:

"(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

"(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams."

Page 170, line 4, strike "between" and insert "among".

Page 171, line 14, insert "(including rural areas or rural communities in United States Territories)" after "rural communities".

Page 171, line 17, strike "between" and insert "among".

Page 174, lines 10-13, strike "racial and ethnic and other" and all that follows through the period on line 13 and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General."

Page 183, line 3, strike "Office on Violence Against Women" and insert "Violence Against Women Office".

Page 183, beginning on line 18, strike "Office on Violence Against Women" and insert "Violence Against Women Office".

Page 186, lines 7-9, strike "racial and ethnic and other" and all that follows through the period on line 9 and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General."

Page 189, line 14, strike "racial and ethnic minorities" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General."

Page 190, line 3, strike "racial and ethnic populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 191, line 13, strike "may" and insert "shall".

Page 191, line 24, strike "every 18 months".

Page 193, lines 15-16, strike "racial and ethnic and other underserved populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 193, lines 18-19, strike "racial and ethnic and other underserved populations" and insert "those populations".

Page 195, beginning on line 6, strike "every 18 months".

Page 205, line 18, strike "ANNUAL" and insert "PERFORMANCE".

Page 205, line 20, strike "submit a biennial performance".

Page 205, line 21, insert "on activities conducted with grant funds" before the period.

Page 206, strike lines 9 through 12, and insert the following:

(4) REPORT TO CONGRESS.—Not later than 30 days after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report for the period of 2 fiscal years at any time in which grants were made under this section and ending in such even-numbered fiscal year, that includes—

Page 207, line 13, strike "Office on Violence Against Women" and insert "Violence Against Women Office".

Page 212, line 16, insert ", except that consent for release may not be given by the abuser of the minor or of the other parent of the minor" after "guardian".

Page 213, line 21 strike "native" and insert "Native".

Page 219, lines 7-10, strike "racial and ethnic and other" and all that follows through the semicolon on line 10 and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 222, lines 4-5, strike "racial and ethnic and other underserved populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General".

Page 222, beginning on line 7, strike "every 18 months".

Page 223, lines 5-8, strike "racial and ethnic and other" and all that follows through the semicolon on line 8 and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,".

Page 226, lines 23-24, strike "racial and ethnic and other underserved populations" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General".

Page 227, beginning on line 10, strike "every 18 months".

Page 229, lines 23-24, strike "racial ethnic and other underserved communities" and insert "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language

barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General".

Page 306, line 9, insert "National Institute of Justice in consultation with the" after "through the".

Page 313, beginning on line 5, strike "Office on Violence Against Women" and insert "Violence Against Women Office".

It was decided in the { Yeas 225 affirmative } Nays 191

102.23

[Roll No. 499]

AYES—225

- Aderholt Gilchrist Nussle
Akin Gillmor Osborne
Bachus Gingrey Otter
Baker Gohmert Oxley
Barrett (SC) Goode Pearce
Barrow Goodlatte Pence
Bartlett (MD) Granger Peterson (PA)
Barton (TX) Graves Petri
Bass Green (WI) Pitts
Beauprez Gutknecht Platts
Bigert Hall Poe
Bilirakis Harris Pombo
Bishop (UT) Hart Porter
Blackburn Hastings (WA) Price (GA)
Blunt Hayes Pryce (OH)
Boehlert Hayworth Putnam
Boehner Hefley Radanovich
Bonilla Hensarling Ramstad
Bonner Herger Regula
Bono Hobson Rehberg
Boozman Hoekstra Reichert
Boren Hostettler Renzi
Boustany Hulshof Reynolds
Brady (TX) Hyde Rogers (AL)
Brown (SC) Inglis (SC) Rogers (KY)
Brown-Waite, Issa Rogers (MI)
Ginny Istook Rohrabacher
Burgess Jenkins Ros-Lehtinen
Burton (IN) Jindal Rothman
Buyer Johnson (CT) Royce
Calvert Johnson, Sam Ryan (WI)
Camp Jones (NC) Ryun (KS)
Cannon Keller Saxton
Cantor Kelly Schmidt
Capito Kennedy (MN) Schwarz (MI)
Carter King (IA) Sensenbrenner
Chabot King (NY) Sessions
Chocola Kingston Shadegg
Coble Kirk Shaw
Cole (OK) Kline Shays
Conaway Knollenberg Sherwood
Crenshaw Kolbe Shimmus
Cubin Kuhl (NY) Shuster
Cunningham LaHood Simmons
Davis (KY) Latham Simpson
Davis (TN) LaTourette Smith (NJ)
Davis, Jo Ann Lewis (CA) Smith (TX)
Davis, Tom Lewis (KY) Sodrel
Deal (GA) Linder Souder
DeLay LoBiondo Stearns
Dent Lucas Sullivan
Diaz-Balart, L. Lungren, Daniel
Diaz-Balart, M. E.
Doolittle Mack
Drake Manzullo Taylor (MS)
Dreier Marchant Taylor (NC)
Duncan McCaul (TX) Terry
Ehlers McCotter Thomas
Emerson McCreery Thornberry
English (PA) McHenry Tiahrt
Everett McHugh Tiberi
Feeny McKeon Turner
Ferguson McMorris Upton
Fitzpatrick (PA) Mica Walden (OR)
Flake Miller (FL) Walsh
Foley Miller (MI) Wamp
Forbes Miller, Gary Weldon (FL)
Fortenberry Moran (KS) Weldon (PA)
Fossella Murphy Weller
Foxy Musgrave Westmoreland
Franks (AZ) Myrick Whitfield
Frelinghuysen Neugebauer Wicker
Gallegly Garrett (NJ) Wilson (NM)
Garrett (NJ) Northup Wilson (SC)
Gerlach Norwood Wolf
Gibbons Nunes Young (AK)
Young (FL)

NOES—191

- Abercrombie Baird Berry
Ackerman Baldwin Bishop (GA)
Allen Bean Bishop (NY)
Andrews Becerra Boucher
Baca Berman Boyd

- Bradley (NH) Inslie Ortiz
Brady (PA) Israel Owens
Brown (OH) Jackson (IL) Pallone
Brown, Corrine Jackson-Lee Pascrell
Butterfield (TX) Pastor
Capps Jefferson Paul
Capuano Johnson (IL) Payne
Cardin Johnson, E. B. Pelosi
Cardoza Jones (OH) Peterson (MN)
Carnahan Kanjorski Pomeroy
Carson Kaptur Price (NC)
Case Kennedy (RI) Rahall
Castle Kildee Rangel
Chandler Kilpatrick (MI) Reyes
Clay Kind Ross
Clyburn Kucinich Roybal-Allard
Conyers Langevin Rush
Cooper Lantos Ryan (OH)
Costello Larsen (WA) Sabo
Cramer Larson (CT) Salazar
Crowley Leach Sanchez, Linda
Cuellar Lee T.
Cummings Levin Sanchez, Loretta
Davis (AL) Lewis (GA) Sanders
Davis (CA) Lippinski Schakowsky
Davis (IL) Lofgren, Zoe Schiff
DeFazio Lowey Schwartz (PA)
DeGette Lynch Scott (GA)
Delahunt Maloney Scott (VA)
DeLauro Markey Serrano
Dicks Marshall Sherman
Dingell Matheson Slaughter
Doggett Matsui Smith (WA)
Doyle McCarthy Snyder
Edwards McCollum (MN) Solis
Emanuel McDermott Spratt
Engel McGovern Stark
Eshoo McIntyre Strickland
Etheridge McKinney Stupak
Evans McNulty Tanner
Farr Meehan Thompson (CA)
Fattah Meek (FL) Thompson (MS)
Filner Meeke (NY) Tierney
Ford Menendez Towns
Frank (MA) Michaud Udall (CO)
Gonzalez Millender Udall (NM)
Gordon McDonald Van Hollen
Green, Al Miller (NC) Velazquez
Green, Gene Miller, George Visclosky
Grijalva Mollohan Wasserman
Hastings (FL) Moore (KS) Schultz
Herseith Moore (WI) Waters
Higgins Moran (VA) Watson
Hinchev Murtha Watt
Hinojosa Nadler Waxman
Holden Napolitano Weiner
Holt Neal (MA) Wexler
Honda Oberstar Woolsey
Hooley Obey Wu
Hoyer Oliver Wynn

NOT VOTING—17

- Alexander Culberson Pickering
Berkley Davis (FL) Ruppertsberger
Blumenauer Gutierrez Skelton
Boswell Harman Tancredo
Cleave Hunter Tauscher
Costa Melancon

So the amendment was agreed to. After some further time, The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 462, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009".

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF
APPROPRIATIONS

- Sec. 101. Authorization of appropriations for fiscal year 2006.
 Sec. 102. Authorization of appropriations for fiscal year 2007.
 Sec. 103. Authorization of appropriations for fiscal year 2008.
 Sec. 104. Authorization of appropriations for fiscal year 2009.
 Sec. 105. Organized retail theft.
 Sec. 106. United States-Mexico Border Violence Task Force.
 Sec. 107. National Gang Intelligence Center.

TITLE II—IMPROVING THE DEPARTMENT
OF JUSTICE'S GRANT PROGRAMS

- Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies
 Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
 Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
 Sec. 203. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
 Sec. 204. Clarification of uses for regional information sharing system grants.
 Sec. 205. Integrity and enhancement of national criminal record databases.
 Sec. 206. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

- Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

- Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
 Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
 Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
 Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
 Sec. 225. Change of certain reports from annual to biennial.
 Sec. 226. Grants for young witness assistance.

Subtitle D—Preventing Crime

- Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.
 Sec. 232. Changes to distribution and allocation of grants for drug courts.
 Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
 Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.
 Sec. 235. Enhanced residential substance abuse treatment program for State prisoners.

Subtitle E—Other Matters

- Sec. 241. Changes to certain financial authorities.
 Sec. 242. Coordination duties of Assistant Attorney General.
 Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.
 Sec. 244. Repeal of certain programs.

- Sec. 245. Elimination of certain notice and hearing requirements.
 Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
 Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
 Sec. 248. Office of Audit, Assessment, and Management.
 Sec. 249. Community Capacity Development Office.
 Sec. 250. Office of Applied Law Enforcement Technology.
 Sec. 251. Availability of funds for grants.
 Sec. 252. Consolidation of financial management systems of Office of Justice Programs.
 Sec. 253. Authorization and change of COPS program to single grant program.
 Sec. 254. Clarification of persons eligible for benefits under Public Safety Officers' Death Benefits programs.
 Sec. 255. Pre-release and post-release programs for juvenile offenders.
 Sec. 256. Reauthorization of juvenile accountability block grants.
 Sec. 257. Sex offender management.
 Sec. 258. Evidence-based approaches.
 Sec. 259. Reauthorization of matching grant program for school security.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Technical amendments relating to Public Law 107-56.
 Sec. 302. Miscellaneous technical amendments.
 Sec. 303. Use of Federal training facilities.
 Sec. 304. Privacy officer.
 Sec. 305. Bankruptcy crimes.
 Sec. 306. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
 Sec. 307. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
 Sec. 308. Expanded jurisdiction for contraband offenses in correctional facilities.
 Sec. 309. Magistrate judge's authority to continue preliminary hearing.
 Sec. 310. Technical corrections relating to steroids.
 Sec. 311. Prison Rape Commission extension.
 Sec. 312. Longer statute of limitation for human trafficking-related offenses.
 Sec. 313. Use of Center for Criminal Justice Technology.
 Sec. 314. SEARCH grants.
 Sec. 315. Reauthorization of Law Enforcement Tribute Act.
 Sec. 316. Amendment regarding bullying and gangs.
 Sec. 317. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
 Sec. 318. Reauthorize the gang resistance education and training projects program.
 Sec. 319. National training center.
 Sec. 320. Sense of Congress relating to "good time" release.
 Sec. 321. Public employee uniforms.
 Sec. 322. Officially approved postage.
 Sec. 323. Authorization of additional appropriations.
 Sec. 324. Assistance to courts.
 Sec. 325. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
 Sec. 326. Reauthorization of State criminal alien assistance program.

TITLE IV—VIOLENCE AGAINST WOMEN
REAUTHORIZATION ACT OF 2005

- Sec. 401. Short title.

- Sec. 402. Definitions and requirements for programs relating to violence against women.

TITLE V—ENHANCING JUDICIAL AND
LAW ENFORCEMENT TOOLS TO COMBAT
VIOLENCE

- Sec. 501. STOP grants improvements.
 Sec. 502. Grants to encourage arrest and enforce protection orders improvements.
 Sec. 503. Legal assistance for victims improvements.
 Sec. 504. Court training and improvements.
 Sec. 505. Full faith and credit improvements.
 Sec. 506. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
 Sec. 507. Stalker database.
 Sec. 508. Victim assistants for District of Columbia.
 Sec. 509. Preventing cyberstalking.
 Sec. 510. Repeat offender provision.
 Sec. 511. Prohibiting dating violence.
 Sec. 512. GAO study and report.

TITLE VI—IMPROVING SERVICES FOR
VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT,
AND STALKING

- Sec. 601. Technical amendment to Violence Against Women Act.
 Sec. 602. Sexual assault services program.
 Sec. 603. Amendments to the rural domestic violence and child abuse enforcement assistance program.
 Sec. 604. Assistance for victims of abuse.
 Sec. 605. GAO study of National Domestic Violence Hotline.
 Sec. 606. Grants for outreach to underserved populations.

TITLE VII—SERVICES, PROTECTION,
AND JUSTICE FOR YOUNG VICTIMS OF
VIOLENCE

- Sec. 701. Services and justice for young victims of violence.
 Sec. 702. Grants to combat violent crimes on campuses.
 Sec. 703. Safe havens.
 Sec. 704. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools.

TITLE VIII—STRENGTHENING AMERICA'S
FAMILIES BY PREVENTING VIOLENCE
IN THE HOME

- Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT
VICTIMS OF VIOLENCE

- Sec. 900. Short title; references to VAWA-2000; regulations.

Subtitle A—Victims of Crime

- Sec. 901. Conditions applicable to U and T visas.
 Sec. 902. Clarification of basis for relief under hardship waivers for conditional permanent residence.
 Sec. 903. Adjustment of status for victims of trafficking.

Subtitle B—VAWA Petitioners

- Sec. 911. Definition of VAWA petitioner.
 Sec. 912. Self-petitioning for children.
 Sec. 913. Self-petitioning parents.
 Sec. 914. Promoting consistency in VAWA adjudications.
 Sec. 915. Relief for certain victims pending actions on petitions and applications for relief.
 Sec. 916. Access to VAWA protection regardless of manner of entry.
 Sec. 917. Eliminating abusers' control over applications for adjustments of status.
 Sec. 918. Parole for VAWA petitioners and for derivatives of trafficking victims.

- Sec. 919. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
- Sec. 920. Clarification of access to naturalization for victims of domestic violence.
- Sec. 921. Prohibition of adverse determinations of admissibility or deportability based on protected information.
- Sec. 922. Information for K nonimmigrants about legal rights and resources for immigrant victims of domestic violence.
- Sec. 923. Authorization of appropriations.
- Subtitle C—Miscellaneous Provisions
- Sec. 931. Removing 2 year custody and residency requirement for battered adopted children.
- Sec. 932. Waiver of certain grounds of inadmissibility for VAWA petitioners.
- Sec. 933. Employment authorization for battered spouses of certain nonimmigrants.
- Sec. 934. Grounds for hardship waiver for conditional permanent residence for intended spouses.
- Sec. 935. Cancellation of removal.
- Sec. 936. Motions to reopen.
- Sec. 937. Removal proceedings.
- Sec. 938. Conforming relief in suspension of deportation parallel to the relief available in VAWA—2000 cancellation for bigamy.
- Sec. 939. Correction of cross-reference to credible evidence provisions.
- Sec. 940. Prohibiting abusers from sponsoring family immigrants.
- Sec. 941. Technical corrections.

TITLE X—SAFETY ON TRIBAL LANDS

- Sec. 1001. Purposes.
- Sec. 1002. Consultation.
- Sec. 1003. Analysis and research on violence on tribal lands.
- Sec. 1004. Tracking of violence on tribal lands.
- Sec. 1005. Tribal Division of the Office on Violence Against Women.
- Sec. 1006. GAO report to Congress on status of prosecution of sexual assault and domestic violence on tribal lands.

TITLE XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

- Sec. 1101. Public awareness campaign.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

- (1) GENERAL ADMINISTRATION.—For General Administration: \$161,407,000.
- (2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$216,286,000 for administration of clemency petitions and for immigration-related activities.
- (3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.
- (4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$679,661,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTI-TRUST DIVISION.—For the Anti-trust Division: \$144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,761,237,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,716,173,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$181,137,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) \$121,105,000 for the Office of Justice Programs.

(B) \$14,172,000 for the Office on Violence Against Women.

(C) \$31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activi-

ties of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$75,741,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$706,847,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTI-TRUST DIVISION.—For the Anti-trust Division: \$150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,991,686,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,784,820,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$188,382,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$125,949,000 for the Office of Justice Programs.

(B) \$15,600,000 for the Office on Violence Against Women.

(C) \$32,597,000 for the Office of Community Oriented Policing Services.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$233,934,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$78,771,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$735,121,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTI-TRUST DIVISION.—For the Anti-trust Division: \$156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$6,231,354,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,856,213,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$195,918,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and

Drug Enforcement: \$715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$130,987,000 for the Office of Justice Programs.

(B) \$16,224,000 for the Office on Violence Against Women.

(C) \$33,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$81,922,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$764,526,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTI-TRUST DIVISION.—For the Anti-trust Division: \$162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation:

\$6,480,608,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,930,462,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$203,755,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$132,226,000 for the Office of Justice Programs.

(B) \$16,837,000 for the Office on Violence Against Women.

(C) \$35,257,000 for the Office of Community Oriented Policing Services.

SEC. 105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United States. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for each of fiscal years 2006 through 2009, \$5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) **DEFINITION OF ORGANIZED RETAIL THEFT.**—For purposes of this section, “organized retail theft” means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is known or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) **TASK FORCE.**—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 107. NATIONAL GANG INTELLIGENCE CENTER.

(a) **ESTABLISHMENT.**—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

- (1) the Federal Bureau of Investigation;
- (2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) **INFORMATION.**—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) **ANNUAL REPORT.**—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) **IN GENERAL.**—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

“Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program”;

(B) by amending section 500 to read as follows:

“SEC. 500. NAME OF PROGRAM.

“(a) **IN GENERAL.**—The grant program established under this subpart shall be known as the ‘Edward Byrne Memorial Justice Assistance Grant Program’.

“(b) **REFERENCES TO FORMER PROGRAMS.**—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

“(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.”; and

(C) by inserting after section 500 the following new sections:

“SEC. 501. DESCRIPTION.

“(a) **GRANTS AUTHORIZED.**—

“(1) **IN GENERAL.**—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local govern-

ment, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

“(A) Law enforcement programs.

“(B) Prosecution and court programs.

“(C) Prevention and education programs.

“(D) Corrections and community corrections programs.

“(E) Drug treatment and enforcement programs.

“(F) Planning, evaluation, and technology improvement programs.

“(G) Crime victim and witness programs (other than compensation).

“(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

“(b) **CONTRACTS AND SUBAWARDS.**—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

“(1) neighborhood or community-based organizations that are private and nonprofit;

“(2) units of local government; or

“(3) tribal governments.

“(c) **PROGRAM ASSESSMENT COMPONENT; WAIVER.**—

“(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

“(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

“(d) **PROHIBITED USES.**—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

“(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

“(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

“(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

“(B) luxury items;

“(C) real estate;

“(D) construction projects (other than penal or correctional institutions); or

“(E) any similar matters.

“(e) **ADMINISTRATIVE COSTS.**—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

“(f) **PERIOD.**—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

“(g) **RULE OF CONSTRUCTION.**—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

“SEC. 502. APPLICATIONS.

“To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

“(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

“(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

“(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

“(A) the application (or amendment) was made public; and

“(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

“(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

“(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

“(A) the programs to be funded by the grant meet all the requirements of this subpart;

“(B) all the information contained in the application is correct;

“(C) there has been appropriate coordination with affected agencies; and

“(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

“SEC. 503. REVIEW OF APPLICATIONS.

“The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

“SEC. 504. RULES.

“The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

“SEC. 505. FORMULA.

“(a) ALLOCATION AMONG STATES.—

“(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

“(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the total population of a State to—

“(ii) the total population of the United States; and

“(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

“(ii) the average annual number of such crimes reported by all States for such years.

“(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a ‘minimum allocation State’), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

“(A) allocate 0.25 percent of the total amount to each State; and

“(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

“(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

“(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

“(2) 40 percent shall be for grants to be allocated under subsection (d).

“(c) ALLOCATION FOR STATE GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

“(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

“(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

“(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

“(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

“(2) ALLOCATION.—

“(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the ‘local amount’), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

“(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

“(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data

used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

“(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

“(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

“(ii) but for this paragraph, the amount of funds allocated under this section to—

“(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

“(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

“(B) In this paragraph, the term ‘geographically constituent unit of local government’ means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

“(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

“(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

“(2) ALLOCATIONS UNDER \$10,000.—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

“(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

“(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or

that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

“(g) SPECIAL RULES FOR PUERTO RICO.—

“(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

“(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

“(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term ‘unit of local government’ means a district attorney or a parish sheriff.

“SEC. 506. RESERVED FUNDS.

“Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

“(1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which \$1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

“(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

“SEC. 507. INTEREST-BEARING TRUST FUNDS.

“(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

“(b) EXPENDITURES.—

“(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

“(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

“(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

“(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

“SEC. 508. INCLUSION OF INDIAN TRIBES.

“In this subpart, the term ‘State’ includes an Indian tribal government.

“SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subpart \$1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.”

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking “such as” and all that follows through “the M.O.R.E. program” and inserting “such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program”.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking “pursuant to section 511 or 515” and inserting “pursuant to section 515”;

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking “the program evaluations as required by section 501(c) of this part” and inserting “program evaluations”;

(ii) in subsection (a)(2), by striking “evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part” and inserting “evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part”; and

(iii) in subsection (b)(2), by striking “programs funded under section 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 505 (formula grants)”;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “section 506” and inserting “section 505”; and

(ii) in subsection (a)(1), by striking “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503” and inserting “an assessment of the impact of such activities on meeting the purposes of subpart 1”;

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking “the purposes of section 501 of this title” and inserting “the purposes of such subpart 1”; and

(ii) by striking “the application submitted pursuant to section 503 of this title.” and inserting “the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).”;

(E) in section 808 (42 U.S.C. 3789), by striking “the State office described in section 507 or 1408” and inserting “the State office responsible for the trust fund required by section 507, or the State office described in section 1408.”;

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking “for the purposes

of section 506(a)” and inserting “for the purposes of section 505(a)”;

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking “section 506(a)” and inserting “section 505(a)”;

(ii) in paragraph (2)—

(I) by striking “section 503(a)” and inserting “section 502”;

(II) by striking “section 506” and inserting “section 505”;

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking “The office designated under section 507 of title I” and inserting “The office responsible for the trust fund required by section 507”;

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking “and reflects consideration of the statewide strategy under section 503(a)(1)”;

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking “The Office designated under section 507” and inserting “The office responsible for the trust fund required by section 507”.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking “more than 5 recipients” and inserting “more than 5 individuals, or groups of individuals, as recipients”.

SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking “the Director of the Office of Justice Assistance” and inserting “the Assistant Attorney General for the Office of Justice Programs”.

SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting “regional” before “information sharing systems”;

(2) by amending paragraph (3) to read as follows:

“(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;”;

(3) by striking “(5)” at the end of paragraph (4).

SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: “The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”;

(2) by amending paragraph (19) of subsection (c) to read as follows:

“(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records

including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;"; and

(3) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data."

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking "particular individual" and inserting "private person or public agency".

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking "Except as provided by Federal law other than this title, no" and inserting "No".

SEC. 206. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2007" and inserting "2009".

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) SEEDING.—Activities, to be known as Seeding activities, which shall include pro-

moting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

"(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

"(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

"(A) in a voting capacity, representatives of—

"(i) appropriate law enforcement agencies; and

"(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

"(B) in a voting capacity, both—

"(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

"(ii) the United States Attorney for the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

"(C) the steering committee is capable of implementing the strategy appropriately; and

"(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

"(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

"(1) a sustainable Weed and Seed strategy that includes—

"(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) GRANTS.—

"(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

"(2) USES.—For each grant under this subsection, the community receiving that grant—

"(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

"(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"SEC. 105. INCLUSION OF INDIAN TRIBES.

"For purposes of sections 103 and 104, the term 'State' includes an Indian tribal government."

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after “Director”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

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

“(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “paragraph (1)(A)” and inserting “paragraphs (1)(A) and (1)(C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

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

“(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).”.

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

“(A) attaches conditions inconsistent with applicable laws or regulations; or

“(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.”.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking “expended” and inserting “obligated”.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking “, acting through the Director.”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.”.

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after “violent crimes against women” the following: “to develop and strengthen victim services in cases involving violent crimes against women”.

(b) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (a), by striking “to States” and all that follows through “tribal governments”;

(2) in subsection (c)(3)(A), by striking “police” and inserting “law enforcement”; and

(3) in subsection (d)—

(A) in the second sentence, by inserting after “each application” the following: “submitted by a State”; and

(B) in the third sentence, by striking “An application” and inserting “In addition, each application submitted by a State or tribal government”.

(c) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg-3) is amended by striking “Not later than” and all that follows through “the Attorney General shall submit” and inserting the following: “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit”.

SEC. 225. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking “The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides” and inserting “Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides”.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking “Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,” and inserting “Not later than one month after the end of each even-numbered fiscal year.”.

SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term “juvenile” means an individual who is age 17 or younger.

(2) The term “young adult” means an individual who is age 21 or younger but not a juvenile.

(3) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006 through 2009.

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(b)) is amended in the matter preceding paragraph (1) by striking “an offense that” and inserting “a felony-level offense that”.

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u-6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

“(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.”.

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking “offenders with substance abuse problems” and inserting “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems”.

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3) is amended by adding at the end the following new subsection:

“(d) DEFINITION.—In this section, the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

“(1) directed at the substance abuse problems of the prisoners; and

“(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.”.

SEC. 235. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

“(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree—

“(1) to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

“(A) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

“(B) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State; and

“(2) to require, as a condition of participation in the treatment program, that such testing indicate that the individual has not used a controlled substance for at least the three-month period prior to the date the individual receives such testing to enter the treatment program.”.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT” and inserting “AFTERCARE SERVICES REQUIREMENT”; and

(2) in paragraph (1), by striking “To be eligible for a preference under this part” and inserting “To be eligible to receive funds under this part”.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

“(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.”.

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking “section 6503(d)” and inserting “sections 3335(b) or 6503(d)”; and

(2) by striking “section 6503” and inserting “sections 3335(b) or 6503”.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking “pursuant to section 501(a)” and inserting “pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)”.

(c) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note)

shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after “the Bureau of Justice Statistics,” the following: “the Office for Victims of Crime.”.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting “, including placing special conditions on all grants, and determining priority purposes for formula grants” before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking “unless such requirement is terminated under” and inserting “for the time period specified in”.

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAM.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769–3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking “(a)” before “Whenever.”.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking “, after reasonable notice and opportunity for a hearing.”; and

(B) by striking “, except as otherwise provided herein”.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking “(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))”.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking “program or project” and inserting “program, plan, or project”.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking “which” and inserting “, including faith-based, that”.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking “and” at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

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

“(26) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(27) the term ‘private person’ means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).”.

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after “The Attorney General” the following: “or the Secretary of Homeland Security, as applicable.”; and

(2) in subsection (b)(1)—

(A) by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(B) by striking “shall not exceed the lesser of the amount” and inserting “shall be the amount billed, not to exceed the amount”;

(C) by striking “items and services” and all that follows through “the Medicare program” and inserting “items and services under the Medicare program”; and

(D) by striking “; or” and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

“(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

“(1) The program under part Q of this title.

“(2) Any grant program carried out by the Office of Justice Programs.

“(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

“(c) PERFORMANCE AUDITS REQUIRED.—

“(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

“(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

“(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

“(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

“(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

“SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

“(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

“(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

“(d) BEST PRACTICES.—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) ESTABLISHMENT.—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) DUTIES.—In carrying out the purpose of the Division, the head of the Division shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

“SEC. 108. AVAILABILITY OF FUNDS.

“(a) PERIOD FOR AWARDED GRANT FUNDS.—

“(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

“(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) DEFINITION.—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

“(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).”;

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking “ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—” and inserting “USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—”;

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

“(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;”;

(D) by amending paragraph (9) (as so redesignated) to read as follows:

“(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;”;

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking “subsection (i)” and inserting “subsection (g)”.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd-1) is amended in subsection (d)(2) by striking “section 1701(d)” and inserting “section 1701(b)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking “expended—” and all that follows through “2000” and inserting “expended \$1,047,119,000 for each of fiscal years 2006 through 2009”; and

(2) in subparagraph (B)—

(A) by striking “section 1701(f)” and inserting “section 1701(d)”;

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107-196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) ‘member of a rescue squad or ambulance crew’ means an officially recognized or designated public employee member of a rescue squad or ambulance crew;”;

(3) in paragraph (4) by striking “and” and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting “with respect” before “to any individual”.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

“(m) In any case in which the Bureau paid, before the date of the enactment of

Public Law 107-196, any benefit under this part to an individual who—

“(1) before the enactment of that law was entitled to receive that benefit; and

“(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.”.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

“(4) if there is no surviving spouse or surviving child—

“(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

“(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or”.

SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking “or” at the end;

(2) in paragraph (16) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful re-entry of juvenile offenders from State or local custody in the community.”.

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10(a)) is amended by striking “2002 through 2005” and inserting “2006 through 2009”.

SEC. 257. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 258. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”; and

(2) in subsection (b)(1)(A)(ii) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”.

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking “2003” and inserting “2009”.

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after “The Attorney General” the following: “, acting through the Office of Community Oriented Policing Services.”.

TITLE III—MISCELLANEOUS PROVISIONS**SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107-56.****(a) STRIKING SURPLUS WORDS.—**

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking “to be used to be used” and inserting “to be used”.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking “sections” and inserting “section”.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107-56 is amended, effective on the date of the enactment of that section, by striking “title 18” and inserting “title 28”.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

“3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.”.

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1922), is repealed.

(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103-322 is amended by striking subsection (c).

SEC. 303. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 304. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 305. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program’s efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor’s failure to disclose all assets.

SEC. 306. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 307. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,”:

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) **SEXUAL ABUSE OF A WARD.**—Section 2243(b) of such title is amended by striking “one year” and inserting “five years”.

(2) **ABUSIVE SEXUAL CONTACT.**—Section 2244 of such title is amended by striking “six months” and inserting “two years” in each of subsections (a)(4) and (b).

SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting “or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “penal facility”.

SEC. 309. MAGISTRATE JUDGE’S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: “In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.”.

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public Law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

“(xvii) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;”;

(2) striking clause (xiv) and inserting the following:

“(xiv) stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);”.

SEC. 311. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking “2 years” and inserting “3 years”.

SEC. 312. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 3298. Trafficking-related offenses

“No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3298. Trafficking-related offenses.”.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting “, or for ten years after the offense, whichever is longer” after “of the child”.

SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit “center of excellence” that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

- (1) \$7,500,000 for fiscal year 2006;
- (2) \$7,500,000 for fiscal year 2007; and
- (3) \$10,000,000 for fiscal year 2008.

SEC. 314. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$2,000,000 for each of fiscal years 2006 through 2009.

SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107-273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking “2006” and inserting “2009”.

SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

“(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;”

SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

“Sec.

“599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

“599B. Personnel management demonstration project.”

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

“§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives”;

and

(B) in subsection (b)(2), by inserting “of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)” after “subsection (c)”, and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

“§ 599B. Personnel management demonstration project”,

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

“40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives 599A”.**SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.**

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$20,000,000 for fiscal year 2006;
- “(2) \$20,000,000 for fiscal year 2007;
- “(3) \$20,000,000 for fiscal year 2008;
- “(4) \$20,000,000 for fiscal year 2009; and
- “(5) \$20,000,000 for fiscal year 2010.”

SEC. 319. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

- (1) \$2,500,000 for fiscal year 2006.
- (2) \$3,000,000 for fiscal year 2007.
- (3) \$3,000,000 for fiscal year 2008.
- (4) \$3,000,000 for fiscal year 2009.

SEC. 320. SENSE OF CONGRESS RELATING TO “GOOD TIME” RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a “good time” release program for non-violent criminals in the Federal prison system.

SEC. 321. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking “police badge” each place it appears in subsections (a) and (b) and inserting “official insignia or article of clothing”;

(2) in each of paragraphs (2) and (4) of subsection (a), by striking “badge of the police” and inserting “official insignia or article of clothing”;

(3) in subsection (b)—

(A) by striking “the badge” and inserting “the insignia or article of clothing”; and

(B) by inserting “is other than a counterfeit police badge and” before “is used or is intended to be used”;

(4) in subsection (c)—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”;

(C) by adding at the end the following:

“(3) the term ‘official insignia or article of clothing’ means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee; and

“(4) the term ‘public employee’ means any officer or employee of the Federal Government or of a State or local government.”;

(5) by adding at the end the following:

“(d) It is a defense to a prosecution under this section that the official insignia or article of clothing is a counterfeit police badge

and is used or is intended to be used exclusively—

“(1) for a dramatic presentation, such as a theatrical, film, or television production; or

“(2) for legitimate law enforcement purposes.”; and

(6) in the heading for the section, by striking “Police badges” and inserting “Public employee insignia and clothing”.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking “Police badges” and inserting “Public employee insignia and clothing”.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and clothing received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 322. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: “Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.”

SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 324. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 325. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator’s drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 326. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking “appropriated” and all that follows through the period and inserting the following: “appropriated to carry out this subsection—

“(A) such sums as may be necessary for fiscal year 2005;

“(B) \$750,000,000 for fiscal year 2006;

“(C) \$850,000,000 for fiscal year 2007; and

“(D) \$950,000,000 for each of the fiscal years 2008 through 2011.”

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

“(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a

municipality, may be used only for correctional purposes.”.

(c) **STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security’s efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) **IDENTIFICATION.**—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the “Violence Against Women Reauthorization Act of 2005”.

SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

“SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

“In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

“SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

“(a) **IN GENERAL.**—In this part, and in any violence against women provision, unless the context unequivocally requires otherwise, the following definitions apply:

“(1) **COURTS.**—The term ‘courts’ means any civil or criminal, tribal, and Alaskan

Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

“(2) **CHILD MALTREATMENT.**—The term ‘child maltreatment’ means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

“(3) **COMMUNITY-BASED ORGANIZATION.**—The term ‘community-based organization’ means an organization that—

“(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

“(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

“(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

“(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

“(4) **COURT-BASED AND COURT-RELATED PERSONNEL.**—The term ‘court-based’ and ‘court-related personnel’ mean persons working in the court, whether paid or volunteer, including—

“(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

“(B) court security personnel;

“(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

“(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

“(5) **DOMESTIC VIOLENCE.**—The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or minor victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

“(6) **DATING PARTNER.**—The term ‘dating partner’ refers to a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

“(A) the length of the relationship;

“(B) the type of relationship; and

“(C) the frequency of interaction between the persons involved in the relationship.

“(7) **DATING VIOLENCE.**—The term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) The length of the relationship.

“(ii) The type of relationship.

“(iii) The frequency of interaction between the persons involved in the relationship.

“(8) **ELDER ABUSE.**—The term ‘elder abuse’ means any action against a person who is 60 years of age or older that constitutes the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

“(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“(9) **INDIAN.**—The term ‘Indian’ means a member of an Indian tribe.

“(10) **INDIAN HOUSING.**—The term ‘Indian housing’ means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

“(11) **INDIAN TRIBE.**—The term ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(12) **INDIAN LAW ENFORCEMENT.**—The term ‘Indian law enforcement’ means the departments or individuals under the direction of the Indian tribe that maintain public order.

“(13) **LAW ENFORCEMENT.**—The term ‘law enforcement’ means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

“(14) **LEGAL ASSISTANCE.**—The term ‘legal assistance’—

“(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

“(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

“(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim’s safety and privacy, subject to subparagraph (B); and

“(B) does not include representation of a defendant in a criminal or juvenile proceeding.

“(15) **LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.**—The term ‘linguistically and culturally specific services’ means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

“(16) **PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.**—The term ‘personally identifying information’ or ‘personal information’ means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

“(17) PROSECUTION.—The term ‘prosecution’ means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim services programs).

“(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term ‘protection order’ or ‘restraining order’ includes—

“(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

“(19) RURAL AREA AND RURAL COMMUNITY.—The terms ‘rural area’ and ‘rural community’ mean—

“(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

“(B) any area or community, respectively, that is—

“(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

“(ii) located in a rural census tract.

“(20) RURAL STATE.—The term ‘rural State’ means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

“(21) SEXUAL ASSAULT.—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(22) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“(23) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(24) STATE DOMESTIC VIOLENCE COALITION.—The term ‘State domestic violence coalition’ means a program determined by the

Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

“(25) STATE SEXUAL ASSAULT COALITION.—The term ‘State sexual assault coalition’ means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic violence or sexual assault that is—

“(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

“(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

“(27) TRIBAL COALITION.—The term ‘tribal coalition’ means—

“(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

“(28) TRIBAL GOVERNMENT.—The term ‘tribal government’ means—

“(A) the governing body of an Indian tribe; or

“(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(29) TRIBAL ORGANIZATION.—The term ‘tribal organization’ means—

“(A) the governing body of any Indian tribe;

“(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

“(C) any tribal nonprofit organization.

“(30) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

“(31) VICTIM ADVOCATE.—The term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

“(32) VICTIM ASSISTANT.—The term ‘victim assistant’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

“(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with an organization with a documented history of effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

“(34) YOUTH.—The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

“(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term ‘violence against women provision’ means any provision required by law to be carried out by or through the Violence Against Women Office.

“SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

“(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

“(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

“(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

“(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

“(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs; or

“(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor.

“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

“(D) INFORMATION SHARING.—Grantees and subgrantees may share—

“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law-enforcement generated information contained in secure, governmental protection order registries for investigation, prosecution, and enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

“(3) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities carried out under the grant.

“(4) USE OF FUNDS.—Funds authorized and appropriated under the grant program may be used only for the specific purposes described in the grant program and shall remain available until expended.

“(5) EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program (or for use to carry out related research), pursuant to the requirements described in paragraph (1)(D).

“(6) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

“(7) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

“(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term ‘violence against women grant program’ means any grant program required by law to be carried out by or through the Violence Against Women Office.”.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking “\$185,000,000 for each of fiscal years 2001 through 2005” and inserting “\$215,000,000 for each of fiscal years 2006 through 2010”.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g(b)) is amended—

(1) by striking “, and specifically, for the purposes of—” and inserting “, including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking, and specifically only for the purposes of—”;

(2) in paragraph (5), by inserting after “protection orders are granted,” the following: “supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.”;

(3) in paragraph (10), by striking “and” after the semicolon; and

(4) by adding at the end the following:

“(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families; and

“(13) supporting the placement of special victim assistants (to be known as ‘Jessica

Gonzales Victim Assistants’) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

“(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

“(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

“(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

“(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.”.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: “and describe how the State will address the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General”; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

“(D) recognize and meaningfully respond to the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General, and ensure that monies set aside to fund services and activities for those populations are distributed equitably among those populations.”.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-1), as amended by subsection (c), is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “5 percent” and inserting “10 percent”;

(B) in paragraph (2), by striking “ $\frac{1}{4}$ ” and inserting “ $\frac{1}{6}$ ”;

(C) in paragraph (3), by striking “and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{4}$ ” and inserting “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to $\frac{1}{6}$ ”;

(D) in paragraph (4), by striking “ $\frac{1}{4}$ ” and inserting “ $\frac{1}{6}$ ”;

(E) in paragraph (5), by striking “and” after the semicolon;

(F) in paragraph (6), by striking the period and inserting “; and”; and

(G) by adding at the end:

“(7) such funds shall remain available until expended.”;

(2) in subsection (c)(3)(B), by inserting after “victim services” the following: “, of which at least 10 percent shall be distributed

to culturally specific community-based organizations”; and

(3) in subsection (d)—

(A) in paragraph (2), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.”.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-1), as amended by this section, is further amended by adding at the end the following:

“(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

“(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence, sexual assault, stalking, and dating violence.

“(2) INDIAN TRAINING.—The Director of the Violence Against Women Office shall ensure that training, technical assistance, and data collection regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.

“(j) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—As a condition of receiving grant amounts under this part, the recipient shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.”.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796g-4) is amended by adding at the end the following:

“(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State or Indian Tribal government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”.

(g) POLYGRAPH TESTING PROHIBITION.—(1) Part T of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following new section:

"SEC. 2012. POLYGRAPH TESTING PROHIBITION.

"In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 must certify their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case."

(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(d)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following:

"(4) proof of compliance with the requirements regarding polygraph testing provided in section 2012."

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is further amended by adding at the end the following new section:

"SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEEES.

"No matching funds shall be required for a grant or subgrant made under this part, if made—

"(1) to a law enforcement agency having fewer than 20 officers;

"(2) to a victim service provider having an annual operating budget of less than \$5,000,000; or

"(3) to any entity that the Attorney General determines has adequately demonstrated financial need."

SEC. 502. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "\$65,000,000 for each of fiscal years 2001 through 2005." and inserting "\$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended."

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";

(B) in paragraph (1), by striking "mandatory arrest or";

(C) in paragraph (2), by—

(i) inserting after "educational programs," the following: "protection order registries,"; and

(ii) striking "domestic violence and dating violence." and inserting "domestic violence, dating violence, sexual assault, and stalking. Such policies, educational pro-

grams, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.;"

(D) in paragraph (3), by—

(i) striking "domestic violence cases" and inserting "domestic violence, dating violence, sexual assault, and stalking cases"; and

(ii) striking "groups" and inserting "teams";

(E) in paragraph (5), by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (6), by—

(i) striking "other" and inserting "civil"; and

(ii) inserting after "domestic violence" the following: ", dating violence, sexual assault, and stalking"; and

(G) by adding at the end the following:

"(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

"(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

"(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

"(12) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

"(13) To develop, to enhance, and to maintain protection order registries.;"

(3) in subsection (c)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) certify that within three years of enactment of the Violence Against Women Reauthorization Act of 2005 their laws, policies, or practices will ensure that—

"(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condi-

tion for proceeding with the investigation, charging or prosecution of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense.;" and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments."

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities."

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended—

(1) in subsection (a), by—

(A) inserting before "legal assistance" the following: "civil and criminal";

(B) inserting after "effective aid to" the following: "adult, youth, and minor"; and

(C) striking "domestic violence, dating violence, stalking, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking";

(2) in subsection (c), by striking "private nonprofit entities, Indian tribal governments," and inserting "nonprofit, non-governmental organizations, Indian tribal governments and tribal organizations, territorial organizations,;"

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking "victims of domestic violence, stalking, and sexual assault" and inserting "victims of domestic violence, dating violence, sexual assault, and stalking";

(4) in subsection (d)—

(A) in paragraph (1), by striking "domestic violence, dating violence, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking"; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

"(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and"; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.”; and

(B) in paragraph (2)—
(i) in subparagraph (A), by—

(I) striking “5 percent” and inserting “10 percent”;

(II) striking “programs” and inserting “tribal governments or tribal organizations”;

(III) inserting “adult, youth, and minor” after “that assist”; and

(IV) striking “domestic violence, dating violence, stalking, and sexual assault” and inserting “domestic violence, dating violence, sexual assault, and stalking”; and

(ii) in subparagraph (B), by striking “technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault” and inserting “technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault”.

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

“Subtitle J—Violence Against Women Act Court Training and Improvements

“SEC. 41001. SHORT TITLE.

“This subtitle may be cited as the ‘Violence Against Women Act Court Training and Improvements Act of 2005’.

“SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

“(a) PURPOSE.—The purpose of this section is to enable the Attorney General, through the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

“(1) improved internal civil and criminal court functions, responses, practices, and procedures;

“(2) education for court-based and court-related personnel on issues relating to victims’ needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

“(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

“(4) to enable courts or court-based or court-related programs to develop new or enhance current—

“(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

“(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

“(C) offender management, monitoring, and accountability programs;

“(D) safe and confidential information-storage and -sharing databases within and between court systems;

“(E) education and outreach programs (such as interpreters) to improve community access, including enhanced access for popu-

lations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General; and

“(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

“(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs; and

“(6) to provide training for specialized service providers, such as interpreters.

“(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

“(1) ELIGIBLE GRANTEEES.—Eligible grantees may include—

“(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court’s internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

“(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

“(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

“(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

“(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

“(c) EVALUATION.—

“(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

“(2) TRIBAL GRANTEEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$4,000,000 for each of fiscal years 2006 to 2010.

“(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

“SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

“(a) NATIONAL CURRICULA.—

“(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth,

and minor domestic violence, dating violence, sexual assault, and stalking.

“(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

“(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

“(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

“(b) TRIBAL CURRICULA.—

“(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

“(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

“(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

“(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2006 to 2010.

“(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

“(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

“SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

“(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Attorney General, through the Director of the Violence Against Women Office (in this section referred to as the ‘Director’), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

“(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

“(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

“(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as ‘courts’); and

“(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

“(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

“(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

“(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

“(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

“(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and ensure necessary services dealing with the health and mental health of youth victims are available.

“(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

“(f) DISTRIBUTION.—In awarding grants under this section—

“(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

“(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for moni-

toring and evaluation of grants made available under this section;

“(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

“(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

“(g) REPORTS.—

“(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General may require. Each such report shall contain information on the activities implemented by the recipients of the grants awarded under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2006 through 2010.”

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking “State or Indian tribe” each place it appears and inserting “State, Indian tribe, or territory”;

(2) by striking “State or tribal” each place it appears and inserting “State, tribal, or territorial”;

(3) in subsection (a) by striking “State or tribe” and inserting “State, Indian tribe, or territory”.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking “and enforced as if it were” and inserting “and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were”.

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking “protection order” each place it appears and inserting “protection order, restraining order, or injunction”.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

“(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term ‘protection order, restraining order, or injunction’ includes—

“(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.”

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

“Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

“SEC. 41101. TASK FORCE.

“The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$1,000,000 for each of fiscal years 2006 through 2010.

“(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.”

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking “2001” and inserting “2006”; and

(2) by striking “2005” and inserting “2010”.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

“There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), \$1,000,000 for each of fiscal years 2006 through 2010.”

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after “intimidate” the following: “, or places under surveillance with the intent to kill, injure, harass, or intimidate,”; and

(B) by inserting after “or serious bodily injury to,” the following: “or causes substantial emotional harm to,”;

(2) in paragraph (2)(A), by striking “to kill or injure” and inserting “to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emotional harm to,”; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after “uses the mail” the following: “, any interactive computer service,”; and

(B) by inserting after “course of conduct that” the following: “causes substantial emotional harm to that person or”.

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

“§ 2265A. Repeat offender provision

“The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.”.

SEC. 511. PROHIBITING DATING VIOLENCE.

(a) OFFENSE.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “or intimate partner” both places such term appears and inserting “, intimate partner, or dating partner”; and

(2) in paragraph (2), by striking “or intimate partner” both places such term appears and inserting “, intimate partner, or dating partner”.

(b) DEFINITION.—Section 2216 of title 18, United States Code, is amended by adding at the end the following:

“(c) DEFINITION.—The term ‘dating partner’ refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuser. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency of interaction between the persons involved in the relationship.”.

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

“(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only

for the specific programs and activities expressly described in this part.”.

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

“SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

“(a) PURPOSE.—The purposes of this section are—

“(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

“(A) adult, youth, and minor victims of sexual assault;

“(B) family and household members of such victims; and

“(C) those collaterally affected by the victimization except for the perpetrator of such victimization;

“(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

“(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

“(B) professionals working in legal, social service, and health care settings;

“(C) nonprofit organizations;

“(D) faith-based organizations; and

“(E) other individuals and organizations seeking such assistance; and

“(3) to enhance coordinated community responses to sexual assault.

“(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

“(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and Indian tribes, tribal organizations, and non-profit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

“(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault and support coordinated community responses to sexual assault.

“(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

“(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to any culturally specific community-based organization that—

“(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

“(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

“(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

“(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

“(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

“(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

“(1) 24 hour hotline services providing crisis intervention services and referrals;

“(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

“(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

“(4) support mechanisms that are culturally relevant to the community;

“(5) information and referral to assist the sexual assault victim and family or household members;

“(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

“(7) collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault;

“(8) the development and distribution of educational materials on issues related to sexual assault and the services described in paragraphs (1) through (7);

“(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

“(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams.

“(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

“(1) GRANTS AUTHORIZED.—

“(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

“(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

“(f) COALITION ACTIVITIES AUTHORIZED.—Grant funds received under subsection (e) may be used to—

“(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

“(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

“(3) work with courts, child protective services agencies, and children’s advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

“(4) design and conduct public education campaigns;

“(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

“(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

“(g) APPLICATION.—

“(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

“(2) Each eligible entity desiring a grant under subsection (b) shall include—

“(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

“(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and between urban and rural areas within such State or territory;

“(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

“(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

“(h) REPORTING.—

“(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

“(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

“(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

“(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

“(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5 percent for administrative costs;

“(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

“(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to $\frac{1}{60}$ of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

“(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.”.

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

“(a) PURPOSES.—The purposes of this section are—

“(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

“(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

“(B) law enforcement agencies;

“(C) prosecutors;

“(D) courts;

“(E) other criminal justice service providers;

“(F) human and community service providers;

“(G) educational institutions; and

“(H) health care providers;

“(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

“(3) to increase the safety and well-being of women and children in rural communities, by—

“(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

“(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

“(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the ‘Director’), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities (including rural areas or rural communities in United States Territories) that address domestic violence, dating violence, sexual assault, and stalking by—

“(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

“(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

“(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

“(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

“(d) ALLOTMENTS AND PRIORITIES.—

“(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

“(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

“(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section

shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

“(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

“(i) 30 percent, for any fiscal year for which \$45,000,000 or more is made available to carry out this section;

“(ii) 35 percent, for any fiscal year for which \$50,000,000 or more is made available to carry out this section; or

“(iii) 40 percent, for any fiscal year for which \$55,000,000 or more is made available to carry out this section.

“(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

“(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

“(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

“(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

“(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.”.

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2014 (as added by section 602 of this Act) the following:

“SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

“(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

“(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

“(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

“(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with

disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

“(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

“(5) for multidisciplinary collaborative community responses to victims.

“(b) USE OF FUNDS.—Grant funds under this section may be used—

“(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

“(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

“(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

“(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

“(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

“(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

“(A) the Americans with Disabilities Act of 1990; and

“(B) section 504 of the Rehabilitation Act of 1973;

“(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

“(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

“(A) nonprofit, nongovernmental agencies;

“(B) governmental agencies serving individuals with disabilities; and

“(C) victim service organizations; or

“(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

“(A) a State;

“(B) a unit of local government;

“(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals

with disabilities or a community-based organization; and

“(D) a religious organization.

“(2) LIMITATION.—A grant awarded for the purposes described in subsection (b)(9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f-5)).

“(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

“(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.”

SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) STUDY REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal, racial, and ethnic populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic

violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Violence Against Women Office at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Violence Against Women Office, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

“Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

“SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

“(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide

cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

“(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

“(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

“(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

“(3) set aside up to 8 percent for training and technical assistance, to be provided—

“(A) to organizations that are establishing or have established collaborative responses and services; and

“(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

“(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

“(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

“(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

“(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

“(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

“(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

“(B) domestic violence or dating violence in child protection cases; and

“(C) the needs of both the child and non-abusing parent;

“(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

“(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

“(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child’s safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

“(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators’ behavior on adult, youth, and minor victims; and

“(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect, accountable for stopping the perpetrators’ abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

“(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

“(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

“(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General, in the court and child welfare system; and

“(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General, and other necessary supportive services.

“(h) GRANTEE REQUIREMENTS.—

“(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

“(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

“(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

“(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

“(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

“(A) shall include a State or local child welfare agency or Indian Tribe;

“(B) shall include a domestic violence or dating violence victim service provider;

“(C) shall include a court;

“(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

“(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

“(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General, detailing how the funds have been used.

“SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

“(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

“(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

“(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

“(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

“(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

“(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

“(2) TYPES OF PROGRAMS.—Such a program—

“(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

“(B) shall include linguistically, culturally, and community relevant services for

populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General, or linkages to existing services in the community tailored to the needs of those populations;

“(C) may include mental health services;

“(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

“(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

“(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

“(d) AWARDS BASIS.—

“(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

“(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

“(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

“(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

“(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General a report of how grant funds have been used.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2006 through 2010.”

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than \$500,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus secu-

rity personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and sub-grantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and sub-grantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the

parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) **COMPELLED RELEASE AND NOTICE.**—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) **PERMISSIVE SHARING.**—Grantees and subgrantees under this section may share with each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) **COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.**—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) **DEFINITION.**—As used in this paragraph, the term “personally identifying information” means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant-messaging user identifier or a screen name that reveals an individual’s email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (“IP”) address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a “cookie” or processor serial number, that is combined with other available data that identifies an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) **GRANTEE REPORTING.**—

(A) **PERFORMANCE REPORT.**—Each institution of higher education receiving a grant under this section shall report to the Attorney General on activities conducted with grant funds. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) **FINAL REPORT.**—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) **REPORT TO CONGRESS.**—Not later than 30 days after the end of each even-numbered fiscal year, the Attorney General shall sub-

mit to Congress a report for the period of 2 fiscal years at any time in which grants were made under this section and ending in such even-numbered fiscal year, that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

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

“**SEC. 1301. SAFE HAVENS FOR CHILDREN.**”;

(2) in subsection (a)—

(A) by inserting “, through the Director of the Violence Against Women Office,” after “Attorney General”;

(B) by inserting “public or nonprofit non-governmental entities, and to” after “may award grants to”;

(C) by inserting “dating violence,” after “domestic violence.”;

(D) by striking “to provide” and inserting the following:

“(1) to provide”;

(E) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

“(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

“(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

“(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.”; and

(3) by striking subsection (e) and inserting the following:

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

“(2) **USE OF FUNDS.**—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

“(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

“(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

“(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.”.

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) **SHORT TITLE.**—This section may be cited as the “Supporting Teens through Education and Protection Act of 2005” or the “STEP Act”.

(b) **GRANTS AUTHORIZED.**—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) **AWARD BASIS.**—The Director shall award grants and contracts under this section on a competitive basis.

(d) **POLICY DISSEMINATION.**—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) **NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.**—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs. Grantees and subgrantees shall not

reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) GRANT TERM AND ALLOCATION.—

(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b)(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (1) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (1) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (1) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) REPORTING AND DISSEMINATION OF INFORMATION.—

(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

“Subtitle M—Strengthening America's Families by Preventing Violence in the Home

“SEC. 41301. PURPOSE.

“The purpose of this subtitle is to—

“(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

“(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

“(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

“(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

“(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

“(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

“SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

“(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

“(3) AWARD BASIS.—The Director shall award grants—

“(A) considering the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;

“(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

“(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

“(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2006 through 2010.

“(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

“(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

“(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

“(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

“(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

“(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

“(2) a State, territorial, tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

“(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

“(B) ensure linguistically, culturally, and community relevant services for populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

“(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

“SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

“(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

“(3) AWARD BASIS.—The Director shall award grants—

“(A) considering the needs of populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;

“(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

“(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

“(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006 through 2010.

“(c) USE OF FUNDS.—

“(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

“(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

“(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

“(ii) that include at a minimum—

“(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

“(II) strategies to help participants be as safe as possible; or

“(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

“(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

“(d) ELIGIBLE ENTITIES.—

“(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

“(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

“(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

“(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

“(D) a program that provides culturally specific services.

“(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

“(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

“(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

“(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

“(B) provide, where appropriate, linguistically, culturally, and community relevant services for populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;

“(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

“(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

“(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director a report detailing the

activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

“(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

“(3) AWARD BASIS.—The Director shall—

“(A) consider the needs of underserved populations;

“(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

“(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2006 through 2010.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

“(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

“(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

“(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

“(B) ensure linguistically, culturally, and community relevant services for populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;

“(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

“(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

“(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing

parent or caretaker in response to violence against anyone in the household; and

“(iii) link new parents with existing community resources in communities where resources exist; and

“(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.”.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SEC. 900. SHORT TITLE; REFERENCES TO VAWA-2000; REGULATIONS.

(a) SHORT TITLE.—This title may be cited as “Immigrant Victims of Violence Protection Act of 2005”.

(b) REFERENCES TO VAWA-2000.—In this title, the term “VAWA-2000” means the Violence Against Women Act of 2000 (division B of Public Law 106-386).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA-2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

“(ii) if accompanying, or following to join, the alien described in clause (i)—

“(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien.”.

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

“(6) DURATION OF STATUS.—The authorized period of status of an alien as a non-immigrant under section 101(a)(15)(U) shall be 4 years, but—

“(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien’s ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

“(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.”.

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193), is amended by adding at the end the following:

“(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

“(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien’s ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

“(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.”.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking “The Attorney General” and inserting “(a) The Secretary of Homeland Security”;

(B) by inserting “(subject to subsection (b))” after “except”; and

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

“(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.”.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking “248(2)” and inserting “248(a)(2)”.

(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAFFICKING.—

(1) VICTIM ASSISTANCE IN INVESTIGATION OR PROSECUTION.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7105(b)(1)(E)) is amended—

(A) in clause (i)(I), by striking “investigation and prosecution” and inserting “investigation or prosecution, by the United States or a State or local government”; and

(B) in clause (iii)—

(i) by striking “INVESTIGATION AND PROSECUTION” and “investigation and prosecution” and inserting “INVESTIGATION OR PROSECUTION” and “investigation or prosecution”, respectively;

(ii) in subclause (II), by striking “and” at the end;

(iii) in subclause (III), by striking the period and inserting “; or”; and

(iv) by adding at the end the following new subclause:

“(IV) responding to and cooperating with requests for evidence and information.”.

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and

(ii) in subsection (c), by inserting “, Secretary of Homeland Security,” after “Attorney General”.

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(ii) in subparagraph (B), by striking “Attorney General” the first place it appears and inserting “Secretary of Homeland Security”;

(iii) in subparagraph (B), by striking “Attorney General, in the Attorney General’s discretion” and inserting “Secretary, in the Secretary’s discretion”.

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking “Attorney General” and inserting “Secretary of Homeland Security, the Attorney General,”; and

(ii) in paragraph (2), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security” the first place it appears in paragraphs (1) and (2) and in paragraph (5);

(ii) by striking “Attorney General” and inserting “Secretary” the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking “Attorney General’s” and inserting “Secretary’s”.

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: “State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA-2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107-296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: “An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for

such relief without the application being re-submitted.”

(b) APPEALS.—Such section is further amended by adding at the end the following: “Such an application may not be considered if there is a final removal order in effect with respect to the alien.”

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: “or qualifies for a waiver under section 216(c)(4)”.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(1) of the Immigration and Nationality Act (8 U.S.C. 1255(1)) is amended—

(A) in paragraph (1)(A), by inserting “subject to paragraph (6),” after “(A)”;

(B) in paragraph (1)(A), by inserting after “since” the following: “the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)”;

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

“(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien’s adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien’s spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.”

(2) CONFORMING AMENDMENT.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

“(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(1) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien’s spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.”

(b) TREATMENT OF GOOD MORAL CHARACTER.—Section 245(1) of the Immigration and Nationality Act (8 U.S.C. 1255(1)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting “subject to paragraph (7),” after “(B)”;

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

“(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary’s sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).”

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: “Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

“(51) The term ‘VAWA petitioner’ means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

“(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

“(B) Clause (ii) or (iii) of section 204(a)(1)(B).

“(C) Subparagraph (C) or (D) of section 216(c)(4).

“(D) The first section of Public Law 89-732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

“(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277).

“(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100).

“(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note).”

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking “qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)” and inserting “is a VAWA petitioner”.

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)” and inserting “is a VAWA petitioner”.

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking “qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)” and inserting “is a VAWA petitioner”.

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking “an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)” and inserting “a VAWA petitioner”.

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)” and inserting “is a VAWA petitioner”.

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking “they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii)”

and inserting “the applicants were VAWA petitioners”.

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking “under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or” and inserting “as a VAWA petitioner”.

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking “under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)” and inserting “as a VAWA petitioner”.

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking “or who” and inserting “who”;

(B) by inserting after “domestic violence,” the following: “or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)).”

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking “or who” and inserting “who”;

(ii) by inserting after “domestic violence,” the following: “or who was a child of a lawful permanent resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)).”

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

“(aaa) whose spouse died within the past 2 years.”

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to “within the past 2 years” in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date of the enactment of this Act (or, if later, 2 years after the alien’s 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking “clause (iv) of section 204(a)(1)(A)” and inserting “subparagraph (A)(iv)” each place it appears; and

(B) by striking “a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable” and inserting “to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married”.

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: “Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.”; and

(ii) in the last sentence, by inserting “in either such case” after “shall be required to be filed”;

(B) in clause (i)(III), by striking “paragraph (1), (2), or (3) of section 203(a)” and inserting “section 203(a)(2)(A)”; and

(C) in clause (ii), by striking “(A)(iii), (A)(iv).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: “In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), is amended by adding at the end the following new clause:

“(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age

or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

“(vii) An alien who—

“(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

“(II) is a person of good moral character;

“(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) by virtue of the alien’s relationship to the son or daughter referred to in subclause (I); and

“(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s citizen son or daughter.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by the United States citizen spouse”;

(2) in subparagraph (A)(iv), by striking “an incident of domestic violence” and inserting “battering or extreme cruelty by such parent”;

(3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb), as redesignated by section 912(a)(2)(B)(i), by striking “due to an incident of domestic violence” and inserting “related to battering or extreme cruelty by the lawful permanent resident spouse”; and

(4) in subparagraph (B)(iii), by striking “due to an incident of domestic violence” and inserting “related to battering or extreme cruelty by such parent”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

“(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary’s sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition

is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

“(2) In the case of an alien in the United States for whom an application for non-immigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary’s sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

“(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported.”.

(2) LIMITATION ON DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

“(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for non-immigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

“(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

“(B) there is an exception under section 204(a)(1)(C).

“(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.”.

(3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

“(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an ‘employment authorized’ endorsement or other appropriate work permit.”.

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as amended by section 901(b)(2), is amended by adding at the end the following new paragraph:

“(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an ‘employment authorized’ endorsement or other appropriate work permit.”.

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following:

“(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

“(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for

such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

“(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

“(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after “during the marriage” the following: “or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage”;

(B) in subclause (II)(aa)—

(i) by striking “or” at the end of subitem (BB);

(ii) by inserting “or” at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

“(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;”;

(C) in subclause (II)(cc), by striking “or who” and inserting “, who” and by inserting before the semicolon at the end the following: “, or who is described in subitem (aa)(DD)”;

(D) in subclause (II)(dd), by inserting “or who is described in subitem (aa)(DD)” before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: “unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting “(1)” after “(d)”;

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

“(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.”.

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking “or” at the end of subclause (II);

(B) by adding “or” at the end of subclause (III); and

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

“(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;”.

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as designated by paragraph (1)(A), is amended by inserting “who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)” after “alien described in section 101(a)(15)(K)”.

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase “is described in section 240A(b)(2)(A)(i)(IV) or” were inserted before “has been battered” the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NON-IMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking “(d)” and inserting “(d)(1)”;

(2) by inserting after the second sentence the following: “Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.”; and

(3) by adding at the end the following:

“(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

“(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

“(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

“(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

“(3) For purposes of this subsection—

“(A) the term ‘child abuse’ means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

“(i) 18 years of age; or

“(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides; and

“(B) the terms ‘domestic violence’ and ‘sexual assault’ have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting “(A)” after “(3)”;

(B) by adding at the end the following:

“(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

“(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after “asylum,” the following: “as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting “unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)” after “for an aggregate of a least two years following departure from the United States”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS’ CONTROL OVER APPLICATIONS FOR ADJUSTMENT OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subclause (I), by striking “under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)” and inserting “as a VAWA petitioner”; and

(2) in subclause (II), by inserting “or adjustment of status” after “cancellation of removal”.

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

“(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and”;

(B) in clause (ii), by inserting “or adjustment of status” after “suspension of deportation”; and

(2) in subparagraph (B)(ii), by striking “for relief” and all that follows through “1101 note)” and inserting “for relief described in subparagraph (A)(1)”.

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting “, or was eligible for adjustment,” after “whose status is adjusted”; and

(2) in subparagraph (E), by inserting after “April 1, 2000” the following: “, or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005”.

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: “An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.”.

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(1) in clause (i), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification”; and

(2) in clause (ii), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification”.

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking “or” at the end of subitem (BB);

(B) by striking “and” at the end of subitem (CC) and inserting “or”; and

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

“(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and”;

(2) in subsection (g)—

(A) by inserting “(1)” before “Notwithstanding”;

(B) by inserting “subject to paragraph (2),” after “section 101(a) of the Immigration and Nationality Act);”;

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

“(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.”.

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

“(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual’s child) which established the individual’s (or individual’s child’s) eligibility as a VAWA petitioner or for such non-immigrant status.”.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DERIVATIVES OF TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 240A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(4)) is amended—

(1) in the heading, by striking “CHILDREN OF BATTERED ALIENS” and inserting “BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS.”;

(2) in subparagraph (A)—

(A) by striking “or” at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

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

“(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

“(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner’s priority date; or

“(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).”;

(3) in subparagraph (B)—

(A) in the first sentence, by striking “The grant of parole” and inserting “(i) The grant of parole under subparagraph (A)(i) or (A)(ii)”;

(B) in the second sentence, by striking “covered under this paragraph” and inserting “covered under such subparagraphs”;

(C) in the last sentence, by inserting “of subparagraph (A)” after “clause (i) or (ii)”;

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

“(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the

date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

“(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien’s behalf may result in revocation of parole.”.

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

“(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking “If” and inserting “(1) Subject to paragraph (2), if”;

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

“(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after “extreme cruelty by a United States citizen spouse or parent” the following: “, regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty”.

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: “The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA-2000—

(A) in the matter before paragraph (1), by striking “(including any bureau or agency of such Department)” and inserting “, or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)”;

(B) in paragraph (2), by striking “of the Department,” and inserting “of any such Department.”;

(2) in subsection (b)—

(A) in paragraphs (1), by striking “The Attorney General may provide, in the Attorney General’s discretion” and inserting “The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each’s discretion”;

(B) in paragraph (2), by striking “The Attorney General may provide in the discretion of the Attorney General” and inserting “The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each’s discretion”;

(C) in paragraph (5), by striking “is authorized to disclose” and inserting “, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose”.

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking “furnished solely by” and inserting “furnished by or derived from information provided solely by”;

(B) by striking “or” at the end of subparagraph (D);

(C) by adding “or” at the end of subparagraph (E); and

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

“(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator.”;

(2) in paragraph (2)—

(A) by striking “under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)” and inserting “as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under”;

(B) by striking “or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.” and inserting the following: “, section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien.”;

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).”.

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section, as amended by subsection (b)(2)(B), is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by adding “or” at the end of paragraph (2); and

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

“(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.”.

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: “The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.”.

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

“(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

“(1) No enforcement action was taken leading to such proceedings against the alien—

“(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

“(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

“(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.”.

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1367(c)) is amended by inserting “or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act” after “in violation of this section”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall

apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(5) The obligations of parents to provide child support for children.

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(7) A warning concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under subsection (a) that shall be used by consular officers when reviewing the pamphlet in interviews under section (e)(2).

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet under subsection (b) shall, subject to paragraph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant’s primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(2) CONSULAR INTERVIEWS.—The pamphlet shall be distributed directly to K nonimmigrant visa applicants at all consular interviews for such visas. The consular officer conducting the visa interview shall review the pamphlet and summary with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

(3) CONSULAR ACCESS.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlets under subsection (c) shall be made available to foreign service officers at all consular posts.

(4) POSTING ON STATE DEPARTMENT WEBSITE.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term “K nonimmigrant visa” means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions and adjustment applications of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)) and of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting after “at least two years” the following: “or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household”.

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: “or the child is residing in the United States pursuant to

a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting “(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))” after “clause (i)”.

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking “clause (i)” and inserting “clauses (i) and (ii)”.

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.”.

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

“(i) the alien is described in subparagraph (E); or”.

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or disqualifying event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 403(a) and 404(a) of the REAL ID Act of 2005 (division B of Public Law 109-13), is amended by adding at the end the following new paragraph:

“(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an ‘employment authorized’ endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “, or”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA-2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting “subject to paragraph (5),” after “(C)”; and

(ii) by striking “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)”;

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

“(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and”;

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

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA-2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

“(C) Aliens with respect to their cancellation of removal under subsection (b)(2).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109-13), is amended—

(A) in subparagraph (A), by inserting “, except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)” before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking “SPOUSES AND CHILDREN” and inserting “SPOUSES, CHILDREN, AND PARENTS”;

(ii) in the matter before subclause (I) of clause (iv), by striking “The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply” and inserting “Any limitation under this section on the deadlines for filing such motions shall not apply”;

(iii) in clause (iv)(I), by inserting “or section 244(a)(3) (as in effect on March 31, 1997)” after “section 240A(b)(2)”;

(iv) by striking “and” at the end of clause (iv)(II);

(v) by striking the period at the end of clause (iv)(III) and inserting “; and”; and

(vi) by adding at the end the following:

“(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA-2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking “Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation” inserting “Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III-A effective date), to reopen or rescind deportation or exclusion”;

(B) in the matter before clause (i) of subparagraph (A), by striking “there is no time limit on the filing of a motion” and all that follows through “does not apply” and inserting “such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings”;

(C) by adding at the end of subparagraph (A) the following:

“The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.”;

(D) in subparagraph (B), by inserting “who are physically present in the United States and” after “filed by aliens”; and

(E) in subparagraph (B)(i), by inserting “or exclusion” after “deportation”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting “battery or extreme cruelty of the alien or any child or parent of the alien or” after “exceptional circumstances (such as)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA-2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if “or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen’s or permanent resident’s bigamy” were inserted after “by a spouse or parent who is a United States citizen or lawful permanent resident”.

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89-732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA-2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100), as amended by section 1510(a)(2) of VAWA-2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(c) IIRAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA-2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538), as amended by section 1511(a) of VAWA-2000, is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA-2000.

SEC. 940. PROHIBITING ABUSERS FROM SPONSORING FAMILY IMMIGRANTS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) Notwithstanding subsection (a), a petition may not be approved under subparagraph (A) or (B) of such subsection if the petition is submitted by a person convicted of a crime described in paragraph (5), (7), (8), (21), or (22) of section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968.”.

SEC. 941. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking “(A)(i)(II)” and inserting “(A)(ii)”;

(B) in the fourth sentence, by striking “section 240A(b)(2)(B)” and inserting “this subparagraph, subparagraph (A)(ii).”.

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking “(A)(i)(III)” and inserting “(A)(iii)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking “(9)(A)” and inserting “(10)(A)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA-2000, section 237(a)(1)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting “; or”.

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA-2000, is amended—

(1) by striking “section 212(a)(9)(C)(i)” and inserting “clause (i)”;

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking “is self-defense” and inserting “in self-defense”.

(2) Section 245(1)(2)(B) of such Act (8 U.S.C. 1255(1)(2)(B)) is amended by striking “(10)(E)” and inserting “(10)(E)”.

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) and the Violence Against Women Act of 2000 (division B of Public Law 106-386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a nontribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the National Institute of Justice in consultation with the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

- (A) domestic violence;
- (B) dating violence;
- (C) sexual assault;
- (D) stalking; and
- (E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

- (A) national tribal domestic violence and sexual assault nonprofit organizations;
- (B) tribal governments; and
- (C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f); and

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

“(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

- “(1) identification records;
- “(2) criminal history records;
- “(3) protection orders; and
- “(4) wanted person records.”.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of

fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

“SEC. 216. TRIBAL DIVISION.

“(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

“(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

“(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

“(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

“(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

“(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

“(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

“(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

“(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

“(b) AUTHORITY.—

“(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) or the Violence Against Women Act of 2000 (division B of Public Law 106-386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

“(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

“(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

“(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are

based upon the unique circumstances of the members of Indian tribes to be served;

“(C) development of tribal educational awareness programs and materials;

“(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against members of Indian tribes; and

“(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

“SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the “Director”), shall take such set-asides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Violence Against Women Office.

“(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

“(A) Section 2007 (42 U.S.C. 3796gg-1), Grants to Combat Violent Crimes Against Women.

“(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

“(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Victims.

“(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

“(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

“(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

“(G) Section 2014(b), Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

“(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment, Section 41202, Services to Advocate For and Respond to Teens.

“(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

“(b) PURPOSE OF PROGRAM AND GRANTS.—

“(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

“(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

“(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

“(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of

self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

“(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

“(1) disburse the appropriate sums provided for under this section; or

“(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

“(d) REQUIRED PROCEDURES.—

“(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

“(A) publish in the Federal Register notification of—

“(i) the availability of those funds to Indian tribes;

“(ii) the total amount of funds available; and

“(iii) the process by which tribes may participate in the program; and

“(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

“(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

“(3) FORMULA.—The Director shall distribute those funds according to the following formula:

“(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds.

“(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

“(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary practices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

“(e) RECIPIENT REQUIREMENTS.—

“(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

“(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative

agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

“(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

“(f) ADMINISTRATION REQUIREMENTS.—

“(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

“(A) outlining project activities;

“(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

“(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

“(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

“(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

“(B) requiring only essential data to be collected; and

“(C) limiting reporting to an annual basis.

“(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

“(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

“(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

“(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

“(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

“(1) the development and delivery of services to members of Indian tribes who are victimized;

“(2) the development and implementation of tribal governmental responses to such crimes; and

“(3) the traditional and customary practices of Indian tribes to such crimes.”.

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(4) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(5) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

TITLE XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

SEC. 1101. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. STUPAK moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end the following:

TITLE XI—GAS PRICE GOUGING

SEC. 1101. GAS PRICE GOUGING.

(a) OFFENSE.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

“§ 1822. Gas price gouging

“(a) PROHIBITION.—During any time of national disaster, it shall be unlawful for any person to offer to sell crude oil, gasoline, natural gas, or petroleum distillates at a price that—

“(1) is unconscionably excessive; or
 “(2) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

“(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

“(1) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller’s business immediately prior to the time of national disaster; or

“(2) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers.

“(c) MITIGATING FACTORS.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

“(d) DEFINITION.—As used in this section, the term ‘time of national disaster’ means the period during which there is in effect a declaration of a major disaster, or a declaration of an emergency, issued by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

“(e) PENALTY.—The penalty for a violation of this section by an organization is a fine not more than \$100,000,000. The penalty for a violation of this section by an individual is a fine not more than \$1,000,000 or imprisonment not more than 10 years, or both.”.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections in chapter 89 of title 18, United States Code, is amended by adding after the item relating to section 1821 the following new item:

“1822. Gas price gouging.”.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, *viva voce*,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. STUPAK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 195
 negative } Nays 226

¶102.24 [Roll No. 500]
 YEAS—195

Abercrombie	Boren	Clay
Ackerman	Boucher	Cleaver
Allen	Boyd	Clyburn
Andrews	Brady (PA)	Conyers
Baca	Brown (OH)	Cooper
Baird	Brown, Corrine	Costello
Baldwin	Butterfield	Cramer
Barrow	Capps	Crowley
Bean	Capuano	Cuellar
Becerra	Cardin	Cummings
Berkley	Cardoza	Davis (AL)
Berman	Carnahan	Davis (CA)
Berry	Carnahan	Davis (IL)
Bishop (GA)	Case	Davis (TN)
Bishop (NY)	Chandler	DeFazio

DeGette	Lee	Ross	McKeon	Price (GA)	Simpson
Delahunt	Levin	Rothman	McMorris	Pryce (OH)	Smith (NJ)
DeLauro	Lewis (GA)	Roybal-Allard	Mica	Putnam	Smith (TX)
Dicks	Lipinski	Rush	Miller (FL)	Radanovich	Sodrel
Dingell	Lofgren, Zoe	Ryan (OH)	Miller (MI)	Ramstad	Souder
Doggett	Lowey	Sabo	Miller, Gary	Regula	Stearns
Doyle	Lynch	Salazar	Moran (KS)	Rehberg	Sullivan
Edwards	Maloney	Sánchez, Linda	Murphy	Reichert	Sweeney
Emanuel	Markey	T.	Musgrave	Renzi	Tancredo
Engel	Marshall	Sanchez, Loretta	Myrick	Reynolds	Taylor (NC)
Eshoo	Matheson	Sanders	Neugebauer	Rogers (AL)	Terry
Etheridge	Matsui	Schakowsky	Ney	Rogers (KY)	Thomas
Evans	McCarthy	Schiff	Northup	Rogers (MI)	Thornberry
Farr	McCollum (MN)	Schwartz (PA)	Norwood	Rohrabacher	Tiahrt
Fattah	McDermott	Scott (GA)	Nunes	Ros-Lehtinen	Tiberi
Filner	McGovern	Scott (VA)	Nussle	Royce	Turner
Ford	McIntyre	Serrano	Osborne	Ryan (WI)	Upton
Frank (MA)	McKinney	Sherman	Otter	Ryun (KS)	Walden (OR)
Gonzalez	McNulty	Skelton	Oxley	Saxton	Walsh
Gordon	Meehan	Slaughter	Paul	Schmidt	Wamp
Green, Al	Meek (FL)	Smith (WA)	Pearce	Schwarz (MI)	Weldon (FL)
Green, Gene	Meeks (NY)	Snyder	Pence	Sensenbrenner	Weldon (PA)
Grijalva	Menendez	Soils	Peterson (PA)	Sessions	Weller
Hastings (FL)	Michaud	Spratt	Petri	Shadegg	Westmoreland
Herseeth	Millender-	Stark	Pickering	Shaw	Whitfield
Higgins	McDonald	Strickland	Pitts	Shays	Wicker
Hinchey	Miller (NC)	Stupak	Platts	Sherwood	Wilson (NM)
Hinojosa	Miller, George	Tanner	Poe	Shimkus	Wilson (SC)
Holden	Mollohan	Tauscher	Pombo	Shuster	Wolf
Holt	Moore (KS)	Taylor (MS)	Porter	Simmons	Young (FL)
Honda	Moore (WI)	Thompson (CA)			
Hooley	Moran (VA)	Thompson (MS)			
Hoyer	Murtha	Tierney	Blumenauer	Davis (FL)	Hyde
Inslee	Nadler	Towns	Boswell	Gutierrez	Melancon
Israel	Napolitano	Udall (CO)	Costa	Harman	Ruppersberger
Jackson (IL)	Neal (MA)	Udall (NM)	Culberson	Hunter	Young (AK)
Jackson-Lee	Oberstar	Van Hollen			
(TX)	Obey	Velázquez			
Jefferson	Olver	Visclosky			
Johnson, E. B.	Ortiz	Wasserman			
Jones (OH)	Owens	Schultz			
Kanjorski	Pallone	Waters			
Kaptur	Pascrell	Watson			
Kennedy (RI)	Pastor	Watt			
Kildee	Payne	Waxman			
Kilpatrick (MI)	Pelosi	Weiner			
Kind	Peterson (MN)	Wexler			
Kucinich	Pomeroy	Woolsey			
Langevin	Price (NC)	Wu			
Lantos	Rahall	Wynn			
Larsen (WA)	Rangel				
Larson (CT)	Reyes				

NAYS—226

Aderholt	Davis, Jo Ann	Hefley
Akin	Davis, Tom	Hensarling
Alexander	Deal (GA)	Herger
Bachus	DeLay	Hobson
Baker	Dent	Hoekstra
Barrett (SC)	Diaz-Balart, L.	Hostettler
Bartlett (MD)	Diaz-Balart, M.	Hulshof
Barton (TX)	Doolittle	Inglis (SC)
Bass	Drake	Issa
Beauprez	Dreier	Istook
Biggert	Duncan	Jenkins
Bilirakis	Ehlers	Jindal
Bishop (UT)	Emerson	Johnson (CT)
Blackburn	English (PA)	Johnson (IL)
Blunt	Everett	Johnson, Sam
Boehlert	Feeney	Jones (NC)
Boehner	Ferguson	Keller
Bonilla	Fitzpatrick (PA)	Kelly
Bonner	Flake	Kennedy (MN)
Bono	Foley	King (IA)
Boozman	Forbes	King (NY)
Boustany	Fortenberry	Kingston
Bradley (NH)	Fossella	Kirk
Brady (TX)	Fox	Kline
Brown (SC)	Franks (AZ)	Knollenberg
Brown-Waite,	Frelinghuysen	Kolbe
Ginny	Gallely	Kuhl (NY)
Burgess	Garrett (NJ)	LaHood
Burton (IN)	Gerlach	Latham
Buyer	Gibbons	LaTourette
Calvert	Gilchrest	Leach
Camp	Gillmor	Lewis (CA)
Cannon	Gingrey	Lewis (KY)
Cantor	Gohmert	Linder
Capito	Goode	LoBiondo
Carter	Goodlatte	Lucas
Castle	Granger	Lungren, Daniel
Chabot	Graves	E.
Chocola	Green (WI)	Mack
Clay	Gutknecht	Manzullo
Cleaver	Hall	Marchant
Clyburn	Harris	McCaul (TX)
Coble	Hart	McCotter
Congress	Hastings (WA)	McCrery
Cole (OK)	Hayes	McHenry
Conaway	Hayworth	McHugh

Price (GA)	Simpson
Pryce (OH)	Smith (NJ)
Putnam	Smith (TX)
Radanovich	Sodrel
Ramstad	Souder
Regula	Stearns
Rehberg	Sullivan
Reichert	Sweeney
Renzi	Tancredo
Reynolds	Taylor (NC)
Rogers (AL)	Terry
Rogers (KY)	Thomas
Rogers (MI)	Thornberry
Rohrabacher	Tiahrt
Ros-Lehtinen	Tiberi
Royce	Turner
Ryan (WI)	Upton
Ryun (KS)	Walden (OR)
Saxton	Walsh
Schmidt	Wamp
Schwarz (MI)	Weldon (FL)
Sensenbrenner	Weldon (PA)
Sessions	Weller
Shadegg	Westmoreland
Shaw	Whitfield
Shays	Wicker
Sherwood	Wilson (NM)
Shimkus	Wilson (SC)
Shuster	Wolf
Simmons	Young (FL)

NOT VOTING—12

Blumenauer	Davis (FL)	Hyde
Boswell	Gutierrez	Melancon
Costa	Harman	Ruppersberger
Culberson	Hunter	Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 415
 affirmative } Nays 4

¶102.25 [Roll No. 501]
 YEAS—415

Abercrombie	Boyd	Cramer
Ackerman	Bradley (NH)	Crenshaw
Aderholt	Brady (PA)	Crowley
Allen	Brady (TX)	Cubin
Akin	Brown (OH)	Cuellar
Alexander	Brown (SC)	Cummings
Allen	Brown, Corrine	Cunningham
Andrews	Baca	Davis (AL)
Baca	Brown-Waite,	Davis (CA)
Bachus	Ginny	Davis (IL)
Baird	Burgess	Davis (LA)
Baker	Burton (IN)	Davis (KY)
Baldwin	Butterfield	Davis (TN)
Barrett (SC)	Buyer	Davis, Jo Ann
Barrow	Calvert	Davis, Tom
Bartlett (MD)	Camp	Deal (GA)
Barton (TX)	Cannon	DeFazio
Bass	Cantor	DeGette
Bean	Capito	Delahunt
Beauprez	Capps	DeLauro
Becerra	Capuano	DeLay
Berkley	Cardin	Dent
Berman	Cardoza	Diaz-Balart, L.
Berry	Carnahan	Diaz-Balart, M.
Biggert	Carson	Dingell
Bilirakis	Carter	Doggett
Bishop (GA)	Case	Doolittle
Bishop (NY)	Castle	Doyle
Bishop (UT)	Chabot	Drake
Blackburn	Chandler	Dreier
Blunt	Chocola	Duncan
Boehlert	Clay	Edwards
Boehner	Cleaver	Ehlers
Bonilla	Clyburn	Emanuel
Bonner	Coble	Emerson
Bono	Cole (OK)	Engel
Boozman	Conaway	English (PA)
Boren	Conyers	Eshoo
Boucher	Cooper	Etheridge
Boustany	Costello	Evans

Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseeth
Higgins
Hinchesy
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoolley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham

LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberti
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Woolsey

Wu
Wynn

Young (AK)
Young (FL)

NAYS—4

Meehan
Paul

Tancredo
Watson

NOT VOTING—14

Blumenauer
Boswell
Costa
Cuberson
Davis (FL)

Dicks
Gutierrez
Harman
Hunter
Hyde

Melancon
Ruppersberger
Visclosky
Waters

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.26 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SENSENBRENNER, by unanimous consent,
Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical and conforming changes.

¶102.27 MAJORITY LEADER

Ms. PRYCE of Ohio notified the House officially that the Republican Members have selected as Majority Leader the gentleman from Missouri, the Honorable Roy BLUNT.

¶102.28 NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. DEAL of Georgia moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 178); as amended:

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or underdiagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and underdiagnosed disorder: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer

from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) encourages the President to issue a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore, Mr. SODREL, recognized Mr. DEAL of Georgia and Mr. BROWN of Ohio, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SODREL, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DEAL of Georgia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SODREL, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, September 29, 2005.

¶102.29 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1281. An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

¶102.30 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SODREL, laid before the House the following communication from Nicole Venable, Chief of Staff, Office of the Honorable William J. Jefferson:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 28, 2005.

HON. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
NICOLE VENABLE,
Chief of Staff.

¶102.31 CONGRESSIONAL-EXECUTIVE
COMMISSION ON THE PEOPLE'S
REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. SODREL, announced that the Speaker, pursuant to 22 United States Code 6913, and the order of the House of January 4, 2005, appointed the following Members of the House to the Congressional-Executive Commission on the People's Republic of China: Mr. LEVIN, Ms. KAPTUR, Messrs. BROWN of Ohio, and HONDA.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶102.32 WAIVING A REQUIREMENT OF
CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 109-238) the resolution (H. Res. 468) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶102.33 PROVIDING FOR THE
CONSIDERATION OF H.J. RES. 68;
DEFENSE BASE CLOSURE AND
REALIGNMENT

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 109-239) the resolution (H. Res. 469) providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990.

When said resolution and report were referred to the House Calendar and ordered printed.

¶102.34 PROVIDING FOR THE
CONSIDERATION OF H.R. 3824

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 109-240) the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶102.35 FURTHER MESSAGE FROM THE
SENATE

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

H.R. 3864. An Act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

¶102.36 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 37. An Act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce and to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶102.37 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2132. An Act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3200. An Act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

¶102.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GUTIERREZ, for today; and

To Mr. COSTA, for today after 5 p.m.

And then,

¶102.39 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 9 o'clock and 53 minutes p.m., the House adjourned.

¶102.40 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 468. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-238). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 469. Resolution providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990 (Rept. 109-239). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes (Rept. 109-240). Referred to the House Calendar.

¶102.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MURPHY (for himself and Ms. HART):

H.R. 3928. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. ROHRBACHER, and Mr. GARY G. MILLER of California):

H.R. 3929. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. GILCREST, and Mr. SCHIFF):

H.R. 3930. A bill to establish the Universal Education Account and the Universal Education Corporation to promote global education reform; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. WEXLER, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. CROWLEY, Ms. ESHOO, Ms. KAPTUR, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. ROTHMAN, Mr. MOORE of Kansas, Ms. LEE, Mr. SHERMAN, Mr. MCNULTY, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. HOLT, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. KIRK, Ms. SCHAKOWSKY, Mr. STARK, Mr. HONDA, Mr. MCGOVERN, Mr. McDERMOTT, Mr. ISRAEL, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. NORTON, Mr. OWENS, Mr. KUCINICH, Mr. OLVER, Mr. PALLONE, Ms. WOOLSEY, Mr. SABO, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. UDALL of Colorado, Mr. SERRANO, Ms. LINDA T. SANCHEZ of California, Mr. INSLEE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MEEHAN, Mr. FARR, Mrs. DAVIS of California, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. WEINER, Mr. PASCRELL, Mr. LANTOS, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. FOLEY, Mrs. MALONEY, Mr. UDALL of New Mexico, Ms. CARSON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mrs. CAPPS, Ms. McCOLLUM of Minnesota, Mr. RANGEL, Mr. SHAYS, Mr. WELDON of Pennsylvania, Mrs. LOWEY, Mr. FERGUSON, Ms. BERKLEY, Mr. DEFazio, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. SANDERS, Mr. TIERNEY, Mr. WOLF, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. MARKEY, Mr. GALLEGLY, Mrs. KELLY, Mr. BERMAN, Mr. SAXTON, and Mr. WYNN):

H.R. 3931. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mrs. BONO (for herself, Mr. LANTOS, Mr. CASTLE, and Mrs. CAPPS):

H.R. 3932. A bill to prohibit human cloning; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. MICHAUD, Mr. SAXTON, and Mr. SIMMONS):

H.R. 3933. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture.

By Mr. KING of New York (for himself, Mr. FOSSELLA, Mr. RANGEL, Mr. CROWLEY, Mr. McNULTY, Mrs. MCCARTHY, Mr. ISRAEL, Mr. HINCHEY, Mr. HIGGINS, Mr. ENGEL, Mr. BOEHLERT, Mr. BISHOP of New York, Mr. SERRANO, Mrs. MALONEY, Mr. SWEENEY, Mr. KUHL of New York, Mr. WEINER, Mr. ACKERMAN, Mr. TOWNS, Mrs. LOWEY, Mrs. KELLY, Mr. REYNOLDS, Mr. MCHUGH, Mr. MEEKS of New York, Mr. WALSH, Mr. OWENS, Ms. VELÁZQUEZ, Mr. NADLER, and Ms. SLAUGHTER):

H.R. 3934. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building"; to the Committee on Government Reform.

By Mr. ROGERS of Kentucky (for himself, Mr. BLUNT, Mr. SIMMONS, Mr. DAVIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BONNER, Mr. WAMP, Mr. BOUSTANY, Mr. WALSH, Mr. SWEENEY, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. CAMP, Ms. GRANGER, Mr. BEAUPREZ, Mr. MCCOTTER, Mr. DUNCAN, Ms. LORETTA SANCHEZ of California, and Mr. WICKER):

H.R. 3935. A bill to authorize the Secretary of the Treasury to issue Hurricane Relief Bonds in response to Hurricanes Katrina and Rita and subsequent flooding and displacement of residents in the federally designated disaster areas of Alabama, Florida, Louisiana, Mississippi, and Texas; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Ms. HERSETH, Mr. ETHERIDGE, Ms. PELOSI, Mr. DEFAZIO, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. KILDEE, Mr. RAHALL, Mr. MICHAUD, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. FILNER, Mr. PASCRELL, Mr. BISHOP of New York, Mr. McNULTY, Mr. COSTELLO, Mr. SANDERS, Mr. CONYERS, Mr. LIPINSKI, Mr. BOUCHER, Ms. ESHOO, Ms. HARMAN, Mr. EVANS, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. MARKEY, Mrs. MCCARTHY, Mr. HINCHEY, Ms. SOLIS, and Mr. VAN HOLLEN):

H.R. 3936. A bill to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3937. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mr. DUNCAN):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the

United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. VAN HOLLEN):

H. Res. 471. A resolution supporting the goals and ideals of a "National IT'S ACADEMIC Television Quiz Show Day"; to the Committee on Government Reform.

102.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BOEHLERT and Mr. MILLER of North Carolina.

H.R. 328: Mrs. LOWEY.

H.R. 445: Mr. WILSON of South Carolina.

H.R. 503: Ms. CARSON and Ms. ROYBAL-AL-LARD.

H.R. 543: Mr. OXLEY.

H.R. 550: Mrs. BONO and Mr. GONZALEZ.

H.R. 552: Mr. BOOZMAN and Mr. PETERSON of Pennsylvania.

H.R. 576: Mr. WESTMORELAND.

H.R. 583: Mr. PORTER.

H.R. 586: Mr. BARTLETT of Maryland and Mr. SCHIFF.

H.R. 657: Mrs. LOWEY, Mr. MILLER of Florida, and Mr. SCOTT of Georgia.

H.R. 668: Mrs. MALONEY.

H.R. 691: Mr. GILLMOR.

H.R. 698: Mr. MICA.

H.R. 752: Mr. MARKEY.

H.R. 768: Mr. ANDREWS.

H.R. 819: Ms. GINNY BROWN-WAITE of Florida.

H.R. 867: Ms. ESHOO.

H.R. 923: Mr. MCHUGH, Mr. TOM DAVIS of Virginia, Mr. HIGGINS, and Mr. DENT.

H.R. 976: Mr. BARTLETT of Maryland.

H.R. 1083: Mr. KOLBE.

H.R. 1097: Mr. FENEY.

H.R. 1106: Mr. DOGGETT.

H.R. 1120: Mr. STUPAK.

H.R. 1129: Mr. SALAZAR.

H.R. 1190: Mrs. DAVIS of California.

H.R. 1201: Mr. ANDREWS.

H.R. 1204: Mr. SCOTT of Georgia.

H.R. 1264: Ms. ZOE LOFGREN of California, Mr. HINCHEY, Mr. KILDEE, Ms. HERSETH, Mr. LANGEVIN, and Mr. RYAN of Wisconsin.

H.R. 1435: Mr. ANDREWS.

H.R. 1498: Mr. FORTENBERRY and Mr. WELLER.

H.R. 1545: Mr. McKEON.

H.R. 1554: Mr. SIMMONS.

H.R. 1602: Mr. BOOZMAN and Mr. TERRY.

H.R. 1615: Ms. CARSON.

H.R. 1870: Ms. HART.

H.R. 1973: Mr. BRADY of Pennsylvania and Mr. ABERCROMBIE.

H.R. 2037: Ms. DELAURO.

H.R. 2052: Mr. RUPPERSBERGER.

H.R. 2053: Mr. RUPPERSBERGER.

H.R. 2087: Mr. TIERNEY.

H.R. 2112: Mr. TIAHRT, Ms. ROS-LEHTINEN, and Mr. FOLEY.

H.R. 2177: Mr. BILIRAKIS.

H.R. 2209: Mr. JENKINS.

H.R. 2317: Mr. SALAZAR.

H.R. 2553: Mr. ANDREWS.

H.R. 2567: Mr. JACKSON of Illinois.

H.R. 2594: Mr. EMANUEL.

H.R. 2646: Mr. FORD.

H.R. 2694: Mr. SCOTT of Georgia and Mr. CHANDLER.

H.R. 2802: Ms. ESHOO.

H.R. 2803: Mr. KANJORSKI and Mr. MOORE of Kansas.

H.R. 2807: Mr. BERMAN.

H.R. 2861: Mr. JACKSON of Illinois.

H.R. 2933: Mr. ALEXANDER.

H.R. 2963: Mr. BROWN of South Carolina and Ms. MCCOLLUM of Minnesota.

H.R. 3006: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MILLER of North Carolina, and Mr. KENNEDY of Rhode Island.

H.R. 3011: Mr. GOODLATTE, Mr. KLINE, and Mr. DOOLITTLE.

H.R. 3142: Mr. BERMAN, Ms. MATSUI, Mr. MEEHAN, Mr. FARR, Mr. SMITH of Washington, Mr. HINCHEY, Mr. JACKSON of Illinois, and Mr. LEWIS of Georgia.

H.R. 3147: Mr. UDALL of New Mexico and Mr. ALEXANDER.

H.R. 3191: Ms. KILPATRICK of Michigan.

H.R. 3196: Mr. NADLER.

H.R. 3336: Mr. WEXLER.

H.R. 3359: Mr. VISCLOSKY.

H.R. 3361: Mr. BRADY of Pennsylvania.

H.R. 3368: Mr. LEVIN, Ms. KILPATRICK of Michigan, Mr. UPTON, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. KNOLLENBERG, Mr. SCHWARZ of Michigan, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. MCCOTTER, and Mr. CAMP.

H.R. 3385: Mr. LEACH.

H.R. 3417: Ms. SOLIS.

H.R. 3436: Mr. MANZULLO.

H.R. 3504: Mr. HIGGINS.

H.R. 3561: Mr. MCGOVERN and Mr. BERMAN.

H.R. 3568: Mr. CASE.

H.R. 3588: Mr. BURTON of Indiana.

H.R. 3697: Ms. BALDWIN, Mr. HOLT, and Mr. BAIRD.

H.R. 3698: Mr. DOGGETT, Mr. GONZALEZ, and Mr. FRANK of Massachusetts.

H.R. 3740: Mr. OWENS, Mr. NADLER, Mr. SNYDER, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. ALEXANDER, Mr. PASCRELL, and Mr. NEAL of Massachusetts.

H.R. 3763: Mr. BOYD, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. CRAMER, and Mr. MCINTYRE.

H.R. 3780: Ms. BERKLEY and Mr. OBEY.

H.R. 3802: Mrs. DAVIS of California, Mr. GRIJALVA, and Ms. WOOLSEY.

H.R. 3811: Mr. SAM JOHNSON of Texas.

H.R. 3829: Mr. COLE of Oklahoma.

H.R. 3838: Mr. MCGOVERN, Mr. STUPAK, Mr. GUTIERREZ, Mr. BERMAN, Mr. DOGGETT, and Mr. LEVIN.

H.R. 3841: Mr. GRAVES and Mr. HOBSON.

H.R. 3868: Mr. MILLER of Florida, Mr. FLAKE, and Mr. BURTON of Indiana.

H.R. 3869: Mrs. BLACKBURN and Mr. UPTON.

H.R. 3870: Mr. MORAN of Kansas and Mr. MILLER of Florida.

H.R. 3915: Mr. ENGLISH of Pennsylvania.

H.R. 3916: Mr. HONDA.

H.R. 3918: Mr. JEFFERSON, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. MARSHALL.

H.J. Res. 38: Mrs. KELLY.

H.J. Res. 55: Mr. DUNCAN.

H. Con. Res. 42: Mr. MOORE of Kansas.

H. Con. Res. 112: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. BACA, Mr. SCOTT of Georgia, Mrs. MCCARTHY, Mr. BISHOP of Georgia, Mr. McNULTY, Mr. KUCINICH, Mr. PASTOR, Mr. GRIJALVA, Mr. McDERMOTT, and Mr. GONZALEZ.

H. Con. Res. 137: Mr. PAYNE.

H. Con. Res. 158: Mr. BAIRD.

H. Con. Res. 178: Mr. ISSA.

H. Con. Res. 197: Mr. MILLER of North Carolina, Mr. BROWN of Ohio, Mr. SKELTON, and Mr. PRICE of North Carolina.

H. Con. Res. 230: Ms. HARRIS, Mr. SESSIONS, Mr. PETERSON of Minnesota, Ms. HART, Mr. GOHMETT, Mr. COOPER, and Mr. TOWNS.

H. Con. Res. 245: Mr. MILLER of Florida, Mr. MATHESON, Mr. HAYES, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. BISHOP of Georgia, and Mr. HOSTETTLER.

H. Con. Res. 248: Mr. WOLF, Mr. CANTOR, Mr. GALLEGLY, Mr. BISHOP of New York, Ms. HARRIS, and Mr. GONZALEZ.

H. Con. Res. 252: Mr. SMITH of New Jersey.

H. Res. 97: Mr. MILLER of Florida and Mr. ADERHOLT.

H. Res. 192: Mr. BISHOP of Georgia and Mr. GONZALEZ.

H. Res. 220: Mr. SABO and Mr. KING of Iowa.
 H. Res. 261: Mr. DOYLE.
 H. Res. 388: Mr. BOOZMAN.
 H. Res. 438: Mr. CARDIN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. TANCREDO, Mr. MCCOTTER, Mr. HIGGINS, Mr. PENCE, Ms. ROSLEHTINEN, Mr. KING of New York, and Mr. BISHOP of New York.
 H. Res. 442: Mr. NADLER.
 H. Res. 444: Mrs. MCCARTHY, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, and Mr. LANTOS.
 H. Res. 457: Mr. BARTLETT of Maryland, Mr. MCDERMOTT, and Ms. EDDIE BERNICE JOHN-SON of Texas.
 H. Res. 463: Mr. MEEKS of New York.

THURSDAY, SEPTEMBER 29, 2005 (103)

The House was called to order by the SPEAKER.

¶103.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 28, 2005.

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

¶103.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4300. A letter from the Acting Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 2006 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

4301. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4302. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4303. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4304. A letter from the Secretary of the Commission, BCP, Federal Trade Commission, transmitting the Commission's final rule — Notice of Federal Trade Commission Publication Incorporating Model Forms and Procedures for Identity Theft Victims (RIN: 3084-AA94) received May 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4305. A letter from the Acting Associate Administrator, Environmental Protection Agency, transmitting a copy of the Agency's report, "Report on Congress on the Status of Environmental Education in the United States," pursuant to Public Law 101-619; to the Committee on Energy and Commerce.

4306. A letter from the Special Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 to Amend Section 338 of the Communications Act [MB Docket No. 05-181] received Sep-

tember 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4307. A letter from the Associate Managing Director/PERM, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2005 [MD Docket No. 05-59]; Assessment and Collection of Regulatory Fees for Fiscal Year 2004 [MD Docket No. 04-73]; received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4308. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones [WT Docket No. 01-309] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4309. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received September 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4310. A letter from the Acting Chief, CGB3, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 [CG Docket No. 02-278] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4311. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dallas, Oregon) [MB Docket No. 04-124; RM-10936; RM-10937; RM-10938; RM-10939] received July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4312. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Colfax, Louisiana) [MB Docket No. 05-117; RM-11182]; (Moody, Texas) [MB Docket No. 05-119; RM-11184] received July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4313. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Alzheimer, Arkansas) [MB Docket No. 05-81; RM-11102] Reclassification of License of Station KURB(FM), Little Rock, Arkansas received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4314. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Talladega and Munford, Alabama) [MB Docket No. 04-19; RM-10845] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4315. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Opal and Reliance, Wyoming and Brigham City, Woodruff, Price and Fountain Green, Utah) [MB Docket No. 02-294; RM-10543; RM-10774] received August 23, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4316. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Big Spring, Texas) [MB Docket No. 05-137; RM-11161] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4317. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Morgan, Georgia) [MB Docket No. 02-109; RM-10420; RM-10546] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4318. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Palacios, Texas) [MB Docket No. 04-330; RM-11051] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4319. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (San Luis Obispo and Lost Hills, California and Maricopa, California) [MB Docket No. 05-88; RM-11173; RM-11177] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4320. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Georgetown, Mason, Oxford and West Union, Ohio, and Salt Lick, Kentucky) [MB Docket No. 04-0411; RM-11096] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4321. A letter from the Secretary of the Commission, BCP, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-0098) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4322. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4323. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4324. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4325. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4326. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4327. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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4329. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4330. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4331. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4332. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4333. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4334. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4335. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4336. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4337. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4338. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2005 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

4339. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Payroll Deductions by Member Corporations for Contributions To a Trade Association's Separate Segregated Fund [Notice 2005-18] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4340. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Payroll Deductions by Member Corporations for Contributions To a Trade Association's Separate Segregated Fund [Notice 2005-18] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4341. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil, Gas, and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)-Cost Recovery (RIN: 1010-AD16) received August 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4342. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Late Season (RIN: 1018-AT76) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4343. A letter from the Assistant Secretary for Fish and Wildlife Management, Department of the Interior, transmitting the De-

partment's final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AT76) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4344. A letter from the Assistant Secretary for Fish and Wildlife Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AT76) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4345. A letter from the Assistant Secretary for Fish and Wildlife Management, Department of the Interior, transmitting the Department's final rule — 2005-2006 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AU14) received September 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4346. A letter from the Secretary, Department of Health and Human Services, transmitting a petition on behalf of a class of workers from the Iowa Army Ammunition Plant (IAAP) in Burlington, Iowa, to have IAAP added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4347. A letter from the Secretary, Department of Health and Human Services, transmitting a petition on behalf of a class of workers from the Y-12 facility in Oak Ridge, Tennessee to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4348. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the eighth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2004, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

¶103.3 MESSAGE FROM THE SENATE

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

S. 1235. An Act to amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 1786. An Act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

¶103.4 PROVIDING FOR THE CONSIDERATION OF H.R. 3824

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 470):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill an amendment in the nature of a substitute consisting of the text of the Resources Committee Print dated September 26, 2005. That amendment in the nature of a substitute shall be considered as read. All points of order against that committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶103.5 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 68

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 469):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. It shall be in order at any time on the legislative day of Thursday, October 6, 2005, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

SEC. 3. A motion to proceed pursuant to section 2908 of the Defense Base Closure and Realignment Act of 1990 shall be in order only if offered by the Majority Leader or his designee.

When said resolution was considered. After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶103.6 H. RES. 470—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 252 affirmative } Nays 171

¶103.7 [Roll No. 502] YEAS—252

Abercrombie	Brown (SC)	DeLay
Aderholt	Brown-Waite,	Dent
Akin	Ginny	Diaz-Balart, L.
Alexander	Burgess	Diaz-Balart, M.
Baca	Burton (IN)	Dingell
Bachus	Buyer	Doolittle
Baker	Calvert	Drake
Barrett (SC)	Camp	Dreier
Bartlett (MD)	Cannon	Duncan
Barton (TX)	Cantor	Ehlers
Bass	Capito	Emerson
Beauprez	Cardoza	English (PA)
Berry	Carter	Everett
Biggert	Castle	Feeney
Bilirakis	Chabot	Ferguson
Bishop (GA)	Chocola	Fitzpatrick (PA)
Bishop (UT)	Coble	Flake
Blackburn	Cole (OK)	Foley
Blunt	Conaway	Forbes
Boehlert	Costa	Fortenberry
Boehner	Cramer	Fossella
Bonilla	Crenshaw	Fox
Bonner	Cubin	Franks (AZ)
Bono	Cuellar	Frelinghuysen
Boozman	Cunningham	Gallely
Boren	Davis (AL)	Garrett (NJ)
Boustany	Davis (KY)	Gibbons
Boyd	Davis, Jo Ann	Gilchrest
Bradley (NH)	Davis, Tom	Gillmor
Brady (TX)	Deal (GA)	Gingrey

Gohmert	Mack	Rogers (MI)
Gonzalez	Manzullo	Rohrabacher
Goode	Marchant	Ros-Lehtinen
Goodlatte	Matheson	Ross
Granger	McCaul (TX)	Royce
Graves	McCotter	Ryan (WI)
Green (WI)	McCrery	Ryun (KS)
Gutknecht	McHenry	Salazar
Hall	McHugh	Saxton
Harris	McKeon	Schmidt
Hart	McMorris	Schwarz (MI)
Hastings (WA)	Melancon	Scott (GA)
Hayes	Mica	Sensenbrenner
Hayworth	Miller (FL)	Sessions
Hefley	Miller (MI)	Shadegg
Hensarling	Miller, Gary	Shaw
Herger	Moran (KS)	Shays
Herseth	Murphy	Sherwood
Hobson	Musgrave	Shimkus
Hoekstra	Myrick	Shuster
Hottel	Neugebauer	Simmons
Hulshof	Ney	Simpson
Hunter	Northup	Smith (NJ)
Hyde	Norwood	Smith (TX)
Inglis (SC)	Nunes	Sodrel
Issa	Nussle	Souder
Istook	Ortiz	Stearns
Jenkins	Osborne	Sullivan
Jindal	Otter	Sweeney
Johnson (CT)	Oxley	Tancredo
Johnson (IL)	Paul	Taylor (NC)
Johnson, Sam	Pearce	Terry
Jones (NC)	Pence	Thomas
Keller	Peterson (MN)	Thompson (MS)
Kelly	Peterson (PA)	Thornberry
Kennedy (MN)	Petri	Tiahrt
King (IA)	Pickering	Tiberi
King (NY)	Pitts	Turner
Kingston	Platts	Upton
Kirk	Poe	Walden (OR)
Kline	Pombo	Walsh
Knollenberg	Pomeroy	Wamp
Kolbe	Porter	Weldon (FL)
Kuhl (NY)	Price (GA)	Weldon (PA)
LaHood	Pryce (OH)	Weller
Latham	Putnam	Westmoreland
LaTourette	Radanovich	Whitfield
Leach	Ramstad	Wicker
Lewis (CA)	Regula	Wilson (NM)
Lewis (KY)	Rehberg	Wilson (SC)
Linder	Reichert	Wolf
LoBiondo	Renzi	Wu
Lucas	Reynolds	Young (AK)
Lungren, Daniel	Rogers (AL)	Young (FL)
E.	Rogers (KY)	

NAYS—171

Ackerman	Engel	Lipinski
Allen	Eshoo	Lofgren, Zoe
Baird	Etheridge	Lowe
Baldwin	Evans	Lynch
Barrow	Farr	Maloney
Bean	Fattah	Markey
Becerra	Filner	Marshall
Berkley	Ford	Matsui
Berman	Frank (MA)	McCarthy
Bishop (NY)	Gordon	McCollum (MN)
Blumenauer	Green, Al	McDermott
Boucher	Green, Gene	McGovern
Brady (PA)	Grijalva	McIntyre
Brown (OH)	Hastings (FL)	McKinney
Brown, Corrine	Higgins	McNulty
Butterfield	Hinche	Meehan
Capps	Hinojosa	Meek (FL)
Capuano	Holden	Meeks (NY)
Cardin	Holt	Menendez
Carmahan	Honda	Michaud
Carson	Hooley	Millender-
Case	Hoyer	McDonald
Chandler	Inslee	Miller (NC)
Clay	Israel	Miller, George
Cleaver	Jackson (IL)	Mollohan
Clyburn	Jackson-Lee	Moore (KS)
Conyers	(TX)	Moran (VA)
Cooper	Jefferson	Murtha
Costello	Johnson, E. B.	Nadler
Crowley	Jones (OH)	Napolitano
Cummings	Neal (MA)	Neal (MA)
Davis (CA)	Kaptur	Oberstar
Davis (IL)	Kennedy (RI)	Obey
Davis (TN)	Kildee	Olver
DeFazio	Kilpatrick (MI)	Owens
DeGette	Kind	Pallone
Delahunt	Kucinich	Pascroll
DeLauro	Langevin	Pastor
Dicks	Lantos	Payne
Doggett	Larsen (WA)	Pelosi
Doyle	Larson (CT)	Price (NC)
Edwards	Levin	Rahall
Emanuel	Lewis (GA)	Rangel

Reyes	Sherman	Udall (NM)
Rothman	Skelton	Van Hollen
Roybal-Allard	Smith (WA)	Velázquez
Ruppersberger	Snyder	Visclosky
Rush	Solis	Wasserman
Ryan (OH)	Spratt	Schultz
Sabo	Stark	Waters
Sanchez, Linda	Strickland	Watson
T.	Stupak	Watt
Sanchez, Loretta	Tanner	Waxman
Sanders	Tauscher	Weiner
Schakowsky	Taylor (MS)	Wexler
Schiff	Thompson (CA)	Woolsey
Schwartz (PA)	Tierney	Wynn
Scott (VA)	Towns	
Serrano	Udall (CO)	

NOT VOTING—10

Andrews	Gerlach	Moore (WI)
Boswell	Gutierrez	Slaughter
Culberson	Harman	
Davis (FL)	Lee	

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶103.8 H. RES. 388—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 388) expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban government against members of Cuba's pro-democracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 393 affirmative } Nays 31

¶103.9 [Roll No. 503] YEAS—393

Abercrombie	Bishop (UT)	Camp
Ackerman	Blackburn	Cannon
Aderholt	Blumenauer	Cantor
Akin	Blunt	Capito
Alexander	Boehlert	Capps
Allen	Boehner	Capuano
Andrews	Bonilla	Cardin
Baca	Bonner	Cardoza
Bachus	Bono	Carmahan
Baird	Boozman	Carter
Baker	Boren	Case
Baldwin	Boucher	Castle
Barrett (SC)	Boustany	Chabot
Barrow	Boyd	Chandler
Bartlett (MD)	Bradley (NH)	Chocola
Barton (TX)	Brady (PA)	Cleaver
Bass	Brady (TX)	Clyburn
Bean	Brown (OH)	Coble
Beauprez	Brown (SC)	Cole (OK)
Becerra	Brown, Corrine	Conaway
Berkley	Brown-Waite,	Cooper
Berman	Ginny	Costa
Berry	Burgess	Costello
Biggert	Burton (IN)	Cramer
Bilirakis	Butterfield	Crenshaw
Bishop (GA)	Buyer	Crowley
Bishop (NY)	Calvert	Cubin

Cuellar Johnson (CT) Johnson (IL) Johnson, Sam Jones (NC) Kanjorski Keller Kelly Kennedy (MN) Kennedy (RI) Kildee Kilpatrick (MI) Kind King (IA) King (NY) Kingston Kirk Kline Knollenberg Kolbe Kuhl (NY) LaHood Langevin Lantos Larsen (WA) Larson (CT) Latham LaTourette Leach Levin Lewis (CA) Lewis (KY) Linder Lipinski LoBiondo Lofgren, Zoe Lowey Lucas Lungren, Daniel E. Lynch Mack Maloney Manzullo Marchant Markey Marshall Matheson Matsui McCarthy McCaul (TX) McColium (MN) McCotter McCrery McGovern McHenry Gillmor McIntyre Gohmert McKeon Gomez McMorris Goode McNulty Meehan Meek (FL) Melancon Menendez Mica Michaud Millender-Gutknecht McDonald Miller (FL) Miller (MI) Miller (NC) Miller, Gary Mollohan Moore (KS) Moore (WI) Moran (KS) Moran (VA) Murphy Murtha Musgrave Myrick Nadler Napolitano Neal (MA) Neugebauer Ney Northup Norwood Nunes Hunter Hyde Oberstar Olver Ortiz Osborne Otter Owens Oxley Pallone Pascrell

Pearce Pelosi Pence Peterson (MN) Peterson (PA) Petri Pickering Pitts Platts Poe Pombo Pomeroy Porter Price (GA) Price (NC) Pryce (OH) Putnam Radanovich Rahall Ramstad Rangel Regula Rehberg Reichert Renzi Reyes Reynolds Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Ross Rothman Roybal-Allard Royce Ruppertsberger Ryan (OH) Ryan (WI) Ryun (KS) Sabo Salazar Sanchez, Linda T. Sanchez, Loretta Sanders Saxton Schiff Schmidt Schwartz (PA) Schwarz (MI) Scott (GA) Scott (VA) Sensenbrenner Sessions Shadegg Shaw Shays Sherman Sherwood Shimkus Shuster Simmons Simpson Skelton Smith (NJ) Smith (TX) Smith (WA) Snyder Sodrel Solis Souder Spratt Stearns Strickland Stupak Sullivan Sweeney Tancredo Tiahrt Tiberi Tierney Turner Udall (CO) Udall (NM) Upton Van Hollen Visclosky Walden (OR) Walsh Wamp Wasserman Schultz Westmoreland Waxman Wexler Whitfield Wicker Weldon (PA) Weller Wolf Wilson (NM) Wilson (SC) Wolf Wu Young (AK) Young (FL) Carson Clay Conyers Davis (IL) Farr Grijalva Hinchey Honda Jackson-Lee (TX) Johnson, E. B. Boswell Culberson Davis (FL) Gutierrez Harman Kaptur Lee Obey Slaughter Jones (OH) Kucinich Lewis (GA) McDermott McKinney Meeks (NY) Miller, George Pastor Paul Payne Rush Jones (OH) Kucinich Lewis (GA) McDermott McKinney Meeks (NY) Miller, George Pastor Paul Payne Rush

NAYS—31

NOT VOTING—9

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

103.10 H. CON. RES. 245—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 245) expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

Table with 3 columns: affirmative, Yeas, Nays, Answered, present. Values: 383, 31, 8.

103.11 [Roll No. 504] YEAS—383

Abercrombie Bonilla Castle Aderholt Bonner Chabot Akin Bono Chandler Alexander Boozman Chocola Allen Boren Clay Andrews Boucher Clyburn Baca Boustany Coble Bachus Boyd Cole (OK) Baird Bradley (NH) Conaway Baker Brady (PA) Cooper Baldwin Brady (TX) Costa Barrett (SC) Brown (OH) Costello Barrow Brown (SC) Cramer Bartlett (MD) Brown, Corrine Crenshaw Barton (TX) Brown-Waite, Crowley Bass Ginny Cubin Bean Burgess Cuellar Beauprez Burton (IN) Cummings Becerra Butterfield Cunningham Berkley Buyer Davis (AL) Berman Calvert Davis (CA) Berry Camp Davis (IL) Biggart Cannon Davis (KY) Bilirakis Cantor Davis (TN) Bishop (GA) Capito Davis, Jo Ann Bishop (NY) Capps Davis, Tom Bishop (UT) Cardin Deal (GA) Blackburn Cardoza DeFazio Blunt Carnahan Delahunt Boehlert Carter DeLauro Boehner Case DeLay

Dent Diaz-Balart, L. Diaz-Balart, M. Dicks Dingell Doggett Doolittle Doyle Drake Dreier Duncan Edwards Ehlert Emanuel Emerson English (PA) Eshoo Etheridge Evans Everett Fattah Feeney Ferguson Filner Fitzpatrick (PA) Flake Foley Forbes Ford Fortenberry Fossella Foxx Frank (MA) Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gibbons Gilchrest Gillmor Gingrey Gohmert Gonzalez Goode Goodlatte Gordon Granger Graves Green (WI) Green, Gene Gutknecht Hall Harris Hart Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Herseth Higgins Hinojosa Hobson Hoekstra Holden Holt Hooley Hostettler Hoyer Hulshof Hunter Hyde Inglis (SC) Inslee Israel Issa Istook Jackson (IL) Jefferson Jenkins Kingston Kirk Kline Knollenberg Kolbe Kucinich Kuhl (NY) LaHood Langevin Lantos Larson (CT) Latham LaTourette Leach Levin Lewis (CA) Lewis (KY) Linder Lipinski LoBiondo Lofgren, Zoe Lowey Lucas Lungren, Daniel E. Lynch Mack Maloney Manzullo Marchant Markey Marshall Matheson Matsui McCarthy McCaul (TX) McColium (MN) McCotter McCrery McGovern McHenry McHugh McIntyre Gohmert McKeon Gomez McMorris Goode McNulty Meehan Meek (FL) Melancon Menendez Mica Michaud Millender-Gutknecht McDonald Miller (FL) Miller (MI) Miller (NC) Miller, Gary Mollohan Moore (KS) Moore (WI) Moran (KS) Moran (VA) Murphy Murtha Musgrave Myrick Napolitano Neal (MA) Neugebauer Ney Northup Norwood Nunes Hunter Hyde Oberstar Olver Ortiz Osborne Otter Owens Oxley Pallone Pascrell Price (GA) Price (NC) Pryce (OH) Putnam Radanovich Rahall Ramstad Rangel Regula Rehberg Reichert Renzi Reyes Reynolds Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Ross Rothman Roybal-Allard Royce Ruppertsberger Ryan (OH) Ryan (WI) Ryun (KS) Sabo Salazar Sanchez, Linda T. Sanchez, Loretta Sanders Saxton Schiff Schmidt Schwartz (PA) Schwarz (MI) Scott (GA) Scott (VA) Sensenbrenner Sessions Shadegg Shaw Shays Sherman Sherwood Shimkus Shuster Simmons Simpson Skelton Smith (NJ) Smith (TX) Smith (WA) Snyder Sodrel Solis Souder Spratt Stearns Strickland Stupak Sullivan Sweeney Tancredo Tiahrt Tiberi Tierney Turner Udall (CO) Udall (NM) Upton Van Hollen Visclosky Walden (OR) Walsh Wamp

NAYS—31

Ackerman	Honda	Serrano
Blumenauer	Johnson, E. B.	Stark
Carson	Jones (OH)	Towns
Cleaver	Lewis (GA)	Velázquez
Conyers	Markey	Wasserman
DeGette	McDermott	Schultz
Farr	Nadler	Waters
Frank (MA)	Pastor	Watson
Grijalva	Payne	Waxman
Hastings (FL)	Schakowsky	Woolsey
Hinchev	Scott (VA)	

ANSWERED "PRESENT"—8

Capuano	Rush	Watt
Green, Al	Sánchez, Linda	
Moore (WI)	T.	
Owens	Tierney	

NOT VOTING—11

Boswell	Gutierrez	Marchant
Culberson	Harman	McKinney
Davis (FL)	Issa	Slaughter
Gibbons	Lee	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶103.12 CONTINUING APPROPRIATIONS FY 2006

Mr. LEWIS of California, pursuant to House Resolution 469, called up for consideration the joint resolution (H.J. Res. 68) making continuing appropriations for fiscal year 2006, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

On page 2, line 7, insert after "fiscal year 2005," "at a rate for operations not exceeding the current rate".

On page 2, line 8, strike "would be" and insert "was made".

On page 2, line 12, strike "2006" and insert "2005".

On page 2, after line 12, insert "(2) The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2005".

On page 2, line 13, strike "(2)" and insert "(3)".

On page 2, line 14, strike "2006" and insert "2005".

On page 2, after line 14, insert "(4) The District of Columbia Appropriations Act, 2005", and renumber the succeeding subsections of section 101 accordingly.

On page 2, line 16, strike "2006" and insert "2005".

On page 2, line 18, strike "2006" and all that follows through page 2, line 21, and insert "2005".

On page 2, line 23, strike "2006" and insert "2005".

On page 3, line 3, strike "2006" and insert "2005".

On page 3, line 4, strike "Quality" and all that follows through page 3, line 8, and insert "Construction Appropriations Act, 2005".

Strike page 3, line 9 through page 3, line 13. On page 3, line 14, strike "Housing" and all that follows through "Columbia" on page 3, line 16.

On page 3, line 17, strike "2006" and all that follows through page 3, line 22 and insert "2005".

On page 3, after line 22, insert "(11) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005".

On page 3, line 23, strike "Whenever" and all that follows through page 6, line 6 and insert "The appropriations Acts listed in subsection (a) shall be deemed to include supplemental appropriations laws enacted during fiscal year 2005".

Strike page 9, line 9 and all that follows through page 9, line 21.

At the end of the joint resolution add the following new sections:

"SEC. . Amounts made available by this joint resolution that are related to amounts designated as emergency requirements in previous appropriations Acts, other than amounts to which section 131 applies, are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (95th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. . During fiscal year 2006, notwithstanding the proclamation by the President dated September 8, 2005 or any other proclamation issued pursuant to section 3147 of Title 40, United States Code, the provisions of subchapter IV (except section 3147) of chapter 31 of title 40, United States Code (and the provisions of all other related acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all federally-funded contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the jurisdictions affected by Hurricane Katrina and Hurricane Rita.

SEC. . Section 1502 (f) and (g)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2005".

SEC. . Section 201(b) of H. Con. Res. 95 (relating to revenue reconciliation in the House of Representatives) shall be applied as if "(1)" was inserted after "(b)" and the following new paragraph was added at the end:

(2) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES IN THE TOP 1 PERCENT OF THE POPULATION.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to paragraph (1) changes in tax laws to increase revenues by reducing or offsetting the tax reductions received during 2006 by the top 1 percent of taxpayers as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003 such that the average tax cut received by that class of taxpayers equals the average tax cut resulting from those Acts for the top 5 percent of taxpayers."

Pending consideration of said motion,

¶103.13 POINT OF ORDER

Mr. LEWIS of California made a point of order against the motion, and said:

"Mr. Speaker, I make a point of order under clause 7 of rule XVI. The

instructions proposed in the motion to recommit range far beyond the subject matter of the joint resolution."

Mr. OBEY was recognized to speak to the point of order and said:

"Mr. Speaker, if the rules required equity in legislation we brought to the floor, this amendment would be in order. Unfortunately, they do not; so I must reluctantly concede the point of order."

The SPEAKER pro tempore, Mr. FOLEY, sustained the point of order, and said:

"The point of order is conceded and sustained. The motion is not in order."

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that the yeas had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶103.14 ENDANGERED SPECIES REAUTHORIZATION

The SPEAKER pro tempore, Mr. FOLEY, pursuant to House Resolution 470 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes.

The SPEAKER pro tempore, Mr. FOLEY, by unanimous consent, designated Mr. SWEENEY as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. SIMPSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. GOODLATTE, assumed the Chair.

When Mr. SWEENEY, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶103.15 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 3824

On motion of Mr. POMBO, by unanimous consent,

Ordered, That it may be in order during further consideration of H.R. 3824, pursuant to H. Res. 470, that the gentleman from California [Mr. CARDOZA] may control 20 minutes of my time.

¶103.16 ENDANGERED SPECIES REAUTHORIZATION

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to House Resolution 470 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of

1973 to provide greater results conserving and recovering listed species, and for other purposes.

Mr. SWEENEY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. PEARCE, assumed the Chair.

¶103.17 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶103.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in nature of a substitute numbered 2, in House Report 109-240, submitted by Mr. George MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment references.
- Sec. 3. Definitions.
- Sec. 4. Determinations of endangered species and threatened species.
- Sec. 5. Repeal of critical habitat requirements.
- Sec. 6. Petitions and procedures for determinations and revisions.
- Sec. 7. Reviews of listings and determinations.
- Sec. 8. Protective regulations.
- Sec. 9. Secretarial guidelines; State comments.
- Sec. 10. Recovery plans and land acquisitions.
- Sec. 11. Cooperation with States and Indian tribes.
- Sec. 12. Interagency cooperation and consultation.
- Sec. 13. Exceptions to prohibitions.
- Sec. 14. Private property conservation.
- Sec. 15. Public accessibility and accountability.
- Sec. 16. Annual cost analyses.
- Sec. 17. Reimbursement for depredation of livestock by reintroduced species.
- Sec. 18. Authorization of appropriations.
- Sec. 19. Miscellaneous technical corrections.
- Sec. 20. Establishment of Science Advisory Board.
- Sec. 21. Clerical amendment to table of contents.

(b) SHORT TITLE.—This Act may be cited as the “Threatened and Endangered Species Recovery Act of 2005”.

SEC. 2. AMENDMENT REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to such section or other provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 3. DEFINITIONS.

(a) BEST AVAILABLE SCIENTIFIC DATA.—Section 3 (16 U.S.C. 1532) is amended by redesignating paragraphs (2) through (21) in order as

paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22), respectively, and by inserting before paragraph (3), as so redesignated, the following:

“(2) The term ‘best available scientific data’ means data and analyses, regardless of source, produced by scientifically accepted methods and procedures that are available to the Secretary at the time of a decision or action for which such data are required by this Act, and that meet scientifically accepted standards of objectivity, accuracy, reliability, and relevance. For the purpose of this paragraph, the term ‘scientifically accepted’ means those methods, procedures, and standards that are widely used within the relevant fields of science, including wildlife biology and management.”

(b) PERMIT OR LICENSE APPLICANT.—Section 3 (16 U.S.C. 1532) is further amended by amending paragraph (13), as so redesignated, to read as follows:

“(13) The term ‘permit or license applicant’ means, when used with respect to an action of a Federal agency that is subject to section 7(a) or (b), any person that has applied to such agency for a permit or license or for formal legal approval to perform an act.”

(c) JEOPARDIZE THE CONTINUED EXISTENCE.—Section 3 (16 U.S.C. 1532) is further amended by inserting after paragraph (11) the following:

“(12) The term ‘jeopardize the continued existence’ means to engage in an action that, directly or indirectly, makes it less likely that a threatened species or an endangered species will be brought to the point at which measures provided pursuant to this Act are no longer necessary, is likely to significantly delay doing so, or is likely to significantly increase the cost of doing so.”

(d) CONFORMING AMENDMENT.—Section 7(n) (16 U.S.C. 1536(n)) is amended by striking “section 3(13)” and inserting “section 3(14)”.

SEC. 4. DETERMINATIONS OF ENDANGERED SPECIES AND THREATENED SPECIES.

(a) REQUIREMENT TO MAKE DETERMINATIONS.—Section 4 (16 U.S.C. 1533) is amended by striking so much as precedes subsection (a)(2) and inserting the following:

“DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

“SEC. 4. (a) IN GENERAL.—(1) The Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:

“(A) The present or threatened destruction, modification, or curtailment of its habitat or range, including by human activities, competition from other species, drought, fire, or other catastrophic natural causes.

“(B) Overutilization for commercial, recreational, scientific, or educational purposes.

“(C) Disease or predation.

“(D) The inadequacy of existing regulatory mechanisms, including any efforts identified pursuant to subsection (b)(1).

“(E) Other natural or manmade factors affecting its continued existence.”

(b) BASIS FOR DETERMINATION.—Section 4(b)(1)(A) (16 U.S.C. 1533(b)(1)(A)) is amended—

(1) by striking “best scientific and commercial data available to him” and inserting “best available scientific data”; and

(2) by inserting “Federal agency, any” after “being made by any”.

(c) LISTS.—Section 4(c)(2) (16 U.S.C. 1533(c)(2)) is amended to read as follows:

“(2)(A) The Secretary shall—

“(i) conduct, at least once every 5 years, based on the information collected for the biennial reports to the Congress required by

paragraph (3) of subsection (f), a review of all species included in a list that is published pursuant to paragraph (1) and that is in effect at the time of such review; and

“(ii) determine on the basis of such review and any other information the Secretary considers relevant whether any such species should be proposed for—

“(I) removal from such list;

“(II) change in status from an endangered species to a threatened species; or

“(III) change in status from a threatened species to an endangered species.

“(B) Each determination under subparagraph (A)(ii) shall be made in accordance with subsections (a) and (b).”

SEC. 5. REPEAL OF CRITICAL HABITAT REQUIREMENTS.

(a) REPEAL OF REQUIREMENT.—Section 4(a) (16 U.S.C. 1533(a)) is amended by striking paragraph (3).

(b) CONFORMING AMENDMENTS.—

(1) Section 4(b) (16 U.S.C. 1533(b)), as otherwise amended by this Act, is further amended by striking paragraph (2), and by redesignating paragraphs (3) through (8) in order as paragraphs (2) through (7), respectively.

(2) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (2), as redesignated by paragraph (1) of this subsection, by striking subparagraph (D).

(3) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking “determination, designation, or revision referred to in subsection (a)(1) or (3)” and inserting “determination referred to in subsection (a)(1)”.

(4) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (7), as redesignated by paragraph (1) of this subsection, by striking “; and if such regulation” and all that follows through the end of the sentence and inserting a period.

(5) Section 4(c)(1) (16 U.S.C. 1533(c)(1)) is amended—

(A) in the second sentence—

(i) by inserting “and” after “if any”; and

(ii) by striking “, and specify any” and all that follows through the end of the sentence and inserting a period; and

(B) in the third sentence by striking “, designations.”

(6) Section 5 (16 U.S.C. 1534), as amended by section 9(a)(3) of this Act, is further amended in subsection (j)(2) by striking “section 4(b)(7)” and inserting “section 4(b)(6)”.

(7) Section 6(c) (16 U.S.C. 1535(c)), as amended by section 10(1) of this Act, is further amended in paragraph (3) by striking “section 4(b)(3)(B)(iii)” each place it appears and inserting “section 4(b)(2)(B)(iii)”.

(8) Section 7 (16 U.S.C. 1536) is amended—

(A) in subsection (a)(2) in the first sentence by striking “or result in the destruction or adverse modification of any habitat of such species” and all that follows through the end of the sentence and inserting a period;

(B) in subsection (a)(4) in the first sentence by striking “or result” and all that follows through the end of the sentence and inserting a period; and

(C) in subsection (b)(3)(A) by striking “or its critical habitat”.

(9) Section 10(j)(2)(C) (16 U.S.C. 1539(j)(2)(C)), as amended by section 12(c) of this Act, is further amended—

(A) by striking “that—” and all that follows through “(i) solely” and inserting “that solely”; and

(B) by striking “; and” and all that follows through the end of the sentence and inserting a period.

SEC. 6. PETITIONS AND PROCEDURES FOR DETERMINATIONS AND REVISIONS.

(a) TREATMENT OF PETITIONS.—

(1) IN GENERAL.—Section 4(b) (16 U.S.C. 1533(b)) is amended in paragraph (2), as redesignated by section 5(b)(1) of this Act, by adding at the end of subparagraph (A) the following: “The Secretary shall not make a finding that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted unless the petitioner provides to the Secretary a copy of all information cited in the petition.”

(2) ADDITIONAL DATA.—Section 4(b) is further amended in paragraph (2), as redesignated by section 5(b)(1) of this Act, in subparagraph (A) by adding at the end the following: “If the Secretary finds with respect to a petition under this subparagraph, that there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the petitioned action, the Secretary, in consultation with the States, may for the purpose of seeking additional data postpone making a finding under this subsection by no more than 18 months.”

(3) PRIORITIZATION ALLOWED.—Section 4(b) is further amended in paragraph (2), as redesignated by section 5(b)(1) of this Act, in subparagraph (B)(iii) by amending subclause (I) to read as follows:

“(I) the immediate proposal and timely promulgation of a final regulation implementing the petitioned action in accordance with paragraphs (5) and (6) is precluded within current fiscal year funding by higher priority pending proposals determined by the Secretary to involve species at greater risk of extinction, and”.

(b) IMPLEMENTING REGULATIONS.—

(1) PROPOSED REGULATIONS.—Section 4(b) (16 U.S.C. 1533(b)) is amended—

(A) in paragraph (4)(A), as redesignated by section 5(b)(2) of this Act—

(i) in clause (i) by striking “, and” and inserting a semicolon;

(ii) in clause (ii) by striking “to the State agency in” and inserting “to the Governor of, and the State agency in,”;

(iii) in clause (ii) by striking “such agency” and inserting “such Governor or agency”;

(iv) in clause (ii) by inserting “and” after the semicolon at the end; and

(v) by adding at the end the following:

“(iii) maintain, and shall make available, a complete record of all information not protected by copyright concerning the determination or revision in the possession of the Secretary, on a publicly accessible website on the Internet, including an index to such information.”; and

(B) by adding at the end the following:

“(8)(A) Information maintained and made available under paragraph (5)(A)(iii) shall include any status review, all information not protected by copyright cited in such a status review, all information referred to in the proposed regulation and the preamble to the proposed regulation, and all information submitted to the Secretary by third parties.

“(B) The Secretary shall withhold from public review under paragraph (5)(A)(iii) any information that may be withheld under 552 of title 5, United States Code.”.

(2) FINAL REGULATIONS.—Paragraph (5) of section 4(b) (16 U.S.C. 1533(b)), as amended by section 5(b)(2) of this Act, is further amended—

(A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

“(i) a final regulation to implement such a determination of whether a species is an endangered species or a threatened species;

“(ii) notice that such one-year period is being extended under subparagraph (B)(i); or

“(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which such withdrawal is based.”;

(B) in subparagraph (B)(i) by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”;

(C) in subparagraph (B)(ii) by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”;

(D) by striking subparagraph (C).

(3) EMERGENCY DETERMINATIONS.—Paragraph (6) of section 4(b) (16 U.S.C. 1533(b)), as redesignated by section 5(b)(2) of this Act, is further amended—

(A) in the matter preceding subparagraph (A), by inserting “with respect to a determination of a species to be an endangered species” after “any regulation”; and

(B) in subparagraph (B), by striking “the State agency in” and inserting “the Governor of, and State agency in.”.

SEC. 7. REVIEWS OF LISTINGS AND DETERMINATIONS.

Section 4(c) (16 U.S.C. 1533(c)) is amended by inserting at the end the following:

“(3) Each determination under paragraph (2)(B) shall consider the following as applicable:

“(A) Except as provided in subparagraph (B) of this paragraph, the criteria in the recovery plan for the species required by section 5(c)(1)(A) or (B).

“(B) If the recovery plan is issued before the criteria required under section 5(c)(1)(A) are established or if no recovery plan exists for the species, the factors for determination that a species is an endangered species or a threatened species set forth in subsections (a)(1) and (b)(1).

“(C) A finding of fundamental error in the determination that the species is an endangered species, a threatened species, or extinct.

“(D) A determination that the species is no longer an endangered species or threatened species or in danger of extinction, based on an analysis of the factors that are the basis for listing under section 4(a)(1).”.

SEC. 8. PROTECTIVE REGULATIONS.

Section 4(d) (16 U.S.C. 1533(d)) is amended by—

(1) inserting “(1)” before “Whenever”;

(2) inserting “in consultation with the States” after “the Secretary shall”; and

(3) adding at the end the following new paragraphs:

“(2) Each regulation published under this subsection after the enactment of the Threatened and Endangered Species Recovery Act of 2005 shall be accompanied with a statement by the Secretary of the reason or reasons for applying any particular prohibition to the threatened species.

“(3) A regulation issued under this subsection after the enactment of the Threatened and Endangered Species Recovery Act of 2005 may apply to more than one threatened species only if the specific threats to, and specific biological conditions and needs of, the species are identical, or sufficiently similar, to warrant the application of identical prohibitions.

“(4) The Secretary may review regulations issued under this subsection prior to the enactment of the Threatened and Endangered Species Recovery Act of 2005. A species afforded protections by any such regulation shall continue to be afforded those protections until such time as the Secretary shall review the regulations issued prior to the enactment of the Threatened and Endangered Species Recovery Act of 2005 as they pertain to that species.”.

SEC. 9. SECRETARIAL GUIDELINES; STATE COMMENTS.

Section 4 (16 U.S.C. 1533) is amended—

(1) by striking subsections (f) and (g) and redesignating subsections (h) and (i) as subsections (f) and (g), respectively;

(2) in subsection (f), as redesignated by paragraph (1) of this subsection—

(A) in the heading by striking “AGENCY” and inserting “SECRETARIAL”;

(B) in the matter preceding paragraph (1), by striking “the purposes of this section are achieved” and inserting “this section is implemented”;

(C) by redesignating paragraph (4) as paragraph (5);

(D) in paragraph (3) by striking “and” after the semicolon at the end, and by inserting after paragraph (3) the following:

“(4) the criteria for determining best available scientific data pursuant to section 3(2); and”;

(E) in paragraph (5), as redesignated by subparagraph (C) of this paragraph, by striking “subsection (f) of this section” and inserting “section 5”;

(3) in subsection (g), as redesignated by paragraph (1) of this section—

(A) by inserting “COMMENTS.—” before the first sentence;

(B) by striking “a State agency” the first place it appears and inserting “a Governor, State agency, county (or equivalent jurisdiction), or unit of local government”;

(C) by striking “a State agency” the second place it appears and inserting “a Governor, State agency, county (or equivalent jurisdiction), or unit of local government”;

(D) by striking “the State agency” and inserting “the Governor, State agency, county (or equivalent jurisdiction), or unit of local government, respectively”;

(E) by striking “agency’s”.

SEC. 10. RECOVERY PLANS AND LAND ACQUISITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 1534) is amended—

(1) by redesignating subsections (a) and (b) as subsections (k) and (l), respectively;

(2) in subsection (l), as redesignated by paragraph (1) of this section, by striking “subsection (a) of this section” and inserting “subsection (k)”;

(3) by striking so much as precedes subsection (k), as redesignated by paragraph (1) of this section, and inserting the following:

“RECOVERY PLANS AND LAND ACQUISITION

“SEC. 5. (a) RECOVERY PLANS.—The Secretary shall, in accordance with this section, develop and implement a plan (in this subsection referred to as a ‘recovery plan’) for the conservation of the species determined under section 4(a)(1) to be an endangered species or a threatened species, unless the Secretary finds that such a plan will not promote the conservation and survival of the species.

“(b) DEVELOPMENT OF RECOVERY PLANS.—(1) Subject to paragraphs (2) and (3), the Secretary, in developing recovery plans, shall, to the maximum extent practicable, give priority to those endangered species or threatened species, without regard to taxonomic classification, that are most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity.

“(2) In the case of any species determined to be an endangered species or threatened species after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, the Secretary shall publish a final recovery plan for a species within 3 years after the date the species is listed under section 4(c).

“(3)(A) For those species that are listed under section 4(c) on the date of enactment of the Threatened and Endangered Species Recovery Act of 2005 and are described in subparagraph (B) of this paragraph, the Secretary, after providing for public notice and comment, shall—

“(i) not later than 1 year after such date, publish in the Federal Register a priority ranking system for preparing or revising

such recovery plans that is consistent with paragraph (1) and takes into consideration the scientifically based needs of the species; and

“(i) not later than 18 months after such date, publish in the Federal Register a list of such species ranked in accordance with the priority ranking system published under clause (i) for which such recovery plans will be developed or revised, and a schedule for such development or revision.

“(B) A species is described in this subparagraph if—

“(i) a recovery plan for the species is not published under this Act before the date of enactment of the Threatened and Endangered Species Recovery Act of 2005 and the Secretary finds such a plan would promote the conservation and survival of the species; or

“(ii) a recovery plan for the species is published under this Act before such date of enactment and the Secretary finds revision of such plan is warranted.

“(C)(i) The Secretary shall, to the maximum extent practicable, adhere to the list and schedule published under subparagraph (A)(ii) in developing or revising recovery plans pursuant to this paragraph.

“(ii) The Secretary shall provide the reasons for any deviation from the list and tentative schedule published under subparagraph (A)(ii), in each report to the Congress under subsection (e).

“(4) The Secretary, using the priority ranking system required under paragraph (3), shall prepare or revise such plans within 10 years after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005.

“(5) The Secretary, using the priority ranking system required under paragraph (3), shall revise such plans within 10 years after the date of enactment of the Threatened and Endangered Species Recovery Act of 2005.

“(6) In development of recovery plans, the Secretary shall use comparative risk assessments, if appropriate, to consider and analyze the short-term and long-term consequences of alternative recovery strategies.

“(c) PLAN CONTENTS.—(1)(A) Except as provided in subparagraph (E), a recovery plan shall be based on the best available scientific data and shall include the following:

“(i) Objective, measurable criteria that, when met, would result in a determination, in accordance with this section, that the species to which the recovery plan applies be removed from the lists published under section 4(c) or be reclassified from an endangered species to a threatened species.

“(ii) A description of such site-specific or other measures that would achieve the criteria established under clause (i), including such intermediate measures as are warranted to effect progress toward achievement of the criteria.

“(iii) Estimates of the time required and the costs to carry out those measures described under clause (ii), including, to the extent practicable, estimated costs for any recommendations, by the recovery team, or by the Secretary if no recovery team is selected, that any of the areas identified under clause (iv) be acquired on a willing seller basis.

“(iv) An identification of those publicly owned areas of land or water that are necessary to achieve the purpose of the recovery plan under subsection (a), and, if such species is unlikely to be conserved on such areas, such other areas as are necessary to achieve the purpose of the recovery plan.

“(B) The Secretary may at the time of listing or at any time prior to the approval of a recovery plan for a species issue such guidance as the Secretary considers appropriate to assist Federal agencies, State agencies, and other persons in complying with the re-

quirements of this Act by identifying either particular types of activities or particular areas of land or water within which those or other activities may impede the conservation of the species.

“(C) In specifying measures in a recovery plan under subparagraph (A), the Secretary shall—

“(i) whenever possible include alternative measures; and

“(ii) in developing such alternative measures, seek to identify, among such alternative measures of comparable expected efficacy and timeliness, the alternative measures that are least costly.

“(2) In the case of any species for which critical habitat has been designated prior to the enactment of the Threatened and Endangered Species Recovery Act of 2005, and for which no recovery plan has been developed or revised after the enactment of such Act, the Secretary shall treat the critical habitat of the species as an area described in subparagraph (A)(iv) until a recovery plan for the species is developed or the existing recovery plan for the species is revised pursuant to subsection (b)(4). In determining, pursuant to section 7(a)(2), whether an agency action is likely to jeopardize the continued existence of an endangered species or threatened species, the Secretary shall consider the effects of the action on any areas identified pursuant to subsection (b)(4).

“(d) RECOVERY TEAMS.—(1) The Secretary shall promulgate regulations that provide for the establishment of recovery teams that may advise the Secretary in the development of recovery plans under this section. The recovery teams may help the Secretary ensure that recovery plans are scientifically rigorous and that the evaluation of costs required by paragraph (1)(A)(iii) of subsection (c) are economically rigorous.

“(2) Such regulations shall—

“(A) establish criteria and the process for selecting the members of recovery teams that ensure that each team—

“(i) is of a size and composition to enable timely completion of the recovery plan; and

“(ii) includes sufficient representation from scientists with relevant expertise and constituencies with a demonstrated direct interest in the species and its conservation or in the economic and social impacts of its conservation to ensure that the views of such constituencies will be considered in the development of the plan; and

“(B) include provisions regarding operating procedures of and recordkeeping by recovery teams.

“(3) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to recovery teams appointed in accordance with regulations issued by the Secretary under this subsection.

“(e) REPORTS TO CONGRESS.—(1) The Secretary shall report every two years to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the status of all domestic endangered species and threatened species and the status of efforts to develop and implement recovery plans for all domestic endangered species and threatened species.

“(2) In reporting on the status of such species since the time of its listing, the Secretary shall include—

“(A) an assessment of any significant change in the well-being of each such species, including—

“(i) changes in population, range, or threats; and

“(ii) the basis for that assessment; and

“(B) for each species, a measurement of the degree of confidence in the reported status of such species, based upon a quantifiable parameter developed for such purposes.

“(f) PUBLIC NOTICE AND COMMENT.—The Secretary shall, prior to final approval of a

new or revised recovery plan, provide public notice and an opportunity for public review and comment on such plan. The Secretary shall consider all information presented during the public comment period prior to approval of the plan.

“(g) STATE COMMENT.—The Secretary shall, prior to final approval of a new or revised recovery plan, provide a draft of such plan and an opportunity to comment on such draft to the Governor of, and State agency in, any State and any Indian tribe to which such draft would apply. The Secretary shall include in the final recovery plan the Secretary's response to the comments of the Governor and the State agency and to any comments submitted by the Governor on behalf of a regional or local land use agency in the Governor's State.

“(h) INDIAN TRIBE DEFINED.—For purposes of this Act, the term ‘Indian tribe’ means—

“(1) with respect to the 48 contiguous States, any federally recognized Indian tribe, organized band, pueblo, or community; and

“(2) with respect to Alaska, the Metlakatla Indian Community.

“(i) USE OF PLANS.—(1) Each Federal agency shall consider any relevant best available scientific data contained in a recovery plan in any analysis conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

“(2)(A) The head of any Federal agency may enter into an agreement with the Secretary specifying the measures the agency will carry out to implement a recovery plan.

“(B) Each such agreement shall be published in draft form with notice and an opportunity for public comment.

“(C) Each such final agreement shall be published, with responses by the head of the Federal agency to any public comments submitted on the draft agreement.

“(j) MONITORING.—(1) The Secretary shall implement a system in cooperation with the States to monitor effectively for not less than five years the status of all species that have recovered to the point at which the measures provided pursuant to this Act are no longer necessary and that, in accordance with this section, have been removed from the lists published under section 4(c).

“(2) The Secretary shall make prompt use of the authority under section 4(b)(7) to prevent a significant risk to the well-being of any such recovered species.”

(b) CONFORMING AMENDMENTS.—

(1) Section 6(d)(1) (16 U.S.C. 1535(d)(1)) is amended by striking “section 4(g)” and inserting “section 5(j)”.

(2) The Marine Mammal Protection Act of 1972 is amended—

(A) in section 104(c)(4)(A)(ii) (16 U.S.C. 1374(c)(4)(A)(ii)) by striking “section 4(f)” and inserting “section 5”; and

(B) in section 115(b)(2) (16 U.S.C. 1383b(b)(2)) by striking “section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f))” and inserting “section 5 of the Endangered Species Act of 1973”.

SEC. 11. COOPERATION WITH STATES AND INDIAN TRIBES.

Section 6 (16 U.S.C. 1535) is further amended—

(1) in subsection (c), by adding at the end the following:

“(3)(A) Any cooperative agreement entered into by the Secretary under this subsection may also provide for development of a program for conservation of species determined to be candidate species pursuant to section 4(b)(3)(B)(iii) or any other species that the State and the Secretary agree is at risk of being determined to be an endangered species or threatened species under section 4(a)(1) in that State.

“(B) Any cooperative agreement entered into by the Secretary under this subsection

may also provide for monitoring or assistance in monitoring the status of candidate species pursuant to section 4(b)(3)(C)(iii) or recovered species pursuant to section 5(j).

“(C) The Secretary shall periodically review each cooperative agreement under this subsection and seek to make changes the Secretary considers necessary for the conservation of endangered species and threatened species to which the agreement applies.

“(4) Any cooperative agreement entered into by the Secretary under this subsection that provides for the enrollment of private lands or water rights in any program established by the agreement shall ensure that the decision to enroll is voluntary for each owner of such lands or water rights.

“(5)(A) The Secretary may enter into a cooperative agreement under this subsection with an Indian tribe in substantially the same manner in which the Secretary may enter into a cooperative agreement with a State.

“(B) For the purposes of this paragraph, the term ‘Indian tribe’ means—

“(i) with respect to the 48 contiguous States, any federally recognized Indian tribe, organized band, pueblo, or community; and

“(ii) with respect to Alaska, the Metlakatla Indian Community.”;

(2) in subsection (d)(1)—

(A) by striking “pursuant to subsection (c) of this section”;

(B) by striking “or to assist” and all that follows through “section 5(j)” and inserting “pursuant to subsection (c)(1) and (2) or to address candidate species or other species at risk and recovered species pursuant to subsection (c)(3)”;

(C) in subparagraph (F), by striking “monitoring the status of candidate species” and inserting “developing a conservation program for, or monitoring the status of, candidate species or other species determined to be at risk pursuant to subsection (c)(3)”;

(3) in subsection (e)—

(A) by inserting “(1)” before the first sentence;

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking “at no greater than annual intervals” and inserting “every 3 years”;

(C) by adding at the end the following:

“(2) Any cooperative agreement entered into by the Secretary under subsection (c) shall be subject to section 7(a)(2) through (d) and regulations implementing such provisions.

“(3) The Secretary may suspend any cooperative agreement established pursuant to subsection (c), after consultation with the Governor of the affected State, if the Secretary finds during the periodic review required by paragraph (1) of this subsection that the agreement no longer constitutes an adequate and active program for the conservation of endangered species and threatened species.

“(4) The Secretary may terminate any cooperative agreement entered into by the Secretary under subsection (c), after consultation with the Governor of the affected State, if—

“(A) as result of the procedures of section 7(a)(2) through (d) undertaken pursuant to paragraph (2) of this subsection, the Secretary determines that continued implementation of the cooperative agreement is likely to jeopardize the continued existence of endangered species or threatened species, and the cooperative agreement is not amended or revised to incorporate a reasonable and prudent alternative offered by the Secretary pursuant to section 7(b)(3); or

“(B) the cooperative agreement has been suspended under paragraph (3) of this subsection and has not been amended or revised and found by the Secretary to constitute an adequate and active program for the con-

servation of endangered species and threatened species within 180 days after the date of the suspension.”.

SEC. 12. INTERAGENCY COOPERATION AND CONSULTATION.

(a) CONSULTATION REQUIREMENT.—Section 7(a) (16 U.S.C. 1536(a)) is amended—

(1) in paragraph (1) in the second sentence, by striking “endangered species” and all that follows through the end of the sentence and inserting “species determined to be endangered species and threatened species under section 4.”;

(2) in paragraph (2)—

(A) in the first sentence by striking “action” the first place it appears and all that follows through “is not” and inserting “agency action authorized, funded, or carried out by such agency is not”;

(B) in the second sentence, by striking “best scientific and commercial data available” and inserting “best available scientific data”;

(C) by adding at the end the following: “In fulfilling the requirements of this paragraph, the Secretary shall take into account whether the adverse impacts to individuals of a species are outweighed by any conservation benefits to the species as a whole.”.

(3) in paragraph (4)—

(A) by striking “listed under section 4” and inserting “an endangered species or a threatened species”;

(B) by inserting “, under section 4” after “such species”.

(b) OPINION OF SECRETARY.—Section 7(b) (16 U.S.C. 1536(b)) is amended—

(1) in paragraph (1)(B)(i) by inserting “permit or license” before “applicant”;

(2) in paragraph (2) by inserting “permit or license” before “applicant”;

(3) in paragraph (3)(A)—

(A) in the first sentence—

(i) by striking “Promptly after” and inserting “Before”;

(ii) by inserting “permit or license” before “applicant”;

(iii) by inserting “proposed” before “written statement”;

(B) by striking all after the first sentence and inserting the following: “The Secretary shall consider any comment from the Federal agency and the permit or license applicant, if any, prior to issuance of the final written statement of the Secretary’s opinion. The Secretary shall issue the final written statement of the Secretary’s opinion by providing the written statement to the Federal agency and the permit or license applicant, if any, and publishing notice of the written statement in the Federal Register. If jeopardy is found, the Secretary shall suggest in the final written statement those reasonable and prudent alternatives, if any, that the Secretary believes would not violate subsection (a)(2) and can be taken by the Federal agency or applicant in implementing the agency action. The Secretary shall cooperate with the Federal agency and any permit or license applicant in the preparation of any suggested reasonable and prudent alternatives.”;

(4) in paragraph (4)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting “(A)” after “(4)”;

(C) by striking “the Secretary shall provide” and all that follows through “with a written statement that—” and inserting the following: “the Secretary shall include in the written statement under paragraph (3), a statement described in subparagraph (B) of this paragraph.

“(B) A statement described in this subparagraph—”;

(5) by adding at the end the following:

“(5)(A) Any terms and conditions set forth pursuant to paragraph (4)(B)(iv) shall be no

more than necessary to offset the impact of the incidental taking identified pursuant to paragraph (4) in the written statement prepared under paragraph (3).

“(B) If various terms and conditions are available to comply with paragraph (4)(B)(iv), the terms and conditions set forth pursuant to that paragraph—

“(i) must be capable of successful implementation; and

“(ii) must be consistent with the objectives of the Federal agency and the permit or license applicant, if any, to the greatest extent possible.”.

(c) BIOLOGICAL ASSESSMENTS.—Section 7(c) (16 U.S.C. 1536(c)) is amended—

(1) in the first sentence, by striking “which is listed” and all that follows through the end of the sentence and inserting “that is determined to be an endangered species or a threatened species, or for which such a determination is proposed pursuant to section 4, may be present in the area of such proposed action.”;

(2) in the second sentence, by striking “best scientific and commercial data available” and inserting “best available scientific data”.

(d) MODIFICATION OF AN ENDANGERED SPECIES COMMITTEE PROCESS.—Section 7 (16 U.S.C. 1536) is amended—

(1) by repealing subsection (j);

(2) by redesignating the remaining subsections accordingly; and

(3) in subsection (o), as redesignated by paragraph (2) of this subsection—

(A) in the first sentence, by striking “is authorized” and all that follows through “of this section” and inserting “may exempt an agency action from compliance with the requirements of subsections (a) through (d) of this section before the initiation of such agency action.”;

(B) by striking the second sentence.

SEC. 13. EXCEPTIONS TO PROHIBITIONS.

(a) INCIDENTAL TAKE PERMITS.—Section 10(a)(2) (16 U.S.C. 1539(a)(2)) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon at the end of clause (iii), by redesignating clause (iv) as clause (vii), and by inserting after clause (iii) the following:

“(iv) objective, measurable biological goals to be achieved for species covered by the plan and specific measures for achieving such goals consistent with the requirements of subparagraph (B);

“(v) measures the applicant will take to monitor impacts of the plan on covered species and the effectiveness of the plan’s measures in achieving the plan’s biological goals;

“(vi) adaptive management provisions necessary to respond to all reasonably foreseeable changes in circumstances that could appreciably reduce the likelihood of the survival and recovery of any species covered by the plan; and”;

(2) in subparagraph (B) by striking “and” after the semicolon at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following:

“(v) the term of the permit is reasonable, taking into consideration—

“(I) the period in which the applicant can be expected to diligently complete the principal actions covered by the plan;

“(II) the extent to which the plan will enhance the conservation of covered species;

“(III) the adequacy of information underlying the plan;

“(IV) the length of time necessary to implement and achieve the benefits of the plan; and

“(V) the scope of the plan’s adaptive management strategy; and”;

(3) by striking subparagraph (C) and inserting the following:

“(3) Any terms and conditions offered by the Secretary pursuant to paragraph (2)(B)

to reduce or offset the impacts of incidental taking shall be no more than necessary to offset the impact of the incidental taking specified in the conservation plan pursuant to in paragraph (2)(A)(i).

“(4)(A) If the holder of a permit issued under this subsection for other than scientific purposes is in compliance with the terms and conditions of the permit, and any conservation plan or agreement incorporated by reference therein, the Secretary may not require the holder, without the consent of the holder, to adopt any new minimization, mitigation, or other measure with respect to any species adequately covered by the permit during the term of the permit, except as provided in subparagraphs (B) and (C) to meet circumstances that have changed subsequent to the issuance of the permit.

“(B) For any circumstance identified in the permit or incorporated document that has changed, the Secretary may, in the absence of consent of the permit holder, require only such additional minimization, mitigation, or other measures as are already provided in the permit or incorporated document for such changed circumstance.

“(C) For any changed circumstance not identified in the permit or incorporated document, the Secretary may, in the absence of consent of the permit holder, require only such additional minimization, mitigation, or other measures to address such changed circumstance that do not involve the commitment of any additional land, water, or financial compensation not otherwise committed, or the imposition of additional restrictions on the use of any land, water or other natural resources otherwise available for development or use, under the original terms and conditions of the permit or incorporated document.

“(D) The Secretary shall have the burden of proof in demonstrating and documenting, with the best available scientific data, the occurrence of any changed circumstances for purposes of this paragraph.

“(E) All permits issued under this subsection on or after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, other than permits for scientific purposes, shall contain the assurances contained in subparagraphs (B) through (D) of this paragraph and paragraph (5)(A) and (B). Permits issued under this subsection on or after March 25, 1998, and before the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, other than permits for scientific purposes, shall be governed by the applicable sections of parts 17.22(b), (c), and (d), and 17.32(b), (c), and (d) of title 50, Code of Federal Regulations, as the same exist on the date of the enactment of the Threatened and Endangered Species Act of 2005.

“(F) If the Secretary determines that a conservation plan under this subsection reasonably can be expected to fail to achieve the goals specified under paragraph (2)(A)(iv), the Secretary shall, at the Secretary's expense, implement remedial conservation measures. Nothing in the preceding sentence shall be construed to allow the Secretary to require the holder of a permit issued under this subsection to undertake any additional measures without the consent of the holder.

“(5)(A) The Secretary shall revoke a permit issued under paragraph (2) if the Secretary finds that the permittee is not complying with the terms and conditions of the permit.

“(B) Any permit subject to paragraph (4)(A) may be revoked due to changed circumstances only if—

“(i) the Secretary determines that continuation of the activities to which the permit applies would be inconsistent with the criteria in paragraph (2)(B)(iv);

“(ii) the Secretary provides 60 days notice of revocation to the permittee; and

“(iii) the Secretary is unable to, and the permittee chooses not to, remedy the condition causing such inconsistency.”

(b) EXTENSION OF PERIOD FOR PUBLIC REVIEW AND COMMENT ON APPLICATIONS.—Section 10(c) (16 U.S.C. 1539(c)) is amended in the second sentence by striking “thirty” each place it appears and inserting “45”.

(c) EXPERIMENTAL POPULATIONS.—Section 10(j) (16 U.S.C. 1539(j)) is amended—

(1) in paragraph (1), by striking “For purposes” and all that follows through the end of the paragraph and inserting the following: “For purposes of this subsection, the term ‘experimental population’ means any population (including any offspring arising therefrom) authorized by the Secretary for release under paragraph (2), but only when such population is in the area designated for it by the Secretary, and such area is, at the time of release, wholly separate geographically from areas occupied by nonexperimental populations of the same species. For purposes of this subsection, the term ‘areas occupied by nonexperimental populations’ means areas characterized by the sustained and predictable presence of more than negligible numbers of successfully reproducing individuals over a period of many years.”;

(2) in paragraph (2)(B), by striking “information” and inserting “scientific data”; and

(3) in paragraph (2)(C)(i), by striking “listed” and inserting “determined to be an endangered species or a threatened species”.

(d) WRITTEN DETERMINATION OF COMPLIANCE.—Section 10 (16 U.S.C. 1539) is amended by adding at the end the following:

“(k) WRITTEN DETERMINATION OF COMPLIANCE.—(1) A property owner (in this subsection referred to as a ‘requester’) may request the Secretary to make a written determination as to whether a proposed use of the owner's property that is lawful under State and local law will require a permit under section 10(a), by submitting a written description of the proposed action to the Secretary by certified mail.

“(2) A written description of a proposed use is deemed to be sufficient for consideration by the Secretary under paragraph (1) if the description includes—

“(A) the nature, the specific location, the lawfulness under State and local law, and the anticipated schedule and duration of the proposed use, and a demonstration that the property owner has the means to undertake the proposed use; and

“(B) any anticipated adverse impact to a species that is included on a list published under 4(c)(1) that the requester reasonably expects to occur as a result of the proposed use.

“(3) The Secretary may request and the requester may supply any other information that either believes will assist the Secretary to make a determination under paragraph (1).

“(4) If the Secretary does not make a determination pursuant to a request under this subsection because of the omission from the request of any information described in paragraph (2), the requester may submit a subsequent request under this subsection for the same proposed use.

“(5)(A) Subject to subparagraph (B), the Secretary shall provide to the requester a written determination of whether the proposed use, as proposed by the requester, will require a permit under section 10(a), by not later than expiration of the 180-day period beginning on the date of the submission of the request.

“(B) The Secretary may request, and the requester may grant, a written extension of the period under subparagraph (A).

“(6) At the end of each fiscal year, the Secretary shall transmit a report to the Con-

gress listing the requests to which the Secretary did not provide a requestor a timely response under paragraph (5)(A) or (B), the status of those requests at the time of transmittal of the report, and an explanation for the circumstances that prevented the Secretary from providing any such requestor with a timely response.

“(7) This subsection shall not apply with respect to agency actions that are subject to consultation under section 7.”

(e) NATIONAL SECURITY EXEMPTION.—Section 10 (16 U.S.C. 1539) is further amended by adding at the end the following:

“(1) NATIONAL SECURITY.—The President, after consultation with the appropriate Federal agency, may exempt any act or omission from the provisions of this Act if the President finds that such exemption is necessary for national security.”

SEC. 14. PRIVATE PROPERTY CONSERVATION.

Section 13 (consisting of amendments to other laws, which have executed) is amended to read as follows:

“PRIVATE PROPERTY CONSERVATION PROGRAM
“SEC. 13. (a) ESTABLISHMENT OF PROGRAM.—

“(1) REQUIREMENT.—The Secretary shall establish a Private Property Conservation Program to improve the habitat and promote the conservation, on private lands, of endangered species, threatened species, and species that are candidates to be determined to be endangered species or threatened species.

“(2) AGREEMENTS AUTHORIZED.—The Secretary may enter into an agreement with a private property owner under which the Secretary shall, subject to appropriations, make annual or other payments to the person to implement the agreement.

“(3) CONTENTS.—Any agreement the Secretary enters into under this section shall—

“(A) specify a management plan that the private property owner shall commit to implement on the property of the private property owner, including—

“(i) an identification of the species and habitat covered by the plan;

“(ii) a finding by the Secretary that the land to which the agreement applies is appropriate for the species and habitat covered by the agreement;

“(iii) a description of the activities the private property owner shall undertake to conserve the species and to create, restore, enhance, or protect habitat; and

“(iv) a description of the existing or future economic activities on the land to which the agreement applies that are compatible with the goals of the program.

“(B) specify the terms of the agreement, including—

“(i) the terms of payment to be provided by the Secretary to the private property owner;

“(ii) a description of any technical assistance the Secretary will provide to the private property owner to implement the management plan;

“(iii) the terms and conditions under which the Secretary and the private property owner mutually agree that the agreement may be modified or terminated;

“(iv) acts or omissions by the Secretary or the private property owner that shall be considered violations of the agreement, and procedures under which notice and an opportunity to remedy any violation by the private property owner shall be given;

“(v) a finding by the Secretary that the private property owner owns the land to which the agreement applies or has sufficient control over the use of such land to ensure implementation of agreement; and

“(vi) such other duties of the Secretary and of the private property owner as are appropriate.

“(4) **COST SHARE.**—The Secretary may provide up to 70 percent of the cost to implement the management plan under the terms of the agreement.

“(5) **PRIORITY.**—In entering into agreements under this section, the Secretary shall give priority to those agreements—

“(A) that apply to areas identified under section 5(c)(1)(A)(iv); and

“(B) reasonably can be expected to achieve the greatest benefit for the conservation of the species covered by the agreement relative to the total amount of funds to be expended to implement the agreement.

“(6) **TECHNICAL ASSISTANCE.**—Any State agency, local government, nonprofit organization, or federally recognized Indian tribe may provide technical assistance to a private property owner in the preparation of a management plan, or participate in the implementation of a management plan, including identifying and making available certified fisheries or wildlife biologists with expertise in the conservation of species.

“(7) **TRANSFER OF PROPERTY.**—Upon any conveyance or other transfer of interest in land that is subject to an agreement under this section

“(A) the agreement shall continue in effect with respect to such land, with the same terms and conditions, if the person to whom the land or interest is conveyed or otherwise transferred notifies the Secretary of the person’s election to continue the agreement by not later than 30 days after the date of the conveyance or other transfer;

“(B) the agreement shall terminate if the agreement does not continue in effect under subparagraph (A); and

“(C) the person to whom the land or interest is conveyed or otherwise transferred may seek a new agreement under this section.

“(8) **MODEL FORM OF AGREEMENT.**—Not later than 1 year after the date of the enactment of the Threatened and Endangered Species Act of 2005, the Secretary shall establish a model form of agreement that a person may enter into with the Secretary under this section.

“(9) **VOLUNTARY PROGRAM.**—

“(A) **AGREEMENTS MAY NOT BE REQUIRED.**—The Secretary, or any other Federal official, may not require a person to enter into an agreement under this section as a term or condition of any right, privilege, or benefit, or of any action or refraining from any action, under this or any other law.

“(B) **REQUIREMENTS UNDER LAWS AND PERMITS.**—None of the activities otherwise required by law or by the terms of any permit may be included in any agreement under this section.

“(10) **RELATIONSHIP TO HABITAT CONSERVATION PLANS.**—The Secretary may consider an agreement under this subsection that applies to an endangered species or threatened species in determining the adequacy of a conservation plan for the purpose of section 10(a)(2).

“(b) **TECHNICAL ASSISTANCE PROGRAM FOR SMALL LANDOWNERS.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program to offer technical assistance to owners of private property seeking guidance on the conservation of endangered species or threatened species, or species that are candidates for being determined to be endangered species or threatened species.

“(2) **ALLOWABLE ACTIVITIES.**—Upon request, the Secretary may provide technical assistance to an owner of private property for the purpose of—

“(A) helping to prepare and implement a conservation agreement under subsection (a);

“(B) training the managers of private property in best practices to conserve species and create, restore, enhance, and protect habitat for species;

“(C) helping to prepare an application for a permit and a conservation plan under section 10(a); and

“(D) any other purpose the Secretary determines is appropriate to meet the goals of the program under subsection (a).

“(3) **PRIORITY.**—The Secretary shall give priority in offers of technical assistance to owners of private property that the Secretary determines cannot reasonably be expected to afford adequate technical assistance.

“(4) **FUNDING FOR PROGRAM.**—For any year for which funds are appropriated to carry out this Act, 10 percent shall be for carrying out this subsection, unless the Secretary determines for any fiscal year that a smaller percentage is sufficient and submits a report to the Congress containing the percentage and an explanation of the basis for the determination.”

SEC. 15. PUBLIC ACCESSIBILITY AND ACCOUNTABILITY.

Section 14 (relating to repeals of other laws, which have executed) is amended to read as follows:

“PUBLIC ACCESSIBILITY AND ACCOUNTABILITY

“SEC. 14. The Secretary shall make available on a publicly accessible website on the Internet—

“(1) each list published under section 4(c)(1);

“(2) all final and proposed regulations and determinations under section 4;

“(3) the results of all 5-year reviews conducted under section 4(c)(2)(A);

“(4) all draft and final recovery plans issued under section 5(a), and all final recovery plans issued and in effect under section 4(f)(1) of this Act as in effect immediately before the enactment of the Threatened and Endangered Species Recovery Act of 2005;

“(5) all reports required under sections 5(e) and 16, and all reports required under sections 4(f)(3) and 18 of this Act as in effect immediately before the enactment of the Threatened and Endangered Species Recovery Act of 2005; and

“(6) to the extent practicable, data contained in the reports referred to in paragraph (5) of this section, and that were produced after the date of enactment of the Threatened and Endangered Species Recovery Act of 2005, in the form of databases that may be searched by the variables included in the reports.”

SEC. 16. ANNUAL COST ANALYSES.

(a) **ANNUAL COST ANALYSES.**—Section 18 (16 U.S.C. 1544) is amended to read as follows:

“ANNUAL COST ANALYSIS BY UNITED STATES FISH AND WILDLIFE SERVICE

“SEC. 18. (a) **IN GENERAL.**—On or before January 15 of each year, the Secretary shall submit to the Congress an annual report covering the preceding fiscal year that contains an accounting of all reasonably identifiable expenditures made primarily for the conservation of species included on lists published and in effect under section 4(c).

“(b) **SPECIFICATION OF EXPENDITURES.**—Each report under this section shall specify—

“(1) expenditures of Federal funds on a species-by-species basis, and expenditures of Federal funds that are not attributable to a specific species;

“(2) expenditures by States for the fiscal year covered by the report on a species-by-species basis, and expenditures by States that are not attributable to a specific species; and

“(3) based on data submitted pursuant to subsection (c), expenditures voluntarily reported by local governmental entities on a species-by-species basis, and such expenditures that are not attributable to a specific species.

“(c) **ENCOURAGEMENT OF VOLUNTARY SUBMISSION OF DATA BY LOCAL GOVERNMENTS.**—The Secretary shall provide a means by which local governmental entities may—

“(1) voluntarily submit electronic data regarding their expenditures for conservation of species listed under section 4(c); and

“(2) attest to the accuracy of such data.”

(b) **ELIGIBILITY OF STATES FOR FINANCIAL ASSISTANCE.**—Section 6(d) (16 U.S.C. 1535(d)) is amended by adding at the end the following:

“(3) A State shall not be eligible for financial assistance under this section for a fiscal year unless the State has provided to the Secretary for the preceding fiscal year information regarding the expenditures referred to in section 16(b)(2).”

SEC. 17. REIMBURSEMENT FOR DEPREDAATION OF LIVESTOCK BY REINTRODUCED SPECIES.

The Endangered Species Act of 1973 is further amended—

(1) by striking sections 15 and 16;

(2) by redesignating sections 17 and 18 as sections 15 and 16, respectively; and

(3) by adding after section 16, as so redesignated, the following:

“REIMBURSEMENT FOR DEPREDAATION OF LIVESTOCK BY REINTRODUCED SPECIES

“SEC. 17. (a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may reimburse the owner of livestock for any loss of livestock resulting from depredation by any population of a species if the population is listed under section 4(c) and includes or derives from members of the species that were reintroduced into the wild.

“(b) **USE OF DONATIONS.**—The Secretary may accept and use donations of funds to pay reimbursement under this section.

“(c) **AVAILABILITY OF APPROPRIATIONS.**—The requirement to pay reimbursement under this section is subject to the availability of funds for such payments.”

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—The Endangered Species Act of 1973 is further amended by adding at the end the following:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 18. (a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act, other than section 8A(e)—

“(1) to the Secretary of the Interior to carry out functions and responsibilities of the Department of the Interior under this Act, such sums as are necessary for fiscal years 2006 through 2010; and

“(2) to the Secretary of Agriculture to carry out functions and responsibilities of the Department of the Interior with respect to the enforcement of this Act and the convention which pertain the importation of plants, such sums as are necessary for fiscal year 2006 through 2010.

“(b) **CONVENTION IMPLEMENTATION.**—There is authorized to be appropriated to the Secretary of the Interior to carry out section 8A(e) such sums as are necessary for fiscal years 2006 through 2010.”

(b) **CONFORMING AMENDMENT.**—Section 8(a) (16 U.S.C. 1537(a)) is amended by striking “section 15” and inserting “section 18”.

SEC. 19. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) **INTERNATIONAL COOPERATION.**—Section 8 (16 U.S.C. 1537) is amended—

(1) in subsection (a) in the first sentence by striking “any endangered species or threatened species listed” and inserting “any species determined to be an endangered species or a threatened species”; and

(2) in subsection (b) in paragraph (1), by striking “endangered species and threatened species listed” and inserting “species determined to be endangered species and threatened species”.

(b) MANAGEMENT AUTHORITY AND SCIENTIFIC AUTHORITY.—Section 8A (16 U.S.C. 1537a) is amended—

(1) in subsection (a), by striking “of the Interior (hereinafter in this section referred to as the ‘Secretary’)”;

(2) in subsection (d), by striking “Merchant Marine and Fisheries” and inserting “Resources”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “of the Interior (hereinafter in this subsection referred to as the ‘Secretary’)”;

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) PROHIBITED ACTS.—Section 9 (16 U.S.C. 1538) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act” and inserting “, with respect to any species of fish or wildlife determined to be an endangered species under section 4”;

(B) in paragraph (1)(G), by striking “threatened species of fish or wildlife listed pursuant to section 4 of this Act” and inserting “species of fish or wildlife determined to be a threatened species under section 4”;

(C) in paragraph (2), in the matter preceding subparagraph (A) by striking “of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act” and inserting “, with respect to any species of plants determined to be an endangered species under section 4”;

(D) in paragraph (2)(E), by striking “listed pursuant to section 4 of this Act” and inserting “determined to be a threatened species under section 4”;

(2) in subsection (b)—

(A) by striking “(1)” before “SPECIES” and inserting “(1)” before the first sentence;

(B) in paragraph (1), in the first sentence, by striking “adding such” and all that follows through “: *Provided, That*” and inserting “determining such fish or wildlife species to be an endangered species or a threatened species under section 4, if”;

(C) in paragraph (1), in the second sentence, by striking “adding such” and all that follows through “this Act” and inserting “determining such fish or wildlife species to be an endangered species or a threatened species under section 4”;

(3) in subsection (c)(2)(A), by striking “an endangered species listed” and inserting “a species determined to be an endangered species”;

(4) in subsection (d)(1)(A), by striking clause (i) and inserting the following: “(i) are not determined to be endangered species or threatened species under section 4, and”;

(5) in subsection (e), by striking clause (1) and inserting the following: “(1) are not determined to be endangered species or threatened species under section 4, and”;

(6) in subsection (f)—

(A) in paragraph (1), in the first sentence, by striking clause (A) and inserting the following: “(A) are not determined to be endangered species or threatened species under section 4, and”;

(B) by striking “Secretary of the Interior” each place it appears and inserting “Secretary”;

(d) HARDSHIP EXEMPTIONS.—Section 10(b) (16 U.S.C. 1539(b)) is amended—

(1) in paragraph (1)—

(A) by striking “an endangered species” and all that follows through “section 4 of this Act” and inserting “an endangered species or a threatened species and the subsequent determination that the species is an endangered species or a threatened species under section 4”;

(B) by striking “section 9(a) of this Act” and inserting “section 9(a)”;

(C) by striking “fish or wildlife listed by the Secretary as endangered” and inserting “fish or wildlife determined to be an endangered species or threatened species by the Secretary”;

(2) in paragraph (2)—

(A) by inserting “or a threatened species” after “endangered species” each place it appears; and

(B) in subparagraph (B), by striking “listed species” and inserting “endangered species or threatened species”.

(e) PERMIT AND EXEMPTION POLICY.—Section 10(d) (16 U.S.C. 1539(d)) is amended—

(1) by inserting “or threatened species” after “endangered species”;

(2) by striking “of this Act”.

(f) PRE-ACT PARTS AND SCRIMSHAW.—Section 10(f) (16 U.S.C. 1539(f)) is amended—

(1) by inserting after “(f)” the following: “PRE-ACT PARTS AND SCRIMSHAW.—”;

(2) in paragraph (2), by striking “of this Act” each place it appears.

(g) BURDEN OF PROOF IN SEEKING EXEMPTION OR PERMIT.—Section 10(g) (16 U.S.C. 1539(g)) is amended by inserting after “(g)” the following: “BURDEN OF PROOF IN SEEKING EXEMPTION OR PERMIT.—”.

(h) ANTIQUE ARTICLES.—Section 10(h)(1)(B) (16 U.S.C. 1539(h)(1)(B)) is amended by striking “endangered species or threatened species listed” and inserting “species determined to be an endangered species or a threatened species”.

(i) PENALTIES AND ENFORCEMENT.—Section 11 (16 U.S.C. 1540) is amended in subsection (e)(3), in the second sentence, by striking “Such persons” and inserting “Such a person”.

(j) SUBSTITUTION OF GENDER-NEUTRAL REFERENCES.—

(1) “SECRETARY” FOR “HE”.—The following provisions are amended by striking “he” each place it appears and inserting “the Secretary”:

(A) Paragraph (4)(C) of section 4(b), as redesignated by section 5(b)(2) of this Act.

(B) Paragraph (5)(B)(ii) of section 4(b), as redesignated by section 5(b)(2) of this Act.

(C) Section 4(b)(7) (16 U.S.C. 1533(b)(7)), in the matter following subparagraph (B).

(D) Section 6 (16 U.S.C. 1535).

(E) Section 8(d) (16 U.S.C. 1537(d)).

(F) Section 9(f) (16 U.S.C. 1538(f)).

(G) Section 10(a) (16 U.S.C. 1539(a)).

(H) Section 10(b)(3) (16 U.S.C. 1539(b)(3)).

(I) Section 10(d) (16 U.S.C. 1539(d)).

(J) Section 10(e)(4) (16 U.S.C. 1539(e)(4)).

(K) Section 10(f)(4), (5), and (8)(B) (16 U.S.C. 1539(f)(4), (5), (8)(B)).

(L) Section 11(e)(5) (16 U.S.C. 1540(e)(5)).

(2) “PRESIDENT” FOR “HE”.—Section 8(a) (16 U.S.C. 1537(a)) is amended in the second sentence by striking “he” and inserting “the President”.

(3) “SECRETARY OF THE INTERIOR” FOR “HE”.—Section 8(b)(3) (16 U.S.C. 1537(b)(3)) is amended by striking “he” and inserting “the Secretary of the Interior”.

(4) “PERSON” FOR “HE”.—The following provisions are amended by striking “he” each place it appears and inserting “the person”:

(A) Section 10(f)(3) (16 U.S.C. 1539(f)(3)).

(B) Section 11(e)(3) (16 U.S.C. 1540(e)(3)).

(5) “DEFENDANT” FOR “HE”.—The following provisions are amended by striking “he” each place it appears and inserting “the defendant”.

(A) Section 11(a)(3) (16 U.S.C. 1540(a)(3)).

(B) Section 11(b)(3) (16 U.S.C. 1540(b)(3)).

(6) REFERENCES TO “HIM”.—

(A) Section 4(c)(1) (16 U.S.C. 1533(c)(1)) is amended by striking “him or the Secretary of Commerce” each place it appears and inserting “the Secretary”.

(B) Paragraph (6) of section 4(b) (16 U.S.C. 1533(b)), as redesignated by section 5(b)(2) of this Act, is further amended in the matter

following subparagraph (B) by striking “him” and inserting “the Secretary”.

(C) Section 5(k)(2), as redesignated by section 9(a)(1) of this Act, is amended by striking “him” and inserting “the Secretary”.

(D) Section 7(a)(1) (16 U.S.C. 1536(a)(1)) is amended in the first sentence by striking “him” and inserting “the Secretary”.

(E) Section 8A(c)(2) (16 U.S.C. 1537a(c)(2)) is amended by striking “him” and inserting “the Secretary”.

(F) Section 9(d)(2)(A) (16 U.S.C. 1538(d)(2)(A)) is amended by striking “him” each place it appears and inserting “such person”.

(G) Section 10(b)(1) (16 U.S.C. 1539(b)(1)) is amended by striking “him” and inserting “the Secretary”.

(7) REFERENCES TO “HIMSELF OR HERSELF”.—Section 11 (16 U.S.C. 1540) is amended in subsections (a)(3) and (b)(3) by striking “himself or herself” each place it appears and inserting “the defendant”.

(8) REFERENCES TO “HIS”.—

(A) Section 4(g)(1), as redesignated by section 8(1) of this Act, is amended by striking “his” and inserting “the”.

(B) Section 6 (16 U.S.C. 1535) is amended—

(i) in subsection (d)(2) in the matter following clause (ii) by striking “his” and inserting “the Secretary’s”;

(ii) in subsection (e)(1), as designated by section 10(3)(A) of this Act, by striking “his periodic review” and inserting “periodic review by the Secretary”.

(C) Section 7(a)(3) (16 U.S.C. 1536(a)(3)) is amended by striking “his” and inserting “the applicant’s”.

(D) Section 8(c)(1) (16 U.S.C. 1537(c)(1)) is amended by striking “his” and inserting “the Secretary’s”.

(E) Section 9 (16 U.S.C. 1538) is amended in subsection (d)(2)(B) and subsection (f) by striking “his” each place it appears and inserting “such person’s”.

(F) Section 10(b)(3) (16 U.S.C. 1539(b)(3)) is amended by striking “his” and inserting “the Secretary’s”.

(G) Section 10(d) (16 U.S.C. 1539(d)) is amended by striking “his” and inserting “the”.

(H) Section 11 (16 U.S.C. 1540) is amended—

(i) in subsection (a)(1) by striking “his” and inserting “the Secretary’s”;

(ii) in subsections (a)(3) and (b)(3) by striking “his or her” each place it appears and inserting “the defendant’s”;

(iii) in subsection (d) by striking “his” and inserting “the officer’s or employee’s”;

(iv) in subsection (e)(3) in the second sentence by striking “his” and inserting “the person’s”;

(v) in subsection (g)(1) by striking “his” and inserting “the person’s”.

SEC. 20. ESTABLISHMENT OF SCIENCE ADVISORY BOARD.

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is further amended by adding at the end the following:

“SCIENCE ADVISORY BOARD
“SEC. 19.

“(a) IN GENERAL.—Within 12 months after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, the Secretary of Interior, through the Director of the United States Fish and Wildlife Service, shall establish a Science Advisory Board (in this section referred to as the ‘Board’) to provide such scientific advice as may be requested by the Secretary to assist in the evaluation of the use of science in implementing this Act, including in the development of policies and procedures pertaining to the use of scientific information.

“(b) COMPOSITION.—The Board shall each consist of 9 members appointed by the Secretary of the Interior from a list of nominees recommended by the National Academy of

Sciences, utilizing a system of staggered 3-year terms of appointment. One member shall be elected by the members of the Board as its Chairman. Members of the Board shall be selected on the basis of their professional qualifications in the areas of ecology, fish and wildlife management, plant ecology, or natural resource conservation. Members of the Board shall not hold another office or position in the Federal Government. If a vacancy occurs on the Board due to expiration of a term, resignation, or any other reason, each replacement shall be selected by the Secretary from a group of at least 4 nominees recommended by the National Academy of Sciences. The Secretary may extend the term of a Board member until the new member is appointed to fill the vacancy. If a vacancy occurs due to resignation, or reason other than expiration of a term, the Secretary shall appoint a member to serve during the unexpired term utilizing the nomination process set forth in this subsection. The Secretary shall publish in the Federal Register the name, business address, and professional affiliations of each appointee.

“(c) COMPENSATION.—Each member of the Board shall receive per diem compensation at a rate not in excess of that fixed for GS-15 of the General Schedule as may be determined by the Secretary of the Interior.

“(d) STAFF.—Upon the recommendation of the Board, the Secretary of the Interior shall make available employees as necessary to exercise and fulfill the Board’s responsibilities.”.

SEC. 21. CLERICAL AMENDMENT TO TABLE OF CONTENTS.

The table of contents in the first section is amended—

(1) by striking the item relating to section 5 and inserting the following:

“Sec. 5. Recovery plans and land acquisition.”

; and

(2) by striking the items relating to sections 13 through 17 and inserting the following:

“Sec. 13. Private property conservation program.

“Sec. 14. Public accessibility and accountability.

“Sec. 15. Marine Mammal Protection Act of 1972.

“Sec. 16. Annual cost analysis by United States Fish and Wildlife Service.

It was decided in the { Yeas 206
negative } Nays 216

¶103.19 [Roll No. 505]

AYES—206

Abercrombie	Carson	Eshoo
Ackerman	Case	Etheridge
Allen	Castle	Evans
Andrews	Chandler	Farr
Baird	Clay	Ferguson
Baldwin	Cleaver	Filner
Barrow	Clyburn	Fitzpatrick (PA)
Bass	Conyers	Ford
Bean	Cooper	Frank (MA)
Becerra	Costello	Frelinghuysen
Berkley	Crowley	Gerlach
Berman	Cummings	Gilchrest
Biggert	Davis (CA)	Gonzalez
Bishop (NY)	Davis (IL)	Gordon
Blumenauer	Davis (TN)	Green, Al
Boehlert	Davis, Tom	Green, Gene
Boucher	DeFazio	Grijalva
Boyd	DeGette	Hastings (FL)
Bradley (NH)	Delahunt	Higgins
Brady (PA)	DeLauro	Hinchesy
Brown (OH)	Dicks	Hinojosa
Brown, Corrine	Dingell	Holden
Butterfield	Doggett	Holt
Capps	Doyle	Honda
Capuano	Ehlers	Hooley
Cardin	Emanuel	Hoyer
Carnahan	Engel	Inglis (SC)

Insee	Meek (FL)	Schakowsky
Israel	Meeks (NY)	Schiff
Jackson (IL)	Menendez	Schwartz (PA)
Jackson-Lee	Michaud	Schwarz (MI)
(TX)	Millender-	Scott (VA)
Jefferson	McDonald	Serrano
Johnson (CT)	Miller (NC)	Shays
Johnson (IL)	Miller, George	Sherman
Johnson, E. B.	Mollohan	Skelton
Jones (OH)	Moore (KS)	Slaughter
Kanjorski	Moore (WI)	Smith (NJ)
Kaptur	Moran (VA)	Smith (WA)
Kelly	Murtha	Snyder
Kennedy (RI)	Nadler	Solis
Kildee	Napolitano	Spratt
Kilpatrick (MI)	Neal (MA)	Stark
Kind	Oberstar	Strickland
Kirk	Obey	Stupak
Kucinich	Olver	Tanner
Langevin	Owens	Tauscher
Lantos	Pallone	Taylor (MS)
Larsen (WA)	Pascarell	Thompson (CA)
Larson (CT)	Pastor	Thompson (MS)
Leach	Pelosi	Tierney
Levin	Petri	Udall (CO)
Lewis (GA)	Platts	Udall (NM)
Lipinski	Pomeroy	Upton
LoBiondo	Price (NC)	Van Hollen
Lofgren, Zoe	Rahall	Velázquez
Lowey	Ramstad	Visclosky
Lynch	Rangel	Wasserman
Maloney	Reyes	Schultz
Markey	Rothman	Waters
Marshall	Roybal-Allard	Watson
Matheson	Ruppersberger	Watt
Matsui	Rush	Waxman
McCarthy	Ryan (OH)	Weiner
McCollum (MN)	Sabo	Weldon (PA)
McDermott	Sánchez, Linda	Wexler
McGovern	T.	Wolf
McKinney	Sanchez, Loretta	Woolsey
McNulty	Sanders	Wu
Meehan	Saxton	Wynn

NOES—216

Aderholt	Diaz-Balart, M.	Kline
Akin	Doolittle	Knollenberg
Alexander	Drake	Kolbe
Baca	Dreier	Kuhl (NY)
Bachus	Duncan	LaHood
Baker	Edwards	Latham
Barrett (SC)	Emerson	LaTourette
Bartlett (MD)	English (PA)	Lewis (CA)
Barton (TX)	Everett	Lewis (KY)
Beauprez	Feeney	Linder
Berry	Flake	Lucas
Bilirakis	Foley	Lungren, Daniel
Bishop (GA)	Forbes	E.
Bishop (UT)	Fortenberry	Mack
Blackburn	Fossella	Manzullo
Blunt	Foxo	Marchant
Boehner	Franks (AZ)	McCaul (TX)
Bonilla	Galleghy	McCotter
Bonner	Garrett (NJ)	McCrery
Bono	Gibbons	McHenry
Boozman	Gillmor	McHugh
Boren	Gingrey	McIntyre
Boustany	Gohmert	McKeon
Brady (TX)	Goode	McMorris
Brown (SC)	Goodlatte	Melancon
Brown-Waite,	Granger	Mica
Ginny	Graves	Miller (FL)
Burgess	Green (WI)	Miller (MI)
Burton (IN)	Gutknecht	Miller, Gary
Buyer	Hall	Moran (KS)
Calvert	Harris	Murphy
Camp	Hart	Musgrave
Cannon	Hastings (WA)	Myrick
Cantor	Hayes	Neugebauer
Capito	Hayworth	Ney
Cardoza	Hefley	Northup
Carter	Hensarling	Norwood
Chabot	Herger	Nunes
Chocoma	Herseth	Nussle
Coble	Hoekstra	Ortiz
Cole (OK)	Hostettler	Osborne
Conaway	Hulshof	Otter
Costa	Hunter	Oxley
Cramer	Hyde	Pearce
Crenshaw	Issa	Pence
Cubin	Istook	Peterson (MN)
Cuellar	Jenkins	Peterson (PA)
Cunningham	Jindal	Pickering
Davis (AL)	Johnson, Sam	Pitts
Davis (KY)	Jones (NC)	Poe
Davis, Jo Ann	Keller	Pombo
Deal (GA)	Kennedy (MN)	Porter
DeLay	King (IA)	Price (GA)
Dent	King (NY)	Pryce (OH)
Diaz-Balart, L.	Kingston	Putnam

Radanovich	Sensenbrenner	Thomas
Regula	Sessions	Thornberry
Rehberg	Shadegg	Tiahrt
Reichert	Shaw	Tiberi
Renzi	Sherwood	Turner
Reynolds	Shimkus	Walden (OR)
Rogers (AL)	Shuster	Walsh
Rogers (KY)	Simmons	Wamp
Rogers (MI)	Simpson	Weldon (FL)
Rohrabacher	Smith (TX)	Weller
Ros-Lehtinen	Sodrel	Westmoreland
Ross	Souder	Whitfield
Royce	Stearns	Wicker
Ryan (WI)	Sullivan	Wilson (NM)
Ryun (KS)	Sweeney	Wilson (SC)
Salazar	Tancredo	Young (AK)
Schmidt	Taylor (NC)	Young (FL)
Scott (GA)	Terry	

NOT VOTING—11

Boswell	Gutierrez	Paul
Culberson	Harman	Payne
Davis (FL)	Hobson	Towns
Fattah	Lee	

So the amendment in the nature of a substitute was not agreed to.

After some further time, The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, pursuant to House Resolution 470, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Threatened and Endangered Species Recovery Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment references.
- Sec. 3. Definitions.
- Sec. 4. Determinations of endangered species and threatened species.
- Sec. 5. Repeal of critical habitat requirements.
- Sec. 6. Petitions and procedures for determinations and revisions.
- Sec. 7. Reviews of listings and determinations.
- Sec. 8. Secretarial guidelines; State comments.
- Sec. 9. Recovery plans and land acquisitions.
- Sec. 10. Cooperation with States and Indian tribes.
- Sec. 11. Interagency cooperation and consultation.
- Sec. 12. Exceptions to prohibitions.
- Sec. 13. Private property conservation.
- Sec. 14. Public accessibility and accountability.
- Sec. 15. Annual cost analyses.
- Sec. 16. Reimbursement for depredation of livestock by reintroduced species.
- Sec. 17. Authorization of appropriations.
- Sec. 18. Miscellaneous technical corrections.
- Sec. 19. Clerical amendment to table of contents.
- Sec. 20. Certain actions deemed in compliance.
- Sec. 21. Consolidation of programs.
- Sec. 22. Review of protective regulations.
- Sec. 23. Provision of information regarding compliance costs of Federal power administrations.
- Sec. 24. Survey of BLM lands and Forest Service lands for management for recovery of listed species.

Sec. 25. Relationship between section 7 consultation and incident take authorization under Marine Mammal Protection Act of 1972.

SEC. 2. AMENDMENT REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to such section or other provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 3. DEFINITIONS.

(a) **BEST AVAILABLE SCIENTIFIC DATA.**—Section 3 (16 U.S.C. 1532) is amended by redesignating paragraphs (2) through (21) in order as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22), respectively, and by inserting before paragraph (3), as so redesignated, the following:

“(2)(A) The term ‘best available scientific data’ means scientific data, regardless of source, that are available to the Secretary at the time of a decision or action for which such data are required by this Act and that the Secretary determines are the most accurate, reliable, and relevant for use in that decision or action.

“(B) Not later than one year after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, the Secretary shall issue regulations that establish criteria that must be met to determine which data constitute the best available scientific data for purposes of subparagraph (A).

“(C) In carrying out subparagraph (B), the Secretary shall undertake necessary measures to assure—

“(i) compliance with guidance issued under section 515 of the Treasury and General Government Appropriations Act of 2001 (Public Law 106-554; 114 Stat. 2763A-171) by the Director of the Office of Management and Budget and the Secretary;

“(ii) data consists of empirical data; or

“(iii) data is found in sources that have been subject to peer review by qualified individuals recommended by the National Academy of Sciences to serve as independent reviewers for a covered action in a generally acceptable manner.”

(b) **PERMIT OR LICENSE APPLICANT.**—Section 3 (16 U.S.C. 1532) is further amended by amending paragraph (13), as so redesignated, to read as follows:

“(13) The term ‘permit or license applicant’ means, when used with respect to an action of a Federal agency that is subject to section 7(a) or (b), any person that has applied to such agency for a permit or license or for formal legal approval to perform an act.”

(c) **CONFORMING AMENDMENT.**—Section 7(n) (16 U.S.C. 1536(n)) is amended by striking “section 3(13)” and inserting “section 3(14)”.

(d) **CONFORMING AMENDMENT.**—Section 3 (16 U.S.C. 1532) is further amended in paragraph (18), as redesignated by subsection (a) of this section, by striking “Trust Territory of the Pacific Islands” and inserting “Commonwealth of the Northern Mariana Islands”.

SEC. 4. DETERMINATIONS OF ENDANGERED SPECIES AND THREATENED SPECIES.

(a) **REQUIREMENT TO MAKE DETERMINATIONS.**—Section 4 (16 U.S.C. 1533) is amended by striking so much as precedes subsection (a)(3) and inserting the following:

“DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

“SEC. 4. (a) **IN GENERAL.**—(1) The Secretary shall by regulation promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:

“(A) The present or threatened destruction, modification, or curtailment of its habitat or range by human activities, competition from other species, drought, fire, or other catastrophic natural causes.

“(B) Overutilization for commercial, recreational, scientific, or educational purposes.

“(C) Disease or predation.

“(D) The inadequacy of existing regulatory mechanisms, including any efforts identified pursuant to subsection (b)(1).

“(E) Other natural or manmade factors affecting its continued existence.

“(2) The Secretary shall use the authority provided by paragraph (1) to determine any distinct population of any species of vertebrate fish or wildlife to be an endangered species or a threatened species only sparingly.”

(b) **BASIS FOR DETERMINATION.**—Section 4(b)(1)(A) (16 U.S.C. 1533(b)(1)(A)) is amended—

(1) by striking “best scientific and commercial data available to him” and inserting “best available scientific data”; and

(2) by inserting “Federal agency, any” after “being made by any”.

(c) **LISTS.**—Section 4(c)(2) (16 U.S.C. 1533(c)(2)) is amended to read as follows:

“(2)(A) The Secretary shall—

“(i) conduct, at least once every 5 years, based on the information collected for the biennial reports to the Congress required by paragraph (3) of subsection (f), a review of all species included in a list that is published pursuant to paragraph (1) and that is in effect at the time of such review; and

“(ii) determine on the basis of such review and any other information the Secretary considers relevant whether any such species should—

“(I) be removed from such list;

“(II) be changed in status from an endangered species to a threatened species; or

“(III) be changed in status from a threatened species to an endangered species.

“(B) Each determination under subparagraph (A)(ii) shall be made in accordance with subsections (a) and (b).”

(d) **ANALYSIS OF IMPACTS AND BENEFITS.**—Section 4(a) (16 U.S.C. 1533(a)), as amended by section 4(a) of this Act, is further amended by striking paragraph (3) and inserting the following:

“(4)(A) The Secretary shall, concurrently with making a determination under paragraph (1) that a species is an endangered species or a threatened species, prepare an analysis of—

“(i) the economic impact and benefit of that determination;

“(ii) the impact and benefit on national security of that determination; and

“(iii) any other relevant impact and benefit of that determination.

“(B) Nothing in this paragraph shall delay the Secretary’s decision or change the criteria used in making determinations under paragraph (1).”

SEC. 5. REPEAL OF CRITICAL HABITAT REQUIREMENTS.

(a) **REPEAL OF REQUIREMENT.**—Section 4(a) (16 U.S.C. 1533(a)) is amended by striking paragraph (3), and redesignating paragraph (4) (as added by section 4(d) of this Act) as paragraph (3).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 3 (16 U.S.C. 1532), as amended by section 3 of this Act, is further amended by striking paragraph (6) and by redesignating paragraphs (7) through (22) in order as paragraphs (6) through (21).

(2) Section 4(b) (16 U.S.C. 1533(b)), as otherwise amended by this Act, is further amended by striking paragraph (2), and by redesignating paragraphs (3) through (8) in order as paragraphs (2) through (7), respectively.

(3) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (2), as redesignated by paragraph (2) of this subsection, by striking subparagraph (D).

(4) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (4), as redesignated by paragraph (2) of this subsection, by striking “determination, designation, or revision referred to in subsection (a)(1) or (3)” and inserting “determination referred to in subsection (a)(1)”.

(5) Section 4(b) (16 U.S.C. 1533(b)) is further amended in paragraph (7), as redesignated by paragraph (2) of this subsection, by striking “; and if such regulation” and all that follows through the end of the sentence and inserting a period.

(6) Section 4(c)(1) (16 U.S.C. 1533(c)(1)) is amended—

(A) in the second sentence—

(i) by inserting “and” after “if any”; and

(ii) by striking “, and specify any” and all that follows through the end of the sentence and inserting a period; and

(B) in the third sentence by striking “, designations.”

(7) Section 5 (16 U.S.C. 1534), as amended by section 9(a)(3) of this Act, is further amended in subsection (j)(2) by striking “section 4(b)(7)” and inserting “section 4(b)(6)”.

(8) Section 6(c) (16 U.S.C. 1535(c)), as amended by section 10(l) of this Act, is further amended in paragraph (3) by striking “section 4(b)(3)(B)(iii)” each place it appears and inserting “section 4(b)(2)(B)(iii)”.

(9) Section 7 (16 U.S.C. 1536) is amended—

(A) in subsection (a)(2) in the first sentence by striking “or result in the destruction or adverse modification of any habitat of such species” and all that follows through the end of the sentence and inserting a period;

(B) in subsection (a)(4) in the first sentence by striking “or result” and all that follows through the end of the sentence and inserting a period; and

(C) in subsection (b)(3)(A) by striking “or its critical habitat”.

(10) Section 10(j)(2)(C) (16 U.S.C. 1539(j)(2)(C)), as amended by section 12(c) of this Act, is further amended—

(A) by striking “that—” and all that follows through “(i) solely” and inserting “that solely”; and

(B) by striking “; and” and all that follows through the end of the sentence and inserting a period.

SEC. 6. PETITIONS AND PROCEDURES FOR DETERMINATIONS AND REVISIONS.

(a) **TREATMENT OF PETITIONS.**—Section 4(b) (16 U.S.C. 1533(b)) is amended in paragraph (2), as redesignated by section 5(b)(2) of this Act, by adding at the end of subparagraph (A) the following: “The Secretary shall not make a finding that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted unless the petitioner provides to the Secretary a copy of all information cited in the petition.”

(b) **IMPLEMENTING REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Section 4(b) (16 U.S.C. 1533(b)) is amended—

(A) in paragraph (4)(A), as redesignated by section 5(b)(2) of this Act—

(i) in clause (i) by striking “, and” and inserting a semicolon;

(ii) in clause (ii) by striking “to the State agency in” and inserting “to the Governor of, and the State agency in,”;

(iii) in clause (ii) by striking “such agency” and inserting “such Governor or agency”;

(iv) in clause (ii) by inserting “and” after the semicolon at the end; and

(v) by adding at the end the following:

“(iii) maintain, and shall make available, a complete record of all information

concerning the determination or revision in the possession of the Secretary, on a publicly accessible website on the Internet, including an index to such information.”; and

(B) by adding at the end the following:

“(8)(A) Information maintained and made available under paragraph (5)(A)(iii) shall include any status review, all information cited in such a status review, all information referred to in the proposed regulation and the preamble to the proposed regulation, and all information submitted to the Secretary by third parties.

“(B) The Secretary shall withhold from public review under paragraph (5)(A)(iii) any information that may be withheld under 552 of title 5, United States Code.”.

(2) FINAL REGULATIONS.—Paragraph (5) of section 4(b) (16 U.S.C. 1533(b)), as amended by section 5(b)(2) of this Act, is further amended—

(A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

“(i) a final regulation to implement such a determination of whether a species is an endangered species or a threatened species;

“(ii) notice that such one-year period is being extended under subparagraph (B)(i); or

“(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which such withdrawal is based.”;

(B) in subparagraph (B)(i) by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”;

(C) in subparagraph (B)(ii) by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”;

(D) by striking subparagraph (C).

(3) EMERGENCY DETERMINATIONS.—Paragraph (6) of section 4(b) (16 U.S.C. 1533(b)), as redesignated by section 5(b)(2) of this Act, is further amended—

(A) in the matter preceding subparagraph (A), by inserting “with respect to a determination of a species to be an endangered species or a threatened species” after “any regulation”; and

(B) in subparagraph (B), by striking “the State agency in” and inserting “the Governor of, and State agency in.”.

SEC. 7. REVIEWS OF LISTINGS AND DETERMINATIONS.

Section 4(c) (16 U.S.C. 1533(c)) is amended by inserting at the end the following:

“(3) Each determination under paragraph (2)(B) shall consider one of the following:

“(A) Except as provided in subparagraph (B) of this paragraph, the criteria in the recovery plan for the species required by section 5(c)(1)(A) or (B).

“(B) If the recovery plan is issued before the criteria required under section 5(c)(1)(A) and (B) are established or if no recovery plan exists for the species, the factors for determination that a species is an endangered species or a threatened species set forth in subsections (a)(1) and (b)(1).

“(C) A finding of fundamental error in the determination that the species is an endangered species, a threatened species, or extinct.

“(D) A determination that the species is no longer an endangered species or threatened species or in danger of extinction, based on an analysis of the factors that are the basis for listing under section 4(a)(1).”.

SEC. 8. SECRETARIAL GUIDELINES; STATE COMMENTS.

Section 4 (16 U.S.C. 1533) is amended—

(1) by striking subsections (f) and (g) and redesignating subsections (h) and (i) as subsections (f) and (g), respectively;

(2) in subsection (f), as redesignated by paragraph (1) of this subsection—

(A) in the heading by striking “AGENCY” and inserting “SECRETARIAL”;

(B) in the matter preceding paragraph (1), by striking “the purposes of this section are achieved” and inserting “this section is implemented”;

(C) by redesignating paragraph (4) as paragraph (5);

(D) in paragraph (3) by striking “and” after the semicolon at the end, and by inserting after paragraph (3) the following:

“(4) the criteria for determining best available scientific data pursuant to section 3(2); and”;

(E) in paragraph (5), as redesignated by subparagraph (C) of this paragraph, by striking “subsection (f) of this section” and inserting “section 5”;

(3) in subsection (g), as redesignated by paragraph (1) of this section—

(A) by inserting “COMMENTS.—” before the first sentence;

(B) by striking “a State agency” the first place it appears and inserting “a Governor, State agency, county (or equivalent jurisdiction), or unit of local government”;

(C) by striking “a State agency” the second place it appears and inserting “a Governor, State agency, county (or equivalent jurisdiction), or unit of local government”;

(D) by striking “the State agency” and inserting “the Governor, State agency, county (or equivalent jurisdiction), or unit of local government, respectively”;

(E) by striking “agency’s”.

SEC. 9. RECOVERY PLANS AND LAND ACQUISITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 1534) is amended—

(1) by redesignating subsections (a) and (b) as subsections (k) and (l), respectively;

(2) in subsection (l), as redesignated by paragraph (1) of this section, by striking “subsection (a) of this section” and inserting “subsection (k)”;

(3) by striking so much as precedes subsection (k), as redesignated by paragraph (1) of this section, and inserting the following:

“RECOVERY PLANS AND LAND ACQUISITION

“SEC. 5. (a) RECOVERY PLANS.—The Secretary shall, in accordance with this section, develop and implement a plan (in this subsection referred to as a ‘recovery plan’) for the species determined under section 4(a)(1) to be an endangered species or a threatened species, unless the Secretary finds that such a plan will not promote the conservation and survival of the species.

“(b) DEVELOPMENT OF RECOVERY PLANS.—(1) Subject to paragraphs (2) and (3), the Secretary, in developing recovery plans, shall, to the maximum extent practicable, give priority to those endangered species or threatened species, without regard to taxonomic classification, that are most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity.

“(2)(A) In the case of any species determined to be an endangered species or threatened species after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, the Secretary shall publish a final recovery plan for a species within 2 years after the date the species is listed under section 4(c).

“(B) Nothing in this paragraph shall be construed to affect the authority of the Secretary to issue any emergency regulation pursuant to section 4(b)(6).

“(3)(A) For those species that are listed under section 4(c) on the date of enactment of the Threatened and Endangered Species Recovery Act of 2005 and are described in subparagraph (B) of this paragraph, the Secretary, after providing for public notice and comment, shall—

“(i) not later than 1 year after such date, publish in the Federal Register a priority

ranking system for preparing or revising such recovery plans that is consistent with paragraph (1) and takes into consideration the scientifically based needs of the species; and

“(ii) not later than 18 months after such date, publish in the Federal Register a list of such species ranked in accordance with the priority ranking system published under clause (i) for which such recovery plans will be developed or revised, and a tentative schedule for such development or revision.

“(B) A species is described in this subparagraph if—

“(i) a recovery plan for the species is not published under this Act before the date of enactment of the Threatened and Endangered Species Recovery Act of 2005 and the Secretary finds such a plan would promote the conservation and survival of the species; or

“(ii) a recovery plan for the species is published under this Act before such date of enactment and the Secretary finds revision of such plan is warranted.

“(C)(i) The Secretary shall, to the maximum extent practicable, adhere to the list and tentative schedule published under subparagraph (A)(ii) in developing or revising recovery plans pursuant to this paragraph.

“(ii) The Secretary shall provide the reasons for any deviation from the list and tentative schedule published under subparagraph (A)(ii), in each report to the Congress under subsection (e).

“(4) The Secretary, using the priority ranking system required under paragraph (3), shall prepare or revise such plans within 10 years after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005.

“(c) PLAN CONTENTS.—(1)(A) Except as provided in subparagraph (E), a recovery plan shall be based on the best available scientific data and shall include the following:

“(i) Objective, measurable criteria that, when met, would result in a determination, in accordance with this section, that the species to which the recovery plan applies be removed from the lists published under section 4(c) or be reclassified from an endangered species to a threatened species.

“(ii) A description of such site-specific or other measures that would achieve the criteria established under clause (i), including such intermediate measures as are warranted to effect progress toward achievement of the criteria.

“(iii) Estimates of the time required and the costs, including direct, indirect and cumulative costs, to carry out those measures described under clause (ii), including, to the extent practicable, estimated costs for any recommendations, by the recovery team, or by the Secretary if no recovery team is selected, that any of the areas identified under clause (iv) be acquired on a willing seller basis.

“(iv) An identification of those specific areas that are of special value to the conservation of the species.

“(B) Those members of any recovery team appointed pursuant to subsection (d) with relevant scientific expertise, or the Secretary if no recovery team is appointed, shall, based solely on the best available scientific data, establish the objective, measurable criteria required under subparagraph (A)(i).

“(C)(i) If the recovery team, or the Secretary if no recovery team is appointed, determines in the recovery plan that insufficient best available scientific data exist to determine criteria or measures under subparagraph (A) that could achieve a determination to remove the species from the lists published under section 4(c), the recovery plan shall contain interim criteria and measures that are likely to improve the status of the species.

“(ii) If a recovery plan does not contain the criteria and measures provided for by clause (i) of subparagraph (A), the recovery team for the plan, or the Secretary if no recovery team is appointed, shall review the plan at intervals of no greater than 5 years and determine if the plan can be revised to contain the criteria and measures required under subparagraph (A).

“(iii) If the recovery team or the Secretary, respectively, determines under clause (ii) that a recovery plan can be revised to add the criteria and measures provided for under subparagraph (A), the recovery team or the Secretary, as applicable, shall revise the recovery plan to add such criteria and measures within 2 years after the date of the determination.

“(D) In specifying measures in a recovery plan under subparagraph (A), a recovery team or the Secretary, as applicable, shall—

“(i) whenever possible include alternative measures; and

“(ii) in developing such alternative measures, the Secretary shall seek to identify, among such alternative measures of comparable expected efficacy, the alternative measures that are least costly.

“(E) Estimates of time and costs pursuant to subparagraph (A)(iii), and identification of the least costly alternatives pursuant to subparagraph (D)(ii), are not required to be based on the best available scientific data.

“(2) Any area that, immediately before the enactment of the Threatened and Endangered Species Recovery Act of 2005, is designated as critical habitat of an endangered species or threatened species shall be treated as an area described in subparagraph (A)(iv) until a recovery plan for the species is developed or the existing recovery plan for the species is revised pursuant to subsection (b)(3).

“(d) RECOVERY TEAMS.—(1) The Secretary shall promulgate regulations that provide for the establishment of recovery teams for development of recovery plans under this section.

“(2) Such regulations shall—

“(A) establish criteria and the process for selecting the members of recovery teams, and the process for preparing recovery plans, that ensure that each team—

“(i) is of a size and composition to enable timely completion of the recovery plan; and

“(ii) includes sufficient representation from constituencies with a demonstrated direct interest in the species and its conservation or in the economic and social impacts of its conservation to ensure that the views of such constituencies will be considered in the development of the plan;

“(B) include provisions regarding operating procedures of and recordkeeping by recovery teams;

“(C) ensure that recovery plans are scientifically rigorous and that the evaluation of costs required by paragraphs (1)(A)(iii) and (1)(D) of subsection (c) are economically rigorous; and

“(D) provide guidelines for circumstances in which the Secretary may determine that appointment of a recovery team is not necessary or advisable to develop a recovery plan for a specific species, including procedures to solicit public comment on any such determination.

“(3) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to recovery teams appointed in accordance with regulations issued by the Secretary under this subsection.

“(e) REPORTS TO CONGRESS.—(1) The Secretary shall report every two years to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the status of all domestic endangered species

and threatened species and the status of efforts to develop and implement recovery plans for all domestic endangered species and threatened species.

“(2) In reporting on the status of such species since the time of its listing, the Secretary shall include—

“(A) an assessment of any significant change in the well-being of each such species, including—

“(i) changes in population, range, or threats; and

“(ii) the basis for that assessment; and

“(B) for each species, a measurement of the degree of confidence in the reported status of such species, based upon a quantifiable parameter developed for such purposes.

“(f) PUBLIC NOTICE AND COMMENT.—The Secretary shall, prior to final approval of a new or revised recovery plan, provide public notice and an opportunity for public review and comment on such plan. The Secretary shall consider all information presented during the public comment period prior to approval of the plan.

“(g) STATE COMMENT.—The Secretary shall, prior to final approval of a new or revised recovery plan, provide a draft of such plan and an opportunity to comment on such draft to the Governor of, and State agency in, any State to which such draft would apply. The Secretary shall include in the final recovery plan the Secretary's response to the comments of the Governor and the State agency.

“(h) CONSULTATION.—(1) The Secretary shall, prior to final approval of a new or revised recovery plan, consult with any pertinent State, Indian tribe, or regional or local land use agency or its designee.

“(2) For purposes of this Act, the term ‘Indian tribe’ means—

“(A) with respect to the 48 contiguous States, any federally recognized Indian tribe, organized band, pueblo, or community; and

“(B) with respect to Alaska, the Metlakatla Indian Community.

“(i) USE OF PLANS.—(1) Each Federal agency shall consider any relevant best available scientific data contained in a recovery plan in any analysis conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

“(2)(A)(i) The head of any Federal agency may enter into an agreement with the Secretary specifying the measures the agency will carry out to implement a recovery plan.

“(ii) Each such agreement shall be published in draft form with notice and an opportunity for public comment.

“(iii) Each such final agreement shall be published, with responses by the head of the Federal agency to any public comments submitted on the draft agreement.

“(B) Nothing in a recovery plan shall be construed to establish regulatory requirements.

“(j) MONITORING.—(1) The Secretary shall implement a system in cooperation with the States to monitor effectively for not less than five years the status of all species that have recovered to the point at which the measures provided pursuant to this Act are no longer necessary and that, in accordance with this section, have been removed from the lists published under section 4(c).

“(2) The Secretary shall make prompt use of the authority under section 4(b)(7) to prevent a significant risk to the well-being of any such recovered species.”.

(b) RECOVERY PLANS FOR SPECIES OCCUPYING MORE THAN ONE STATE.—Section 6 (16 U.S.C. 1535) is amended by adding at the end the following:

“(j) RECOVERY PLANS FOR SPECIES OCCUPYING MORE THAN ONE STATE.—Any recovery plan under section 5 for an endangered species or a threatened species that occupies more than one State shall identify criteria

and actions pursuant to subsection (c)(1) of section 5 for each State that are necessary so that the State may pursue a determination that the portion of the species found in that State may be removed from lists published under section 4(c).”.

(c) THREATENED AND ENDANGERED SPECIES INCENTIVES PROGRAM.—

(1) AGREEMENTS AUTHORIZED.—Section 5 (16 U.S.C. 1534) is further amended by adding at the end the following:

“(m) THREATENED AND ENDANGERED SPECIES INCENTIVES PROGRAM.—(1) The Secretary may enter into species recovery agreements pursuant to paragraph (2) and species conservation contract agreements pursuant to paragraph (3) with persons, other than agencies or departments of the Federal Government or State governments, under which the Secretary is obligated, subject to the availability of appropriations, to make annual payments or provide other compensation to the persons to implement the agreements.

“(2)(A) The Secretary and persons who own or control the use of private land may enter into species recovery agreements with a term of not less than 5 years that meet the criteria set forth in subparagraph (B) and are in accordance with the priority established in subparagraph (C).

“(B) A species recovery agreement entered into under this paragraph by the Secretary with a person—

“(i) shall require that the person shall carry out, on the land owned or controlled by the person, activities that—

“(I) protect and restore habitat for covered species that are species determined to be endangered species or threatened species pursuant to section 4(a)(1);

“(II) contribute to the conservation of one or more covered species; and

“(III) specify and implement a management plan for the covered species;

“(ii) shall specify such a management plan that includes—

“(I) identification of the covered species;

“(II) a description of the land to which the agreement applies; and

“(III) a description of, and a schedule to carry out, the activities under clause (i);

“(iii) shall provide sufficient documentation to establish ownership or control by the person of the land to which the agreement applies;

“(iv) shall include the amounts of the annual payments or other compensation to be provided by the Secretary to the person under the agreement from funds appropriated under section 18(a)(1), and the terms under which such payments or compensation shall be provided; and

“(v) shall include—

“(I) the duties of the person;

“(II) the duties of the Secretary;

“(III) the terms and conditions under which the person and the Secretary mutually agree the agreement may be modified or terminated; and

“(IV) acts or omissions by the person or the Secretary that shall be considered violations of the agreement, and procedures under which notice of and an opportunity to remedy any violation by the person or the Secretary shall be given.

“(C) In entering into species recovery agreements under this paragraph, the Secretary shall accord priority to agreements that apply to any areas that are identified in recovery plans pursuant to subsection (c)(1)(A)(iv).

“(3)(A) The Secretary and persons who own private land may enter into species conservation contract agreements with terms of 30 years, 20 years, or 10 years that meet the criteria set forth in subparagraph (B) and standards set forth in subparagraph (D) and are in accordance with the priorities established in subparagraph (C).

“(B) A species conservation contract agreement entered into under this paragraph by the Secretary with a person—

“(i) shall provide that the person shall, on the land owned by the person—

“(I) carry out conservation practices to meet one or more of the goals set forth in clauses (i) through (iii) of subparagraph (C) for one or more covered species, that are species that are determined to be endangered species or threatened species pursuant to section 4(a)(1), species determined to be candidate species pursuant to section 4(b)(3)(B)(iii), or species subject to comparable designations under State law; and

“(II) specify and implement a management plan for the covered species;

“(i) shall specify such a management plan that includes—

“(I) identification of the covered species;

“(II) a description in detail of the conservation practices for the covered species that the person shall undertake;

“(III) a description of the land to which the agreement applies; and

“(IV) a schedule of approximate deadlines, whether one-time or periodic, for undertaking the conservation practices described pursuant to subclause (II);

“(V) a description of existing or future economic activities on the land to which the agreement applies that are compatible with the conservation practices described pursuant to subclause (II) and generally with conservation of the covered species;

“(iii) shall specify the term of the agreement; and

“(iv) shall include—

“(I) the duties of the person;

“(II) the duties of the Secretary;

“(III) the terms and conditions under which the person and the Secretary mutually agree the agreement may be modified or terminated;

“(IV) acts or omissions by the person or the Secretary that shall be considered violations of the agreement, and procedures under which notice of and an opportunity to remedy any violation by the person or the Secretary shall be given; and

“(V) terms and conditions for early termination of the agreement by the person before the management plan is fully implemented or termination of the agreement by the Secretary in the case of a violation by the person that is not remedied under subclause (IV), including any requirement for the person to refund all or part of any payments received under subparagraph (E) and any interest thereon.

“(C) The Secretary shall establish priorities for the selection of species conservation contract agreements, or groups of such agreements for adjacent or proximate lands, to be entered into under this paragraph that address the following factors:

“(i) The potential of the land to which the agreement or agreements apply to contribute significantly to the conservation of an endangered species or threatened species or a species with a comparable designation under State law.

“(ii) The potential of such land to contribute significantly to the improvement of the status of a candidate species or a species with a comparable designation under State law.

“(iii) The amount of acreage of such land.

“(iv) The number of covered species in the agreement or agreements.

“(v) The degree of urgency for the covered species to implement the conservation practices in the management plan or plans under the agreement or agreements.

“(vi) Land in close proximity to military test and training ranges, installations, and associated airspace that is affected by a covered species.

“(D) The Secretary shall enter into a species conservation contract agreement submitted by a person, if the Secretary finds that the person owns such land or has sufficient control over the use of such land to ensure implementation of the management plan under the agreement.

“(E)(i) Upon entering into a species conservation contract agreement with the Secretary pursuant to this paragraph, a person shall receive the financial assistance provided for in this subparagraph.

“(ii) If the person is implementing fully the agreement, the person shall receive from the Secretary—

“(I) in the case of a 30-year agreement, an annual contract payment in an amount equal to 100 percent of the person's actual costs to implement the conservation practices described in the management plan under the terms of the agreement;

“(II) in the case of a 20-year agreement, an annual contract payment in an amount equal to 80 percent of the person's actual costs to implement the conservation practices described in the management plan under the terms of the agreement; and

“(III) in the case of a 10-year agreement, an annual contract payment in an amount equal to 60 percent of the person's actual costs to implement the conservation practices described in the management plan under the terms of the agreement.

“(iii)(I) If the person receiving contract payments pursuant to clause (ii) receives any other State or Federal funds to defray the cost of any conservation practice, the cost of such practice shall not be eligible for such contract payments.

“(II) Contributions of agencies or organizations to any conservation practice other than the funds described in subclause (I) shall not be considered as costs of the person for purposes of the contract payments pursuant to clause (iii).

“(F) A species conservation contract agreement may list other Federal program payments that incidentally contribute to conservation of a listed species. The head of a Federal agency shall not use the payments for the purposes of implementing the species conservation contract agreement.

“(4)(A) Upon request of a person seeking to enter into an agreement pursuant to this subsection, the Secretary may provide to such person technical assistance in the preparation, and management training for the implementation, of the management plan for the agreement.

“(B) Any State agency, local government, nonprofit organization, or federally recognized Indian tribe may provide assistance to a person in the preparation of a management plan, or participate in the implementation of a management plan, including identifying and making available certified fisheries or wildlife biologists with expertise in the conservation of species for purposes of the preparation or review and approval of management plans for species conservation contract agreements under paragraph (3)(D)(iii).

“(5) Upon any conveyance or other transfer of interest in land that is subject to an agreement under this subsection—

“(A) the agreement shall terminate if the agreement does not continue in effect under subparagraph (B);

“(B) the agreement shall continue in effect with respect to such land, with the same terms and conditions, if the person to whom the land or interest is conveyed or otherwise transferred notifies the Secretary of the person's election to continue the agreement by no later than 30 days after the date of the conveyance or other transfer and the person is determined by the Secretary to qualify to enter into an agreement under this subsection; or

“(C) the person to whom the land or interest is conveyed or otherwise transferred may seek a new agreement under this subsection.

“(6) An agreement under this subsection may be renewed with the mutual consent of the Secretary and the person who entered into the agreement or to whom the agreement has been transferred under paragraph (5).

“(7) The Secretary shall make annual payments under this subsection as soon as possible after December 31 of each calendar year.

“(8) An agreement under this subsection that applies to an endangered species or threatened species shall, for the purpose of section 10(a)(4), be deemed to be a permit to enhance the propagation or survival of such species under section 10(a)(1), and a person in full compliance with the agreement shall be afforded the protection of section 10(a)(4).

“(9) The Secretary, or any other Federal official, may not require a person to enter into an agreement under this subsection as a term or condition of any right, privilege, or benefit, or of any action or refraining from any action, under this Act.”.

(2) Subsection (e)(2) of section 7 (16 U.S.C. 1536) (as redesignated by section 11(d)(2) of this Act) is amended by inserting “or in an agreement under section 5(m)” after “section”.

(d) CONFORMING AMENDMENTS.—

(1) Section 6(d)(1) (16 U.S.C. 1535(d)(1)) is amended by striking “section 4(g)” and inserting “section 5(j)”.

(2) The Marine Mammal Protection Act of 1972 is amended—

(A) in section 104(c)(4)(A)(ii) (16 U.S.C. 1374(c)(4)(A)(ii)) by striking “section 4(f)” and inserting “section 5”; and

(B) in section 115(b)(2) (16 U.S.C. 1383b(b)(2)) by striking “section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f))” and inserting “section 5 of the Endangered Species Act of 1973”.

SEC. 10. COOPERATION WITH STATES AND INDIAN TRIBES.

Section 6 (16 U.S.C. 1535) is further amended—

(1) in subsection (c), by adding at the end the following:

“(3)(A) Any cooperative agreement entered into by the Secretary under this subsection may also provide for development of a program for conservation of species determined to be candidate species pursuant to section 4(b)(3)(B)(iii) or any other species that the State and the Secretary agree is at risk of being determined to be an endangered species or threatened species under section 4(a)(1) in that State. Upon completion of consultation on the agreement pursuant to subsection (e)(2), any incidental take statement issued on the agreement shall apply to any such species, and to the State and any landowners enrolled in any program under the agreement, without further consultation (except any additional consultation pursuant to subsection (e)(2)) if the species is subsequently determined to be an endangered species or a threatened species and the agreement remains an adequate and active program for the conservation of endangered species and threatened species.

“(B) Any cooperative agreement entered into by the Secretary under this subsection may also provide for monitoring or assistance in monitoring the status of candidate species pursuant to section 4(b)(3)(C)(iii) or recovered species pursuant to section 5(j).

“(C) The Secretary shall periodically review each cooperative agreement under this subsection and seek to make changes the Secretary considers necessary for the conservation of endangered species and threatened species to which the agreement applies.

"(4) Any cooperative agreement entered into by the Secretary under this subsection that provides for the enrollment of private lands or water rights in any program established by the agreement shall ensure that the decision to enroll is voluntary for each owner of such lands or water rights.

"(5)(A) The Secretary may enter into a cooperative agreement under this subsection with an Indian tribe in substantially the same manner in which the Secretary may enter into a cooperative agreement with a State.

"(B) For the purposes of this paragraph, the term 'Indian tribe' means—

"(i) with respect to the 48 contiguous States, any federally recognized Indian tribe, organized band, pueblo, or community; and

"(ii) with respect to Alaska, the Metlakatla Indian Community.";

(2) in subsection (d)(1)—

(A) by striking "pursuant to subsection (c) of this section";

(B) by striking "or to assist" and all that follows through "section 5(j)" and inserting "pursuant to subsection (c)(1) and (2) or to address candidate species or other species at risk and recovered species pursuant to subsection (c)(3)"; and

(C) in subparagraph (F), by striking "monitoring the status of candidate species" and inserting "developing a conservation program for, or monitoring the status of, candidate species or other species determined to be at risk pursuant to subsection (c)(3)"; and

(3) in subsection (e)—

(A) by inserting "(1)" before the first sentence;

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking "at no greater than annual intervals" and inserting "every 3 years"; and

(C) by adding at the end the following:

"(2) Any cooperative agreement entered into by the Secretary under subsection (c) shall be subject to section 7(a)(2) through (d) and regulations implementing such provisions only before—

"(A) the Secretary enters into the agreement; and

"(B) the Secretary approves any renewal of, or amendment to, the agreement that—

"(i) addresses or affects species that are determined to be endangered species or threatened species and the species were not addressed or the effects were not considered previously in the agreement; or

"(ii) new information about any species addressed in the agreement that the Secretary determines—

"(I) constitutes the best available scientific data; and

"(II) indicates that the agreement may have adverse effects on the species that had not been considered previously when the agreement was entered into or during any revision thereof or amendment thereto.

"(3) The Secretary may suspend any cooperative agreement established pursuant to subsection (c), after consultation with the Governor of the affected State, if the Secretary finds during the periodic review required by paragraph (1) of this subsection that the agreement no longer constitutes an adequate and active program for the conservation of endangered species and threatened species.

"(4) The Secretary may terminate any cooperative agreement entered into by the Secretary under subsection (c), after consultation with the Governor of the affected State, if—

"(A) as result of the procedures of section 7(a)(2) through (d) undertaken pursuant to paragraph (2) of this subsection, the Secretary determines that continued implementation of the cooperative agreement is likely to jeopardize the continued existence of en-

dangered species or threatened species, and the cooperative agreement is not amended or revised to incorporate a reasonable and prudent alternative offered by the Secretary pursuant to section 7(b)(3); or

"(B) the cooperative agreement has been suspended under paragraph (3) of this subsection and has not been amended or revised and found by the Secretary to constitute an adequate and active program for the conservation of endangered species and threatened species within 180 days after the date of the suspension.";

SEC. 11. INTERAGENCY COOPERATION AND CONSULTATION.

(a) CONSULTATION REQUIREMENT.—Section 7(a) (16 U.S.C. 1536(a)) is amended—

(1) in paragraph (1) in the second sentence, by striking "endangered species" and all that follows through the end of the sentence and inserting "species determined to be endangered species and threatened species under section 4.";

(2) in paragraph (2)—

(A) in the first sentence by striking "action" the first place it appears and all that follows through "is not" and inserting "agency action authorized, funded, or carried out by such agency is not";

(B) in the first sentence by striking "unless" and all that follows through the end of the sentence and inserting a period;

(C) in the second sentence, by striking "best scientific and commercial data available" and inserting "best available scientific data"; and

(D) by inserting "(A)" before the first sentence, and by adding at the end the following:

"(B) The Secretary may identify specific agency actions or categories of agency actions that may be determined to meet the standards of this paragraph by alternative procedures to the procedures set forth in this subsection and subsections (b) through (d), except that subsections (b)(4) and (e) may apply only to an action that the Secretary finds, or concurs, does meet such standards, and the Secretary shall suggest, or concur in any suggested, reasonable and prudent alternatives described in subsection (b)(3) for any action determined not to meet such standards. Any such agency action or category of agency actions shall be identified, and any such alternative procedures shall be established, by regulation promulgated prior or subsequent to the date of the enactment of this Act.";

(3) in paragraph (4)—

(A) by striking "listed under section 4" and inserting "an endangered species or a threatened species"; and

(B) by inserting "determined" after "such species"; and

(4) by adding at the end the following:

"(5) Any Federal agency or the Secretary, in conducting any analysis pursuant to paragraph (2), shall consider only the effects of any agency action that are distinct from a baseline of all effects upon the relevant species that have occurred or are occurring prior to the action.

"(6) This subsection shall not apply to any agency action that may affect any species for which a permit is issued under section 10 for other than scientific purposes, if the action implements or is consistent with any conservation plan or agreement incorporated by reference in the permit."

(b) OPINION OF SECRETARY.—Section 7(b) (16 U.S.C. 1536(b)) is amended—

(1) in paragraph (1)(B)(i) by inserting "permit or license" before "applicant";

(2) in paragraph (2) by inserting "permit or license" before "applicant";

(3) in paragraph (3)(A)—

(A) in the first sentence—

(i) by striking "Promptly after" and inserting "Before";

(ii) by inserting "permit or license" before "applicant"; and

(iii) by inserting "proposed" before "written statement"; and

(B) by striking all after the first sentence and inserting the following: "The Secretary shall consider any comment from the Federal agency and the permit or license applicant, if any, prior to issuance of the final written statement of the Secretary's opinion. The Secretary shall issue the final written statement of the Secretary's opinion by providing the written statement to the Federal agency and the permit or license applicant, if any, and publishing notice of the written statement in the Federal Register. If jeopardy is found, the Secretary shall suggest in the final written statement those reasonable and prudent alternatives, if any, that the Secretary believes would not violate subsection (a)(2) and can be taken by the Federal agency or applicant in implementing the agency action. The Secretary shall cooperate with the Federal agency and any permit or license applicant in the preparation of any suggested reasonable and prudent alternatives.";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" after "(4)";

(C) by striking "the Secretary shall provide" and all that follows through "with a written statement that—" and inserting the following: "the Secretary shall include in the written statement under paragraph (3), a statement described in subparagraph (B) of this paragraph.

"(B) A statement described in this subparagraph—"; and

(5) by adding at the end the following:

"(5)(A) Any terms and conditions set forth pursuant to paragraph (4)(B)(iv) shall be roughly proportional to the impact of the incidental taking identified pursuant to paragraph (4) in the written statement prepared under paragraph (3).

"(B) If various terms and conditions are available to comply with paragraph (4)(B)(iv), the terms and conditions set forth pursuant to that paragraph—

"(i) must be capable of successful implementation; and

"(ii) must be consistent with the objectives of the Federal agency and the permit or license applicant, if any, to the greatest extent possible.";

(c) BIOLOGICAL ASSESSMENTS.—Section 7(c) (16 U.S.C. 1536(c)) is amended—

(1) by striking "(1)";

(2) by striking paragraph (2);

(3) in the first sentence, by striking "which is listed" and all that follows through the end of the sentence and inserting "that is determined to be an endangered species or a threatened species, or for which such a determination is proposed pursuant to section 4, may be present in the area of such proposed action.";

(4) in the second sentence, by striking "best scientific and commercial data available" and inserting "best available scientific data".

(d) ELIMINATION OF ENDANGERED SPECIES COMMITTEE PROCESS.—Section 7 (16 U.S.C. 1536) is amended—

(1) by repealing subsections (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n);

(2) by redesignating subsections (o) and (p) as subsections (e) and (f), respectively;

(3) in subsection (e), as redesignated by paragraph (2) of this subsection—

(A) in the heading, by striking "EXEMPTION AS PROVIDING"; and

(B) by striking "such section" and all that follows through "(2)" and inserting "such section,"; and

(4) in subsection (f), as redesignated by paragraph (2) of this subsection—

(A) in the first sentence, by striking “is authorized” and all that follows through “of this section” and inserting “may exempt an agency action from compliance with the requirements of subsections (a) through (d) of this section before the initiation of such agency action,”; and

(B) by striking the second sentence.

SEC. 12. EXCEPTIONS TO PROHIBITIONS.

(a) INCIDENTAL TAKE PERMITS.—Section 10(a)(2) (16 U.S.C. 1539(a)(2)) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon at the end of clause (iii), by redesignating clause (iv) as clause (vii), and by inserting after clause (iii) the following:

“(iv) objective, measurable biological goals to be achieved for species covered by the plan and specific measures for achieving such goals consistent with the requirements of subparagraph (B);

“(v) measures the applicant will take to monitor impacts of the plan on covered species and the effectiveness of the plan’s measures in achieving the plan’s biological goals;

“(vi) adaptive management provisions necessary to respond to all reasonably foreseeable changes in circumstances that could appreciably reduce the likelihood of the survival and recovery of any species covered by the plan; and”;

(2) in subparagraph (B) by striking “and” after the semicolon at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following:

“(v) the term of the permit is reasonable, taking into consideration—

“(I) the period in which the applicant can be expected to diligently complete the principal actions covered by the plan;

“(II) the extent to which the plan will enhance the conservation of covered species;

“(III) the adequacy of information underlying the plan;

“(IV) the length of time necessary to implement and achieve the benefits of the plan; and

“(V) the scope of the plan’s adaptive management strategy; and”;

(3) by striking subparagraph (C) and inserting the following:

“(3) Any terms and conditions required to reduce or offset the impacts of incidental taking or otherwise comply with the requirements of paragraph (2)(B) shall be roughly proportional in extent to the impact of the incidental taking specified in the conservation plan pursuant to in paragraph (2)(A)(i). This paragraph shall not be construed to limit the authority of the Secretary to require greater than acre-for-acre mitigation where necessary to address the extent of such impacts. In any case in which various terms and conditions are available, the terms and conditions shall be capable of successful implementation and shall be consistent with the objective of the applicant to the greatest extent possible.

“(4)(A) If the holder of a permit issued under this subsection for other than scientific purposes is in compliance with the terms and conditions of the permit, and any conservation plan or agreement incorporated by reference therein, the Secretary may not require the holder, without the consent of the holder, to adopt any new minimization, mitigation, or other measure with respect to any species adequately covered by the permit during the term of the permit, except as provided in subparagraphs (B) and (C) to meet circumstances that have changed subsequent to the issuance of the permit.

“(B) For any circumstance identified in the permit or incorporated document that has changed, the Secretary may, in the absence of consent of the permit holder, re-

quire only such additional minimization, mitigation, or other measures as are already provided in the permit or incorporated document for such changed circumstance.

“(C) For any changed circumstance not identified in the permit or incorporated document, the Secretary may, in the absence of consent of the permit holder, require only such additional minimization, mitigation, or other measures to address such changed circumstance that do not involve the commitment of any additional land, water, or financial compensation not otherwise committed, or the imposition of additional restrictions on the use of any land, water or other natural resources otherwise available for development or use, under the original terms and conditions of the permit or incorporated document.

“(D) The Secretary shall have the burden of proof in demonstrating and documenting, with the best available scientific data, the occurrence of any changed circumstances for purposes of this paragraph.

“(E) All permits issued under this subsection on or after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, other than permits for scientific purposes, shall contain the assurances contained in subparagraphs (B) through (D) of this paragraph and paragraph (5)(A) and (B). Permits issued under this subsection on or after March 25, 1998, and before the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, other than permits for scientific purposes, shall be governed by the applicable sections of parts 17.22(b), (c), and (d), and 17.32(b), (c), and (d) of title 50, Code of Federal Regulations, as the same exist on the date of the enactment of the Threatened and Endangered Species Act of 2005.

“(5)(A) The Secretary shall revoke a permit issued under paragraph (2) if the Secretary finds that the permittee is not complying with the terms and conditions of the permit.

“(B) Any permit subject to paragraph (4)(A) may be revoked due to changed circumstances only if—

“(i) the Secretary determines that continuation of the activities to which the permit applies would be inconsistent with the criteria in paragraph (2)(B)(iv);

“(ii) the Secretary provides 60 days notice of revocation to the permittee; and

“(iii) the Secretary is unable to, and the permittee chooses not to, remedy the condition causing such inconsistency.”

(b) EXTENSION OF PERIOD FOR PUBLIC REVIEW AND COMMENT ON APPLICATIONS.—Section 10(c) (16 U.S.C. 1539(c)) is amended in the second sentence by striking “thirty” each place it appears and inserting “45”.

(c) EXPERIMENTAL POPULATIONS.—Section 10(j) (16 U.S.C. 1539(j)) is amended—

(1) in paragraph (1), by striking “For purposes” and all that follows through the end of the paragraph and inserting the following: “For purposes of this subsection, the term ‘experimental population’ means any population (including any offspring arising therefrom) authorized by the Secretary for release under paragraph (2), but only when such population is in the area designated for it by the Secretary, and such area is, at the time of release, wholly separate geographically from areas occupied by nonexperimental populations of the same species. For purposes of this subsection, the term ‘areas occupied by nonexperimental populations’ means areas characterized by the sustained and predictable presence of more than negligible numbers of successfully reproducing individuals over a period of many years.”;

(2) in paragraph (2)(B), by striking “information” and inserting “scientific data”; and

(3) in paragraph (2)(C)(i), by striking “listed” and inserting “determined to be an endangered species or a threatened species”.

(d) WRITTEN DETERMINATION OF COMPLIANCE.—Section 10 (16 U.S.C. 1539) is amended by adding at the end the following:

“(k) WRITTEN DETERMINATION OF COMPLIANCE.—(1) A property owner (in this subsection referred to as a ‘requestor’) may request the Secretary to make a written determination that a proposed use of the owner’s property that is lawful under State and local law will comply with section 9(a), by submitting a written description of the proposed action to the Secretary by certified mail.

“(2) A written description of a proposed use is deemed to be sufficient for consideration by the Secretary under paragraph (1) if the description includes—

“(A) the nature, the specific location, the lawfulness under State and local law, and the anticipated schedule and duration of the proposed use, and a demonstration that the property owner has the means to undertake the proposed use; and

“(B) any anticipated adverse impact to a species that is included on a list published under 4(c)(1) that the requestor reasonably expects to occur as a result of the proposed use.

“(3) The Secretary may request and the requestor may supply any other information that either believes will assist the Secretary to make a determination under paragraph (1).

“(4) If the Secretary does not make a determination pursuant to a request under this subsection because of the omission from the request of any information described in paragraph (2), the requestor may submit a subsequent request under this subsection for the same proposed use.

“(5)(A) Subject to subparagraph (B), the Secretary shall provide to the requestor a written determination of whether the proposed use, as proposed by the requestor, will comply with section 9(a), by not later than expiration of the 180-day period beginning on the date of the submission of the request.

“(B) The Secretary may request, and the requestor may grant, a written extension of the period under subparagraph (A).

“(6) If the Secretary fails to provide a written determination before the expiration of the period under paragraph (5)(A) (or any extension thereof under paragraph (5)(B)), the Secretary is deemed to have determined that the proposed use complies with section 9(a).

“(7) This subsection shall not apply with respect to agency actions that are subject to consultation under section 7.

“(8) Any use or action taken by the property owner in reasonable reliance on a written determination of compliance under paragraph (5) or on the application of paragraph (6) shall not be treated as a violation of section 9(a).

“(9) Any determination of compliance under this subsection shall remain effective—

“(A) in the case of a written determination provided under paragraph (5)(A), for the 10-year period beginning on the date the written determination is provided; or

“(B) in the case of a determination that under paragraph (6) the Secretary is deemed to have made, the 5-year period beginning on the first date the Secretary is deemed to have made the determination.

“(10) The Secretary may withdraw a determination of compliance under this section only if the Secretary determines that, because of unforeseen changed circumstances, the continuation of the use to which the determination applies would preclude conservation measures essential to the survival of any endangered species or threatened species. Such a withdrawal shall take effect 5

days after the date the requestor receives from the Secretary, by certified mail, notice of the withdrawal.

“(11) The Secretary may extend the period that applies under paragraph (5) by up to 180 days if seasonal or biological considerations make a determination impossible within the period that would otherwise apply.”.

(e) NATIONAL SECURITY EXEMPTION.—Section 10 (16 U.S.C. 1539) is further amended by adding at the end the following:

“(1) NATIONAL SECURITY.—The President, after consultation with the appropriate Federal agency, may exempt any act or omission from the provisions of this Act if such exemption is necessary for national security.”.

(f) DISASTER DECLARATION AND PROTECTION.—Section 10 (16 U.S.C. 1539) is further amended by adding at the end the following:

“(m) DISASTER DECLARATION AND PROTECTION.—(1) The President may suspend the application of any provision of this Act in any area for which a major disaster is declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(2) The Secretary shall, within one year after the date of the enactment of the Threatened and Endangered Species Recovery Act of 2005, promulgate regulations regarding application of this Act in the event of an emergency (including circumstances other than a major disaster referred to in paragraph (1)) involving a threat to human health or safety or to property, including regulations—

“(A) determining what constitutes an emergency for purposes of this paragraph; and

“(B) to address imminent threats through expedited consideration under or waiver of any provision of this Act.”.

(g) EXEMPTION FROM LIABILITY FOR TAKE OF LISTED AQUATIC SPECIES.—Section 10 (16 U.S.C. 1539) is amended by adding at the end the following:

“(n) EXEMPTION FROM LIABILITY FOR TAKE OF LISTED AQUATIC SPECIES.—The operator of a water storage reservoir, water diversion structure, canal, or other artificial water delivery facility shall not be in violation of section 9(a) by reason of any take of any aquatic species listed under section 4(c) that results from predation, competition, or other adverse effects attributable to recreational fishing programs managed by a State Agency in a river basin in which the water storage reservoir, water diversion structure, canal, or other artificial water delivery facility is located.”.

SEC. 13. PRIVATE PROPERTY CONSERVATION.

Section 13 (consisting of amendments to other laws, which have executed) is amended to read as follows:

“PRIVATE PROPERTY CONSERVATION

“SEC. 13. (a) IN GENERAL.—The Secretary may provide conservation grants (in this section referred to as ‘grants’) to promote the voluntary conservation of endangered species and threatened species by owners of private property and shall provide financial conservation aid (in this section referred to as ‘aid’) to alleviate the burden of conservation measures imposed upon private property owners by this Act. The Secretary may provide technical assistance when requested to enhance the conservation effects of grants or aid.

“(b) AWARDED OF GRANTS AND AID.—Grants to promote conservation of endangered species and threatened species on private property—

“(1) may not be used to fund litigation, general education, general outreach, lobbying, or solicitation;

“(2) may not be used to acquire leases or easements of more than 50 years duration or fee title to private property;

“(3) must be designed to directly contribute to the conservation of an endangered species or threatened species by increasing the species’ numbers or distribution; and

“(4) must be supported by any private property owners on whose property any grant funded activities are carried out.

“(c) PRIORITY.—Priority shall be accorded among grant requests in the following order:

“(1) Grants that promote conservation of endangered species or threatened species on private property while making economically beneficial and productive use of the private property on which the conservation activities are conducted.

“(2) Grants that develop, promote, or use techniques to increase the distribution or population of an endangered species or threatened species on private property.

“(3) Other grants that promote voluntary conservation of endangered species or threatened species on private property.

“(d) ELIGIBILITY FOR AID.—(1) The Secretary shall award aid to private property owners who—

“(A) received a written determination under section 10(k) finding that the proposed use of private property would not comply with section 9(a); or

“(B) receive notice under section 10(k)(10) that a written determination has been withdrawn.

“(2) Aid shall be in an amount no less than the fair market value of the use that was proposed by the property owner if—

“(A) the owner has foregone the proposed use;

“(B) the owner has requested financial aid—

“(i) within 180 days of the Secretary’s issuance of a written determination that the proposed use would not comply with section 9(a); or

“(ii) within 180 days after the property owner is notified of a withdrawal under section 10(k)(10); and

“(C) the foregone use would be lawful under State and local law and the property owner has demonstrated that the property owner has the means to undertake the proposed use.

“(e) DISTRIBUTION OF GRANTS AND AID.—(1) The Secretary shall pay eligible aid—

“(A) within 270 days after receipt of a request for aid unless there are unresolved questions regarding the fair market value; or

“(B) at the resolution of any questions concerning the fair market value established under subsection (g).

“(2) All grants provided under this section shall be paid on the last day of the fiscal year. Aid shall be paid based on the date of the initial request.

“(f) DOCUMENTATION OF THE FOREGONE USE.—Within 30 days of the request for aid, the Secretary shall enter into negotiations with the property owner regarding the documentation of the foregone proposed use through such mechanisms that would benefit the species such as contract terms, lease terms, deed restrictions, easement terms, or transfer of title. If the Secretary and the property owner are unable to reach an agreement, then, within 60 days of the request for aid, the Secretary shall determine how the property owner’s foregone use shall be documented to benefit the species with the least impact on the ownership interests of the property owner necessary to document the foregone use, which shall not include transfer of title.

“(g) FAIR MARKET VALUE.—For purposes of this section, the fair market value of the foregone use of the affected portion of the private property, including business losses, is what a willing buyer would pay to a willing seller in an open market. Fair market value shall take into account the likelihood

that the foregone use would be approved under State and local law. The fair market value shall be determined within 180 days of the documentation of the foregone use. The fair market value shall be determined jointly by 2 licensed independent appraisers, one selected by the Secretary and one selected by the property owner. If the 2 appraisers fail to agree on fair market value, the Secretary and the property owner shall jointly select a third licensed appraiser whose appraisal within an additional 90 days shall be the best and final offer by the Secretary. Within one year after the date of enactment of the Threatened and Endangered Species Recovery Act of 2005, the Secretary shall promulgate regulations regarding selection of the jointly selected appraisers under this subsection.

“(h) LIMITATION ON AID AVAILABILITY.—Any person receiving aid under this section may not receive additional aid under this section for essentially the same foregone use of the same property and for the same period of time.

“(i) ANNUAL REPORTING.—The Secretary shall by January 15 of each year provide a report of all aid and grants awarded under this section to the Committee on Resources of the House of Representatives and the Environment and Public Works Committee of the Senate and make such report electronically available to the general public on the website required under section 14.”.

SEC. 14. PUBLIC ACCESSIBILITY AND ACCOUNTABILITY.

Section 14 (relating to repeals of other laws, which have executed) is amended to read as follows:

“PUBLIC ACCESSIBILITY AND ACCOUNTABILITY

“SEC. 14. The Secretary shall make available on a publicly accessible website on the Internet—

“(1) each list published under section 4(c)(1);

“(2) all final and proposed regulations and determinations under section 4;

“(3) the results of all 5-year reviews conducted under section 4(c)(2)(A);

“(4) all draft and final recovery plans issued under section 5(a), and all final recovery plans issued and in effect under section 4(f)(1) of this Act as in effect immediately before the enactment of the Threatened and Endangered Species Recovery Act of 2005;

“(5) all reports required under sections 5(e) and 16, and all reports required under sections 4(f)(3) and 18 of this Act as in effect immediately before the enactment of the Threatened and Endangered Species Recovery Act of 2005; and

“(6) data contained in the reports referred to in paragraph (5) of this section, and that were produced after the date of enactment of the Threatened and Endangered Species Recovery Act of 2005, in the form of databases that may be searched by the variables included in the reports.”.

SEC. 15. ANNUAL COST ANALYSES.

(a) ANNUAL COST ANALYSES.—Section 18 (16 U.S.C. 1544) is amended to read as follows:

“ANNUAL COST ANALYSIS BY UNITED STATES FISH AND WILDLIFE SERVICE

“SEC. 18. (a) IN GENERAL.—On or before January 15 of each year, the Secretary shall submit to the Congress an annual report covering the preceding fiscal year that contains an accounting of all reasonably identifiable expenditures made primarily for the conservation of species included on lists published and in effect under section 4(c).

“(b) SPECIFICATION OF EXPENDITURES.—Each report under this section shall specify—

“(1) expenditures of Federal funds on a species-by-species basis, and expenditures of Federal funds that are not attributable to a specific species;

“(2) expenditures by States for the fiscal year covered by the report on a species-by-species basis, and expenditures by States that are not attributable to a specific species; and

“(3) based on data submitted pursuant to subsection (c), expenditures voluntarily reported by local governmental entities on a species-by-species basis, and such expenditures that are not attributable to a specific species.

“(c) ENCOURAGEMENT OF VOLUNTARY SUBMISSION OF DATA BY LOCAL GOVERNMENTS.—The Secretary shall provide a means by which local governmental entities may—

“(1) voluntarily submit electronic data regarding their expenditures for conservation of species listed under section 4(c); and

“(2) attest to the accuracy of such data.”.

(b) ELIGIBILITY OF STATES FOR FINANCIAL ASSISTANCE.—Section 6(d) (16 U.S.C. 1535(d)) is amended by adding at the end the following:

“(3) A State shall not be eligible for financial assistance under this section for a fiscal year unless the State has provided to the Secretary for the preceding fiscal year information regarding the expenditures referred to in section 16(b)(2).”.

SEC. 16. REIMBURSEMENT FOR DEPREDATION OF LIVESTOCK BY REINTRODUCED SPECIES.

The Endangered Species Act of 1973 is further amended—

(1) by striking sections 15 and 16;

(2) by redesignating sections 17 and 18 as sections 15 and 16, respectively; and

(3) by adding after section 16, as so redesignated, the following:

“REIMBURSEMENT FOR DEPREDATION OF LIVESTOCK BY REINTRODUCED SPECIES

“SEC. 17. (a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may reimburse the owner of livestock for any loss of livestock resulting from depredation by any population of a species if the population is listed under section 4(c) and includes or derives from members of the species that were reintroduced into the wild.

“(b) ELIGIBILITY FOR AND AMOUNT.—Eligibility for, and the amount of, reimbursement under this section shall not be conditioned on the presentation of the body of any animal for which reimbursement is sought.

“(c) LIMITATION ON REQUIREMENT TO PRESENT BODY.—The Secretary may not require the owner of livestock to present the body of individual livestock as a condition of payment of reimbursement under this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—Payments under this section are subject to appropriations.”.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—The Endangered Species Act of 1973 is further amended by adding at the end the following:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 18. (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, other than section 8A(e)—

“(1) to the Secretary of the Interior to carry out functions and responsibilities of the Department of the Interior under this Act, such sums as are necessary for fiscal years 2006 through 2010; and

“(2) to the Secretary of Agriculture to carry out functions and responsibilities of the Department of the Interior with respect to the enforcement of this Act and the convention which pertain the importation of plants, such sums as are necessary for fiscal year 2006 through 2010.

“(b) CONVENTION IMPLEMENTATION.—There is authorized to be appropriated to the

Secretary of the Interior to carry out section 8A(e) such sums as are necessary for fiscal years 2006 through 2010.”.

(b) CONFORMING AMENDMENT.—Section 8(a) (16 U.S.C. 1537(a)) is amended by striking “section 15” and inserting “section 18”.

SEC. 18. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) INTERNATIONAL COOPERATION.—Section 8 (16 U.S.C. 1537) is amended—

(1) in subsection (a) in the first sentence by striking “any endangered species or threatened species listed” and inserting “any species determined to be an endangered species or a threatened species”; and

(2) in subsection (b) in paragraph (1), by striking “endangered species and threatened species listed” and inserting “species determined to be endangered species and threatened species”.

(b) MANAGEMENT AUTHORITY AND SCIENTIFIC AUTHORITY.—Section 8A (16 U.S.C. 1537a) is amended—

(1) in subsection (a), by striking “of the Interior (hereinafter in this section referred to as the ‘Secretary’)”;

(2) in subsection (d), by striking “Merchant Marine and Fisheries” and inserting “Resources”; and

(3) in subsection (e)—

(A) in paragraph (1), by striking “of the Interior (hereinafter in this subsection referred to as the ‘Secretary’)”;

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) PROHIBITED ACTS.—Section 9 (16 U.S.C. 1538) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act” and inserting “, with respect to any species of fish or wildlife determined to be an endangered species under section 4”;

(B) in paragraph (1)(G), by striking “threatened species of fish or wildlife listed pursuant to section 4 of this Act” and inserting “species of fish or wildlife determined to be a threatened species under section 4”;

(C) in paragraph (2), in the matter preceding subparagraph (A) by striking “of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act” and inserting “, with respect to any species of plants determined to be an endangered species under section 4”;

(D) in paragraph (2)(E), by striking “listed pursuant to section 4 of this Act” and inserting “determined to be a threatened species under section 4”;

(2) in subsection (b)—

(A) by striking “(1)” before “SPECIES” and inserting “(1)” before the first sentence;

(B) in paragraph (1), in the first sentence, by striking “adding such” and all that follows through “; *Provided, That*” and inserting “determining such fish or wildlife species to be an endangered species or a threatened species under section 4, if”; and

(C) in paragraph (1), in the second sentence, by striking “adding such” and all that follows through “this Act” and inserting “determining such fish or wildlife species to be an endangered species or a threatened species under section 4”;

(3) in subsection (c)(2)(A), by striking “an endangered species listed” and inserting “a species determined to be an endangered species”;

(4) in subsection (d)(1)(A), by striking clause (i) and inserting the following: “(i) are not determined to be endangered species or threatened species under section 4, and”;

(5) in subsection (e), by striking clause (1) and inserting the following: “(1) are not determined to be endangered species or threatened species under section 4, and”;

(6) in subsection (f)—

(A) in paragraph (1), in the first sentence, by striking clause (A) and inserting the following: “(A) are not determined to be endangered species or threatened species under section 4, and”; and

(B) by striking “Secretary of the Interior” each place it appears and inserting “Secretary”.

(d) HARDSHIP EXEMPTIONS.—Section 10(b) (16 U.S.C. 1539(b)) is amended—

(1) in paragraph (1)—

(A) by striking “an endangered species” and all that follows through “section 4 of this Act” and inserting “an endangered species or a threatened species and the subsequent determination that the species is an endangered species or a threatened species under section 4”;

(B) by striking “section 9(a) of this Act” and inserting “section 9(a)”;

(C) by striking “fish or wildlife listed by the Secretary as endangered” and inserting “fish or wildlife determined to be an endangered species or threatened species by the Secretary”;

(2) in paragraph (2)—

(A) by inserting “or a threatened species” after “endangered species” each place it appears; and

(B) in subparagraph (B), by striking “listed species” and inserting “endangered species or threatened species”.

(e) PERMIT AND EXEMPTION POLICY.—Section 10(d) (16 U.S.C. 1539(d)) is amended—

(1) by inserting “or threatened species” after “endangered species”; and

(2) by striking “of this Act”.

(f) PRE-ACT PARTS AND SCRIMSHAW.—Section 10(f) (16 U.S.C. 1539(f)) is amended—

(1) by inserting after “(f)” the following: “PRE-ACT PARTS AND SCRIMSHAW.—”;

(2) in paragraph (2), by striking “of this Act” each place it appears.

(g) BURDEN OF PROOF IN SEEKING EXEMPTION OR PERMIT.—Section 10(g) (16 U.S.C. 1539(g)) is amended by inserting after “(g)” the following: “BURDEN OF PROOF IN SEEKING EXEMPTION OR PERMIT.—”.

(h) ANTIQUE ARTICLES.—Section 10(h)(1)(B) (16 U.S.C. 1539(h)(1)(B)) is amended by striking “endangered species or threatened species listed” and inserting “species determined to be an endangered species or a threatened species”.

(i) PENALTIES AND ENFORCEMENT.—Section 11 (16 U.S.C. 1540) is amended in subsection (e)(3), in the second sentence, by striking “Such persons” and inserting “Such a person”.

(j) SUBSTITUTION OF GENDER-NEUTRAL REFERENCES.—

(1) “SECRETARY” for “he”.—The following provisions are amended by striking “he” each place it appears and inserting “the Secretary”:

(A) Paragraph (4)(C) of section 4(b), as redesignated by section 5(b)(2) of this Act.

(B) Paragraph (5)(B)(ii) of section 4(b), as redesignated by section 5(b)(2) of this Act.

(C) Section 4(b)(7) (16 U.S.C. 1533(b)(7)), in the matter following subparagraph (B).

(D) Section 6 (16 U.S.C. 1535).

(E) Section 8(d) (16 U.S.C. 1537(d)).

(F) Section 9(f) (16 U.S.C. 1538(f)).

(G) Section 10(a) (16 U.S.C. 1539(a)).

(H) Section 10(b)(3) (16 U.S.C. 1539(b)(3)).

(I) Section 10(d) (16 U.S.C. 1539(d)).

(J) Section 10(e)(4) (16 U.S.C. 1539(e)(4)).

(K) Section 10(f)(4), (5), and (8)(B) (16 U.S.C. 1539(f)(4), (5), (8)(B)).

(L) Section 11(e)(5) (16 U.S.C. 1540(e)(5)).

(2) “PRESIDENT” for “he”.—Section 8(a) (16 U.S.C. 1537(a)) is amended in the second sentence by striking “he” and inserting “the President”.

(3) “SECRETARY OF THE INTERIOR” for “he”.—Section 8(b)(3) (16 U.S.C. 1537(b)(3)) is amended by striking “he” and inserting “the Secretary of the Interior”.

(4) "PERSON" for "he".—The following provisions are amended by striking "he" each place it appears and inserting "the person":

- (A) Section 10(f)(3) (16 U.S.C. 1539(f)(3)).
 (B) Section 11(e)(3) (16 U.S.C. 1540(e)(3)).

(5) "DEFENDANT" for "he".—The following provisions are amended by striking "he" each place it appears and inserting "the defendant":

- (A) Section 11(a)(3) (16 U.S.C. 1540(a)(3)).
 (B) Section 11(b)(3) (16 U.S.C. 1540(b)(3)).
 (6) REFERENCES TO "HIM".—

(A) Section 4(c)(1) (16 U.S.C. 1533(c)(1)) is amended by striking "him or the Secretary of Commerce" each place it appears and inserting "the Secretary".

(B) Paragraph (6) of section 4(b) (16 U.S.C. 1533(b)), as redesignated by section 5(b)(2) of this Act, is further amended in the matter following subparagraph (B) by striking "him" and inserting "the Secretary".

(C) Section 5(k)(2), as redesignated by section 9(a)(1) of this Act, is amended by striking "him" and inserting "the Secretary".

(D) Section 7(a)(1) (16 U.S.C. 1536(a)(1)) is amended in the first sentence by striking "him" and inserting "the Secretary".

(E) Section 8A(c)(2) (16 U.S.C. 1537a(c)(2)) is amended by striking "him" and inserting "the Secretary".

(F) Section 9(d)(2)(A) (16 U.S.C. 1538(d)(2)(A)) is amended by striking "him" each place it appears and inserting "such person".

(G) Section 10(b)(1) (16 U.S.C. 1539(b)(1)) is amended by striking "him" and inserting "the Secretary".

(7) REFERENCES TO "HIMSELF OR HERSELF".—Section 11 (16 U.S.C. 1540) is amended in subsections (a)(3) and (b)(3) by striking "himself or herself" each place it appears and inserting "the defendant".

- (8) REFERENCES TO "HIS".—

(A) Section 4(g)(1), as redesignated by section 8(1) of this Act, is amended by striking "his" and inserting "the".

(B) Section 6 (16 U.S.C. 1535) is amended—

(i) in subsection (d)(2) in the matter following clause (ii) by striking "his" and inserting "the Secretary's"; and

(ii) in subsection (e)(1), as designated by section 10(3)(A) of this Act, by striking "his periodic review" and inserting "periodic review by the Secretary".

(C) Section 7(a)(3) (16 U.S.C. 1536(a)(3)) is amended by striking "his" and inserting "the applicant's".

(D) Section 8(c)(1) (16 U.S.C. 1537(c)(1)) is amended by striking "his" and inserting "the Secretary's".

(E) Section 9 (16 U.S.C. 1538) is amended in subsection (d)(2)(B) and subsection (f) by striking "his" each place it appears and inserting "such person's".

(F) Section 10(b)(3) (16 U.S.C. 1539(b)(3)) is amended by striking "his" and inserting "the Secretary's".

(G) Section 10(d) (16 U.S.C. 1539(d)) is amended by striking "his" and inserting "the".

(H) Section 11 (16 U.S.C. 1540) is amended—

(i) in subsection (a)(1) by striking "his" and inserting "the Secretary's";

(ii) in subsections (a)(3) and (b)(3) by striking "his or her" each place it appears and inserting "the defendant's";

(iii) in subsection (d) by striking "his" and inserting "the officer's or employee's";

(iv) in subsection (e)(3) in the second sentence by striking "his" and inserting "the person's"; and

(v) in subsection (g)(1) by striking "his" and inserting "the person's".

SEC. 19. CLERICAL AMENDMENT TO TABLE OF CONTENTS.

The table of contents in the first section is amended—

(1) by striking the item relating to section 5 and inserting the following:

"Sec. 5. Recovery plans and land acquisition.";

and

(2) by striking the items relating to sections 13 through 17 and inserting the following:

"Sec. 13. Private property conservation.

"Sec. 14. Public accessibility and accountability.

"Sec. 15. Marine Mammal Protection Act of 1972.

"Sec. 16. Annual cost analysis by United States Fish and Wildlife Service.

"Sec. 17. Reimbursement for depredation of livestock by reintroduced species.

"Sec. 18. Authorization of appropriations."

SEC. 20. CERTAIN ACTIONS DEEMED IN COMPLIANCE.

(a) ACTIONS DEEMED IN COMPLIANCE.—During the period beginning on the date of the enactment of this Act and ending on the date described in subsection (b), any action that is taken by a Federal agency, State agency, or other person and that complies with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is deemed to comply with sections 7(a)(2) and 9(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2), 1538(a)(1)(B)) (as amended by this Act) and the regulations issued under section 4(d) of such Act (16 U.S.C. 1533(d)).

(b) TERMINATION DATE.—The date referred to in subsection (a) is the earlier of—

(1) the date that is 5 years after the date of the enactment of this Act; and

(2) the date of the completion of any procedure required under subpart D of part 402 of title 50, Code of Federal Regulations, with respect to the action referred to in subsection (a).

(c) LIMITATION ON APPLICATION.—This section shall not affect any procedure pursuant to part 402 of title 50, Code of Federal Regulations, that is required by any court order issued before the date of the enactment of this Act.

SEC. 21. CONSOLIDATION OF PROGRAMS.

(a) TRANSFER.—The President shall, by not later than one year after the date of enactment of this Act, transfer to the Secretary of the Interior all duties, resources, and responsibilities of the Secretary of Commerce under the Endangered Species Act of 1973 existing immediately before the enactment of this Act.

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Section 3 (16 U.S.C. 1532) is further amended in paragraph (15) (relating to the definition of "Secretary") by striking "or the Secretary of Commerce as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect one year after the date of the enactment of this Act.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Commerce shall jointly submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a detailed description of the process by which the trans-

fer of functions under the amendment made by subsection (a) shall be implemented.

(d) PRIOR DETERMINATIONS AND ACTIONS NOT AFFECTED.—This section shall not affect any determination or action by the Secretary of Commerce made or taken, respectively, under the Endangered Species Act of 1973 before the date of the enactment of this Act, except that such determinations and actions shall be treated as determinations and actions, respectively, of the Secretary of the Interior.

SEC. 22. REVIEW OF PROTECTIVE REGULATIONS.

The Secretary of the Interior shall—

(1) review regulations issued before the date of the enactment of this Act pursuant to section 4(d) of the Endangered Species Act of 1973, in order to determine whether revision of such regulations would be desirable in order to facilitate and improve cooperation with the States pursuant to section 6 of such Act; and

(2) report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding the findings of such review.

SEC. 23. PROVISION OF INFORMATION REGARDING COMPLIANCE COSTS OF FEDERAL POWER ADMINISTRATIONS.

(a) CUSTOMER BILLINGS.—The Administrator of the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration shall each include in monthly firm power customer billings sent to each customer information identifying and reporting such customer's share of the Federal power marketing and generating agencies' direct and indirect costs incurred by such administration related to compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and activities related to such Act.

(b) DIRECT COSTS.—In identifying and reporting direct costs, each Administrator shall include Federal agency obligations related to study-related costs, capital, operation, maintenance, and replacement costs, and staffing costs.

(c) INDIRECT COSTS.—In identifying and reporting indirect costs, each Administrator shall include foregone generation and replacement power costs.

(d) COORDINATION.—Each Administrator shall coordinate identification of costs under this subsection with the appropriate Federal power generating agencies.

SEC. 24. SURVEY OF BLM LANDS AND FOREST SERVICE LANDS FOR MANAGEMENT FOR RECOVERY OF LISTED SPECIES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) survey all lands under the administrative jurisdiction of the Bureau of Land Management and all lands under the administrative jurisdiction of the Forest Service immediately before the enactment of this Act, for the purpose of assessing the value of such lands for management for the recovery of any species included in a list published under section 4(c) of the Endangered Species Act of 1973 and for addition to the National Wildlife Refuge System; and

(2) make recommendations to the Congress for managing any such lands as are appropriate as part of the National Wildlife Refuge System.

(b) LIMITATION ON TRANSFERS.—The Secretary of the Interior may not transfer administrative jurisdiction pursuant to any recommendation under subsection (a)(2) except as authorized by a statute enacted after the date of the enactment of this Act.

SEC. 25. RELATIONSHIP BETWEEN SECTION 7 CONSULTATION AND INCIDENT TAKE AUTHORIZATION UNDER MARINE MAMMAL PROTECTION ACT OF 1972.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is equivalent to a section 101 incidental take authorization required under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1631 et seq.) for receiving dock building permits.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill? The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. POMBO demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 229 Nays 193

¶103.20 [Roll No. 506]

AYES—229

- Abercrombie, Doolittle, Latham, Aderholt, Drake, Lewis (CA), Akin, Dreier, Lewis (KY), Alexander, Duncan, Linder, Baca, Edwards, Lucas, Bachus, Emerson, Lungren, Daniel, Baker, English (PA), E., Barrett (SC), Everett, Mack, Barrow, Feeney, Manzullo, Bartlett (MD), Flake, Marchant, Barton (TX), Forbes, Marshall, Beauprez, Ford, Matheson, Berry, Fortenberry, McCaul (TX), Bilirakis, Fossella, McCotter, Bishop (GA), Foxx, McCrery, Bishop (UT), Franks (AZ), Blackburn, Gallegly, Blunt, Garrett (NJ), Boehner, Gibbons, McKeon, Bonilla, Gillmor, McMorris, Bonner, Gingrey, Melancon, Bono, Gohmert, Mica, Boozman, Goode, Miller (FL), Boren, Goodlatte, Miller (MI), Boustany, Granger, Miller, Gary, Boyd, Graves, Mollohan, Brady (TX), Green (WI), Moran (KS), Brown (SC), Gutknecht, Murphy, Brown-Waite, Hall, Murtha, Ginny, Harris, Musgrave, Burgess, Hart, Myrick, Burton (IN), Hastings (WA), Neugebauer, Buyer, Hayes, Ney, Calvert, Hayworth, Northup, Camp, Hefley, Norwood, Cannon, Hensarling, Nunes, Cantor, Herger, Nussle, Capito, Hereth, Ortiz, Cardoza, Hinojosa, Osborne, Carter, Hoekstra, Otter, Chabot, Holden, Oxley, Choccola, Hostettler, Pearce, Coble, Hulshof, Pence, Cole (OK), Hunter, Peterson (MN), Conaway, Hyde, Peterson (PA), Costa, Inglis (SC), Petri, Costello, Issa, Pickering, Cramer, Istook, Pitts, Crenshaw, Jenkins, Poe, Cubin, Jindal, Pombo, Cuellar, Johnson, Sam, Pomeroy, Cunningham, Jones (NC), Porter, Davis (AL), Keller, Price (GA), Davis (KY), Kennedy (MN), Pryce (OH), Davis (TN), King (IA), Putnam, Davis, Jo Ann, King (NY), Radanovich, Deal (GA), Kingston, Regula, DeLay, Kline, Rehberg, Dent, Knollenberg, Renzi, Diaz-Balart, L., Kolbe, Reynolds, Diaz-Balart, M., Kuhl (NY), Rogers (AL)

- Rogers (KY), Shuster, Thornberry, Rogers (MI), Simpson, Tiahrt, Rohrabacher, Skelton, Tiberi, Ros-Lehtinen, Smith (TX), Turner, Ross, Sodrel, Walden (OR), Royce, Souder, Wamp, Ryan (WI), Stearns, Weldon (FL), Ryun (KS), Sullivan, Weller, Salazar, Sweeney, Westmoreland, Schmidt, Tancredo, Whitfield, Scott (GA), Tanner, Wicker, Sensenbrenner, Taylor (MS), Wilson (NM), Sessions, Taylor (NC), Wilson (SC), Shadegg, Terry, Wynn, Sherwood, Thomas, Young (AK), Shimkus, Thompson (MS), Young (FL)

NOES—193

- Ackerman, Hastings (FL), Allen, Higgins, Owens, Andrews, Hinchey, Pallone, Baird, Holt, Pascrell, Baldwin, Honda, Pastor, Bass, Hooley, Pelosi, Bean, Hoyer, Platts, Becerra, Inslee, Price (NC), Berkley, Israel, Rahall, Berman, Jackson (IL), Ramstad, Biggert, Jackson-Lee, Rangel, Bishop (NY), (TX), Reichert, Blumenauer, Jefferson, Reyes, Boehlert, Johnson (CT), Rothman, Boucher, Johnson (IL), Roybal-Allard, Bradley (NH), Johnson, E. B., Ruppersberger, Brady (PA), Jones (OH), Rush, Brown (OH), Kanjorski, Ryan (OH), Kaptur, Sabo, Kelly, Sanchez, Linda, Kennedy (RI), T., Kildee, Sanchez, Loretta, Cardin, Kilpatrick (MI), Sanders, Kind, Saxton, Carson, Kirk, Schakowsky, Case, Kucinich, Schiff, Castle, LaHood, Schwartz (PA), Chandler, Langevin, Schwarz (MI), Clay, Lantos, Scott (VA), Cleaver, Larsen (WA), Serrano, Cleburn, Larson (CT), Shaw, Conyers, LaTourette, Shays, Cooper, Leach, Sherman, Crowley, Levin, Simmons, Cummings, Lewis (GA), Slaughter, Davis (CA), Lipinski, Smith (NJ), Davis (IL), LoBiondo, Smith (WA), Davis, Tom, Lofgren, Zoe, Snyder, DeFazio, Lowey, Solis, DeGette, Lynch, Spratt, Delahunt, Maloney, Stark, DeLauro, Markey, Strickland, Dicks, Matsui, Stupak, Dingell, McCarthy, Tauscher, Doggett, McCollum (MN), Thompson (CA), Doyle, McDermott, Tierney, Ehlers, McGovern, Udall (CO), Emanuel, McKinney, Udall (NM), Engel, McNulty, Upton, Eshoo, Meehan, Van Hollen, Etheridge, Meek (FL), Velázquez, Evans, Meeks (NY), Velázquez, Farr, Menendez, Visclosky, Ferguson, Michaud, Walsh, Filner, Millender, Wasserman, Fitzpatrick (PA), McDonald, Schultz, Foley, Miller (NC), Waters, Frank (MA), Miller, George, Watson, Frelinghuysen, Moore (KS), Watt, Gerlach, Moore (WI), Waxman, Gilcrest, Moran (VA), Weiner, Gonzalez, Nadler, Weldon (PA), Gordon, Napolitano, Wexler, Green, Al, Neal (MA), Wolf, Green, Gene, Oberstar, Woolsey, Grijalva, Obey, Wu

NOT VOTING—11

- Boswell, Gutierrez, Paul, Culberson, Harman, Payne, Davis (FL), Hobson, Towns, Fattah, Lee

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶103.21 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1778. An Act to extend medicare cost-sharing for qualifying individuals through September 2006, to extend the Temporary Assistance for Needy Families Program, transitional medical assistance under the Medicaid Program, and related programs through March 31, 2006, and for other purposes.

¶103.22 H.J. RES. 68—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the joint resolution (H.J. Res. 68) making continuing appropriations for fiscal year 2006, and for other purposes.

The question being put, Will the House pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 348 Nays 65

¶103.23 [Roll No. 507]

YEAS—348

- Abercrombie, Case, Garrett (NJ), Ackerman, Castle, Gerlach, Aderholt, Chabot, Gibbons, Akin, Chandler, Gilcrest, Alexander, Chocola, Gillmor, Allen, Cleaver, Gingrey, Andrews, Clyburn, Gohmert, Baca, Coble, Gonzalez, Bachus, Cole (OK), Goode, Baird, Conaway, Goodlatte, Baker, Cooper, Gordon, Barrett (SC), Costa, Granger, Barrow, Cramer, Graves, Bartlett (MD), Crenshaw, Green, Al, Barton (TX), Cubin, Green, Gene, Bass, Cuellar, Gutknecht, Bean, Cunningham, Hall, Beauprez, Davis (AL), Harris, Becerra, Davis (CA), Hart, Berkley, Davis (IL), Hastings (FL), Berry, Davis (KY), Hastings (WA), Biggert, Davis (TN), Hayes, Bilirakis, Davis, Jo Ann, Hayworth, Bishop (GA), Davis, Tom, Hefley, Bishop (NY), Deal (GA), Hensarling, Bishop (UT), DeLay, Herger, Blackburn, Dent, Herseth, Blunt, Diaz-Balart, L., Higgins, Boehlert, Diaz-Balart, M., Hinojosa, Boehner, Dicks, Hoekstra, Bonilla, Dingell, Holden, Bonner, Doggett, Hooley, Bono, Doolittle, Hostettler, Boozman, Drake, Hoyer, Boren, Dreier, Hulshof, Boustany, Duncan, Hunter, Boyd, Edwards, Hyde, Bradley (NH), Ehlers, Inglis (SC), Brown (OH), Emerson, Inslee, Brown (SC), Engel, Israel, Brown, Corrine, Eshoo, Issa, Brown-Waite, Etheridge, Istook, Ginny, Evans, Jackson (IL), Burgess, Everett, Jackson-Lee, Burton (IN), Feeney, (TX), Butterfield, Ferguson, Jefferson, Calvert, Fitzpatrick (PA), Jenkins, Camp, Flake, Jindal, Cannon, Foley, Johnson (CT), Cantor, Forbes, Johnson (IL), Capito, Fortenberry, Johnson, E. B., Cardin, Fossella, Johnson, Sam, Cardoza, Foxx, Jones (NC), Carnahan, Franks (AZ), Kellar, Carter, Frelinghuysen, Kelly

Kennedy (MN) Neugebauer Serrano Sessions Shadegg Shaw Shays Sherman Nussle Sherwood Ortiz Shimkus Osborne Shuster Simmons Simpson Skelton Slaughter Pascrell Smith (NJ) Pearce Smith (TX) Pelosi Smith (WA) Pence Snyder Peterson (MN) Peterson (PA) Pickering Pitts Platts Spratt Stearns Strickland Pomeroy Stupak Porter Sullivan Sweeney Price (GA) Price (NC) Tancredo Pryce (OH) Putnam Tauscher Radanovich Taylor (MS) Rahall Taylor (NC) Terry Ramstad Thomas Thompson (CA) Thompson (MS) Thornberry Tiahrt Tiberi Turner Udall (CO) Upton Van Hollen Visclosky Walden (OR) Walsh Wamp Wasserman Schultz Watson Waxman Weldon (FL) Weldon (PA) Weller Westmoreland Wexler Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Wynn Young (AK) Young (FL) Sensenbrenner

NAYS—65

Baldwin Hinchey Moran (VA) Nadler Neal (MA) Oberstar Obey Olver Pastor Ryan (OH) Ryan (WI) Sanders Schakowsky Scott (VA) Stark Tierney Udall (NM) Velázquez Waters Watt Weiner Woolsey Moore (WI) Wu

NOT VOTING—20

Berman Delahunt Lee English (PA) Miller, Gary Fattah Paul Payne Gallegly Gutierrez Petri Harman Towns Hobson

So the joint resolution was passed. A motion to reconsider the vote whereby said joint resolution was

passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

103.24 H. CON. RES. 178—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; as amended.

The question being put, Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 401 Nays 0

103.25 [Roll No. 508] YEAS—401

Abercrombie Carnahan Flake Aderholt Carson Foley Akin Carter Forbes Alexander Case Ford Allen Castle Fortenberry Andrews Chabot Fossella Baca Chandler Fox Bachus Chocola Frank (MA) Baird Clay Franks (AZ) Baker Cleaver Frelinghuysen Baldwin Clyburn Garrett (NJ) Barrett (SC) Coble Gerlach Cole (OK) Conway Gibbons Conaway Gilchrist Conyers Gillmor Cooper Gohmert Costa Gohmert Gonzalez Goode Hastings (FL) Goode Hastings (WA) Crenshaw Goodlatte Gordon Granger Graves Green (WI) Green, Al Green, Gene Grijalva Gutknecht Hall Harris Hart Hastings (FL) Hastings (WA) Hayes Hayworth Hayworth Hefley Hensarling Herger Hersheth Higgins Hinchey Hinojosa Hobson Cummings Hoekstra Holdren Holt Delahunt DeLay Doolittle Emerson Ackerman Fattah Miller, Gary Berman Gallegly Miller, George Boswell Gutierrez Paul Cardoza Harman Payne Culberson Hobson Petri Cummings Kilpatrick (MI) Ros-Lehtinen Davis (FL) Lee Scott (GA) Delahunt Lofgren, Zoe Shadegg DeLay Lynch Stark Doolittle McNulty Towns Emerson Miller (FL)

Jackson-Lee (TX) Jefferson Mollohan Jenkins Moore (KS) Moore (WI) Johnson (CT) Moran (KS) Johnson (IL) Moran (VA) Johnson, E. B. Murphy Johnson, Sam Murtha Jones (NC) Neugebauer Jones (OH) Myrick Kanjorski Nadler Kaptur Napolitano Keller Neal (MA) Kelly Neugebauer Kennedy (MN) Ney Kennedy (RI) Northup Kildee Norwood Kind Nunes King (IA) Nussle King (NY) Oberstar Kingston Obey Kirk Oliver Myrick Kline Ortiz Knollenberg Osborne Kolbe Otter Owens Kucinich Oxley Kuhl (NY) Pallone LaHood Langevin Pascrell Lantos Pastor Larsen (WA) Pearce Larson (CT) Pelosi Latham Pence Tance LaTourette Peterson (MN) Leach Peterson (PA) Levin Pickering Lewis (CA) Pitts Lewis (GA) Platts Lewis (KY) Poe Linder Pombo Lipinski Pomeroy Thornberry LoBiondo Porter Tiahrt Lowe Price (GA) Tiberi Lucas Price (NC) Tierney Lungren, Daniel E. Pryce (OH) Turner Putnam Udall (CO) Udall (NM) Mack Radanovich Udall (NM) Maloney Rahall Upton Manzano Ramstad Van Hollen Marchant Rangel Velázquez Markey Regula Visclosky Marshall Rehberg Walden (OR) Matheson Reichert Walsh Matsui Renzi Wamp McCarthy Reyes Wasserman McCaul (TX) Reynolds Schultz McCollum (MN) Rogers (AL) Waters McCotter Rogers (KY) Watson McDermott Rohrabacher Watt McGovern Ross Waxman McHenry Rothman Weiner McHugh Roybal-Allard Weldon (FL) Weldon (PA) McIntyre Royce Weller McKee Ruppberger Westmoreland McKinney Rush Wexler McMorris Ryan (OH) Whitfield Meehan Ryan (WI) Wicker Meek (FL) Sabo Wilson (NM) Wilson (SC) Meeks (NY) Sabo Wilson (SC) Wolf Melancon Salazar Wolf Menendez Sanchez, Linda Woolsey Mica T. Wu Michaud Sanchez, Loretta Wynn Millender Sanders Young (AK) Young (FL) Saxton

NOT VOTING—32

Fattah Miller, Gary Gallegly Miller, George Gutierrez Paul Payne Hobson Petri Kilpatrick (MI) Ros-Lehtinen Lee Scott (GA) Lofgren, Zoe Shadegg Lynch Stark McNulty Towns Miller (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶103.26 SUBMISSION OF CONFERENCE REPORT—H.R. 2360

Mr. ROGERS of Kentucky, submitted a conference report (Rept. No. 109-241) on the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶103.27 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 6, 2005.

J. DENNIS HASTERT,
Speaker of the House of Representatives

By unanimous consent, the appointment was approved.

¶103.28 CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the Speaker, pursuant to 22 United States Code 276d, and the order of the House of January 4, 2005, appointed the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Messrs. MANZULLO of Illinois, Chairman, and MCCOTTER, Vice Chairman, appointed on March 8, 2005: Messrs. OBERSTAR, SHAW, Ms. SLAUGHTER, Messrs. STEARNS, ENGLISH of Pennsylvania, SOUDER, TANCREDO, and LIPINSKI.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶103.29 MESSAGE FROM THE PRESIDENT—DISTRICT OF COLUMBIA PUBLIC SAFETY EXPENSES

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with title I of the District of Columbia Appropriations Act, 2005, Public Law 108-335, I am notifying the Congress of the proposed use of \$10,151,538 provided in title I under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia." This will reimburse the District for the costs of public safety expenses related to security events and responses to terrorist threats.

The details of this action are set forth in the enclosed letter from the

Director of the Office of Management and Budget.

GEORGE W. BUSH,
THE WHITE HOUSE, September 29, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 109-58).

¶103.30 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2360

Mr. COLE of Oklahoma, by direction of the Committee on Rules, reported (Rept. No. 109-242) the resolution (H. Res. 474) waiving points of order against the conference report to accompany the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶103.31 HOUR OF MEETING

On motion of Mr. COLE of Oklahoma, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, October 3, 2005, and further, when the House adjourns on Monday, October 3, 2005, it adjourn to meet at 10 a.m. on Thursday, October 6, 2005.

¶103.32 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1235. An Act to amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemember and veterans, to make a still-born child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs; to the Committee on Veterans Affairs.

S. 1786. An Act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

S. 1778. An Act to extend medicare cost-sharing for qualifying individuals through September 2006, to extend the Temporary Assistance for Needy Families Program, transitional medical assistance under the Medicaid Program, and related programs through March 31, 2006, and for other purposes; to the Committee on Energy and Commerce; in addition, to the Committee on Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶103.33 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3864. An Act to assist individuals with disabilities affected by Hurricane Katrina and Rita through vocational rehabilitations services.

¶103.34 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1752. An Act to amend the United States Grain Standards Act to reauthorize that Act.

¶103.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today;
To Mr. GUTIERREZ, for today;
To Mr. HOBSON, for today after 3 p.m.;

To Ms. KILPATRICK of Michigan, for today after 5:10 p.m.; and

To Mr. Gary G. MILLER of California, for today after 5:15 p.m.

And then,

¶103.36 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 7 o'clock and 42 minutes p.m., the House adjourned until 4 p.m. on Monday, October 3, 2005.

¶103.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered by the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2360. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-241) Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 474. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-242). Referred to the House Calendar.

Mr. HUNTER: Committee on Armed Services. House Joint Resolution 65. Resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission, adversely; (Rept. 109-243). Referred to the Committee of the Whole House on the State of the Union.

¶103.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYWORTH (for himself, Mr. MILLER of Florida, Mr. SESSIONS, Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. TANCREDO, Mr. RENZI, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. POE, Mr. GUTKNECHT, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. HUNTER, Mrs. KELLY, Mr. CARTER, Mr. GOODE, Mr. EVERETT, Mr. DUNCAN, Mr. GOHMERT, and Mr. MCCOTTER):

H.R. 3938. A bill to provide for comprehensive immigration reform; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Ways and

Means, Financial Services, Homeland Security, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself and Mr. CASE):

H.R. 3939. A bill to direct the Administrator of the Small Business Administration to establish Veterans Business Outreach Centers and Technical Mentoring Assistance Committees; to the Committee on Small Business.

By Mr. PRICE of Georgia (for himself and Mr. KLINE):

H.R. 3940. A bill to extend implementation of the Medicare prescription drug program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.R. 3941. A bill to provide for the establishment of a working group to identify and advance the development and use of alternative sources for motor vehicle fuels; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3942. A bill to establish a Federal Office of Steroids Testing Enforcement and Prevention to establish and enforce standards for the testing for the illegal use in professional sports of performance enhancing substances and other controlled substances; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. PETRI, Mr. DEFazio, Mr. SESSIONS, Mrs. EMERSON, Mr. MATHESON, Mr. BUYER, Mr. BOEHNER, Mr. SIMPSON, Mr. SODREL, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. BISHOP of Utah):

H.R. 3943. A bill to postpone the enforcement of new rules governing rest periods for truck drivers using sleeper berths until January 1, 2006; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN (for himself, Mr. MCHUGH, Mr. MARKEY, Mr. BROWN of Ohio, Ms. SOLIS, Mrs. CAPPS, and Mr. GRIJALVA):

H.R. 3944. A bill to amend the Internal Revenue Code of 1986 to allow a temporary credit against income tax to offset the high fuel costs of small businesses, farmers, and fishermen; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. JEFFERSON, Mr. BOUSTANY, Mr. MCCRERY, Mr. JINDAL, Mr. ALEXANDER, and Mr. MELANCON):

H.R. 3945. A bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and Federal regulatory agencies, and for other purposes; to the Committee on Financial Services.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 3946. A bill to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for

certain areas in Louisiana affected by Hurricane Katrina, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. TANNER, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, and Mr. BARTLETT of Maryland):

H.R. 3947. A bill to amend the Internal Revenue Code of 1986 to authorize the Federal Government to guarantee tax exempt bonds for the purpose of rebuilding the Gulf Coast from the impacts of Hurricanes Katrina and Rita; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself and Mr. STRICKLAND):

H.R. 3948. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate for the beneficiary travel program administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. CASTLE (for himself, Mr. ANDREWS, Mr. WELDON of Pennsylvania, and Mr. PASCRELL):

H.R. 3949. A bill to protect volunteer firefighters and emergency medical services personnel responding to national emergencies from termination or demotion in their places of employment; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself and Mrs. EMERSON):

H.R. 3950. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug advertising, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 3951. A bill to require compensation for jury service to be excluded in determining income for purposes of the supplemental security income program under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. GINGREY:

H.R. 3952. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Budget, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS (for herself and Ms. ROS-LEHTINEN):

H.R. 3953. A bill to authorize 4 permanent and 1 temporary additional judgeships for the middle district of Florida, and 3 additional permanent judgeships for the southern district of Florida; to the Committee on the Judiciary.

By Ms. HERSETH (for herself, Mr. SCHIFF, Mr. FILNER, Mr. EMANUEL, Mr. HIGGINS, Mr. PALLONE, Mr. GRIJALVA, Mrs. TAUSCHER, Ms. MATSUI, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Mr. DAVIS of Florida, Mr. BISHOP of Utah, Ms. BALDWIN, Mr. OLVER, Mr. WEXLER, Ms. SOLIS, Ms. KAPTUR, Mr. NADLER, Mr. MEEKS of New York, Mr. CONYERS, Mr. WAXMAN, Mr. BERRY, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. LANTOS, Mr. MCDERMOTT, Mrs. MALONEY, Mr. MEEHAN, Mr. LARSON of Connecticut, Mrs. DAVIS of California, Mr. KILDEE, Mr. GEORGE MILLER of California, and Mr. ROSS):

H.R. 3954. A bill to amend the Social Security Act to protect Social Security cost-of-

living adjustments (COLA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.R. 3955. A bill to amend the Controlled Substances Act to provide for the transfer of ephedrine, pseudoephedrine, and phenylpropranolamine to schedule V of the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHLMANN of New York:

H.R. 3956. A bill to provide for a drug discount program for individuals without prescription drug coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. JEFFERSON, and Mrs. JOHNSON of Connecticut):

H.R. 3957. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 3958. A bill to provide disaster relief and incentives for economic recovery for Louisiana residents and businesses affected by Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, Agriculture, Transportation and Infrastructure, the Budget, Financial Services, Energy and Commerce, the Judiciary, Armed Services, Education and the Workforce, Resources, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Ms. DELAURO, Mr. THOMPSON of California, Mr. DOGGETT, Mr. LEVIN, Mr. EMANUEL, Mr. STARK, Mr. VISLOSKEY, and Mr. PASCRELL):

H.R. 3959. A bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 3960. A bill to amend chapters 95 and 96 of the Internal Revenue Code of 1986 to terminate taxpayer financing of presidential election campaigns; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. PAS-TOR, and Mr. HAYWORTH):

H.R. 3961. A bill to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Resources.

By Mr. SCHWARZ of Michigan:

H.R. 3962. A bill to amend the Public Health Service Act to provide liability protections for employees and contractors of health centers under section 330 of such Act

who provide health services in emergency areas; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. ISRAEL, Mr. BISHOP of New York, Mr. CROWLEY, Mr. ENGEL, Mrs. LOWEY, Mr. KING of New York, and Mr. ACKERMAN):

H.R. 3963. A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself and Mr. LARSON of Connecticut):

H.R. 3964. A bill to prohibit anticompetitive provisions in gasoline dealer franchise agreements that dictate the wholesale source of gasoline; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3965. A bill to amend title 38, United States Code, to prohibit the interment or memorialized in national cemeteries of persons convicted of committing State capital crimes regardless of whether their sentences included parole; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself, Mr. CHABOT, Mr. FLAKE, and Mrs. MUSGRAVE):

H.R. 3966. A bill to facilitate Presidential leadership and Congressional accountability regarding reduction of other spending to offset costs of responding to recent natural disasters; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. PUTNAM, Mr. COLE of Oklahoma, Mr. DREIER, Mr. REYNOLDS, and Mr. ROYCE):

H. Con. Res. 256. Concurrent resolution commending the people of Mongolia for building strong, democratic institutions, and expressing the support of the Congress for efforts by the United States to continue to strengthen its partnership with that country; to the Committee on International Relations.

By Mr. RENZI (for himself and Mr. MATHESON):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress with regard to a moratorium on the payment of principal or interest on certain mortgage loans, small business loans, and consumer loans for residents of a Federal disaster area; to the Committee on Financial Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mr. HONDA, Mr. LANTOS, Mr. CONYERS, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mr. FILNER, Mr. ABERCROMBIE, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. LEE, Mr. FEENEY, Mr. HINCHEY, and Mr. ACKERMAN):

H. Res. 472. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mr. RUSH:

H. Res. 473. A resolution condemning the racist remarks of William Bennett; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself and Mr. DOGGETT):

H. Res. 475. A resolution expressing disapproval of further payments by the Government of the United States to the Government of Uzbekistan relating to facilities at the Karshi-Khanabad airbase and urging the United Nations Security Council to refer the situation of Uzbek President Islam Karimov and the massacre at Andijan of May 13, 2005, to the International Criminal Court; to the Committee on International Relations.

By Mr. KING of New York (for himself and Mr. TOWNS):

H. Res. 476. A resolution recognizing the 50th anniversary of the Brooklyn Dodgers victory over the New York Yankees in the World Series; to the Committee on Government Reform.

By Ms. SOLIS (for herself, Mr.

HASTINGS of Florida, Mr. PALLONE, Mr. HINCHEY, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. CAPPS, Mr. CROWLEY, Mr. MENENDEZ, Mr. HONDA, Mr. ALLEN, Ms. BALDWIN, Mr. BLUMENAUER, Mr. JEFFERSON, Mr. SERRANO, Mr. PAYNE, Mr. OWENS, Ms. MATSUI, Mr. DAVIS of Florida, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. BERMAN, Ms. SCHWARTZ of Pennsylvania, Mr. WEXLER, Ms. KAPTUR, Mr. MCGOVERN, Ms. LEE, Mr. DOGGETT, Mr. KUCINICH, Ms. LINDA T. SANCHEZ of California, Mr. CONYERS, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Mr. RANGEL, Mr. VAN HOLLEN, Mr. UDALL of Colorado, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, and Ms. KILPATRICK of Michigan):

H. Res. 477. A resolution expressing the sense of the House of Representatives that the crisis of Hurricane Katrina should not be used to weaken, waive, or roll back Federal public health, environmental, and environmental justice laws and regulations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

103.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. HIGGINS.
 H.R. 23: Mr. EVANS and Ms. BALDWIN.
 H.R. 25: Mr. BURTON of Indiana.
 H.R. 95: Mr. ALEXANDER.
 H.R. 98: Mr. HUNTER.
 H.R. 224: Mr. FILNER, Mr. HOLDEN, Mr. DEFAZIO, and Mr. SCOTT of Georgia.
 H.R. 282: Mr. BOEHRER, Mr. WESTMORELAND, Mr. OXLEY, and Mr. OTTER.
 H.R. 328: Mr. CUMMINGS.
 H.R. 371: Mr. MCCAUL of Texas, Mr. LANGEVIN, Mr. SHERWOOD, and Mr. MARKEY.
 H.R. 583: Mr. COOPER.
 H.R. 670: Mr. INGLIS of South Carolina.
 H.R. 698: Mr. HAYWORTH.
 H.R. 719: Mr. COSTA and Mr. CLAY.
 H.R. 759: Mr. MEEHAN.
 H.R. 808: Mr. SMITH of Washington.
 H.R. 839: Mr. RUPPERSBERGER and Mr. MICHAUD.
 H.R. 857: Mr. SCHIFF.
 H.R. 877: Mr. MCHUGH.
 H.R. 881: Mr. KENNEDY of Rhode Island and Mr. ROTHMAN.
 H.R. 910: Mr. EMANUEL and Mr. UDALL of Colorado.
 H.R. 923: Mrs. CHRISSTENSEN, Mr. PLATTS, Mrs. MALONEY, Mr. LANTOS, Mr. DUNCAN, and Mr. SIMPSON.
 H.R. 947: Mr. YOUNG of Alaska.
 H.R. 994: Mr. KING of New York and Mr. LEACH.

H.R. 1079: Mr. EVERETT.
 H.R. 1103: Mr. ANDREWS.
 H.R. 1121: Mr. BRADLEY of New Hampshire.
 H.R. 1125: Mr. NADLER and Mr. BAIRD.
 H.R. 1131: Ms. LEE, Ms. PELOSI, Mr. DUNCAN, Mr. FORD, Mr. NEUGEBAUER, Mrs. BIGGETT, Mr. COOPER, and Mr. DENT.
 H.R. 1176: Mrs. Drake.
 H.R. 1188: Mr. PETERSON of Minnesota, Mr. MATHESON, and Mr. CROWLEY.
 H.R. 1194: Ms. MATSUI.
 H.R. 1202: Mr. HOEKSTRA.
 H.R. 1222: Ms. CORRINE BROWN of Florida, Mr. HONDA, Mr. MCDERMOTT, Mr. KILDEE, Mr. MEEKS of New York, Mr. LYNCH, and Mr. MCNULTY.
 H.R. 1272: Mr. NEAL of Massachusetts.
 H.R. 1281: Ms. BEAN.
 H.R. 1288: Mr. ROYCE and Mr. POMBO.
 H.R. 1298: Mr. BACHUS.
 H.R. 1386: Mr. EVANS.
 H.R. 1400: Ms. WASSERMAN SCHULTZ and Mr. SCOTT of Virginia.
 H.R. 1441: Mr. WALSH, Mrs. JONES of Ohio, Ms. HERSETH, and Mr. JACKSON of Illinois.
 H.R. 1471: Mr. LANGEVIN.
 H.R. 1507: Mr. JACKSON of Illinois.
 H.R. 1545: Mr. ENGEL.
 H.R. 1548: Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CLAY, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. HAYES, Mr. MEEKS of New York, Mr. SCHWARZ of Michigan, and Mr. OXLEY.
 H.R. 1558: Mr. SABO.
 H.R. 1561: Mrs. JO ANN DAVIS of Virginia and Mr. MOORE of Kansas.
 H.R. 1602: Mr. PETERSON of Minnesota.
 H.R. 1665: Ms. WOOLSEY.
 H.R. 1671: Mr. ALEXANDER.
 H.R. 1704: Mr. VAN HOLLEN and Mr. SHERMAN.
 H.R. 1709: Mr. TIERNEY.
 H.R. 1736: Mrs. MILLER of Michigan.
 H.R. 1767: Mr. SHUSTER.
 H.R. 1814: Mr. BAIRD.
 H.R. 1898: Mrs. MILLER of Michigan.
 H.R. 1973: Mr. MOORE of Kansas.
 H.R. 2048: Mr. MORAN of Kansas and Mr. LANTOS.
 H.R. 2052: Mr. VAN HOLLEN.
 H.R. 2053: Mr. VAN HOLLEN.
 H.R. 2058: Mr. GRIJALVA.
 H.R. 2070: Ms. LINDA T. SANCHEZ of California.
 H.R. 2112: Mr. GARY G. MILLER of California.
 H.R. 2121: Mr. WATT, Mr. KIND, and Mr. KANJORSKI.
 H.R. 2178: Mr. SHERMAN.
 H.R. 2234: Mr. CLAY, Ms. SOLIS, Mr. DAVIS of Florida, and Mr. NEUGEBAUER.
 H.R. 2237: Mr. WAXMAN.
 H.R. 2498: Ms. MCCOLLUM of Minnesota.
 H.R. 2525: Mr. PETERSON of Minnesota.
 H.R. 2533: Mr. EHLERS and Mr. COSTA.
 H.R. 2562: Mr. HONDA.
 H.R. 2592: Mr. CROWLEY.
 H.R. 2594: Mr. GONZALEZ.
 H.R. 2669: Ms. ROYBAL-ALLARD, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. SHERMAN, and Ms. CARSON.
 H.R. 2671: Mr. MICHAUD, Mr. PALLONE, Mr. LATHAM, Mr. KENNEDY of Rhode Island, Mr. GRIJALVA, and Mr. SCOTT of Georgia.
 H.R. 2694: Mr. FILNER.
 H.R. 2799: Mr. HOBSON and Mr. HINCHEY.
 H.R. 2835: Mr. FILNER.
 H.R. 2872: Mr. GILCHREST, Mr. DOOLITTLE, Mr. COSTELLO, Ms. PRYCE of Ohio, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. PASCARELL, Ms. CORRINE BROWN of Florida, Mr. MILLER of Florida, and Mr. TURNER.
 H.R. 2952: Ms. LINDA T. SANCHEZ of California and Mr. ORTIZ.
 H.R. 2961: Mr. MATHESON, Mr. BERRY, and Mr. LATHAM.
 H.R. 2990: Ms. HART.
 H.R. 3072: Mr. CLAY.
 H.R. 3098: Ms. MOORE of Wisconsin, Mr. MARCHANT, Mr. ETHERIDGE, Mr. CONAWAY,

Mr. FOLEY, Mr. PUTNAM, Mr. KING of Iowa, Mr. GREEN of Wisconsin, Mr. PEARCE, Mr. MILLER of Florida, and Mr. JENKINS.

H.R. 3111: Mr. BROWN of South Carolina.

H.R. 3137: Mr. TAYLOR of North Carolina.

H.R. 3145: Mr. BOUCHER and Mr. FILNER.

H.R. 3163: Mr. PETRI.

H.R. 3183: Mr. DEFazio and Mr. MOORE of Kansas.

H.R. 3188: Mr. LARSEN of Washington and Mr. HOLT.

H.R. 3301: Mr. SAM JOHNSON of Texas and Mrs. JOHNSON of Connecticut.

H.R. 3307: Mr. DOYLE and Mr. PRICE of North Carolina.

H.R. 3313: Mr. MCGOVERN, Mrs. DAVIS of California, and Mr. BRADY of Pennsylvania.

H.R. 3326: Mr. KUCINICH.

H.R. 3334: Ms. SOLIS, Mr. LANTOS, Mrs. JONES of Ohio, Mr. ISRAEL, Ms. CARSON, Mr. MORAN of Virginia, Mr. WEINER, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. ROSS, and Mr. SHERWOOD.

H.R. 3360: Mr. LEWIS of Kentucky.

H.R. 3373: Mrs. JO ANN DAVIS of Virginia, Mr. EVERETT, Mr. FOSSELLA, Mr. MOLLOHAN, Mr. SNYDER, Mr. GOODLATTE, Ms. SLAUGHTER, Ms. HARRIS, Mr. CRAMER, and Mr. NEUGEBAUER.

H.R. 3380: Mr. PASTOR.

H.R. 3385: Mr. WU.

H.R. 3436: Mrs. JO ANN DAVIS of Virginia.

H.R. 3505: Mr. MCCAUL of Texas.

H.R. 3548: Mr. MCHUGH.

H.R. 3561: Mr. FARR.

H.R. 3563: Ms. VELÁZQUEZ and Mr. LIPINSKI.

H.R. 3577: Mr. LOBIONDO.

H.R. 3628: Mr. KUHL of New York and Mr. BOSWELL.

H.R. 3638: Ms. MCCOLLUM of Minnesota and Mr. MCHUGH.

H.R. 3644: Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Mrs. MCCARTHY, and Mr. MCCAUL of Texas.

H.R. 3662: Mr. TIERNEY.

H.R. 3666: Mr. CONYERS.

H.R. 3670: Mr. CONYERS.

H.R. 3684: Mr. HEFLEY and Mr. INGLIS of South Carolina.

H.R. 3693: Mr. GARY G. MILLER of California.

H.R. 3696: Mr. HINCHEY.

H.R. 3697: Mr. MENENDEZ, Mr. HASTINGS of Florida, Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, and Mr. CUMMINGS.

H.R. 3698: Mr. TIERNEY.

H.R. 3711: Mr. GUTIERREZ, Mr. BERMAN, Mr. KUCINICH, and Mr. GENE GREEN of Texas.

H.R. 3714: Mr. BOYD.

H.R. 3717: Mr. KUHL of New York, Mr. CONAWAY, Mr. MARCHANT, and Mr. ROGERS of Kentucky.

H.R. 3722: Mr. CLAY.

H.R. 3727: Mr. CONYERS.

H.R. 3731: Mr. CONYERS.

H.R. 3737: Mr. MILLER of Florida, Mrs. KELLY, Mr. FOLEY, and Mr. KIND.

H.R. 3754: Ms. HERSETH.

H.R. 3762: Mr. SMITH of Washington, Mrs. MCCARTHY, Mr. HOLDEN, Mr. FATTAH, and Mr. LANTOS.

H.R. 3764: Mr. CARDOZA, Mr. JEFFERSON, Ms. BORDALLO, Mr. OBERSTAR, Mr. PASTOR, Mr. WATT, Mr. JACKSON of Illinois, Ms. WATERS, Ms. MCKINNEY, Mr. MELANCON, Mr. WAXMAN, and Ms. LORETTA SANCHEZ of California.

H.R. 3774: Mr. GUTIERREZ, Mr. CLEAVER, and Mr. STRICKLAND.

H.R. 3776: Ms. GINNY BROWN-WAITE of Florida, Mr. GARY G. MILLER of California, Mrs. DRAKE, and Mr. MCCAUL of Texas.

H.R. 3779: Mr. CAPUANO.

H.R. 3785: Mr. GARRETT of New Jersey.

H.R. 3792: Mrs. LOWEY.

H.R. 3796: Mr. McNULTY and Mr. VAN HOLLEN.

H.R. 3800: Mr. MCHUGH, Mr. STARK, and Mr. FARR.

H.R. 3811: Mr. MCCAUL of Texas and Mr. CONAWAY.

H.R. 3829: Mr. LUCAS.

H.R. 3837: Ms. DELAULO and Mr. CONYERS.

H.R. 3838: Mr. MCDERMOTT, Mr. KUCINICH, and Mr. BECERRA.

H.R. 3858: Ms. DELAULO, Mrs. DAVIS of California, Mr. PASTOR, Mr. VAN HOLLEN, Mr. LYNCH, Mr. MATHESON, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. ABERCROMBIE, and Mr. HOLT.

H.R. 3860: Mr. JONES of North Carolina, Mr. TIAHRT, Mrs. SCHMIDT, Mr. HUNTER, Mr. BUYER, Mr. BURTON of Indiana, and Mr. MCHENRY.

H.R. 3888: Mr. KUCINICH, Ms. MATSUI, Mr. ABERCROMBIE, and Mr. RANGEL.

H.R. 3889: Mr. DEFazio, Mrs. CAPITO, Mr. KLINE, Mrs. EMERSON, and Mr. ALEXANDER.

H.R. 3895: Mr. MCCREERY.

H.R. 3896: Mr. MCCREERY.

H.R. 3905: Mr. MENENDEZ and Mr. THOMPSON of Mississippi.

H.R. 3908: Mrs. DRAKE, Mr. SMITH of New Jersey, Mrs. BLACKBURN, Mr. RADANOVICH, Ms. PRYCE of Ohio, Mr. WOLF, Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALSH, Mr. FORTUÑO, Mr. ROGERS of Kentucky, Mr. TURNER, Mr. BOUSTANY, Mr. MURPHY, and Mr. MCHUGH.

H.R. 3909: Mr. HINOJOSA.

H.R. 3916: Mr. STARK and Mr. PAYNE.

H.R. 3925: Mr. GRIJALVA, Mrs. MALONEY, Mr. MCDERMOTT, Mr. DOGGETT, Ms. MCKINNEY, and Mr. SHERMAN.

H.R. 3931: Mr. TURNER and Mrs. JOHNSON of Connecticut.

H. Con. Res. 137: Mr. BROWN of Ohio.

H. Con. Res. 157: Mr. NADLER.

H. Con. Res. 173: Mr. PUTNAM.

H. Con. Res. 174: Mr. LANTOS and Ms. SOLIS.

H. Con. Res. 177: Mr. BERMAN, Mr. WELDON of Pennsylvania, and Mr. MCCOTTER.

H. Con. Res. 222: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 228: Mrs. DAVIS of California, Ms. ROS-LEHTINEN, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mr. ISSA, Mr. LANTOS, Mr. PETERSON of Minnesota, Mr. CONYERS, and Mr. MCINTYRE.

H. Con. Res. 230: Mr. BECERRA, Mr. GOODLATTE, Ms. BALDWIN, and Mr. MCCAUL of Texas.

H. Con. Res. 244: Mr. PITTS.

H. Con. Res. 247: Mr. DAVIS of Illinois, Mr. MILLER of North Carolina, and Ms. WOOLSEY.

H. Con. Res. 248: Mr. CAPUANO, Ms. KILPATRICK of Michigan, Mr. MCHUGH, and Ms. WOOLSEY.

H. Con. Res. 250: Mrs. BONO and Mr. CALVERT.

H. Con. Res. 251: Mr. KIND, Ms. HARMAN, Mr. TAYLOR of Mississippi, Mr. PETERSON of Minnesota, Ms. BEAN, Mr. KIRK, Mr. SANDERS, Ms. HERSETH, Mr. SENSENBRENNER, Mr. CASE, Mr. SNYDER, Ms. HARRIS, and Mr. GOODE.

H. Res. 137: Mr. SHUSTER, Mr. HALL, and Mr. ENGLISH of Pennsylvania.

H. Res. 276: Mr. SHERMAN, Mr. KOLBE, Mr. LARSEN of Washington, and Mr. FILNER.

H. Res. 316: Mr. DENT and Mr. PASTOR.

H. Res. 368: Mr. LINCOLN DIAZ-BALART of Florida and Mr. CARNAHAN.

H. Res. 389: Mr. MCINTYRE, Mr. OLVER, and Mr. SNYDER.

H. Res. 438: Mr. GENE GREEN of Texas, Ms. WASSERMAN Schultz, Mr. SHIMKUS, and Mr. KUHL of New York.

H. Res. 453: Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. GRAVES, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. TAYLOR of North Carolina, Mr. MATHESON, Mr. GENE GREEN of Texas, and Mr. GARRETT of New Jersey.

H. Res. 457: Mrs. CHRISTENSEN, Mr. HALL, Mr. BOEHLERT, and Mr. WU.

H. Res. 463: Mr. LANGEVIN.

¶103.40 PETITIONS

Under clause 3 of rule XII,

72. The SPEAKER presented a petition of the Cook County Board of Commissioners, Illinois, relative to a resolution dated June 21, 2005, condemning the use of torture as well as cruel, inhuman and degrading treatment upon anyone being held by, or under the permission of, any governmental authority; which was referred jointly to the Committees on Armed Services and International Relations.

MONDAY, OCTOBER, 3, 2005 (104)

¶104.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
October 3, 2005.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶104.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced he had examined and approved the Journal of the proceedings of Thursday, September 29, 2005.

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

¶104.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4349. A letter from the Assistant Secretary, OSERS, Department of Education, transmitting the Department's final rule — Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind — received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4350. A letter from the Chief Financial Officer, Department of Education, transmitting the Department's final rule — Federal Policy for the Protection of Human Subjects — received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4351. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Community Technology Centers Program — received September 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4352. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — School Dropout Prevention Program — September 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4353. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4354. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability

and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers; Grants and Cooperative Agreements; Availability — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4355. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4356. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4357. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind — July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2004-18540; Directorate Identifier 2004-NM-110-AD; Amendment 39-14258; AD 2005-18-18] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2005-22252; Directorate Identifier 2005-NM-182-AD; Amendment 39-14260; AD 2005-18-51] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2005-21435; Directorate Identifier 2004-NM-163-AD; Amendment 39-14257; AD 2005-18-17] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich De-icing and Speciality Systems "FASTprop" Propeller De-icers [Docket No. FAA-2005-20847; Directorate Identifier 2004-NE-35-AD; Amendment 39-14261; AD 2005-18-20] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 200, 400, 500, and 600 Airplanes [Docket No. FAA-2005-21683; Directorate Identifier 2005-NM-021-AD; Amendment 39-14259; AD 2005-18-19] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Propellers [Docket No. FAA-2004-19955; Directorate Identifier 2004-NE-17-AD; Amendment 39-14252; AD 2005-18-12] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes [Docket No. FAA-2005-22309; Directorate Identifier 2005-NM-159-AD; Amendment 39-14254; AD 2005-18-14] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 Turbofan Engines [Docket No. FAA-2004-18869; Directorate Identifier 2004-NE-23-AD; Amendment 39-14256; AD 2005-18-16] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes and Model 767 Series Airplanes [Docket No. FAA-2005-20352; Directorate Identifier 2004-NM-214-AD; Amendment 39-14249; AD 2005-18-09] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 (Water Bomber), CL-215-6B11 (CL215T Variant), and CL-215-6B11 (CL415 Variant) Airplanes [Docket No. FAA-2005-21595; Directorate Identifier 2002-NM-321-AD; Amendment 39-14245; AD 2005-18-05] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-163-AD; Amendment 39-14244; AD 2005-18-04] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22291; Directorate Identifier 2005-NM-038-AD; Amendment 39-14251; AD 2005-18-11] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4370. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 200EX Airplanes [Docket No. FAA-2005-22308; Directorate Identifier 2005-NM-160-AD; Amendment 39-14255; AD 2005-18-15] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd. Model 1124 and 1124A Airplanes [Docket No. FAA-2005-22306; Directorate Identifier 2005-NM-169-AD; Amendment 39-14253; AD 2005-18-13] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines [Docket No. 98-ANE-61-AD; Amendment 39-14243; AD 2005-18-03] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No. 98-ANE-43-AD; Amendment 39-14242; AD 2005-18-02] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, -17AR, -209, -217, 217A, -217C, and -219 Turbofan Engines [Docket No. FAA-2004-19929; Directorate Identifier 2004-NE-15-AD; Amendment 39-14237; AD 2005-17-16] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; DC-8-50 Series Airplanes; DC-8F-54 and DC-8F-55 Airplanes; DC-8-60 Series Airplanes; DC-8-60F Series Airplanes; DC-8-70 Series Airplanes; DC-8-70F Series Airplanes [Docket No. FAA-2004-19536; Directorate Identifier 2004-NM-86-AD; Amendment 39-14247; AD 2005-18-07] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS. [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade Municipal Airport, KS. [Docket No. FAA-2005-21783; Airspace Docket No. 05-ACE-24] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, MO. [Docket No. FAA-2005-21706; Airspace Docket No. 05-ACE-23] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-37] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30455; Amdt. No. 3130] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newton, KS. [Docket No. FAA-2005-21704; Airspace Docket No. 05-ACE-20] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updating Estimated Income Tax Regulations Under Section 6654 [TD 9224] (RIN: 1545-BD17) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2005-61) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4384. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9218] (RIN: 1545-BE16) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4385. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting. (Rev. Proc. 2005-63) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4386. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of a Stapled Foreign Corporation under Sections 269B and 367(b) [TD 9216] (RIN: 1545-BD06) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4387. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2005-65) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4388. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-66) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4389. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest [TD 9225] (RIN: 1545-BD53) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4390. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Elections under Section 362(e)(2)(c) [Notice 2005-70] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4391. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Optional Standard Mileage Rates [Announcement 2005-71] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4392. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-68) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4393. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Protected Benefits [TD 9219] (RIN: 1545-BC26) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4394. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-56) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4395. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Plans and Federal Credit Unions [Notice 2005-58] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4396. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief [Announcement 2005-70] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4397. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-67] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶104.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2005.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2005, at 11:07 a.m.

That the Senate passed H.J. Res. 68.
With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶104.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2005.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2005, at 3:30 p.m.

That the Senate passed H.R. 3863.
With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶104.6 ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled joint resolution on Friday, September 30, 2005:

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

¶104.7 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
October 3, 2005.
I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.
J. DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶104.8 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced the Speaker, pursuant to 36 United States Code 2301, and the order of the House of January 4, 2005, appointed the following Members of the House to the United States Holocaust Memorial Council: Messrs. LATOURETTE, CANNON, and CANTOR.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶104.9 PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced the Speaker, pursuant to Executive Order 12131, and the order of the House of January 4, 2005, appointed the following Members of the House to the President's Export Council: Messrs. ENGLISH of Pennsylvania, PICKERING, and HAYES.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶104.10 ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3863. An Act to provide the Secretary of Education with waiver authority for the

reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

¶104.11 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 29, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 2132. An Act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 2385. An Act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3200. An Act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

H.R. 3784. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 3864. An Act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

And then,

¶104.12 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, by unanimous consent and pursuant to the special order of the House agreed to on September 29, 2005, at 4 o'clock and 5 minutes p.m., declared the House adjourned until 10 a.m. on Thursday, October 6, 2005.

¶104.13 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 30, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1065. A bill to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing; with an amendment (Rept. 109-209 Pt 2). Referred to the Committee of the Whole House on the State of the Union.

¶104.14 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 30, 2005]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a

period ending not later than November 18, 2005.

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than November 4, 2005.

¶104.15 COMMITTEE DISCHARGED

[The following action occurred on September 30, 2005]

Pursuant to clause 2 of rule XIII the Committee on Education and the Workforce discharged from further consideration. H.R. 1065 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 3084 referred to the Committee of the Whole House on the State of the Union.

¶104.16 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HERSETH:

H.R. 3967. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Resources.

By Ms. MILLENDER-McDONALD (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 258. Concurrent resolution calling for a Commission within the United Nations that will build a 21st century abolitionists movement to end slavery, human trafficking, and exploitation around the world; to the Committee on International Relations.

By Mr. DAVIS of Alabama (for himself and Mr. CONYERS):

H. Res. 478. A resolution commending Myron H. Thompson, United States District Judge for the Middle District of Alabama, for his commitment and dedication to public service, the judicial system, equal access to justice, and the community; to the Committee on the Judiciary.

¶104.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. BERMAN, Mr. UDALL of Colorado, and Mr. BECERRA.

H.R. 197: Mr. SIMMONS and Mr. MOORE of Kansas.

H.R. 633: Ms. SCHAKOWSKY.

H.R. 668: Ms. MATSUI.

H.R. 923: Mrs. SCHMIDT, Mr. WELDON of Pennsylvania, and Mr. WALSH.

H.R. 2017: Ms. WOOLSEY.

H.R. 2793: Mr. OWENS and Mr. DEFazio.

H.R. 3011: Mrs. DRAKE, Ms. HART, and Mr. PICKERING.

H.R. 3190: Mr. FILNER.

H.R. 3427: Mr. LAHOOD.

H.R. 3511: Mrs. MYRICK.

H.R. 3639: Mr. FOLEY.

H.R. 3734: Mr. SCOTT of Georgia, Ms. LEE, Ms. WATSON, Ms. WATERS, Ms. MILLENDER-McDONALD, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. CLAY, Mr. CLEAVER, Mr. PAYNE, Mr. RANGEL, Mr. BUTTERFIELD, Mr. WATT, Mr. CLYBURN, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Ms. NORTON, Ms.

SOLIS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. MELANCON, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3735: Ms. MCKINNEY.

H.R. 3737: Mr. BERRY and Mr. GONZALEZ.

H.R. 3858: Mr. KILDEE, Mr. GORDON, Mrs. CAPPS, Ms. KAPTUR, Mr. ENGEL, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. GOODE, and Mr. CLEAVER.

H.R. 3883: Miss McMORRIS.

H.R. 3887: Mr. SAM JOHNSON of Texas and Mr. WESTMORELAND.

H.R. 3907: Mr. HOSTETTLER.

H.R. 3923: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. BROWN of South Carolina.

H.R. 3924: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. BROWN of South Carolina.

H.R. 3947: Mr. WICKER.

H. Con. Res. 254: Mr. KIRK.

THURSDAY, OCTOBER 6, 2005 (105)

¶105.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PENCE, who laid before the House the following communication:

WASHINGTON, DC,

October 6, 2005.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTER, T.

Speaker of the House of Representatives.

¶105.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PENCE, announced he had examined and approved the Journal of the proceedings of Monday, October 3, 2005.

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

¶105.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4398. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Title IV Conservators, Receivers, and Voluntary Liquidations; Receivership Repudiation Authorities (RIN: 3052-AC26) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4399. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investments, Liquidity, and Divestiture (RIN: 3052-AC22) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4400. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Community Reinvestment Act Regulations [Regulation BB; Docket No. R-1225] received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4401. A letter from the Assistant to the Board, Division of Consumer and Comm. Affairs, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1231] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4402. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of

the Currency, Department of the Treasury, transmitting the Department's final rule—Community Reinvestment Act Regulations [Docket No. 05-11] (RIN: 1557-AB98) received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4403. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Mixed-Finance Development for Supportive Housing for the Elderly or Persons With Disabilities and Other Changes to 24 CFR Part 891 [Docket No. FR-4725-F-02] (RIN: 2502-AH83) received September 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4404. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to the Public Housing Operating Fund Program [Docket No. FR-4874-F-08] (RIN: 2577-AC51) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4405. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Securities of Nonmember Insured Banks (RIN: 3064-AC88) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4406. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Community Reinvestment Act Regulations (RIN: 3064-AC89) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4407. A letter from the Acting Deputy Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Mortgage Fraud Reporting (RIN: 2550-AA31) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4408. A letter from the Assistant Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting the Commission's final rule—OWNERSHIP REPORTS AND TRADING BY OFFICERS, DIRECTORS AND PRINCIPAL SECURITY HOLDERS [RELEASE NOS. 33-8600; 34-52202; 35-28013; IC-27025; File No. S7-27-04] (RIN: 3235-AJ27) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4409. A letter from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting the Department's final rule—Industries in American Samoa; Wage Order—October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4410. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4411. A letter from the Deputy Executive Director, Pensions Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4412. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Guidelines for Voluntary Greenhouse Gas Reporting (RIN: 1901-AB11) received September 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4413. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standardization of Small Generator Interconnection Agreements and Procedures [Docket No. RM02-12-000] received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4414. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Labeling and Advertising of Home Insulation: Trade Regulation Rule—received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4415. A letter from the Acting Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 4 (RIN: 3150-AH75) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4416. A letter from the Acting Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—Incorporation by Reference of ASME BPV Code Cases (RIN: 3150-AH35) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4417. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—EMERGENCY PREPAREDNESS AND RESPONSE ACTIONS FOR SECURITY-BASED EVENTS [NRC BULLETIN 2005-02] received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4418. A letter from the Acting Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-32PT, -24HB, and -24PTH Revision 8 (RIN: 3150-AH77) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-171, "Prescription Drug Excessive Pricing Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4420. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 16-170, "Walter Reed Property Tax Exemption Reconfirmation Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4421. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 16-184, "Income Withholding Transfer and Revision Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 16-183, "District of Columbia Emancipation Day Alternate Date Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-173, "District of Columbia Bus Shelter Temporary Amendment Act

of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4424. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-172, "Brentwood Retail Center Real Property Tax Exemption Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-182, "Dog Park Establishment Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4426. A letter from the Deputy Archivist of the United States, National Archive and Records Administration, transmitting the Administration's final rule—Records Center Facility Standards (RIN: 3095-AB31) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4427. A letter from the Director, Division of Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule—Information Technology Exchange Program (RIN: 3206-AJ91) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4428. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule—Law Enforcement Officer and Firefighter Retirement (RIN: 3206-AJ39) received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4429. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule—Retirement Credit for Certain Government Service Performed Abroad (RIN: 3206-AK84) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4430. A letter from the Asst. Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Royalty Payment and Royalty and Production Reporting Requirements Relief for Federal Oil and Gas Lessees Affected by Hurricane Katrina or Hurricane Rita (RIN: 1010-AD28) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4431. A letter from the Acting Assistant Secretary, DHRC, Department of the Interior, transmitting the Department's final rule—Marine Mammals: Native Exemptions (RIN: 1018-AT48) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4432. A letter from the Acting Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Navajo Partitioned Lands Grazing Permits (RIN: 1076-AE46) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4433. A letter from the Director Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices (RIN: 2900-AL12) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4434. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Jurisdictions and Addresses of Regional Counsels (RIN: 2900-AM20) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4435. A letter from the Chief, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Audits of States, Local Governments, and Non-Profit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (RIN: 2900-AJ62) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4436. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the Niagara Escarpment Viticultural Area (2004R-589P) [T.D. TTB-33; Re: Notice No. 33] (RIN: 1513-AA97) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4437. A letter from the SSA Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting the Administration's final rule—Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources (RIN: 0960-AE79) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4438. A letter from the SSA Regulations Officer, Office of Regulations, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Impairments That Affect Multiple Body Systems [Regulation No. 4] (RIN: 0960-AF32) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4439. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Update to Divided State Retirement Systems Coverage Group List and Technical Coverage Corrections Required by the Social Security Protection Act of 2004 [Regulations No. 4] (RIN: 0960-AG18) received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4440. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule—Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Preferred Stock (RIN: 3052-AC21) received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Financial Services.

4441. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2005 [CMS-2210-IFC] (RIN: 0938-A004) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4442. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Definition and Registration of Reverse Distributors [Docket No. DEA-108F] (RIN: 1117-AA19) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

¶105.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the

following titles in which the concurrence of the House is requested:

S. 392. An Act to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 1197. An Act to reauthorize the Violence Against Women Act of 1994.

The message also announced that pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individuals to the United States-China Economic Security and Review Commission: C. Richard D'Amato of Maryland for a term beginning January 1, 2006 and expiring December 31, 2007. William A. Reinsch of Maryland for a term beginning January 1, 2006 and expiring December 31, 2007.

¶105.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 4, 2005, at 3:40 p.m. and said to contain a message from the President whereby he submits a report consistent with section 7422(c)(2) of title 10, United States Code on the continued production of the Naval Petroleum Reserves beyond April 5, 2006.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶105.6 NAVAL PETROLEUM RESERVE PRODUCTION EXTENSION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2006, the expiration date of the currently authorized period of production.

Attached is a copy of the report prepared by my Administration investigating the necessity of continued production of the reserves consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production

from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, October 4, 2005.

By unanimous consent the message, together with the accompanying papers, was referred to the Committee on Armed Services and ordered to be printed (H. Doc. 109-59).

¶105.7 BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the Speaker, pursuant to 10 United States Code 4355(a), and the order of the House of January 4, 2005, appointed the following Members of the House to the Board of Visitors to the United States Military Academy: Mr. HINCHEY and Mrs. TAUSCHER.

¶105.8 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the Speaker, pursuant to 36 United States Code 2301, and the order of the House of January 4, 2005, appointed the following Members of the House to the United States Holocaust Memorial Council: Messrs. LANTOS and WAXMAN.

¶105.9 RECESS—10:22 A.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 22 minutes a.m., subject to the call of the Chair.

¶105.10 AFTER RECESS—2:01 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶105.11 COLIN L. POWELL RESIDENTIAL PLAZA

Mr. MICA moved to suspend the rules and pass the bill of the Senate (S. 1413) to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. MICA and Mr. DEFAZIO, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶105.12 MILLION MAN MARCH CAPITOL GROUNDS AUTHORIZATION

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 161):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR EVENT TO COMMEMORATE 10TH ANNIVERSARY OF MILLION MAN MARCH.

(a) **IN GENERAL.**—Million Man March, Inc. (in this resolution referred to as the “sponsor”) shall be permitted to sponsor a public event on the Capitol Grounds to commemorate the 10th Anniversary of the Million Man March (in this resolution referred to as the “event”).

(b) **DATE OF EVENT.**—The event shall be held on October 15, 2005, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, recognized Mr. **MICA** and Mr. **DEFAZIO**, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶105.13 **EMERGENCY AIRPORT IMPROVEMENT PROJECT GRANTS**

Mr. **MICA** moved to suspend the rules and pass the bill of the Senate (S. 1786) to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, recognized Mr. **MICA** and Mr. **DEFAZIO**, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, announced that two-thirds of the Members present had voted in the affirmative.

Mr. **DEFAZIO** demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.14 **NATIONAL CAMPUS SAFETY AWARENESS MONTH**

Mr. **DUNCAN** moved to suspend the rules and agree to the following resolution (H. Res. 15); as amended:

Whereas college and university campuses are subject to criminal threats both from within and outside their borders;

Whereas under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a total of 86 homicides, 7,648 sex offenses, 9,649 aggravated assaults, and 3,590 arsons were reported on-campus from 2000 to 2002;

Whereas between one fifth and one quarter of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers;

Whereas each year more than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault;

Whereas each year more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;

Whereas 1,400 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;

Whereas each year there is approximately \$2.8 million worth of property damage from fires on-campus;

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Campus Safety Awareness Month.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, recognized Mr. **DUNCAN** and Mr. **DAVIS** of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶105.15 **PANCREATIC CANCER AWARENESS MONTH**

Mr. **DUNCAN** moved to suspend the rules and agree to the following resolution (H. Res. 276):

Whereas over 31,860 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only three to six months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only four percent of patients survive beyond five years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the first national patient advocacy organization serving the pancreatic cancer community, focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Pancreatic Cancer Awareness Month.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, recognized Mr. **DUNCAN** and Mr. **DAVIS** of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, announced that two-thirds of the Members present had voted in the affirmative.

Mr. **DAVIS** of Illinois demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The **SPEAKER** pro tempore, Mrs. **BIGGERT**, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.16 AFRICAN-AMERICAN BASKETBALL TEAMS

Mr. DUNCAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 59):

Whereas, even though African-Americans were excluded from playing in organized white-only leagues, the desire of African-Americans to play basketball could not be repressed;

Whereas, unlike baseball, which had Negro leagues, basketball had no organized black leagues, thus forcing blacks to take to the road out of necessity;

Whereas among the most well-known black barnstorming teams who found their beginnings in the 1920s were the New York Renaissance (or Rens), the Harlem Globetrotters, the New York Enforcers, the Harlem Clowns, the Harlem Road Kings, the Harlem Stars, the Harlem Ambassadors, and the Philadelphia Tribunes;

Whereas, despite the racism they faced, Negro basketball teams overcame great obstacles to play the game before black players were allowed to play in the National Basketball Association in the early 1950s;

Whereas the New York Rens became one of the first great basketball dynasties in the history of the game, compiling a 2,588-539 record in its 27-year existence, winning 88 straight games in the 1932-33 season, and winning the 1939 World Professional Championship;

Whereas the Harlem Globetrotters proved that they were capable of beating professional teams like the World Champions Minneapolis Lakers led by basketball great George Mikan in 1948;

Whereas the barnstorming African-American basketball teams included exceptionally talented players and shaped modern-day basketball by introducing a new style of play predicated on speed, short crisp passing techniques, and vigorous defensive play;

Whereas among the pioneers who played on black barnstorming teams included players such as Tarzan Cooper, Pop Gates, John Isaacs, Willie Smith, Sweetwater Clifton, Ermer Robinson, Bob Douglas, Pappy Ricks, Runt Pullins, Goose Tatum, Marques Haynes, Bobby Hall, Babe Pressley, Bernie Price, Ted Strong, Inman Jackson, Duke Cumberland, Fat Jenkins, Eddie Younger, Lou Badger, Zachary Clayton, Jim Usry, Sonny Boswell, and Pugy Bell;

Whereas the struggles of these players and others paved the way for current African American professional players, who are playing in the National Basketball Association today;

Whereas the style of black basketball was more conducive to a wide open, fast-paced spectator sport;

Whereas, by achieving success on the basketball court, African-American basketball players helped break down the color barrier and integrate African-Americans into all aspects of society in the United States;

Whereas, during the era of sexism and gender barriers, barnstorming African-American basketball was not limited to men's teams, but included women's teams as well, such as the Chicago Romas and the Philadelphia Tribunes;

Whereas only in recent years has the history of African-Americans in team sports begun receiving the recognition it deserves;

Whereas basketball is a uniquely modern and uniquely American sport;

Whereas the Black Legends of Professional Basketball Foundation, founded by former Harlem Globetrotter Dr. John Kline, of Detroit, Michigan, honors and highlights the significant contributions of these pioneers and their impact on professional basketball today; and

Whereas the hard work and efforts of the foundation have been instrumental in bringing African-American inductees into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the teams and players of the barnstorming African-American basketball teams for their achievement, dedication, sacrifices, and contribution to basketball and to the Nation prior to the integration of the white professional leagues;

(2) current National Basketball Association players should pay a debt of gratitude to those great pioneers of the game of basketball and recognize them at every possible opportunity; and

(3) a copy of this resolution be transmitted to the Black Legends of Professional Basketball Foundation, which has recognized and commemorated the achievements of African-American basketball teams, the National Basketball Association, and the Naismith Basketball Hall of Fame.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶105.17 AVA GARDNER POST OFFICE

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 3439) to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.18 HURRICANE KATRINA EMERGENCY HOUSING

Mr. BAKER moved to suspend the rules and pass the bill (H.R. 3894) to provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BAKER and Ms. WATERS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.19 RURAL HOUSING HURRICANE RELIEF

Mr. BAKER moved to suspend the rules and pass the bill (H.R. 3895) to amend title V of the Housing Act of 1949 to provide rural housing assistance to families affected by Hurricane Katrina; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BAKER and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRANK of Massachusetts demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.20 HURRICANE KATRINA EMERGENCY RELIEF CDBG FLEXIBILITY

Mr. BAKER moved to suspend the rules and pass the bill (H.R. 3896) to temporarily suspend, for communities affect by Hurricane Katrina, certain requirements under the community development block grant program; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BAKER and Ms. WATERS, each for 20 minutes.

After debate,

The question being put, *viva voce*, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.21 LIFE AND WORK OF SIMON WIESENTHAL

Mr. SMITH of New Jersey, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 248); as amended:

Whereas Simon Wiesenthal, who was known as the "conscience of the Holocaust", was born on December 31, 1908, in Buczacz, Austria-Hungary, and died in Vienna, Austria, on September 20, 2005, and he dedicated the last 60 years of his life to the pursuit of justice for the victims of the Holocaust;

Whereas, during World War II, Simon Wiesenthal worked with the Polish underground and was interned in 12 different concentration camps until his liberation by the United States Army in 1945 from the Mauthausen camp;

Whereas, after the war, Simon Wiesenthal worked for the War Crimes Section of the United States Army gathering documentation to be used in prosecuting the Nuremberg trials;

Whereas Simon Wiesenthal's investigative work and expansive research was instrumental in the capture and conviction of more than 1,000 Nazi war criminals, including Adolf Eichmann, the architect of the Nazi plan to annihilate European Jewry, and Karl Silberbauer, the Gestapo officer responsible for the arrest and deportation of Anne Frank;

Whereas numerous honors and awards were bestowed upon Simon Wiesenthal, including the Congressional Gold Medal, honorary British Knighthood, the Dutch Freedom Medal, the French Legion of Honor, the World Tolerance Award, and the Jerusalem Medal;

Whereas the Simon Wiesenthal Center was founded in 1977 in Los Angeles and named in honor of Simon Wiesenthal to promote awareness of anti-Semitism, monitor neo-Nazi and other extremist groups, and help bring surviving Nazi war criminals to justice;

Whereas, in 1978, inspired in part by the work of Simon Wiesenthal, the Congress enacted a law to deny citizenship and Federal benefits to former Nazis, and the Office of Special Investigations of the Department of Justice has since conducted more than 1,500 investigations, won 101 cases, and blocked the immigration of 170 individuals, and the work of the Office continues;

Whereas, in keeping with the efforts of Simon Wiesenthal, many governments have responded to the growing tide of anti-Semitism worldwide, elected leaders have spoken out against anti-Semitism, and law enforcement officials and prosecutors have aggressively pursued the perpetrators of anti-Semitic acts; and

Whereas Simon Wiesenthal's legacy teaches that the perpetrators of genocide cannot and will not be allowed to hide from their crimes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the life and work of Simon Wiesenthal to memorialize the victims of the Holocaust and to bring the perpetrators of crimes against humanity to justice;

(2) reaffirms its commitment to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; and

(3) urges all members of the international community to facilitate the investigation and prosecution of surviving Nazi war criminals and to continue documenting and collecting information on Nazi war crimes for archival and historical purposes.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Friday, October 7, 2005.

¶105.22 HURRICANE KATRINA SOCIAL SERVICES EMERGENCY RELIEF

Mr. MCCRERY moved to suspend the rules and pass the bill (H.R. 3971) to provide assistance to individuals and States affected by Hurricane Katrina.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. MCCRERY and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.23 CENTERS FOR MEDICAID AND MEDICARE SERVICES

Mr. DEAL of Georgia moved to suspend the rules and agree to the following resolution (H. Res. 261); as amended:

Whereas chemotherapy for cancer patients is primarily furnished in physician offices and is therefore subject to the revised method for determining payment amounts;

Whereas in 2005 the Medicare program instituted a demonstration project to assess the quality of care for patients undergoing

chemotherapy by collecting data on the impact of chemotherapy on cancer patients' quality of life;

Whereas the demonstration project is a strong effort to improve the quality of cancer treatment by assessing pain, nausea and vomiting, and fatigue;

Whereas the demonstration project reflects a foundation to evaluate important patient services moving forward;

Whereas payment amounts under the demonstration project have mitigated the significant reductions in Medicare support for chemotherapy services that would otherwise have gone into effect;

Whereas reports by the Department of Health and Human Services and the Medicare Payment Advisory Commission regarding any adverse effects from the changes in the reimbursement method for chemotherapy services are not due until late 2005 and January 1, 2006;

Whereas the demonstration project achieves the concurrent objectives of collecting data to improve the quality of cancer care and maintaining financial support for cancer chemotherapy pending the completion and review of studies on the recent reimbursement changes;

Whereas it may be possible to modify the demonstration project to collect additional or different data elements that would make it even more useful in enhancing the quality of cancer care; and

Whereas it is essential that the access of Medicare cancer patients to chemotherapy treatment be maintained and in the strong interest of patients that the quality of their care be assessed and improved: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Centers for Medicare & Medicaid Services should extend through 2006 the Medicare demonstration project to assess the quality of care for patients undergoing chemotherapy, and then thoroughly review the merits of the demonstration project;

(2) the Centers for Medicare & Medicaid Services should use the results of this demonstration project to develop a system to pay for chemotherapy services under Medicare based on the quality of care delivered and the resources used to deliver that care, including physician performance;

(3) the demonstration project should be modified to accumulate even more useful data relating to the quality of care furnished to Medicare patients with cancer, such as the clinical context in which chemotherapy is administered, and patient outcomes; and

(4) payments to physicians for participation in the demonstration project should facilitate continued access of Medicare patients with cancer to chemotherapy treatments of the highest quality.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. DEAL of Georgia and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution expressing the sense of the House of Representatives that the Centers for

Medicare & Medicaid Services should be commended for implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project through 2006, subject to any appropriate modifications."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

105.24 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2360

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 474):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

105.25 S. 1786—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1786) to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the Yeas 420 affirmative Nays 0

105.26 [Roll No. 509] YEAS—420

Table listing names of representatives who voted 'Yeas' for H.R. 2360, including Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burton (IN), Bonilla, Bonilla, Burton (IN), Graves, Green (WI), Green, Al, Green, Gene, Grijalva, Gutierrez, Gutknecht, Hall, Harman, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Cramer, Crenshaw, Cubin, Cuellar, Culberson, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gillmor, Gôngrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Al, Green, Gene, Grijalva, Gutierrez, Gutknecht, Hall, Harman, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McDermott, McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Mica, Michaud, Millender-McDonald, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Murtha, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Ortiz, Osborne, Otter, Owens, Oxley, Pallone, Pascarell, Kaptur, Pastor, Paul, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Pombo, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Radanovich, Rahall, Larson (CT), Rangel, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Roybal-Allard, Ruppelberger, Rush, Ryan (OH), Ryan (WI), Ryan (KS), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Saxton, Schakowsky, Schiff, Schmidt, Schwartz (PA), Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Solis, Souder, Spratt, Stark, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Turner, Udall (CO), Udall (NM), Upton, Van Hollen, Velázquez, Vislosky, Walden (OR), Walsh, Wamp, Wasserman, Schultz, Waters, Watt, Waxman, Weiner, Weldon (FL), Weldon (PA), Weller, Westmoreland, Wexler, Wickert, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Wynn, Young (AK), Young (FL), Boswell, Crowley, Delahunt, Hastings (FL), Linder, Olver, Payne, Poe, Rothman, Royce, Schwarz (MI), Watson, Whitfield

NOT VOTING—13

Table listing names of representatives who did not vote, including Boswell, Crowley, Delahunt, Hastings (FL), Linder, Olver, Payne, Poe, Rothman, Royce, Schwarz (MI), Watson, Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

105.27 H. RES. 276—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 276) supporting the goals and ideals of Pancreatic Cancer Awareness Month.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the Yeas 415 affirmative Nays 0

105.28 [Roll No. 510] YEAS—415

Table listing names of representatives who voted 'Yeas' for H. Res. 276, including Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkeley, Berman, Berry, Biggert, Billirakis, Bishop (GA), Bishop (NY), Bishop (OH), Bishop (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Caputo, Capps, Capuano, Cardoza, Carnahan, Carson, Carter, Case, Castle, Chabot, Chandler, Chocola, Clay, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Conyers, Cooper, Costa, Costello, Cramer, Bishop (NY)

Crenshaw Hyde
 Cubin Inglis (SC)
 Cuellar Insee
 Culberson Israel
 Cummings Issa
 Cunningham Istook
 Davis (AL) Jackson (IL)
 Davis (CA) Jackson-Lee
 Davis (FL) (TX)
 Davis (IL) Jefferson
 Davis (KY) Jenkins
 Davis (TN) Jindal
 Davis, Jo Ann Johnson (CT)
 Davis, Tom Johnson (IL)
 Deal (GA) Johnson, E. B.
 DeFazio Jones (NC)
 DeGette Jones (OH)
 DeLauro Kanjorski
 DeLay Kaptur
 Dent Keller
 Diaz-Balart, L. Kelly
 Diaz-Balart, M. Kennedy (MN)
 Dicks Kennedy (RI)
 Dingell Kildee
 Doggett Kilpatrick (MI)
 Doolittle Kind
 Doyle King (IA)
 Drake King (NY)
 Dreier Kingston
 Duncan Kirk
 Edwards Kline
 Ehlers Knollenberg
 Emanuel Kolbe
 Emerson Kucinich
 Engel Kuhl (NY)
 English (PA) LaHood
 Eshoo Langevin
 Etheridge Lantos
 Evans Larsen (WA)
 Everett Larson (CT)
 Farr Latham
 Fattah LaTourette
 Feeney Leach
 Ferguson Lee
 Filner Levin
 Fitzpatrick (PA) Lewis (GA)
 Flake Lewis (KY)
 Foley Lipinski
 Forbes Lofgren, Zoe
 Ford Lowey
 Fortenberry Lucas
 Fossella Lungren, Daniel
 Foxx E.
 Frank (MA) Lynch
 Franks (AZ) Mack
 Frelinghuysen Maloney
 Gallegly Manullo
 Garrett (NJ) Marchant
 Gerlach Markey
 Gibbons Marshall
 Gilchrist Matheson
 Gillmor Matsui
 Gingrey McCarthy
 Gohmert McCaul (TX)
 Gonzalez McCollum (MN)
 Goode McCotter
 Goodlatte McCrery
 Gordon McDermott
 Granger McGovern
 Graves McHenry
 Green (WI) McHugh
 Green, Al McIntyre
 Green, Gene McKeon
 Grijalva McKinney
 Gutierrez McMorris
 Gutknecht McNulty
 Hall Meehan
 Harman Meek (FL)
 Harris Meeks (NY)
 Hart Melancon
 Hastings (WA) Menendez
 Hayes Mica
 Hayworth Michaud
 Hefley Millender-
 Hensarling McDonald
 Herger Miller (FL)
 Herseth Miller (MI)
 Higgins Miller (NC)
 Hinchey Miller, Gary
 Hinojosa Miller, George
 Hobson Mollohan
 Hoekstra Moore (KS)
 Holden Moore (WI)
 Holt Moran (KS)
 Honda Moran (VA)
 Hooley Murphy
 Hostettler Murtha
 Hoyer Musgrave
 Hulshof Myrick
 Hunter Nadler

Taylor (NC) Van Hollen
 Terry Velázquez
 Thomas Visclosky
 Thompson (CA) Walden (OR)
 Thompson (MS) Walsh
 Thornberry Wamp
 Tiahrt Wasserman
 Tiberi Schultz
 Tierney Waters
 Towns Watt
 Turner Waxman
 Udall (CO) Weiner
 Udall (NM) Weldon (FL)
 Upton Weldon (PA)

Weller
 Westmoreland
 Wexler
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)
 Young (FL)

NOT VOTING—18
 Boswell Linder
 Crowley LoBiondo
 Delahunt Nunes
 Hastings (FL) Olver
 Johnson, Sam Payne
 Lewis (CA) Poe

Edwards
 Ehlers
 Emanuel
 Emerson
 Engel
 English (PA)
 Eshoo
 Etheridge
 Evans
 Everett
 Farr
 Fattah
 Feeney
 Ferguson
 Filner
 Fitzpatrick (PA)
 Flake
 Foley
 Forbes
 Ford
 Fortenberry
 Fossella
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gibbons
 Gilchrist
 Gingrey
 Gohmert
 Gonzalez
 Goode
 Goodlatte
 Gordon
 Granger
 Graves
 Green (WI)
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Gutknecht
 Hall
 Harman
 Harris
 Hart
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Hensarling
 Herger
 Herseth
 Higgins
 Hinchey
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Holt
 Honda
 Hooley
 Hostettler
 Hoyer
 Hulshof
 Hunter

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

105.29 H.R. 3894—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN or Oregon, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3894) to provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing; as amended.

The question being put, Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 418
 affirmative } Nays 0

105.30 [Roll No. 511] YEAS—418

Abercrombie Boren
 Ackerman Boucher
 Aderholt Boustany
 Akin Boyd
 Alexander Bradley (NH)
 Allen Brady (PA)
 Andrews Brady (TX)
 Baca Brown (OH)
 Bachus Brown (SC)
 Baird Brown, Corrine
 Baker Brown-Waite,
 Baldwin Ginny
 Barrett (SC) Burgess
 Barrow Burton (IN)
 Bartlett (MD) Butterfield
 Barton (TX) Buyer
 Bass Calvert
 Bean Camp
 Beauprez Cannon
 Becerra Cantor
 Berkley Capito
 Berman Capps
 Berry Capuano
 Biggert Cardin
 Bilirakis Cardoza
 Bishop (GA) Carnahan
 Bishop (NY) Carson
 Carter Case
 Blackburn Castle
 Blumenauer Chabot
 Blunt Chandler
 Boehlert Chocola
 Boehner Clay
 Bonilla Cleaver
 Bonner Bono
 Bono Clyburn
 Boozman Coble

Knollenberg
 Kolbe
 Kucinich
 Kuhl (NY)
 LaHood
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Lipinski
 LoBiondo
 Lofgren, Zoe
 Lowey
 Lucas
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Manullo
 Marchant
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCrery
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McKinney
 McMorris
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Mica
 Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Israel
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Ortiz
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Paul
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Pombo
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Roybal-Allard
 Ruppberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Saxton
 Schakowsky
 Schiff
 Schmidt
 Schwartz (PA)
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Sodrel
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Strickland
 Stupak
 Sullivan
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Weiner
 Weldon (FL)

Weldon (PA)	Wilson (NM)	Wynn
Weller	Wilson (SC)	Young (AK)
Westmoreland	Wolf	Young (FL)
Wexler	Woolsey	
Wicker	Wu	

NOT VOTING—15

Boswell	Kirk	Rothman
Crowley	Linder	Royce
Delahunt	Olver	Schwarz (MI)
Gillmor	Payne	Watson
Hastings (FL)	Poe	Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina and Hurricane Rita in obtaining housing."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

105.31 HOMELAND SECURITY APPROPRIATIONS FY 2006

Mr. ROGERS of Kentucky, pursuant to House Resolution 474, called up the following conference report (Rept. No. 109-241):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$79,409,000: Provided, That not to exceed \$40,000 shall be for official reception and representation expenses: Provided further, That, not more than 180 days from the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an integrated immigration enforcement strategy to reduce the number of undocumented aliens by ten percent per year based on the most recent United States Census Bureau data.

OFFICE OF SCREENING COORDINATION AND OPERATIONS

For necessary expenses of the Office of Screening Coordination and Operations, \$4,000,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701-705 of the Homeland Security Act of 2002 (6 U.S.C. 341-345), \$168,835,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, \$26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$19,405,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$297,229,000; of which \$75,756,000 shall be available for salaries and expenses; and of which \$221,473,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days from the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded by the "Office of the Chief Information Officer", or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 180 days from the date of enactment of this Act, a report that has been approved by the Office of Management and Budget and reviewed by the Government Accountability Office that includes: (1) an enterprise architecture, (2) an Information Technology Human Capital Plan, (3) a capital investment plan for implementing the enterprise architecture, and (4) a description of the information technology capital planning and investment control process.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. et seq.), \$255,495,000, to remain available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$83,017,000, of which not to exceed \$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, \$159,658,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad, \$4,826,323,000; of which \$3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$163,560,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent

excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, \$10,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives all required reports related to air and marine operations: Provided further, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, \$456,000,000, to remain available until expended, of which not less than \$320,000,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$400,231,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and

immigration, \$270,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$35,000,000 shall be available for the San Diego sector fence; \$35,000,000 shall be available for Tucson sector tactical infrastructure; and \$26,000,000 shall be available for the Advanced Training Center.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles; \$3,108,499,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than \$203,000 shall be for Project Alert; of which not less than \$5,000,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the amounts appropriated, \$5,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a national detention management plan, including the use of regional detention contracts and alternatives to detention.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed \$487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$40,150,000, to remain available until expended: Provided, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$4,607,386,000, to remain available until September 30, 2007, of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$3,605,438,000 shall be for screening operations, of which \$175,000,000 shall be available only for procurement of checked baggage explosive detection systems and \$45,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed \$1,001,948,000 shall be for aviation security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$2,617,386,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2007: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and 90 percent for any other airport, and all funding provided by section 44923(h) of title 49 United States Code, or from appropriations authorized under section 44923(i)(1) of title 49 United States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That heads of Federal agencies and commissions shall not be exempt from Federal passenger and baggage screening: Provided further, That reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$36,000,000, to remain available until September 30, 2007.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Vetting and Credentialing, \$74,996,000, to remain available until September 30, 2007.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$510,483,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$5,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives: (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and reduce long-term costs; and (2) a detailed expenditure plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: Provided further, That these plans shall be submitted no later than 60 days from the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$686,200,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note); and recreation and welfare; \$5,492,331,000, of which \$1,200,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

In addition, of the funds appropriated under this heading in Public Law 108-11 (117 Stat. 583), \$15,103,569 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, \$12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,141,800,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$18,500,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$20,000,000 shall be available until September 30, 2010, to in-

crease aviation capability; of which \$65,000,000 shall be available until September 30, 2008, for other equipment; of which \$31,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which \$73,500,000 shall be available for personnel compensation and benefits and related costs; and of which \$933,100,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2007 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; an explanation of why many assets that are elements of the Integrated Deepwater System are not accounted for within the Deepwater appropriation under this heading; a description of the competitive process conducted in all contracts and subcontracts exceeding \$5,000,000 within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$15,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and oper-

ation of facilities and equipment; as authorized by law; \$17,750,000, to remain available until expended, of which \$2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,208,310,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,389,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$5,500,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2007: Provided further, That of the total amount appropriated, not less than \$2,500,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND
RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, \$16,079,000: Provided, That not to exceed \$7,000 shall be for official reception and representation expenses.

OFFICE FOR DOMESTIC PREPAREDNESS

SALARIES AND EXPENSES

For necessary expenses for the Office for Domestic Preparedness, \$5,000,000.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, \$2,501,300,000, which shall be allocated as follows:

(1) \$550,000,000 for formula-based grants and \$400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days from the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) \$1,155,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) \$765,000,000 shall be for use in high-threat, high-density urban areas: Provided, That \$25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code) determined by the Secretary to be at high-risk of international terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: Provided further, That the Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives the threat to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

(B) \$175,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(C) \$5,000,000 shall be for trucking industry security grants;

(D) \$10,000,000 shall be for intercity bus security grants;

(E) \$150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) \$50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days from the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by

the State to local governments within 60 days after the receipt of the funds.

(3) \$50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) \$346,300,000 for training, exercises, technical assistance, and other programs: Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed \$1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the proceeding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed: Provided further, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office for Domestic Preparedness shall issue the final National Preparedness Goal no later than December 31, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not submitted to the Office for Domestic Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005: Provided further, That the Government Accountability Office shall review the validity of the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds, and report to the Committees on Appropriations of the Senate and the House of Representatives on the findings of its review by November 17, 2005: Provided further, That within seven days from the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the threat and risk methodology and factors that will be used to allocate discretionary grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$655,000,000, of which \$545,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and \$110,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$185,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS
PROGRAM

The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, in-

cluding administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND
TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by 15 U.S.C. 2201 et seq. and 6 U.S.C. 101 et seq., \$44,948,000.

INFRASTRUCTURE PROTECTION AND INFORMATION
SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$625,499,000, of which \$542,157,000 shall remain available until September 30, 2007.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, \$2,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

FEDERAL EMERGENCY MANAGEMENT
AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, \$221,240,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

PREPAREDNESS, MITIGATION, RESPONSE, AND
RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities, \$204,058,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, \$20,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed \$1,600,000 may be made available for administrative costs.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$34,000,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,770,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND
(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed \$40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed \$10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed \$99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to \$40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2006, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$660,148,000 for commissions and taxes of agents; and (3) \$30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$40,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$50,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT,
TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES

For necessary expenses for citizenship and immigration services, \$115,000,000: Provided, That the Director of United States Citizenship and Immigration Services shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days from the date of enactment of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER
SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$194,000,000, of which up to \$42,119,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed \$12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$88,358,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$81,099,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$1,420,997,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$23,000,000 is available to select a site for the National Bio and Agrodefense Facility and perform other pre-construction activities to establish research capabilities to protect animal and public health from high consequence animal and zoonotic diseases in support of Homeland Security Presidential Directives 9 and 10: Provided further, That of the amount provided under this heading, \$318,014,000 shall be for activities of the Domestic Nuclear Detection Office, of which \$125,000,000 shall be for the purchase and de-

ployment of radiation portal monitors for United States ports of entry and of which no less than \$81,000,000 shall be for radiological and nuclear research and development activities: Provided further, That excluding the funds made available under the preceding proviso for radiation portal monitors, \$144,760,500 of the total amount made available under this heading by the Domestic Nuclear Detection Office shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the Domestic Nuclear Detection Office: Provided further, That the expenditure plan shall include funding by program, project, and activity for each of fiscal years 2006 through 2010 prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as

otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

(e) Hereafter, notwithstanding any other provision of law, notifications pursuant to this section or any other authority for reprogramming or transfer of funds shall be made solely to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in section 6024 of Public Law 109-13, excluding the Homeland Secure Data Network: Provided, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. The Secretary of Homeland Security shall take all actions necessary to ensure that the Department of Homeland Security is in compliance with the second proviso of section 513 of Public Law 108-334 and shall report to the Committees on Appropriations of the Senate and House of Representatives biweekly beginning on October 1, 2005, on any reasons for non-compliance: Provided, That, furthermore, the Secretary shall take all possible actions, including the procurement of certified systems to inspect and screen air cargo on passenger aircraft, to increase the level of air cargo inspected beyond that mandated in section 513 of Public Law 108-334 and shall report to the Committees on Appropriations of the Senate and the House of Representatives every six months on the actions taken and the percentage of air cargo inspected at each airport.

SEC. 514. Notwithstanding section 3302 of title 31, United States Code, for fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 515. For fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has

authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

SEC. 517. Hereafter, notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 519. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 521. None of the funds appropriated by this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 522. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 523. The Department of Homeland Security processing and data storage facilities at the John C. Stennis Space Center shall hereafter be known as the "National Center for Critical Information Processing and Storage".

SEC. 524. The Secretary, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 525. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: Provided, That beginning with November 2005, TSA shall provide a monthly report to the Committees on Appropriations of the Senate and the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

SEC. 526. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: Provided, That no funding can be obligated for the next phase of production until the Committees on Appropriations of the Senate and the House of Representatives have been fully briefed on the results of the prototype phase and agree that the program should move forward.

SEC. 527. (a) From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 108-10) accompanying Public Law 108-7 for the 110-123 foot patrol boat upgrade, the Joint Explanatory Statement (House Report 108-280) accompanying Public Law 108-90 for the Fast Response Cutter/110-123 foot patrol boat conversion, and in the Joint Explanatory Statement (House Report 108-774) accompanying Public Law 108-334 for the Integrated Deepwater System patrol boats 110-123 foot conversion, \$78,630,689 are rescinded.

(b) For necessary expenses of the United States Coast Guard for "Acquisition, Construction, and Improvements", an additional \$78,630,689, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and accelerated design and production of the Fast Response Cutter.

SEC. 528. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program and the transportation worker identification credential program for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

SEC. 529. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared pursuant to paragraph (5) of such section.

SEC. 530. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) or anyone acting in a similar or like capacity who has not received COTR training.

SEC. 531. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security" and "Administration" in fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems: Pro-

vided, That these funds shall be subject to section 503 of this Act.

SEC. 532. Not later than 60 days from the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a survey of all ports of entry in the United States and designate an airport as a port of entry in each State that does not have a port of entry.

SEC. 533. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program the costs sufficient to enable the city to repair and upgrade all damaged and undamaged elements of the Carnegie Library in the City of Paso Robles, California, which was damaged by the 2003 San Simeon earthquake, so that the library is brought into conformance with all local code requirements for new construction: Provided, That the appropriate Federal share shall apply to approval for this project.

SEC. 534. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program costs for the damage to canals and wooden flumes, which was incurred during a 1996 storm and subsequent mudslide in El Dorado County, California, to the El Dorado Irrigation District, based on fifty percent of the costs of the Improved Project for the Mill Creek to Bull Creek tunnel proposed in a November 2001 Carleton Engineering Report: Provided, That the appropriate Federal share shall apply to approval for this project.

SEC. 535. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program the costs sufficient to enable replacement of research and education materials and library collections and for other non-covered losses at the University of Hawaii Manoa campus, Hawaii, resulting from an October 30, 2004, flood event.

SEC. 536. Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by striking "the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f))," and inserting "the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), and the pressing of apples for cider on a farm."

SEC. 537. Using funds made available in this Act, the Secretary of Homeland Security shall provide that each office within the Department that handles documents marked as Sensitive Security Information (SSI) shall have at least one employee in that office with authority to coordinate and make determinations on behalf of the agency that such documents meet the criteria for marking as SSI: Provided, That not later than December 31, 2005, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives: (1) Department-wide policies for designating, coordinating and marking documents as SSI; (2) Department-wide auditing and accountability procedures for documents designated and marked as SSI; (3) the total number of SSI Coordinators within the Department; and (4) the total number of staff authorized to designate SSI documents within the Department: Provided further, That not later than January 31, 2006, the Secretary shall provide to the Committees on Appropriations of the Senate and the House of Representatives the title of all DHS documents that are designated as SSI in their entirety during the period October 1, 2005, through December 31, 2005: Provided further, That not later than January 31 of each succeeding year, starting on January 31, 2007, the Secretary shall provide annually a similar report to the Committees on Appropriations of the Senate and the House of Representatives on the titles of all DHS documents that are designated as SSI in their entirety during the period of January 1 through

December 31 for the preceding year: Provided further, That the Secretary shall promulgate guidance that includes common but extensive examples of SSI that further define the individual categories of information cited under 49 CFR 1520(b)(1) through (16) and eliminates judgment by covered persons in the application of the SSI marking: Provided further, That such guidance shall serve as the primary basis and authority for the marking of DHS information as SSI by covered persons.

SEC. 538. For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (Division B of Public Law 109-13), \$40,000,000, to remain available until expended: Provided, That of the funds provided under this section, \$34,000,000 may not be obligated or allocated for grants until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an implementation plan for the responsibilities of the Department of Homeland Security under the REAL ID Act of 2005 (Division B of Public Law 109-13), including the proposed uses of the grant monies: Provided further, That of the funds provided under this section, not less than \$6,000,000 shall be made available within 60 days from the date of enactment of this Act to States for pilot projects on integrating hardware, software, and information management systems.

SEC. 539. For activities related to the Department of Homeland Security Working Capital Fund, subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note), is amended by striking "October 1, 2005" and inserting "October 1, 2006".

SEC. 540. For fiscal year 2006 and thereafter, notwithstanding section 553 of title 5, United States Code, the Secretary of Homeland Security shall impose a fee for any registered traveler program undertaken by the Department of Homeland Security by notice in the Federal Register, and may modify the fee from time to time by notice in the Federal Register: Provided, That such fees shall not exceed the aggregate costs associated with the program and shall be credited to the Transportation Security Administration registered traveler fee account, to be available until expended.

SEC. 541. A person who has completed a security awareness training course approved by or operated under a cooperative agreement with the Department of Homeland Security using funds made available in fiscal year 2006 and thereafter or in any prior appropriations Acts, who is enrolled in a program recognized or acknowledged by an Information Sharing and Analysis Center, and who reports a situation, activity or incident pursuant to that program to an appropriate authority, shall not be liable for damages in any action brought in a Federal or State court which result from any act or omission unless such person is guilty of gross negligence or willful misconduct.

SEC. 542. Of the unobligated balances available in the "Department of Homeland Security Working Capital Fund", \$15,000,000 are rescinded.

SEC. 543. Of the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security", \$5,500,000 are rescinded.

SEC. 544. Of funds made available for the United States Coast Guard in previous appropriations Acts, \$6,369,118 are rescinded, as follows: (1) \$499,489 provided for "Coast Guard, Acquisition, Construction, and Improvements" in Public Law 105-277; (2) \$87,097 provided for "Coast Guard, Operating Expenses" in Public Law 105-277; (3) \$269,217 provided for "Coast Guard, Acquisition, Construction, and Improvements" in Public Law 106-69; and (5) \$5,505,000 for "Coast Guard, Acquisition, Construction, and Improvements" in Public Law 108-90.

SEC. 545. Of the unobligated balances from prior year appropriations made available for the

“Counterterrorism Fund”, \$8,000,000 are rescinded.

SEC. 546. Of the unobligated balances from prior year appropriations made available for Science and Technology “Research, Development, Acquisition, and Operations”, \$20,000,000 are rescinded.

SEC. 547. SECURITY SCREENING OPT-OUT PROGRAM. Section 44920 of title 49, United States Code, is amended by adding at the end the following:

“(g) OPERATOR OF AIRPORT.—Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

“(1) such airport operator’s decision to submit an application to the Secretary of Homeland Security under subsection (a) or section 44919 or such airport operator’s decision not to submit an application; and

“(2) any act of negligence, gross negligence, or intentional wrongdoing by—

“(A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary’s designee; or

“(B) employees of the Federal Government providing passenger and property security screening services at the airport.

“(3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.”

SEC. 548. The weekly report required by Public Law 109-62 detailing the allocation and obligation of funds for “Disaster Relief” shall include: (1) detailed information on each allocation, obligation, or expenditure that totals more than \$50,000,000, categorized by increments of not larger than \$50,000,000; (2) the amount of credit card purchases by agency and mission assignment; (3) obligations, allocations, and expenditures, categorized by agency, by State, and for New Orleans, and by purpose and mission assignment; (4) status of the Disaster Relief Fund; and (5) specific reasons for all waivers granted and a description of each waiver: Provided, that the detailed information required by paragraph (1) shall include the purpose; whether the work will be performed by a governmental agency or a contractor; and, if the work is to be performed by a contractor, the name of the contractor, the type of contract let, and whether the contract is sole-source, full and open competition, or limited competition.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2006”.

And the Senate agree to the same.

HAROLD ROGERS, ZACH WAMP, TOM LATHAM, JO ANN EMERSON, JOHN E. SWEENEY, JIM KOBLE, ERNEST J. ISTOOK, JR., RAY LAHOOD, ANDER CRENSHAW, JOHN R. CARTER, JERRY LEWIS, MARTIN OLAV SABO, DAVID E. PRICE, JOSÉ E. SERRANO, LUCILLE ROYBAL-ALLARD, SANFORD D. BISHOP, CHET EDWARDS,

Managers on the Part of the House.

JUDD GREGG,

THAD COCHRAN, TED STEVENS, ARLEN SPECTER, PETE DOMENICI, RICHARD SHELBY, LARRY CRAIG, ROBERT F. BENNETT, WAYNE ALLARD, ROBERT C. BYRD, DANIEL K. INOUE, PATRICK J. LEAHY, BARBARA A. MIKULSKI, HERB KOHL, HARRY REID, DIANNE FEINSTEIN,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 347 affirmative } { Nays 70

105.32

[Roll No. 512]

YEAS—347

Ackerman, Aderholt, Akin, Alexander, Bachus, Baird, Baker, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Berkley, Berman, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (OH), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Capito, Cardin, Cardoza, Carnahan, Carson, Carter, Case, Castle, Chabot, Chandler,

Chocola, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Costa, Cramer, Crenshaw, Cubin, Cuellar, Culberson, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doolittle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Everett, Farr, Feeney, Ferguson, Fitzpatrick (PA), Foley, Forbes, Fortenberry, Fossella, Foy, Fox, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach,

Gibbons, Gilchrest, Gillmor, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Al, Green, Gene, Gutknecht, Hall, Harman, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Hobson, Hoekstra, Holden, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Hyde, Insee, Israel, Issa, Istook, Jackson-Lee (TX), Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI),

Kildee, Kilpatrick (MI), King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Latham, LaTourette, Leach, Levin, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Mack, Manzullo, Marchant, Marshall, Matheson, Matsui, McCarthy, McCaul (TX), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, McNulty, Meek (FL), Meeks (NY), Melancon, Mica, Millender-McDonald, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Mollohan, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Murtha,

Musgrave, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Ortiz, Osborne, Otter, Oxley, Pascrell, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Pombo, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Radanovich, Rahall, Ramstad, Rangel, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Udall (NM), Rohrabacher, Ros-Lehtinen, Ross, Roybal-Allard, Ruppersberger, Ryan (OH), Ryan (WI), Ryun (KS), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Saxton, Schiff, Schmidt, Schwartz (PA), Scott (GA), Scott (VA),

NAYS—70

Abercrombie, Allen, Andrews, Baca, Baldwin, Becerra, Berry, Blumenauer, Brady (PA), Brown, Corrine, Capps, Capuano, Clay, Conyers, Cooper, Costello, Davis (IL), DeGette, DeLauro, Doyle, Fattah, Filner, Flake, Ford,

Frank (MA), Grijalva, Gutierrez, Hinchey, Holt, Honda, Jackson (IL), Jones (OH), Kind, Kucinich, Larson (CT), Lee, Lewis (GA), Lynch, Maloney, Markey, McCollum (MN), McDermott, McGovern, McKinney, Meehan, Menendez, Michaud, Miller, George,

NOT VOTING—16

Boswell, Crowley, Delahunt, Evans, Hastings (FL), Inglis (SC),

Oliver, Payne, Poe, Rothman, Royce, Schwarz (MI),

Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Solis, Souder, Spratt, Stearns, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Towns, Turner, Udall (CO), Udall (NM), Upton, Van Hollen, Visclosky, Walden (OR), Walsh, Wamp, Weiner, Weldon (FL), Weldon (PA), Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Wynn, Young (FL),

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was

Jones (NC)	Miller, Gary	Schiff
Jones (OH)	Miller, George	Schmidt
Kanjorski	Mollohan	Schwartz (PA)
Kaptur	Moore (KS)	Scott (GA)
Keller	Moore (WI)	Scott (VA)
Kelly	Moran (KS)	Sensenbrenner
Kennedy (MN)	Moran (VA)	Serrano
Kennedy (RI)	Murphy	Sessions
Kildee	Murtha	Shadegg
Kilpatrick (MI)	Musgrave	Shaw
Kind	Myrick	Shays
King (IA)	Nadler	Sherman
King (NY)	Napolitano	Sherwood
Kingston	Neugebauer	Shimkus
Kirk	Ney	Shuster
Kline	Northup	Simmons
Knollenberg	Norwood	Simpson
Kolbe	Nunes	Skelton
Kucinich	Nussle	Slaughter
Kuhl (NY)	Oberstar	Smith (NJ)
LaHood	Obey	Smith (TX)
Langevin	Ortiz	Smith (WA)
Lantos	Osborne	Snyder
Larsen (WA)	Otter	Sodrel
Larson (CT)	Owens	Solis
Latham	Oxley	Souder
LaTourette	Pallone	Spratt
Leach	Pascrell	Stearns
Lee	Pastor	Stupak
Levin	Paul	Sullivan
Lewis (CA)	Pearce	Sweeney
Lewis (GA)	Pelosi	Tancredo
Lewis (KY)	Pence	Tanner
Linder	Peterson (MN)	Tauscher
Lipinski	Peterson (PA)	Taylor (MS)
LoBiondo	Petri	Taylor (NC)
Lofgren, Zoe	Pickering	Terry
Lowe	Pitts	Thomas
Lucas	Platts	Thompson (CA)
Lungren, Daniel E.	Pombo	Thompson (MS)
Lynch	Pomeroy	Thornberry
Mack	Porter	Tiahrt
Maloney	Price (GA)	Tiberi
Manzullo	Price (NC)	Tierney
Marchant	Pryce (OH)	Towns
Markey	Putnam	Turner
Marshall	Radanovich	Udall (CO)
Matheson	Rahall	Udall (NM)
Matsui	Ramstad	Upton
McCarthy	Rangel	Van Hollen
McCaul (TX)	Regula	Velázquez
McCollum (MN)	Rehberg	Visclosky
McCotter	Reichert	Walden (OR)
McCrery	Renzi	Walsh
McDermott	Reyes	Wamp
McGovern	Reynolds	Wasserman
McHenry	Rogers (AL)	Schultz
McHugh	Rogers (KY)	Waters
McIntyre	Rogers (MI)	Watt
McKeon	Rohrabacher	Waxman
McKinney	Ros-Lehtinen	Weiner
McMorris	Ross	Weldon (FL)
McNulty	Roybal-Allard	Weldon (PA)
Meehan	Ruppersberger	Wexler
Meek (FL)	Rush	Weller
Meeks (NY)	Ryan (OH)	Westmoreland
Melancon	Ryan (WI)	Whitfield
Menendez	Ryun (KS)	Wicker
Mica	Sabo	Wilson (NM)
Michaud	Salazar	Wolf
Millender-McDonald	Sánchez, Linda T.	Woolsey
Miller (FL)	Sanchez, Loretta	Wu
Miller (MI)	Sanders	Wynn
Miller (NC)	Saxton	Young (FL)
	Schakowsky	

NOT VOTING—18

Boswell	Neal (MA)	Schwarz (MI)
Crowley	Oliver	Stark
Delahunt	Payne	Strickland
Evans	Poe	Watson
Hastings (FL)	Rothman	Wilson (SC)
Inglis (SC)	Royce	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to temporarily suspend, for communities affected by Hurricane Katrina or Hurricane Rita, certain requirements under the community development block grant program."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.37 PROVIDING FOR THE CONSIDERATION OF H.R. 3893

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-245) the resolution (H. Res. 481) providing for consideration of the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶105.38 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 392. An Act to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces; to the Committee on Financial Services.

¶105.39 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1413. An Act to redesignate the Crowne Plaza in Kingston, Jamaica as the Colin L. Powell Residential Plaza.

¶105.40 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 3, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 3863. An Act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

¶105.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DELAHUNT, for today and October 7;

To Mr. CROWLEY, for today;

To Mr. POE, for today after 2 p.m.; and

To Mr. ROYCE, for today and October 7.

And then,

¶105.42 ADJOURNMENT

On motion of Mr. RYAN of Ohio, at midnight, the House adjourned.

¶105.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 3893. A bill to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes; with an amendment (Rept. 109-244, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 481. Resolution providing for the consideration of the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes (Rept. 109-245). Referred to the House Calendar.

¶105.44 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on Transportation and Infrastructure, Armed Forces, and Resources discharged for further consideration. H.R. 3893 referred to the Committee of the Whole House on the State of the Union.

¶105.45 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. INSLEE, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. KUCINICH, Mr. BLUMENAUER, Mr. GRIJALVA, and Mr. ANDREWS):

H.R. 3968. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. BLUNT (for himself, Mr. CARDOZA, Mr. BONNER, Mr. ROGERS of Alabama, Mr. PICKERING, and Mr. WICKER):

H.R. 3969. A bill to provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in responding to federally declared disasters; to the Committee on Agriculture.

By Mr. ISSA:

H.R. 3970. A bill to amend title 28, United States Code, to provide liability protections for certain pandemics and countermeasures; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. MCCRERY, Mr. JINDAL, Mr. BAKER, and Mr. BOUSTANY):

H.R. 3971. A bill to provide assistance to individuals and States affected by Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HART (for herself and Ms. MILLENDER-MCDONALD):

H.R. 3972. A bill to provide effective training and education programs for displaced homemakers, single parents, and individuals entering nontraditional employment; to the Committee on Education and the Workforce.

By Mr. UDALL of New Mexico (for himself, Mr. GRIJALVA, and Mr. RAHALL):

H.R. 3973. A bill to authorize the Forest Service and the Bureau of Land Management to carry out a series of pilot projects to encourage collaborative approaches to, and to provide research on, the rehabilitation of forest ecosystem health following uncharacteristic disturbances of forested Federal lands, to be conducted in a manner that protects wildlife habitat, water quality, and forest resiliency while also promoting social and economic opportunities in nearby communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS (for himself, Mr. HAYES, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. HINOJOSA, Mr. HOLDEN, and Mr. JENKINS):

H.R. 3974. A bill to prohibit the closure or relocation of county or local Farm Service Agency offices pending the completion of the next omnibus agriculture law; to the Committee on Agriculture.

By Mr. JINDAL (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. CASTLE, Mr. WILSON of South Carolina, Mr. PORTER, Mr. BOUSTANY, Mr. ALEXANDER, Mr. MCCREERY, and Mr. PICKERING):

H.R. 3975. A bill to ease the provision of services to individuals affected by Hurricanes Katrina and Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. PORTER, Mr. JINDAL, Mr. ALEXANDER, Mr. BAKER, Mr. MCCREERY, and Mr. PICKERING):

H.R. 3976. A bill to accelerate the reemployment and employment of individuals affected by Hurricanes Katrina and Rita by establishing grants to eligible entities to provide worker recovery accounts to eligible individuals; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3977. A bill to require owners of property to test and disclose the water quality of qualified wells before selling or leasing the property, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEAUPREZ:

H.R. 3978. A bill to authorize the Secretary of Energy to purchase certain essential mineral rights and resolve natural resource damage liability claims; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself and Mr. RAMSTAD):

H.R. 3979. A bill to suspend temporarily the provisions of title 5, United States Code, relating to the mandatory separation of members of the Capitol Police by reason of age or years of service; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mrs. CAPPS, Mr. PALLONE, Mr. BOUCHER, and Ms. BALDWIN):

H.R. 3980. A bill to amend title XIX of the Social Security Act to improve the qualified

Medicare beneficiary (QMB) and specified low-income Medicare beneficiary (SLMB) programs within the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE:

H.R. 3981. A bill to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 3982. A bill to establish a pilot program to eliminate certain restrictions on eligible certified development companies; to the Committee on Small Business.

By Mr. ENGLISH of Pennsylvania:

H.R. 3983. A bill to amend the Internal Revenue Code of 1986 to provide incentives to restore and increase oil and natural gas production; to the Committee on Ways and Means.

By Ms. GRANGER:

H.R. 3984. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mr. SHAYS, Mr. SKELTON, Mr. CASTLE, Mr. CONYERS, Mr. HOYER, Mr. DICKS, and Mrs. TAUSCHER):

H.R. 3985. A bill to provide standards for the treatment of persons under custody or control of the United States Government, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. TERRY):

H.R. 3986. A bill to require the Secretary of Energy to conduct a study on the potential fuel savings from intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays; to the Committee on Energy and Commerce.

By Mr. JINDAL:

H.R. 3987. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for Hurricane Katrina recovery in the Gulf Opportunity Zone; to the Committee on Ways and Means.

By Mr. JINDAL (for himself, Mr. BAKER, Mr. MCCREERY, Mr. ALEXANDER, and Mr. BOUSTANY):

H.R. 3988. A bill to provide for priority in Federal contracting for businesses in areas adversely affected by Hurricane Katrina and Hurricane Rita and treatment of small business concerns adversely affected by Hurricane Katrina and Hurricane Rita as HUBZone small business concerns, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE (for himself, Mr. GUTKNECHT, Mr. RAMSTAD, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. SABO, and Ms. MCCOLLUM of Minnesota):

H.R. 3989. A bill to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office"; to the Committee on Government Reform.

By Mr. LANGEVIN:

H.R. 3990. A bill to suspend temporarily the duty on Pigment Yellow 219; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3991. A bill to suspend temporarily the duty on Pigment Blue 80; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3992. A bill to extend the temporary suspension of duty on Solvent Blue 104; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3993. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3994. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3995. A bill to extend the temporary suspension of duty on 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 3996. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Ms. HOOLEY, Mr. CASTLE, Ms. PRYCE of Ohio, and Mr. MOORE of Kansas):

H.R. 3997. A bill to amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes; to the Committee on Financial Services.

By Ms. MCKINNEY:

H.R. 3998. A bill to provide farm debt and program relief to African-American farmers who suffered discrimination in the administration of Department of Agriculture farm credit programs and other agriculture programs, and for other purposes; to the Committee on Agriculture.

By Ms. MILLENDER-McDONALD:

H.R. 3999. A bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself and Mr. OSBORNE):

H.R. 4000. A bill to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 4001. A bill to temporarily waive the restriction on highway use in applying the tax exemption for diesel fuel used on a farm for farming purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4002. A bill to ensure that a private for-profit nursing home affected by a major disaster receives the same reimbursement as a public nursing home affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 4003. A bill to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4004. A bill to reduce the price of gasoline by allowing for offshore drilling, eliminating Federal obstacles to constructing refineries and providing incentives for investment in refineries, suspending Federal fuel taxes when gasoline prices reach a benchmark amount, and promoting free trade; to the Committee on Ways and Means, and in addition to the Committees on Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself, Mr. MEEK of Florida, Ms. SLAUGHTER, Mr. LATOURETTE, Mr. BRADY of Pennsylvania, Ms. HOOLEY, Mr. HIGGINS, Mr. STUPAK, Mr. SMITH of Washington, and Mr. McNULTY):

H.R. 4005. A bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. TANNER):

H.R. 4006. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Ms. KILPATRICK of Michigan, Mr. BOUCHER, Mr. MCGOVERN, Mr. MICHAUD, Mrs. CAPPS, Mr. JEFFERSON, Mr. PAYNE, and Mr. EVANS):

H.R. 4007. A bill to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for a period of two years to members of the Armed Forces (including members of the National Guard serving under State authority) who serve in areas affected by Hurricane Katrina and Hurricane Rita, to provide for the Secretary of Veterans Affairs and the Secretary of Defense to enter into an agreement with the National Academy of Sciences to survey and assess the potential health consequences of service by members in those areas, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. BEAPREZ, Mr. HOLT, Mr. SIMPSON, Mr. CONYERS, Mr. FOSSELLA, Mr. HIGGINS, Mr. BASS, Mr. PRICE of North Carolina, Mr. ROHRBACHER, Mr. GRAVES, Mr. RAMSTAD, Mr. COBLE, and Mrs. MUSGRAVE):

H.R. 4008. A bill to posthumously award a Congressional gold medal on behalf of each person aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi (for himself, Ms. HARMAN, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. PASCRELL, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. DEFazio, Mr. MEEK of Florida, Mr. DICKS, Mr. ETHERIDGE, and Mrs. LOWEY):

H.R. 4009. A bill to direct the Secretary of Homeland Security to conduct comprehensive examinations of the human resource capabilities and needs, organizational structure, innovation and improvement plans, intelligence and information analysis capabilities and resources, infrastructure capabilities and resources, budget, and other elements of the homeland security program and policies of the United States; to the Committee on Homeland Security, and in addition to the Committees on Intelligence (Permanent Select), and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

tion to the Committees on Intelligence (Permanent Select), and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Ms. CARSON, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. KANJORSKI, Mr. MCINTYRE, Mr. PALLONE, and Mr. WEXLER):

H.R. 4010. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. MICHAUD, and Mr. BURTON of Indiana):

H.R. 4011. A bill to prohibit after 2008 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOEHLERT (for himself, Mr. GORDON, Mr. KING of New York, Mr. THOMPSON of Mississippi, and Mr. HONDA):

H. Con. Res. 259. Concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Science.

By Mr. HOLT:

H. Con. Res. 260. Concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. WATSON, Mr. MEEKS of New Jersey, Mr. RANGEL, and Ms. LEE):

H. Con. Res. 261. Concurrent resolution paying tribute to the Africa-America Institute (AAI) for its more than 50 years of dedicated service toward nurturing and unleashing the productive capacities of knowledgeable, capable, and effective African leaders through education; to the Committee on International Relations.

By Ms. SOLIS (for herself, Ms. PELOSI, Mr. McDERMOTT, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. REYES, Mr. ORTIZ, Mr. HONDA, Mr. PALLONE, Mrs. JONES of Ohio, Mrs. MCCARTHY, Mr. WAXMAN, Mr. LANTOS, Mr. GUTIERREZ, Mr. CUELLAR, Mr. MORAN of Virginia, Ms. MILLENDER-McDONALD, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. SHERMAN, Ms. NORTON, Mr. CONYERS, Mr. BERMAN, Mr. TOWNS, Mr. CROWLEY, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Ms. LEE, Mr. LEWIS of Georgia, Mr. PAYNE, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. WYNN, Ms. WOOLSEY, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. BECERRA, Mr. HINCHEY, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. COSTA, Mr. MENENDEZ, Mr. FORTUÑO, Mrs. BONO, Mr. SCHIFF, Mr. ENGEL, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. KILDEE, Mr. AL GREEN of Texas, Ms. CORRINE BROWN

of Florida, Mrs. CAPPS, Ms. BALDWIN, and Mr. PASTOR):

H. Con. Res. 262. Concurrent resolution supporting the observance of National Latino AIDS Awareness Day on October 15th, 2005, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 479. A resolution recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary; to the Committee on International Relations.

By Mr. DREIER (for himself and Ms. SLAUGHTER):

H. Res. 480. A resolution permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center; to the Committee on Rules.

By Ms. HERSETH:

H. Res. 482. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD:

H. Res. 483. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week; to the Committee on Government Reform.

By Mr. PORTER (for himself, Mrs. BIGGERT, Mr. OSBORNE, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. GRIJALVA, and Mr. VAN HOLLEN):

H. Res. 484. A resolution supporting efforts to promote greater awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. BLUNT, Mr. LARSEN of Washington, Mr. TURNER, Mr. BURTON of Indiana, Ms. GRANGER, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. CALVERT, Mr. CANNON, Mr. PETERSON of Pennsylvania, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. LATHAM, and Mr. TERRY):

H. Res. 485. A resolution supporting the goals of Red Ribbon Week; to the Committee on Energy and Commerce.

105.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. MUSGRAVE, Mr. EDWARDS, and Mr. MATHESON.
 H.R. 25: Mr. HUNTER.
 H.R. 49: Mr. ROTHMAN.
 H.R. 97: Mr. SCOTT of Virginia and Mr. MILLER of North Carolina.
 H.R. 110: Mr. BISHOP of New York.
 H.R. 111: Mr. POMBO.
 H.R. 179: Mr. HENSARLING.
 H.R. 180: Mr. CANNON.
 H.R. 198: Mr. LYNCH.
 H.R. 224: Mr. LANTOS, Mr. RUPPERSBERGER, Mr. ETHERIDGE, Mr. JEFFERSON, Mr. ROTHMAN, Mr. EVANS, and Mr. MCGOVERN.
 H.R. 225: Mr. BACA.
 H.R. 226: Mr. MILLER of North Carolina.
 H.R. 269: Mr. STRICKLAND and Mr. MANZULLO.
 H.R. 284: Mr. MOORE of Kansas.
 H.R. 297: Ms. CARSON.
 H.R. 303: Mr. FITZPATRICK of Pennsylvania.

- H.R. 311: Mr. LARSEN of Washington.
H.R. 314: Mr. OBEY.
H.R. 331: Mr. CAMP.
H.R. 363: Mr. BOUCHER, Mr. FORD, Mr. RAHALL, Mr. ENGEL, and Mr. MCGOVERN.
H.R. 371: Ms. ROS-LEHTINEN and Mrs. NORTHUP.
H.R. 373: Mr. LANTOS and Ms. SOLIS.
H.R. 475: Ms. LINDA T. SÁNCHEZ of California.
H.R. 478: Mr. COSTA.
H.R. 500: Mr. GINGREY.
H.R. 543: Mr. STARK.
H.R. 551: Mr. BROWN of Ohio and Mr. RAHALL.
H.R. 582: Mr. MENENDEZ, Mr. STRICKLAND, and Mr. HIGGINS.
H.R. 583: Mr. GORDON, Mr. RANGEL, Mr. KIND, and Mr. BROWN of Ohio.
H.R. 699: Mr. GONZALEZ, Mr. WELLER, Ms. SCHWARTZ of Pennsylvania, Mr. SIMMONS, Ms. ESHOO, Mr. GENE GREEN of Texas, and Mr. ISSA.
H.R. 700: Mr. CHANDLER, Mr. RUPPERSBERGER, and Mr. MCGOVERN.
H.R. 745: Mr. GOHMERT.
H.R. 791: Mr. SCHIFF, Mr. MCNULTY, Mr. WU, Mr. MEEK of Florida, and Mr. BOSWELL.
H.R. 807: Mr. GRIJALVA.
H.R. 813: Mr. HASTINGS of Florida and Mr. VAN HOLLEN.
H.R. 817: Ms. CARSON and Mr. BROWN of South Carolina.
H.R. 851: Mr. DICKS, Mr. BAIRD, and Mr. MCDERMOTT.
H.R. 864: Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. FORD, Ms. ROS-LEHTINEN, Mr. GERLACH, Mrs. CUBIN, Ms. CARSON, Mr. SMITH of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GIBBONS.
H.R. 867: Mr. ANDREWS.
H.R. 916: Mr. LOBIONDO, Mr. MCCAUL of Texas, Ms. DEGETTE, Mr. PASTOR, Ms. ROS-LEHTINEN, Mr. BOEHLERT, Mr. SPRATT, Mrs. LOWEY, and Mr. DAVIS of Kentucky.
H.R. 920: Mr. BONNER, Mr. MOORE of Kansas, Mr. HENSARLING, Mr. MARCHANT, and Mr. GREEN of Wisconsin.
H.R. 923: Mr. CROWLEY, Mr. PORTER, Mr. SIMMONS, and Mr. EDWARDS.
H.R. 972: Mr. WELLER, Mr. CARDOZA, Mr. LEACH, and Mr. FORTENBERRY.
H.R. 986: Mr. RUPPERSBERGER and Mr. KUHLL of New York.
H.R. 994: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1068: Mr. KIRK and Mrs. EMERSON.
H.R. 1071: Mr. GONZALEZ.
H.R. 1079: Mr. BACHUS.
H.R. 1106: Ms. WASSERMAN SCHULTZ.
H.R. 1123: Mr. PETERSON of Minnesota.
H.R. 1175: Mr. FRANK of Massachusetts.
H.R. 1188: Ms. LEE and Ms. SCHAKOWSKY.
H.R. 1202: Ms. BALDWIN.
H.R. 1204: Mr. COSTA.
H.R. 1227: Mr. FRELINGHUYSEN, Mrs. KELLY, Mr. GIBBONS, and Mr. POMBO.
H.R. 1241: Mr. BONNER.
H.R. 1246: Mr. BURGESS.
H.R. 1258: Mr. PRICE of North Carolina.
H.R. 1294: Mr. MCHUGH and Mrs. BIGGERT.
H.R. 1298: Mr. BOUCHER.
H.R. 1310: Mr. GRIJALVA.
H.R. 1322: Ms. LINDA T. SÁNCHEZ of California and Ms. MCCOLLUM of Minnesota.
H.R. 1333: Mr. MCCAUL of Texas, Miss MCMORRIS, and Mr. DAVIS of Kentucky.
H.R. 1356: Mr. OLVER.
H.R. 1366: Mr. EMANUEL and Mr. FRANK of Massachusetts.
H.R. 1376: Mr. BARTLETT of Maryland and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1402: Mr. SABO, Mr. CLYBURN, Mr. BLUMENAUER, Mrs. LOWEY, and Mr. MATHE-SON.
H.R. 1425: Mr. JACKSON of Illinois.
H.R. 1435: Mr. SERRANO.
H.R. 1498: Ms. DELAURO, Mrs. CHRISTENSEN, Mr. OTTER, Mr. WYNN, Mr. TOWNS, and Mr. EDWARDS.
H.R. 1506: Mr. EVANS, Mr. FILNER, Mr. RUPPERSBERGER, Mr. HOLDEN, and Mr. ROTHMAN.
H.R. 1507: Mr. RYAN of Ohio.
H.R. 1554: Mr. REYES.
H.R. 1598: Mr. HALL.
H.R. 1602: Mr. SNYDER and Mr. HALL.
H.R. 1632: Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. ALEXANDER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1634: Mr. NADLER.
H.R. 1636: Mr. NEAL of Massachusetts.
H.R. 1668: Mr. SERRANO, Mr. REYES, and Mrs. LOWEY.
H.R. 1687: Mr. MENENDEZ, Mr. FILNER, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Mr. ROTHMAN.
H.R. 1721: Mr. LOBIONDO and Mr. ISRAEL.
H.R. 1736: Mr. CUNNINGHAM, Mr. FRANK of Massachusetts, and Mr. MCGOVERN.
H.R. 1749: Mr. LATOURETTE.
H.R. 1772: Mr. PORTER.
H.R. 1774: Mr. FERGUSON and Ms. MOORE of Wisconsin.
H.R. 1849: Mr. WAMP.
H.R. 1898: Mr. POMBO, Mr. ROSS, Mr. HEFLEY, Mr. YOUNG of Florida, Mr. TURNER, Mr. KNOLLENBERG, and Mr. PASTOR.
H.R. 2000: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.
H.R. 2045: Mr. BUYER.
H.R. 2061: Mr. BOUCHER.
H.R. 2073: Mr. UDALL of New Mexico.
H.R. 2076: Mr. EDWARDS.
H.R. 2112: Mr. BARTLETT of Maryland, Mr. LEWIS of Kentucky, Mr. CHABOT, Mr. PITTS, Mr. BISHOP of Utah, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. COLE of Oklahoma, Mr. KLINE, Mr. NEUGEBAUER, Mr. Fortuño, Mr. CANTOR, Mr. WELDON of Florida, Mr. GINGREY, Mr. SHAD-EGG, and Mr. JONES of North Carolina.
H.R. 2209: Mr. GREEN of Wisconsin.
H.R. 2229: Mrs. DRAKE.
H.R. 2231: Mr. CUELLAR and Mr. BONILLA.
H.R. 2238: Mr. RUPPERSBERGER, Mr. SHUSTER, and Mr. BACHUS.
H.R. 2327: Ms. WASSERMAN SCHULTZ and Mr. PALLONE.
H.R. 2333: Mr. TIERNEY.
H.R. 2340: Mr. ALLEN and Mr. SHERMAN.
H.R. 2357: Mr. RUSH.
H.R. 2386: Mr. LAHOOD, Mr. UDALL of New Mexico, Mr. MATHESON, Mr. RAMSTAD, Mr. RUPPERSBERGER, Mr. LYNCH, Mr. BAKER, and Mr. PAYNE.
H.R. 2428: Mr. OLVER, Mr. EVANS, Mr. HONDA, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mrs. TAUSCHER, Mr. ANDREWS, and Mr. BLUMENAUER.
H.R. 2533: Mr. KUHLL of New York, Mr. RUPPERSBERGER, Mrs. MCCARTHY, Mr. GREEN of Wisconsin, Mr. BLUMENAUER, Mr. ROTHMAN, and Mr. GRIJALVA.
H.R. 2567: Mr. BROWN of South Carolina.
H.R. 2636: Mrs. CAPPs and Mr. WAXMAN.
H.R. 2646: Mr. HERGER.
H.R. 2663: Mr. HOLT.
H.R. 2664: Mr. LEWIS of Kentucky.
H.R. 2668: Mr. SHAW.
H.R. 2694: Mr. SANDERS, Mr. RAHALL, and Mr. MCGOVERN.
H.R. 2716: Mr. BOSWELL.
H.R. 2792: Mr. FLAKE.
H.R. 2804: Mr. HENSARLING and Mr. MARCHANT.
H.R. 2823: Mr. PUTNAM.
H.R. 2835: Mr. RUPPERSBERGER, Mr. MCGOV-ERN, Mr. SHERMAN, Mr. PALLONE, and Mr. ROTHMAN.
H.R. 2876: Mr. GUTIERREZ, Mr. GERLACH, Mr. RUPPERSBERGER, Mr. TERRY, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. CAPUANO, and Mr. TAYLOR of North Carolina.
H.R. 2892: Mr. KLINE.
H.R. 2926: Mr. BROWN of Ohio and Mr. TIERNEY.
H.R. 2939: Mr. CARDIN, Mr. CASE, and Mr. WAXMAN.
H.R. 2943: Mr. RUPPERSBERGER.
H.R. 2959: Ms. SCHWARTZ of Pennsylvania.
H.R. 2961: Mr. KANJORSKI.
H.R. 2963: Mr. CROWLEY, Mr. BROWN of Ohio, and Mr. VAN HOLLEN.
H.R. 2989: Mr. HOLT, Mr. BLUMENAUER, Mr. CHANDLER, Mr. FILNER, and Mr. BOUCHER.
H.R. 2990: Mr. GILLMOR.
H.R. 3005: Mr. JONES of North Carolina, Ms. HARMAN, Mr. BECERRA, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3047: Mr. SIMMONS and Ms. SLAUGH-TER.
H.R. 3063: Ms. ESHOO, Mr. MCCOTTER, Mr. LANTOS, Mr. CAPUANO, Mr. REYES, Mr. VIS-CLOSKY, and Mr. SANDERS.
H.R. 3086: Mr. SHERMAN and Mrs. CAPPs.
H.R. 3111: Mr. BAKER.
H.R. 3127: Ms. LINDA T. SÁNCHEZ of Cali-fornia, Ms. MILLENDER-MCDONALD, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3137: Mr. PUTNAM, Mr. PETERSON of Pennsylvania, Mr. POE, and Mr. BARRETT of South Carolina.
H.R. 3145: Mr. HOLT, Mrs. DAVIS of Cali-fornia, Mr. JOHNSON of Illinois, Mr. MCGOV-ERN, and Mr. SAXTON.
H.R. 3147: Mr. BROWN of Ohio.
H.R. 3162: Mr. MOORE of Kansas and Mr. GREEN of Wisconsin.
H.R. 3180: Mr. DAVIS of Kentucky.
H.R. 3181: Mr. DAVIS of Kentucky.
H.R. 3186: Mr. FORBES and Ms. HERSETH.
H.R. 3191: Mr. MCGOVERN.
H.R. 3194: Mr. FARR, Mr. SERRANO, Mr. WEXLER, Ms. SOLIS, Mr. LEWIS of Georgia, and Mr. GRIJALVA.
H.R. 3255: Mr. MOORE of Kansas.
H.R. 3263: Mr. GRIJALVA.
H.R. 3301: Mr. GREEN of Wisconsin and Mr. GORDON.
H.R. 3318: Ms. BALDWIN.
H.R. 3323: Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. MACK.
H.R. 3352: Mr. MENENDEZ.
H.R. 3361: Mr. DOGGETT and Mrs. DAVIS of California.
H.R. 3373: Mrs. CAPITO, Mr. PITTS, Mr. WEINER, Mr. SPRATT, Mr. MEEKS of New York, Mr. ROSS, Mr. FRANK of Massachu-SETTS, Mr. GOHMERT, Mr. RAHALL, Mr. GRIJALVA, Mr. SKELTON, and Mr. GENE GREEN of Texas.
H.R. 3381: Mr. SHAYS.
H.R. 3385: Mr. BISHOP of Utah and Mr. LAN-TOS.
H.R. 3417: Mr. ROHRBACHER.
H.R. 3428: Mr. GARRETT of New Jersey and Mr. POE.
H.R. 3449: Mr. PASCRELL and Mr. ACKER-MAN.
H.R. 3476: Mr. BARTLETT of Maryland, Mr. ANDREWS, and Mr. BOREN.
H.R. 3496: Mr. BLUMENAUER.
H.R. 3506: Mr. MOORE of Kansas.
H.R. 3511: Mr. PAUL and Mr. TERRY.
H.R. 3546: Mr. HINCHEY.
H.R. 3547: Mr. MCHUGH, Mr. MILLER of North Carolina, and Mr. SANDERS.
H.R. 3549: Mr. WOLF and Mr. SHAYS.
H.R. 3561: Mr. GENE GREEN of Texas and Ms. CARSON.
H.R. 3569: Mr. HINCHEY, Mr. MICHAUD, Mr. CASTLE, Mr. RUPPERSBERGER, and Mr. MCHUGH.
H.R. 3598: Mr. CROWLEY, Mr. MCDERMOTT, Ms. LEE, Mr. GEORGE MILLER of California, Mr. GENE GREEN of Texas, Mr. SCHIFF, Mr. STARK, Mr. NADLER, Mr. FILNER, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Ms. WATSON, Mr. THOMPSON of California, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY, Mr. SNYDER, Mr. DAVIS of Illinois, Ms. SCHWARTZ of Pennsyl-vania, Ms. SLAUGHTER, Mr. STRICKLAND, and Mr. RUSH.
H.R. 3612: Mr. PRICE of North Carolina.
H.R. 3616: Mr. WOLF and Mr. ABERCROMBIE.
H.R. 3617: Mr. CASTLE, Mr. ALLEN, Mr. NEUGEBAUER, and Mr. BOEHLERT.

H.R. 3630: Mr. WELDON of Florida.
 H.R. 3639: Mr. MEEHAN and Mr. INSLEE.
 H.R. 3644: Mr. GERLACH, Mr. SIMMONS, Mr. MURPHY, Mr. ALLEN, Ms. LINDA T. SANCHEZ of California, and Mr. BROWN of Ohio.
 H.R. 3666: Mr. SMITH of Washington.
 H.R. 3670: Mr. SMITH of Washington.
 H.R. 3680: Ms. HART and Mr. MATHESON.
 H.R. 3685: Mr. CRAMER.
 H.R. 3690: Mr. KIND and Mr. MICHAUD.
 H.R. 3698: Mr. GRIJALVA and Ms. WASSERMAN SCHULTZ.
 H.R. 3708: Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. HASTINGS of Florida, and Mrs. NAPOLITANO.
 H.R. 3709: Mr. PITTS, Mr. HOSTETTLER, Mr. CULBERSON, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. KINGSTON, Mr. GOODE, Mr. GUTKNECHT, Mr. WAMP, Mr. FEENEY, Mr. BERMAN, Mr. UDALL of Colorado, and Mr. GRIJALVA.
 H.R. 3727: Mr. SMITH of Washington.
 H.R. 3737: Mr. BARTLETT of Maryland and Mr. GREEN of Wisconsin.
 H.R. 3739: Mr. PUTNAM and Mr. PETERSON of Pennsylvania.
 H.R. 3748: Mr. WEXLER, Ms. MCCOLLUM of Minnesota, Mr. HINCHEY, and Mr. PALLONE.
 H.R. 3754: Mr. EVANS.
 H.R. 3762: Mr. FARR, Mr. SANDERS, Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, and Ms. MOORE of Wisconsin.
 H.R. 3782: Mrs. LOWEY.
 H.R. 3785: Mrs. DRAKE.
 H.R. 3787: Mr. GRIJALVA.
 H.R. 3811: Mr. MANZULLO and Mr. AKIN.
 H.R. 3828: Mr. PAUL, Mr. ADERHOLT, Mr. JONES of North Carolina, Mr. GINGREY, Mr. WAMP, Mr. DOOLITTLE, and Mr. GOHMERT.
 H.R. 3838: Ms. SCHWARTZ of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. WYNN, Mr. HASTINGS of Florida, Mr. SANDERS, Mr. FILNER, Ms. MOORE of Wisconsin, and Mr. CARNAHAN.
 H.R. 3842: Mr. KINGSTON.
 H.R. 3843: Mr. BARRETT of South Carolina.
 H.R. 3852: Ms. LORETTA SANCHEZ of California, Mr. RYAN of Ohio, Mr. EVANS, Mr. ALEXANDER, and Mr. ETHERIDGE.
 H.R. 3854: Mr. MOORE of Kansas and Ms. SOLIS.
 H.R. 3861: Mr. WEXLER, Mr. BERMAN, Mr. LANTOS, Mr. BERRY, Mr. MCGOVERN, Mr. GRIJALVA, Mr. SANDERS, Ms. LEE, Mr. OBERSTAR, Ms. SOLIS, Mrs. CAPPS, Mr. SHERMAN, Ms. MATSUI, and Ms. BALDWIN.
 H.R. 3868: Mr. GARRETT of New Jersey and Mr. PAUL.
 H.R. 3888: Mr. GONZALEZ, Mr. RUPPERSBERGER, Ms. MOORE of Wisconsin, and Mr. UPTON.
 H.R. 3889: Mr. FITZPATRICK of Pennsylvania, Mr. OTTER, Mr. CARNAHAN, and Mr. BISHOP of Utah.
 H.R. 3900: Mr. ALEXANDER.
 H.R. 3903: Mr. RYUN of Kansas, Mr. PENCE, Ms. FOXX, Mr. HERGER, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. FLAKE, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. MCHENRY, and Mr. PRICE of Georgia.
 H.R. 3904: Mr. RYUN of Kansas, Mr. PENCE, Ms. FOXX, Mr. HERGER, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. FLAKE, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. MCHENRY, and Mr. PRICE of Georgia.
 H.R. 3905: Mrs. DRAKE, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, and Mr. MCHUGH.
 H.R. 3906: Mr. RYUN of Kansas, Mr. PENCE, Ms. FOXX, Mr. HERGER, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. FLAKE, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. MCHENRY, and Mr. PRICE of Georgia.
 H.R. 3909: Mr. AL GREEN of Texas.
 H.R. 3916: Ms. LEE, Ms. SCHAKOWSKY, Mr. SANDERS, and Mr. KUCINICH.

H.R. 3922: Mr. ALEXANDER, Mr. CUMMINGS, and Mr. LARSON of Connecticut.
 H.R. 3925: Mr. VAN HOLLEN, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. FILNER, and Mr. BERMAN.
 H.R. 3929: Mr. ROYCE.
 H.R. 3931: Mr. WAXMAN and Mr. BROWN of South Carolina.
 H.R. 3937: Mr. OSBORNE.
 H.R. 3938: Mrs. MILLER of Michigan and Mr. ALEXANDER.
 H.R. 3944: Mr. SANDERS.
 H.R. 3954: Mr. ABERCROMBIE, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. LEE, and Mr. SANDERS.
 H.J. Res. 54: Mr. WAXMAN.
 H. Con. Res. 85: Mr. ANDREWS.
 H. Con. Res. 173: Mr. RUSH, Mr. FORD, Mr. HINCHEY, Mr. POMEROY, and Mr. DAVIS of Illinois.
 H. Con. Res. 184: Mr. REYES, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Ms. SCHWARTZ of Pennsylvania, Mr. FORD, Mr. BISHOP of New York, Mr. ETHERIDGE, Mr. TOWNS, Mr. MENENDEZ, Mr. ACKERMAN, and Mr. ISRAEL.
 H. Con. Res. 197: Mr. NEAL of Massachusetts, Mr. MEEHAN, and Mr. CAPUANO.
 H. Con. Res. 215: Mr. SHERMAN.
 H. Con. Res. 222: Mr. MCGOVERN, Ms. HERSETH, and Mr. CONYERS.
 H. Con. Res. 230: Mr. CANNON, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. PUTNAM, and Mr. GERLACH.
 H. Con. Res. 231: Mr. ABERCROMBIE, Ms. SCHAKOWSKY, and Mr. RANGEL.
 H. Con. Res. 234: Mr. KUCINICH.
 H. Con. Res. 238: Mr. KUCINICH.
 H. Con. Res. 242: Ms. SCHWARTZ of Pennsylvania, Mrs. DRAKE, Mr. MCCAUL of Texas, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. PAYNE, and Mr. LEVIN.
 H. Con. Res. 252: Mr. WEXLER, Mr. TANCREDO, Mr. FORTUÑO, Mr. ISSA, Mr. SOUDER, Mr. FALCOMAVAEGA, Mr. MCCOTTER, Mr. PENCE, Mr. BRADY of Texas, Mr. CHABOT, Mr. MARCHANT, Mr. CUELLAR, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. BUYER, Mr. BLUNT, Mr. WOLF, Mr. LEWIS of Kentucky, Mr. KING of New York, and Mr. LANTOS.
 H. Res. 84: Mrs. BLACKBURN.
 H. Res. 158: Mr. SANDERS.
 H. Res. 192: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OBERSTAR, Mr. LYNCH, Ms. LEE, Mr. SNYDER, Mr. PAYNE, Mr. RYAN of Ohio, Mr. MEEKS of New York, Mr. CARDOZA, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Mr. UDALL of Colorado, Mr. BERMAN, Mr. ENGEL, Mr. SHAYS, Mr. MICHAUD, Mrs. CHRISTENSEN, and Mr. WEXLER.
 H. Res. 259: Mr. RUPPERSBERGER.
 H. Res. 261: Mr. BOOZMAN.
 H. Res. 276: Ms. HARMAN and Mr. CALVERT.
 H. Res. 323: Mr. BEAUPREZ, Mr. CASTLE, and Mr. RUPPERSBERGER.
 H. Res. 335: Mr. TIERNEY, Mr. WAXMAN, and Mr. MCGOVERN.
 H. Res. 357: Mr. HALL.
 H. Res. 368: Mr. LEACH and Mr. BARRETT of South Carolina.
 H. Res. 374: Ms. WASSERMAN SCHULTZ.
 H. Res. 409: Mr. UDALL of Colorado.
 H. Res. 447: Ms. JACKSON-LEE of Texas.
 H. Res. 457: Mr. GORDON, Mr. PASTOR, and Mr. MENENDEZ.
 H. Res. 458: Ms. SCHWARTZ of Pennsylvania, Mr. FARR, Mr. RANGEL, Ms. LEE, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Ms. SOLIS, Ms. DELAURO, Mr. GONZALEZ, Mr. STARK, and Mrs. NAPOLITANO.
 H. Res. 471: Mr. RUPPERSBERGER, Mr. MCCOTTER, and Mr. DAVIS of Illinois.
 H. Res. 472: Mr. CROWLEY, Mr. RANGEL, Ms. SLAUGHTER, Ms. MCKINNEY, Ms. KILPATRICK of Michigan, Ms. ESHOO, Mr. VAN HOLLEN, Mr. PAYNE, Mr. ENGEL, and Mr. MENENDEZ.

FRIDAY, OCTOBER 7, 2005 (106)

The House was called to order by the SPEAKER.

¶106.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, October 6, 2005.

Mr. PALLONE, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶106.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4443. A letter from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Multifamily Accelerated Processing (MAP): MAP Lender Quality Assurance Enforcement [Docket No. FR-4836-F-02] (RIN: 2502-A101) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4444. A letter from the Acting Director, OSHA Directorate of Standards and Guidance, Department of the Labor, transmitting the Department's final rule—Updating OSHA Standards Based On Natural Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand-Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting and Brazing, Arc Welding and Cutting; Special Industries, Sawmills. [Docket No. S-023A] (RIN: 1218-AC08) received September 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4445. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption (PTE) 84-14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers [Application Number D-11047] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4446. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule—Regulations Implementing the Longshore and Harbor Workers' Compensation Act and Related Statutes (RIN: 1215-AB38) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4447. A letter from the Chief, Regulatory Development Division, OSRV, MSHA, Department of Labor, transmitting the Department's final rule—Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners (RIN: 1219-AB29) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4448. A letter from the Senior Regulatory Officer, Wage & Hour Division, Department

of Labor, transmitting the Department's final rule—Service Contract Act Wage Determination OnLine Request Process (RIN: 1215-AB47) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4449. A letter from the Senior Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Jacksonville, Texas) [MB Docket No. 05-129; RM-11201] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4450. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Strong, Arkansas) [MB Docket No. 05-141; RM-11219]; (Silver Springs, Nevada) [MB Docket No. 05-76; RM-11167]; (Covington, Oklahoma) [MB Docket No. 05-77; RM 11168]; (Spur, Texas) [MB Docket No. 05-87; RM-11166]; (Poultney, Vermont) [MB Docket No. 05-78; RM-11169]; received July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4451. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chillicothe, Dublin, Hillsboro, and Marion, Ohio) [MB Docket No. 02-266; RM-10557] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4452. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gunnison, Crawford, and Olathe, Breckinridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado, and Laramie, Wyoming) [MB Docket No. 03-144; RM-10733; RM-10788; RM-10789] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4453. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Columbia and Edenton, North Carolina) [MB Docket No. 04-289; RM-10802] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4454. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4455. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Knox City, Texas) [MM Docket No. 01-199; RM-10213]; (Gunnison, Colorado) [MB Docket No. 02-171; RM-10483]; (Red Oak, Oklahoma) [MB Docket No. 02-174; MB-10486]; (Tignall, Georgia) [MB Docket No. 02-288; RM-10525]; (Rosebud, South Dakota) [MB Docket No. 04-170; RM-10766]; received August 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4456. A letter from the Chief Counsel, Office of Foreign Assets Control, Department

of the Treasury, transmitting the Department's final rule—Iraqi Debt Unblocked—September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4457. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Burmese Sanctions Regulations—August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4458. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations [Docket No. 050803216-5216-01] (RIN: 0694-AD30) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4459. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of the Understandings Reached at the April 2005 Australia Group (AG) Plenary Meeting [Docket No. 050719191-5191-01] (RIN: 0694-AD51) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4460. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of Nuclear Grade Graphite: Change in Licensing Jurisdiction. [Docket No. 050707179-5179-01] (RIN: 0694-AD28) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4461. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: Cancellation of Five Annual Surveys [Docket No. 050406094-5201-02] (RIN: 0691-AA59) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4462. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Removal of Helianthus eggertii (Eggert's Sunflower) from the Federal List of Endangered and Threatened Plants (RIN: 1018-AJ08) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4463. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Approval of Iron-Tungsten-Nickel Shot as Nontoxic for Hunting Waterfowl and Coots (RIN: 1018-AT87) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4464. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Exclusion of U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions (RIN: 1018-AT95) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4465. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas Leasing: Onshore Oil and Gas Operations—Fees, Rentals and Royalty Stripper Well Royalty Reductions Retention of Records [WO-310-1310-PB-24 1A] (RIN: 1004-AD71) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4466. A letter from the Assistant Secretary, Land and Minerals Management, Depart-

ment of the Interior, transmitting the Department's final rule—Mining Claim and Site Maintenance and Location Fees—Fee Adjustment [WO-620-1990-00-24 1A] (RIN: 1004-AD75) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4467. A letter from the Acting Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1-93); Regulations Governing Book-Entry Treasury Bonds, Notes and Bills Held in Legacy Treasury Direct; Regulations Governing Securities Held in TreasuryDirect—received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4468. A letter from the Acting Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule—General Regulations Governing U.S. Securities; Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes; Regulations Governing United States Savings Bonds, Series EE and HH; Regulations Governing Book-Entry Treasury Bonds, Notes and Bills (Department of the Treasury Circular, Public Debt Series No. 2-86); Regulations Governing Definitive United States Savings Bonds, Series I; Regulations Governing Securities Held in the New Treasury Direct System. Received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4469. A letter from the Legal Information Assistant, Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule—EGRPRA Regulatory Review—Application and Reporting Requirements [No. 2005-34] (RIN: 1550-AB93) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4470. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule—Fastener Quality Act [Docket No. 050705177-5177-01] (RIN: 0693-AB55) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Science and Energy and Commerce.

¶106.3 ORDER OF BUSINESS—AMENDMENT TO H. RES. 481

On motion of Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent,

Ordered, That House Resolution 481 be considered as amended by striking the number 3983 in each place it appears and inserting in lieu thereof the number 3893.

¶106.4 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 480

On motion of Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House, House Resolution 480; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except ten minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

¶106.5 HOUSE SESSION VIDEO FOOTAGE

On motion of Mr. Lincoln DIAZ-BALART of Florida, pursuant to the previous order of the House, called up for consideration the following resolution (H. Res. 480):

Resolved, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

When said resolution was considered. After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution to its adoption or rejection, and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.6 PROVIDING FOR THE CONSIDERATION OF H.R. 3893

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 481):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 216
Nays 201

¶106.7 [Roll No. 515]

YEAS—216

Aderholt	Gillmor	Northup
Akin	Gingrey	Nunes
Alexander	Gohmert	Nussle
Bachus	Goode	Osborne
Baker	Goodlatte	Otter
Barrett (SC)	Granger	Oxley
Bartlett (MD)	Graves	Paul
Barton (TX)	Green (WI)	Pearce
Bass	Gutknecht	Pence
Biggert	Hall	Petersen (PA)
Bilirakis	Harris	Petri
Bishop (UT)	Hart	Pickering
Blackburn	Hastings (WA)	Pitts
Blunt	Hayes	Platts
Boehner	Hayworth	Pombo
Bonilla	Hefley	Porter
Bonner	Hensarling	Price (GA)
Bono	Herger	Pryce (OH)
Boozman	Hobson	Putnam
Boustany	Hoekstra	Radanovich
Bradley (NH)	Hostettler	Ramstad
Brady (TX)	Hulshof	Regula
Brown (SC)	Hunter	Rehberg
Brown-Waite,	Hyde	Reichert
Ginny	Inglis (SC)	Renzi
Burgess	Issa	Reynolds
Burton (IN)	Istook	Rogers (AL)
Buyer	Jenkins	Rogers (KY)
Calvert	Jindal	Rogers (MI)
Camp	Johnson (CT)	Rohrabacher
Cannon	Johnson, Sam	Ros-Lehtinen
Cantor	Jones (NC)	Ryan (WI)
Capito	Keller	Ryun (KS)
Carter	Kelly	Saxton
Chabot	Kennedy (MN)	Schmidt
Chocola	King (IA)	Sensenbrenner
Coble	King (NY)	Sessions
Cole (OK)	Kingston	Shadegg
Conaway	Kirk	Shaw
Crenshaw	Kline	Sherwood
Cubin	Knollenberg	Shimkus
Culberson	Kolbe	Shuster
Cunningham	Kuhl (NY)	Simpson
Davis (KY)	LaHood	Smith (NJ)
Davis, Jo Ann	Latham	Smith (TX)
Davis, Tom	LaTourette	Sodrel
DeLay	Lewis (CA)	Souder
Dent	Lewis (KY)	Stearns
Diaz-Balart, L.	Linder	Sullivan
Diaz-Balart, M.	LoBiondo	Sweeney
Doolittle	Lucas	Tancredo
Drake	Lungren, Daniel	Taylor (NC)
Dreier	E.	Terry
Duncan	Mack	Thomas
Ehlers	Manzullo	Thornberry
Emerson	Marchant	Tiahrt
English (PA)	McCaul (TX)	Tiberi
Everett	McCotter	Turner
Feeney	McCrery	Upton
Ferguson	McHenry	Walden (OR)
Flake	McHugh	Walsh
Foley	McKeon	Wamp
Forbes	McMorris	Weldon (FL)
Fortenberry	Mica	Weldon (PA)
Fossella	Miller (FL)	Weller
Foxx	Miller (MI)	Westmoreland
Franks (AZ)	Miller, Gary	Whitfield
Frelinghuysen	Moran (KS)	Wicker
Galleghy	Murphy	Wilson (NM)
Garrett (NJ)	Musgrave	Wilson (SC)
Gerlach	Myrick	Wolf
Gibbons	Neugebauer	Young (FL)
Gilchrest	Ney	

NAYS—201

Abercrombie	Bishop (NY)	Carnahan
Ackerman	Blumenauer	Carson
Allen	Boehlert	Case
Andrews	Boren	Castle
Baca	Boucher	Chandler
Baird	Boyd	Cleaver
Baldwin	Brady (PA)	Clyburn
Barrow	Brown (OH)	Conyers
Bean	Brown, Corrine	Cooper
Becerra	Butterfield	Costa
Berkley	Capps	Costello
Berman	Capuano	Cramer
Berry	Cardin	Crowley
Bishop (GA)	Cardoza	Cuellar

Cummings	Kucinich	Reyes
Davis (AL)	Langevin	Ross
Davis (CA)	Lantos	Rothman
Davis (FL)	Larsen (WA)	Roybal-Allard
Davis (IL)	Larson (CT)	Ruppersberger
Davis (TN)	Leach	Rush
DeFazio	Lee	Ryan (OH)
DeGette	Levin	Sabo
DeLauro	Lewis (GA)	Salazar
Dicks	Lipinski	Sánchez, Linda
Dingell	Lofgren, Zoe	T.
Doggett	Lowey	Sanchez, Loretta
Doyle	Lynch	Sanders
Edwards	Maloney	Schakowsky
Emanuel	Markey	Schiff
Engel	Marshall	Schwartz (PA)
Eshoo	Matheson	Scott (GA)
Etheridge	Matsui	Scott (VA)
Evans	McCarthy	Serrano
Farr	McCollum (MN)	Shays
Fattah	McDermott	Sherman
Filner	McGovern	Skelton
Ford	McIntyre	Slaughter
Frank (MA)	McKinney	Smith (WA)
Gonzalez	McNulty	Snyder
Gordon	Meehan	Solis
Green, Al	Meek (FL)	Spratt
Green, Gene	Meeks (NY)	Stark
Grijalva	Melancon	Strickland
Gutierrez	Menendez	Stupak
Harman	Michaud	Tanner
Herseth	Millender-	Tauscher
Higgins	McDonald	Miller (NC)
Hinchey	Miller, George	Miller, George
Hinojosa	Mollohan	Moore (KS)
Holden	Moore (WI)	Murtha
Holt	Moore (VA)	Nadler
Honda	Moran (VA)	Napolitano
Hooley	Murphy	Oberstar
Hoyer	Nadler	Obeys
Inslee	Israel	Ortiz
Jackson (IL)	Napolitano	Owens
Jackson-Lee	Oberstar	Pallone
(TX)	Obeys	Pascarella
Jefferson	Ortiz	Pastor
Johnson (IL)	Owens	Pelosi
Johnson, E. B.	Pallone	Peterson (MN)
Jones (OH)	Pascarella	Pomeroy
Kanjorski	Pastor	Price (NC)
Kaptur	Pelosi	Rahall
Kennedy (RI)	Peterson (MN)	Rangel
Kildee	Pomeroy	
Kilpatrick (MI)	Price (NC)	
Kind	Rahall	
	Rangel	

NOT VOTING—16

Beauprez	Hastings (FL)	Royce
Boswell	Neal (MA)	Schwarz (MI)
Clay	Norwood	Simmons
Deal (GA)	Olver	Young (AK)
Delahunt	Payne	
Fitzpatrick (PA)	Poe	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended to conform to the number of the bill reflected in the text: "A resolution providing for the consideration of the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes."

¶106.8 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, October 6, 2005.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the { Yeas 348
affirmative { Nays 63

¶106.9

[Roll No. 516]

YEAS—348

Abercrombie	Drake	Kuhl (NY)
Aderholt	Dreier	LaHood
Akin	Duncan	Langevin
Alexander	Ehlers	Lantos
Allen	Emanuel	LaTourette
Baca	Emerson	Leach
Bachus	Engel	Lee
Baker	Eshoo	Levin
Barrett (SC)	Etheridge	Lewis (GA)
Bartlett (MD)	Everett	Lewis (KY)
Barton (TX)	Farr	Lipinski
Bass	Fattah	Lofgren, Zoe
Bean	Feeney	Lowey
Becerra	Ferguson	Lucas
Berkley	Flake	Lungren, Daniel
Berman	Foley	E.
Biggett	Forbes	Mack
Bilirakis	Ford	Manzullo
Bishop (GA)	Fortenberry	Marchant
Bishop (NY)	Fox	Matsui
Bishop (UT)	Frank (MA)	McCaul (TX)
Blackburn	Franks (AZ)	McCollum (MN)
Blumenauer	Frelinghuysen	McCrery
Blunt	Gallely	McGovern
Boehlert	Garrett (NJ)	McHenry
Boehner	Gerlach	McHugh
Bonilla	Gibbons	McIntyre
Bonner	Gilchrest	McKeon
Bono	Gillmor	McKinney
Boozman	Gingrey	McMorris
Boren	Gohmert	Meehan
Boucher	Gonzalez	Meek (FL)
Boustany	Goode	Meeks (NY)
Boyd	Goodlatte	Menendez
Bradley (NH)	Gordon	Mica
Brady (TX)	Granger	Michaud
Brown (OH)	Green (WI)	Millender-
Brown (SC)	Green, Al	McDonald
Brown, Corrine	Green, Gene	Miller (FL)
Brown-Waite,	Grijalva	Miller (MI)
Ginny	Gutierrez	Miller (NC)
Burgess	Hall	Miller, Gary
Burton (IN)	Harman	Mollohan
Butterfield	Harris	Moore (KS)
Buyer	Hart	Moore (WI)
Calvert	Hastings (WA)	Moran (VA)
Camp	Hayes	Murphy
Cannon	Hayworth	Murtha
Cantor	Hensarling	Musgrave
Capito	Herger	Myrick
Capps	Herse	Nadler
Cardin	Higgins	Napolitano
Cardoza	Hinojosa	Neugebauer
Carnahan	Hobson	Ney
Carson	Hoekstra	Northup
Carter	Holden	Nunes
Case	Honda	Nussle
Castle	Hooley	Obey
Chabot	Hostettler	Ortiz
Chocola	Hoyer	Osborne
Cleaver	Hulshof	Otter
Clyburn	Hunter	Owens
Coble	Hyde	Oxley
Cole (OK)	Inglis (SC)	Pallone
Conaway	Inslee	Pascarell
Conyers	Issa	Pastor
Cooper	Istook	Paul
Costa	Jackson (IL)	Pearce
Cramer	Jackson-Lee	Pelosi
Crenshaw	(TX)	Pence
Crowley	Jefferson	Peterson (MN)
Cubin	Jenkins	Peterson (PA)
Cuellar	Jindal	Petri
Culberson	Johnson (CT)	Pickering
Cummings	Johnson (IL)	Pitts
Cunningham	Johnson, E. B.	Platts
Davis (AL)	Johnson, Sam	Pombo
Davis (CA)	Jones (NC)	Pomeroy
Davis (FL)	Jones (OH)	Porter
Davis (IL)	Kanjorski	Price (GA)
Davis (TN)	Kaptur	Price (NC)
Davis, Jo Ann	Keller	Pryce (OH)
Davis, Tom	Kelly	Putnam
DeGette	Kennedy (RI)	Radanovich
DeLauro	Kildee	Rahall
DeLay	Kilpatrick (MI)	Rangel
Dent	Kind	Regula
Diaz-Balart, L.	King (IA)	Rehberg
Diaz-Balart, M.	King (NY)	Reichert
Dicks	Kingston	Renzi
Dingell	Kirk	Reyes
Doggett	Kline	Reynolds
Doolittle	Knollenberg	Rogers (AL)
Doyle	Kolbe	Rogers (KY)

Rogers (MI)	Shadegg	Tiahrt
Rohrabacher	Shaw	Tiberi
Ros-Lehtinen	Shays	Tierney
Ross	Sherman	Turner
Rothman	Sherwood	Upton
Roybal-Allard	Shimkus	Van Hollen
Ruppersberger	Simpson	Walden (OR)
Rush	Skelton	Walsh
Ryan (OH)	Smith (NJ)	Wamp
Ryan (WI)	Smith (TX)	Wasserman
Ryun (KS)	Smith (WA)	Schultz
Salazar	Snyder	Watt
Sánchez, Linda	Sodrel	Waxman
T.	Solis	Weiner
Sanders	Souder	Weldon (FL)
Saxton	Spratt	Weldon (PA)
Schiff	Stearns	Westmoreland
Schmidt	Sullivan	Wicker
Schwartz (PA)	Tancredo	Wilson (NM)
Scott (GA)	Tanner	Wilson (SC)
Scott (VA)	Taylor (NC)	Wolf
Sensenbrenner	Terry	Woolsey
Serrano	Thomas	Wynn
Sessions	Thornberry	Young (FL)

NAYS—63

Ackerman	Kennedy (MN)	Schakowsky
Baird	Kucinich	Shuster
Baldwin	Larsen (WA)	Slaughter
Barrow	Larsen (CT)	Stark
Berry	Latham	Strickland
Brady (PA)	LoBiondo	Stupak
Capuano	Lynch	Sweeney
Chandler	Maloney	Tauscher
Costello	Markey	Taylor (MS)
Davis (KY)	Marshall	Thompson (CA)
DeFazio	Matheson	Thompson (MS)
English (PA)	McCarthy	Towns
Evans	McCotter	Udall (CO)
Finer	McDermott	Udall (NM)
Fossella	McNulty	Velázquez
Graves	Miller, George	Visclosky
Gutknecht	Moran (KS)	Waters
Hefley	Oberstar	Watson
Hinche	Ramstad	Weller
Holt	Sabo	Whitfield
Israel	Sanchez, Loretta	Wu

NOT VOTING—22

Andrews	Hastings (FL)	Poe
Beauprez	Lewis (CA)	Royce
Boswell	Linder	Schwarz (MI)
Clay	Melancon	Simmons
Deal (GA)	Neal (MA)	Wexler
Delahunt	Norwood	Young (AK)
Edwards	Olver	
Fitzpatrick (PA)	Payne	

So the Journal was approved.

¶106.10 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1858. An Act to provide for community disaster loans.

¶106.11 GASOLINE FOR AMERICA'S SECURITY

Mr. BARTON of Texas, pursuant to House Resolution 481, called up for consideration the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 481, the following amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill, modified by the amendment printed in part A of House Report 109-245, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Gasoline for America’s Security Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

- Sec. 101. State participation and presidential designation.
- Sec. 102. Process coordination and rules of procedure.
- Sec. 103. Refinery revitalization repeal.
- Sec. 104. Standby support for refineries.
- Sec. 105. Military use refinery.
- Sec. 106. Waiver authority for extreme fuel supply emergencies.
- Sec. 107. List of fuel blends.
- Sec. 108. Attainment dates for downwind ozone nonattainment areas.
- Sec. 109. Rebates for sales of royalty-in-kind oil to qualified small refineries.
- Sec. 110. Study and report relating to streamlining paperwork requirements.
- Sec. 111. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

- Sec. 201. Federal-State regulatory coordination.
- Sec. 202. Process coordination and rules of procedure.
- Sec. 203. Backup power capacity study.
- Sec. 204. Sunset of loan guarantees.
- Sec. 205. Offshore pipelines.
- Sec. 206. Savings clause.

TITLE III—CONSERVATION AND EDUCATION

- Sec. 301. Department of Energy carpooling and vanpooling program.
- Sec. 302. Evaluation and assessment of carpool and vanpool projects.
- Sec. 303. Internet utilization study.
- Sec. 304. Fuel consumption education campaign.
- Sec. 305. Procurement of energy efficient lighting devices.
- Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

- Sec. 401. Short title.
- Sec. 402. Gasoline price gouging prohibited.
- Sec. 403. FTC investigation on price-gouging.
- Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

- Sec. 501. Strategic Petroleum Reserve capacity.
- Sec. 502. Strategic Petroleum Reserve sale.
- Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

- Sec. 601. Establishment.
- Sec. 602. Duties of Commission.
- Sec. 603. Membership.
- Sec. 604. Staff of Commission; experts and consultants.
- Sec. 605. Powers of Commission.
- Sec. 606. Report.

TITLE VII—CRITICAL ENERGY ASSURANCE

- Sec. 701. Evacuation plan review.
- Sec. 702. Disaster assistance.
- Sec. 703. Critical Energy Assurance Account.
- Sec. 704. Regulations.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, affecting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of \$1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under \$15,000 (1/3 of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural American households will spend \$2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations "subject to paragraph (3)", that are appropriate for the purposes of siting a refinery.

(2) ANALYSIS OF REFINERY SITES.—IN CONSIDERING ANY SITE ON FEDERAL LANDS FOR POSSIBLE DESIGNATION UNDER THIS SUBSECTION, THE PRESIDENT SHALL CONDUCT AN ANALYSIS OF—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether "such sites is" in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) "the impact of locating a refinery on the site on the readiness and operations of the Armed Forces"; and

(G) such other factors as the President considers appropriate.

(3) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—

(A) DESIGNATION FOR CONSIDERATION AS REFINERY SITE.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 closed military installations, or portions thereof, as suitable for the construction of a refinery.

(B) EFFECT OF DESIGNATION.—In the case of a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to this subsection—

(i) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(ii) the Secretary of Defense, in a managing and disposing of real property at the

installation pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(c) USE OF DESIGNATED SITES.—

(1) LEASE.—Except as provided in paragraph (2), the Federal Government shall offer for lease any site designated by the President under subsection (b) consistent with procedures for the disposition of such site under applicable Federal property laws. Notwithstanding any provision of such Federal property laws providing for the disposition or reuse of the site, a lease under this paragraph shall be deemed to be the appropriate disposition of the site. A site shall not be leased under this paragraph except for the purpose of construction of a refinery.

(2) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—Paragraph (1) shall not apply to a closed military installation. The management and disposal of real property at a closed military installation, even a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (b)(3), shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) APPLICABILITY.—Section 102 shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a);

(2) on a site (other than a closed military installation or portion thereof) designated by the President under subsection (b);

(3) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(4) on a site leased by the Secretary of a military department under section 2667 of title 10, United States Code, or by the Secretary of Defense under section 2667a of such title for the siting of a refinery.

(e) DEFINITION.—For purposes of this section—

(1) the term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note);

(2) the term "closed military installation" means a military installation closed or approved for closure pursuant to a base closure law;

(3) the term "Federal lands" means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System;

(C) designated as a National Monument; or

(D) under the jurisdiction of the Department of Defense or withdrawn from the public domain for use by the Armed Forces (other than a closed military installation); and

(4) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term "Federal refinery authorization"—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order

of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term "authorization" means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section pursuant to section 101(a)(1); or

(2) on a site designated by the President under section 101(b).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—If the President determines that there is not sufficient refining capacity in the United States, the President may authorize the design and construction of a refinery that will be—

(1) located at a site—

(A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation;

(2) disposed of in the manner provided in paragraph (1) of section 101(c) or, in the case of a closed military installation, or portion thereof, paragraph (2) of such section; and

(3) reserved for the exclusive purpose of manufacturing petroleum products for consumption by the Armed Forces.

(b) SOLICITATION FOR DESIGN, CONSTRUCTION, AND OPERATION.—The President shall solicit proposals for the design, construction,

and operation of a refinery “(or any combination thereof)” under this section. In selecting a proposal or proposals under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant’s proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) USE OF PRODUCTS.—All petroleum products manufactured at a refinery constructed under this section shall be sold to the Federal Government at a price not to exceed the fair market value of the petroleum products,” for use by the Armed Forces of the United States.

(e) FUNDING.—A contract for the design or construction of a refinery may not be entered into under this section in advance of the appropriation of funds sufficient for such purpose. Funds appropriated for the Department or Defense or for Department of Energy national security programs may not be used to enter into contracts under this section for the design, construction, or operation of a refinery. Funds appropriated for the Department of Defense may be used to purchase petroleum products manufactured at a refinery constructed under this section for use by the Armed Forces.

(f) DEFINITIONS.—For purposes of this section, the terms “base closure law” and “closed military installation” have the meanings given those terms in section 101.

SEC. 106. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

“(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, “the President, in consultation with the Administrator and the Secretary of Energy may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this subsection or by subsection (h), (i), (k), or (m); and may, with respect to a State implementation plan, temporarily waive any equivalent control or prohibition respecting the use of a fuel or fuel additive required by this subparagraph. Nothing in this clause shall be construed to authorize the waiver of, or to affect in any way, any Federal or State law or regulation pertaining to ethanol or methyl tertiary butyl ether.”

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

“(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).”

SEC. 107. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating subclause (VI) of clause (viii) (as so redesignated by section 107(1) of this Act) as clause (x).

(2) In such redesignated clause (x) by striking “this clause” and inserting “clause (viii) or clause (ix)”.

(3) By inserting the following new subclause at the end of clause (viii) (as so redesignated by section 107(1) of this Act):

“(VI) The provisions of this clause, including the limitations of the authority of the Administrator and the limit on the total number of fuels permitted, shall remain in effect until the publication of the list under subclause (III) of clause (ix).”

(4) By inserting the following new clause after clause (viii) (as so redesignated):

“(ix)(I) The Administrator”, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the ‘Secretary’), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of “6 gasoline and diesel fuels” to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the ‘Federal Fuels List’ and shall include one Federal diesel fuel, “one other diesel fuel”, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and “2 additional gasolines” with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. “None of the fuels” identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(II) Gasoline and “diesel fuels” shall be included on the Federal Fuels List based on the Administrator’s analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator’s judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator’s findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect sup-

ply opportunities during reasonably foreseeable supply distribution emergencies.

“(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the “currently approved fuels” in State implementation plans with “the fuels included” on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.”

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

“(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in “the number of fuels” to 6, including one Federal diesel fuel, “one other diesel fuel”, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 “additional gasolines” with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.”

SEC. 108. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

“(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

“(1) DEFINITIONS.—In this subsection:

“(A) The term ‘upwind area’ means an area that—

“(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

“(ii) is either—

“(I) a nonattainment area with a later attainment date than the downwind area, or

“(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

“(B) The term ‘current classification’ means the classification of a downwind area under this section at the time of the determination under paragraph (2).

“(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

“(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

“(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

“(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area’s ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for

such downwind area for such standard in accordance with paragraph (5).

“(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

“(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

“(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

“(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area’s ability to attain, from the area receiving the extension.

“(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection, and—

“(A) the plan revision for the downwind area must comply with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

“(B) the plan must include any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

“(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

“(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term ‘affected by transport to a degree that affects an area’s ability to attain’ in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.”.

SEC. 110. REBATES FOR SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing

regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall pay to a qualified small refinery a rebate for any sale to the qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF REBATE.—The amount of any rebate paid pursuant to this section with respect to any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed \$4.50 per barrel of oil sold.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to pay rebates under this section is subject to the availability of funds provided in advance in appropriations Acts.

(d) TERMINATION.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(e) QUALIFIED SMALL REFINERY DEFINED.—In this section the term “qualified small refinery” means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 111. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

SEC. 112. RESPONSE TO BIOMASS DEBRIS EMERGENCY.

(a) USE OF BIOMASS DEBRIS AS FUEL.—Notwithstanding any other provision of law, the Secretary of Energy may authorize any facility to use as fuel biomass debris if—

(1) the debris results from a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) the debris is located in the area for which the major disaster is declared; and

(3) the requirements of subsection (b) are met.

(b) CERTIFICATION.—A facility described in subsection (a)—

(1) shall certify to the State in which the facility is located that no significant impact on meeting national ambient air quality standards will result and shall propose emission limits adequate to support such certification; and

(2) may begin burning biomass debris fuel upon filing the certification required by paragraph (1) unless the State notifies the facility to the contrary.

(c) EMISSION LIMITS.—The State in which a facility described in subsection (a) is located shall—

(1) adopt (or as appropriate amend) the proposed emission limits for the biomass burning at the facility; and

(2) retain other existing emissions limits wherever they are necessary and reasonable.

(d) NEW SOURCE REVIEW.—No activities needed to qualify a facility to burn biomass debris as fuel in accordance with this section

shall trigger the requirements of new source review or new source performance standards under the Clean Air Act.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.

(a) GOVERNOR’S REQUEST.—The Governor of a State may submit a request to the Commission for the application of process coordination and rules of procedure under section 202 to the siting of a crude oil or refined petroleum product pipeline facility in that State.

(b) APPLICABILITY.—Section 202 shall only apply to crude oil or refined petroleum product pipeline facilities sited or proposed to be sited in a State whose Governor has requested such applicability under subsection (a).

(c) INTERSTATE COMPACTS.—(1) The consent of Congress is given for 2 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional pipeline siting agencies to facilitate siting of future crude oil or refined petroleum product pipeline facilities within those States.

(2) The Secretary may provide technical assistance to regional pipeline siting agencies established under this subsection.

SEC. 202. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term “Commission” means the Federal Energy Regulatory Commission; and

(2) the term “Federal pipeline authorization”—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and related environmental reviews with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(c) SCHEDULE.—

(1) COMMISSION’S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated

record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 203. BACKUP POWER CAPACITY STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report assessing the adequacy of backup power capacity in place as of the date of enactment of this Act, and the need for any additional capacity, to provide for the continuing operation during any reasonably foreseeable emergency situation, of those crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados.

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

“(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 24 months after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska has not entered into an agreement pursuant to the Alaska Stranded Gas Development Act which in good faith contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.”.

SEC. 205. OFFSHORE PIPELINES.

The Natural Gas Act is amended—

(1) in section 1(b) 15 U.S.C. 717(b)) by inserting after “to the production or” the following: “, except as provided in section 4(g),”; and

(2) in section 4 (15 U.S.C. 717(b)) by adding at the end the following:

“(g)(1) For the purposes of this subsection—

“(A) the term ‘gas service provider’ means an entity that operates a facility located in the outer Continental Shelf that is used to ‘gather or transport natural gas’ on or across the outer Continental Shelf; and

“(B) the term ‘outer Continental Shelf’ has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

“(2) All gas service providers shall submit to the Commission annually the conditions of service for each shipper served, consisting of—

“(A) the full legal name of the shipper receiving service;

“(B) a notation of shipper affiliation;

“(C) the type of service provided;

“(D) primary receipt points;

“(E) primary delivery points;

“(F) rates between each pair of points; and

“(G) other conditions of service deemed relevant by the gas service provider.

“(3) This subsection shall not apply to—

“(A) a gas service company that serves exclusively a single entity (either itself or one other party), until such time as—

“(i) the gas service provider agrees to serve a second shipper; or

“(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

“(B) a gas service provider that serves exclusively shippers with ownership interests in both the pipeline operated by the gas service provider and the gas produced from a field or fields connected to a single pipeline, until such time as—

“(i) the gas service provider offers to serve a nonowner shipper; or

“(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

“(C) service rendered over facilities that feed into a facility where natural gas is first collected, separated, dehydrated, or otherwise processed; and

“(D) gas service providers' facilities and service regulated by the Commission under section 7 of this Act.

“(4) When a gas service provider subject to this subsection alters its affiliates, customers, rates, conditions of service, or facilities, within any calendar quarter, it must then file with the Commission, on the first business day of the subsequent quarter, a revised report describing the status of its services and facilities.”.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION AND EDUCATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

(d) CONSIDERATIONS.—In making grants for projects under subsection (c), the Secretary shall consider each of the following:

(1) The potential of the project to promote oil conservation.

(2) The contribution of the project to State or local disaster evacuation plans.

(3) Whether the area in which the project is located is a nonattainment area (as that term is defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and vanpool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION STUDY.

(a) IN GENERAL.—The Secretary, under the program established in section 301, shall evaluate the capacity of the Internet to facilitate carpool and vanpool operations through—

(1) linking riders with local carpools and vanpools;

(2) providing real-time messaging communication between drivers and riders;

(3) assisting employers to establish inter-company vanpool and carpool programs; and
 (4) marketing existing vanpool and carpool programs.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report including recommendations and findings that would improve Internet utilization in carpool and vanpool operations and shall make such report available to all State and local metropolitan planning organizations.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) **PARTNERSHIP.**—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) **ACCESSIBILITY.**—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) **COST SHARING.**—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$2,500,000 for carrying out this section.

SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING DEVICES.

Section 533(d) of the National Energy Conservation Policy Act is amended by adding at the end the following new paragraph:

“(3) The head of an agency shall procure the most energy efficient and cost-effective light bulbs or other electrical lighting products, consistent with safety considerations, for use in that agency’s facilities and buildings.”.

SEC. 306. MINORITY EMPLOYMENT.

Section 385 of the Energy Policy Act of 2005 is amended by adding at the end the following:

“(d) **PROGRAM.**—The Secretary of Energy is authorized and directed to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. There are authorized to be appropriated for the program established under the preceding sentence \$10,000,000.”.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the “Gas Price Gouging Prevention Act”.

SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.

(a) **UNLAWFUL CONDUCT.**—During a period of a major disaster, it shall be unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, or home heating oil at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) **PRICE GOUGING.**—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate any rules necessary for the enforcement of this section. Such rules shall define “price gouging” for purposes of this section, and shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) **ENFORCEMENT BY FTC.**—

(1) **IN GENERAL.**—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of

the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(2) **EXCLUSIVE ENFORCEMENT.**—Notwithstanding any other provision of law, no person or State or political subdivision of a State other than the Federal Trade Commission, or the Attorney General to the extent provided for in section 5 of the Federal Trade Commission Act, shall have any authority to enforce this section, or any rule prescribed pursuant to this section.

(d) **PENALTIES.**—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty of not more than \$11,000 per violation.

(e) **DEFINITION OF MAJOR DISASTER.**—

(1) **DETERMINATION.**—As used in this section, and for purposes of any rule promulgated pursuant to this section, the term “major disaster” means a major disaster declared by the President as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) that the Secretary of Energy determines to have substantially disrupted the production, distribution, or supply of crude oil, gasoline, diesel fuel, or home heating oil.

(2) **APPLICABLE AREA AND PERIOD.**—The prohibition in subsection (a) shall apply to the United States or a specific geographic region of the United States as determined by the President and the Secretary of Energy at the time in which a determination under paragraph (1) is made, and for a period of 30 days after such determination is made. The President may extend the prohibition for such additional 30-day periods as the President determines necessary.

SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.

(a) **STUDY.**—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States;

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers’ purchasing power in both declared State and National disaster areas and elsewhere; and

(5) an analysis of the role and overall cost of credit card interchange rates on gasoline and diesel fuel retail prices.

(b) **SUBJECT COMPANIES.**—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of \$500,000,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple

formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) **EVIDENCE OF PRICE-GOUGING.**—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) **REPORTS.**—

(1) **NOTIFICATION TO STATE AGENCIES.**—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) **PROGRESS AND FINAL REPORTS TO CONGRESS.**—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) **EVIDENCE OF CRIMINAL MISCONDUCT.**—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) **AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.**—“In addition to the authority provided under part B of title I of the Energy

Policy and Conservation Act (42 U.S.C. 6231 et seq.),” the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) **ESTABLISHMENT OF SPR EXPANSION FUND.**—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “SPR Expansion Fund” (in this section referred to as the “Fund”), and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) **OBLIGATION OF FUNDS FOR EXPANSION.**—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

“(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

“(A) not to resell the petroleum products before the products are refined; and

“(B) to refine the petroleum products primarily for consumption in the United States.”.

SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CAPACITY.

Section 181(a) of the Energy Policy and Conservation Act (42 U.S.C. 6250(a)) is amended by striking “2 million barrels” and inserting “5 million barrels”.

TITLE VI—CRITICAL ENERGY ASSURANCE

SEC. 601. EVACUATION PLAN REVIEW.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the Secretary’s review of the fuel supply plan components of State evacuation plans and the National Capitol region. Such report shall determine the sufficiency of such plans, and shall include recommendations for improvements thereto. Annually after the transmittal of a report under the preceding sentence, the Secretary shall transmit a report to the Congress assessing plans found insufficient under previous reports.

SEC. 602. DISASTER ASSISTANCE.

(a) **AUTHORITY.**—During any federally declared emergency or disaster, the Secretary may provide direct assistance to private sector entities that operate critical energy infrastructure, including refineries.

(b) **ASSISTANCE.**—Assistance under this section may include emergency preparation and recovery assistance, including power generation equipment, other protective or emergency recovery equipment, assistance to restore access to water, power, or other raw materials, and transportation and housing for critical employees. The Secretary may request assistance from other Federal agencies in carrying out this section.

SEC. 603. CRITICAL ENERGY ASSURANCE ACCOUNT.

There is established in the Treasury an account known as the Critical Energy Assurance Account. The Secretary shall deposit into this account amounts appropriated to the Secretary for the purpose of carrying out this title and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this title. The Secretary may receive and accept payments

from any non-Federal source, which shall be available to the Secretary, without further appropriation, for carrying out this title.

SEC. 604. REGULATIONS.

The Secretary may issue regulations necessary or appropriate to carry out this title.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 481, the following further amendment in the nature of a substitute, printed in Part B of House Report 109-245, was submitted by Mr. STUPAK:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Response to Energy Emergencies Act of 2005”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:
Sec. 1 Short title; table of contents.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

Sec. 101. Unconscionable pricing of gasoline, oil, natural gas, and petroleum distillates during emergencies.

Sec. 102. Declaration of energy emergency.

Sec. 103. Enforcement by the Federal Trade Commission.

Sec. 104. Enforcement at retail level by State attorneys general.

Sec. 105. Low Income energy assistance.

Sec. 106. Effect on other laws.

Sec. 107. Market transparency for crude oil, gasoline, and petroleum distillates.

Sec. 108. Report on United States energy emergency preparedness.

Sec. 109. Protective action to prevent future disruptions of supply.

Sec. 110. Authorization of Appropriations.

TITLE II—ENSURING EMERGENCY SUPPLY OF REFINED PETROLEUM PRODUCTS

Sec. 201. Refineries.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

SEC. 101. UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) **UNCONSCIONABLE PRICING.**—

(1) **IN GENERAL.**—During any energy emergency declared by the President under section 102, it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) **FACTORS CONSIDERED.**—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller’s business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) **MITIGATING FACTORS.**—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, nat-

ural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) **FALSE PRICING INFORMATION.**—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(c) **MARKET MANIPULATION.**—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(d) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this title, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

SEC. 102. DECLARATION OF ENERGY EMERGENCY.

(a) **IN GENERAL.**—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(b) **SCOPE AND DURATION.**—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) **EXTENSIONS.**—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

SEC. 103. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) **ENFORCEMENT BY FTC.**—A violation of section 101 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 101(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates section 101 shall be subject to the following penalties:

(A) PRICE GOUGING; UNJUST PROFITS.—Any person who violates section 101(a) shall be subject to—

(i) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(ii) a fine of not more than \$3,000,000.

(B) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates section 101(b) or 101(c) shall be subject to a civil penalty of not more than \$1,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 104. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 101(a) of this title, or to impose the civil penalties authorized by section 103(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this title or a regulation under this title.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 105. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under sections 103 of this title shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 106. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 107. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTI-COMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Federal Trade Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(3) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this section, however, shall affect any electronic information filing requirements in effect under this title as of the date of enactment of this section.

(4) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

SEC. 108. REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.

(a) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this title, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(1) 30 percent of United States oil production;

(2) 20 percent of United States refinery capacity; and

(3) 5 percent of global oil supplies.

(b) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(1) projections of the impact any such disruptions would be likely to have on the United States economy; and

(2) detailed and prioritized recommendations for remedies under each scenario covered by the report.

SEC. 109. PROTECTIVE ACTION TO PREVENT FUTURE DISRUPTIONS OF SUPPLY.

The Secretary of Energy and the Energy Information Administration shall review expenditures by, and activities undertaken by, companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year to protect the energy supply system

from terrorist attacks, international supply disruptions, and natural disasters, and ensure a stable and reasonably priced supply of such products to consumers in the United States, and, not later than 180 days after the date of the enactment of this title, shall transmit a report of their findings to Congress. Such report shall include an assessment of the companies' preparations for the forecasted period of more frequent and more intense hurricane activity in the Gulf of Mexico and other vulnerable coastal areas.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE II—REFINERIES

SEC. 201. REFINERIES.

Title I of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART E—REFINERIES

"SEC. 191. STRATEGIC REFINERY RESERVE.

"(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

"(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

"(1) During any period described in subsection (c), to provide petroleum products to the general public.

"(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

"(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

"(1) during a severe energy supply interruption, within the meaning of such term under part B; or

"(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

"(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

"(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

"(2) Regional vulnerability to a natural disaster.

"(3) Regional vulnerability to terrorist attacks.

"(4) Proximity to the Strategic Petroleum Reserve.

"(5) Accessibility to energy infrastructure.

"(6) The need to minimize adverse public health and environmental impacts.

"(7) The energy needs of the Federal Government, including the Department of Defense.

"(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

"(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintain-

ing a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

"(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply with Federal or State environmental or other law.

"SEC. 192. REFINERY CLOSING REPORTS.

"(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

"(b) REPORTS TO CONGRESS.—The Secretary, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security."

After debate, Pursuant to House Resolution 481, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce, Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. STUPAK demanded a recorded vote on agreeing to the further amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 199 negative } Nays 222

106.12 [Roll No. 517] AYES—199

- Abercrombie Capuano DeGette
Ackerman Cardin DeLauro
Allen Cardoza Dicks
Andrews Carnahan Dingell
Baca Carson Doggett
Baird Case Doyle
Baldwin Chandler Edwards
Barrow Clay Emanuel
Bean Cleaver Emerson
Becerra Clyburn Engel
Berkley Conyers Eshoo
Berman Cooper Etheridge
Berry Costa Evans
Bishop (GA) Costello Farr
Bishop (NY) Cramer Fattah
Blumenauer Crowley Filner
Boren Cuellar Ford
Boucher Cummings Frank (MA)
Boyd Davis (AL) Gonzalez
Brady (PA) Davis (CA) Gordon
Brown (OH) Davis (FL) Green, Al
Brown, Corrine Davis (IL) Green, Gene
Butterfield Davis (TN) Grijalva
Capps DeFazio Gutierrez

- Harman McGovern Sanchez, Linda
Herseht McIntyre T.
Higgins McKinney Sanchez, Loretta
Hinchev McNulty Sanders
Hinojosa Meehan Schakowsky
Holden Meek (FL) Schiff
Holt Meeks (NY) Schwartz (PA)
Honda Melancon Scott (GA)
Hooley Menendez Scott (VA)
Hoyer Michaud Serrano
Inslee Millender Shays
Israel McDonald Sherman
Jackson (IL) Miller (NC) Skelton
Jackson-Lee Miller, George Slaughter
(TX) Mollohan Smith (WA)
Jefferson Moore (KS) Snyder
Johnson, E. B. Moore (WI) Solis
Jones (OH) Moran (VA) Spratt
Kanjorski Murtha Stark
Kaptur Nadler Strickland
Kennedy (RI) Pastor Stupak
Kildee Napolitano Tanner
Oberstar Obey Tauscher
Kind Ortiz Taylor (MS)
Kucinich Owens Thompson (CA)
Langevin Pallone Thompson (MS)
Lantos Pascrell Tierney
Larsen (WA) Pastor Towns
Larson (CT) Pelosi Udall (CO)
Lee Peterson (MN) Udall (NM)
Levin Pomeroy Van Hollen
Lewis (GA) Price (NC) Velazquez
Lipinski Rahall Visclosky
Lofgren, Zoe Rangel Wasserman
Lowey Reyes Schultz
Lynch Ross Waters
Maloney Rothman Watson
Markey Roybal-Allard Watt
Marshall Ruppertsberger Waxman
Matheson Rush Weiner
Matsui Ryan (OH) Wexler
McCarthy Sabo Woolsey
McCollum (MN) Salazar Wu
McDermott Salazar Wynn

NOES—222

- Aderholt Dreier Keller
Akin Duncan Kelly
Alexander Ehlers Kennedy (MN)
Bachus English (PA) King (IA)
Baker Everett King (NY)
Barrett (SC) Feeney Kingston
Bartlett (MD) Ferguson Kirk
Barton (TX) Fitzpatrick (PA) Kline
Bass Flake Knollenberg
Biggart Foley Kolbe
Bilirakis Forbes Kuhl (NY)
Bishop (UT) Fortenberry LaHood
Blackburn Fossella Latham
Blunt Poxx LaTourette
Boehlert Franks (AZ) Leach
Boehner Frelinghuysen Lewis (CA)
Bonilla Gallegly Lewis (KY)
Bonner Garrett (NJ) Linder
Bono Gerlach LoBiondo
Boozman Gibbons Lucas
Boustany Gilchrest Lungren, Daniel
Bradley (NH) Gillmor E.
Brady (TX) Gingrey Mack
Brown (SC) Gohmert Manzullo
Brown-Waite, Goode Marchant
Ginny Goodlatte McCaul (TX)
Burgess Granger McCotter
Burton (IN) Graves McCrery
Buyer Green (WI) McHenry
Calvert Gutknecht McHugh
Camp Hall McKeon
Cannon Harris McMorriss
Cantor Hart Mica
Capito Hastings (WA) Miller (FL)
Carter Hayes Miller (MI)
Castle Hayworth Miller, Gary
Chabot Hefley Moran (KS)
Chocola Hensarling Murphy
Coble Heger Musgrave
Cole (OK) Hobson Myrick
Conaway Hoekstra Neugebauer
Crenshaw Hostettler Ney
Cubin Hulshof Northup
Culberson Hunter Nunes
Cunningham Hyde Nussle
Davis (KY) Inglis (SC) Osborne
Davis, Jo Ann Issa Otter
Davis, Tom Istook Oxley
DeLay Jenkins Paul
Dent Jindal Pearce
Diaz-Balart, L. Johnson (CT) Pence
Diaz-Balart, M. Johnson (IL) Peterson (PA)
Doolittle Johnson, Sam Petri
Drake Jones (NC) Pickering

Pitts	Saxton	Thomas
Platts	Schmidt	Thornberry
Pombo	Sensenbrenner	Tiahrt
Porter	Sessions	Tiberi
Price (GA)	Shadegg	Turner
Pryce (OH)	Shaw	Upton
Putnam	Sherwood	Walden (OR)
Radanovich	Shimkus	Walsh
Ramstad	Shuster	Wamp
Regula	Simmons	Weldon (FL)
Rehberg	Simpson	Weldon (PA)
Reichert	Smith (NJ)	Weller
Renzi	Smith (TX)	Westmoreland
Reynolds	Sodrel	Whitfield
Rogers (AL)	Souder	Whitfield
Rogers (KY)	Stearns	Wicker
Rogers (MI)	Sullivan	Wilson (NM)
Rohrabacher	Sweeney	Wilson (SC)
Ros-Lehtinen	Tancredo	Wolf
Ryan (WI)	Taylor (NC)	Young (AK)
Ryun (KS)	Terry	Young (FL)

NOT VOTING—12

Beauprez	Hastings (FL)	Payne
Boswell	Neal (MA)	Poe
Deal (GA)	Norwood	Royce
Delahunt	Oliver	Schwarz (MI)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BISHOP of New York moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 402 of the bill and insert the following:

SEC. 402. PROTECTING CONSUMERS FROM ENERGETIC PRICE GOUGING.

(a) UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.—

(1) UNCONSCIONABLE PRICING.—

(A) IN GENERAL.—During any energy emergency declared by the President under subsection (b), it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(i) is unconscionably excessive; or
(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(B) FACTORS CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, there shall be taken into account, among other factors, whether—

(i) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(ii) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(2) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(A) that person knew, or reasonably should have known, the information to be false or misleading;

(B) the information was required by law to be reported; and

(C) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(3) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(4) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

(b) DECLARATION OF ENERGY EMERGENCY.—

(1) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(2) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(3) EXTENSIONS.—The President may—

(A) extend a declaration under paragraph (1) for a period of not more than 45 days; and
(B) extend such a declaration more than once.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) ENFORCEMENT BY FTC.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section. In enforcing subsection (a)(1), the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates subsection (a) shall be subject to the following penalties:

(i) PRICE GOUGING; UNJUST PROFITS.—Any person who violates subsection (a)(1) shall be subject to—

(I) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(II) a fine of not more than \$3,000,000.

(ii) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates paragraph (2) or (3) of subsection (a) shall be subject to a civil penalty of not more than \$1,000,000.

(B) METHOD OF ASSESSMENT.—The penalties provided by subparagraph (A) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(C) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by this paragraph—

(i) each day of a continuing violation shall be considered a separate violation; and

(ii) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(d) ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of subsection (a)(1) or to impose the civil penalties authorized by subsection (c)(2)(a)(ii), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this section or a regulation under this section.

(2) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under paragraph (1) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(3) AUTHORITY TO INTERVENE.—Upon receiving the notice required by paragraph (2), the Federal Trade Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action; and

(B) file petitions for appeal of a decision in such civil action.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(5) VENUE; SERVICE OF PROCESS.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which—

(i) the defendant operates;
(ii) the defendant was authorized to do business; or
(iii) where the defendant in the civil action is found;

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(C) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(6) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this section, no State attorney general, or official or agency of a State, may bring an action under this subsection during

the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this section alleged in the complaint.

(7) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

(e) LOW INCOME ENERGY ASSISTANCE.—Amounts collected in fines and penalties under subsection (c) shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(f) EFFECT ON OTHER LAWS.—

(1) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this section shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(2) STATE LAW.—Nothing in this section preempts any State law.

(g) MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.—

(1) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(2) MARKETPLACE TRANSPARENCY.—

(A) DISSEMINATION OF INFORMATION.—In carrying out this subsection, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(B) PROTECTION OF PUBLIC FROM ANTI-COMPETITIVE ACTIVITY.—In determining the information to be made available under this subsection and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(C) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this subsection any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(3) INFORMATION SOURCES.—

(A) IN GENERAL.—In carrying out paragraph (2), the Federal Trade Commission may—

(i) obtain information from any market participant; and

(ii) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in paragraph(2)(C).

(B) PUBLISHED DATA.—In carrying out this subsection, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(C) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it

determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this subsection, however, shall affect any electronic information filing requirements in effect under this section as of the date of enactment of this section.

(D) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this subsection.

(4) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(A) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this section, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(i) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(ii) regarding the treatment of proprietary trading information.

(B) CFTC JURISDICTION.—Nothing in this subsection may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(5) RULEMAKING.—Within 180 days after the date of enactment of this subsection, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this subsection.

(h) REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.—

(1) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this section, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(A) 30 percent of United States oil production;

(B) 20 percent of United States refinery capacity; and

(C) 5 percent of global oil supplies.

(2) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(A) projections of the impact any such disruptions would be likely to have on the United States economy; and

(B) detailed and prioritized recommendations for remedies under each scenario covered by the report.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. BISHOP of New York demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 200
negative } Nays 222

¶106.13

[Roll No. 518]

AYES—200

Abercrombie	Green, Gene	Napolitano
Ackerman	Grijalva	Oberstar
Allen	Gutierrez	Obey
Andrews	Harman	Ortiz
Baca	Hereth	Owens
Baird	Higgins	Pallone
Baldwin	Hinchee	Pascrell
Barrow	Hinojosa	Pastor
Bean	Holden	Pelosi
Becerra	Holt	Peterson (MN)
Berkley	Honda	Pomeroy
Berman	Hooley	Price (NC)
Berry	Hoyer	Rahall
Bishop (GA)	Inslee	Rangel
Bishop (NY)	Israel	Reyes
Blumenauer	Jackson (IL)	Ross
Boren	Jackson-Lee	Rothman
Boucher	(TX)	Roybal-Allard
Boyd	Jefferson	Ruppersberger
Brady (PA)	Johnson, E. B.	Rush
Brown (OH)	Jones (OH)	Ryan (OH)
Brown, Corrine	Kanjorski	Sabo
Butterfield	Kaptur	Salazar
Capps	Kennedy (RI)	Sánchez, Linda
Capuano	Kildee	T.
Cardin	Kilpatrick (MI)	Sanchez, Loretta
Cardoza	Kind	Sanders
Carnahan	Kucinich	Schakowsky
Carson	Langevin	Schiff
Case	Lantos	Schwartz (PA)
Chandler	Larsen (WA)	Scott (GA)
Clay	Larson (CT)	Scott (VA)
Cleaver	Lee	Serrano
Clyburn	Levin	Shays
Conyers	Lewis (GA)	Sherman
Cooper	Lipinski	Skelton
Costa	LoBiondo	Slaughter
Costello	Lofgren, Zoe	Smith (WA)
Cramer	Lowe	Snyder
Crowley	Lynch	Solis
Cuellar	Maloney	Spratt
Cummings	Markey	Stark
Davis (AL)	Marshall	Strickland
Davis (CA)	Matheson	Stupak
Davis (FL)	Matsui	Sweeney
Davis (IL)	McCarthy	Tanner
Davis (TN)	McCollum (MN)	Tauscher
DeFazio	McDermott	Taylor (MS)
DeGette	McGovern	Thompson (CA)
DeLauro	McIntyre	Thompson (MS)
Dicks	McKinney	Tierney
Dingell	McNulty	Towns
Doggett	Meehan	Udall (CO)
Doyle	Meek (FL)	Udall (NM)
Edwards	Meeks (NY)	Van Hollen
Emanuel	Melancon	Velázquez
Engel	Menendez	Visclosky
Eshoo	Michaud	Wasserman
Etheridge	Millender-	Schultz
Evans	McDonald	Waters
Farr	Miller (NC)	Watson
Fattah	Miller, George	Watt
Filner	Mollohan	Waxman
Ford	Moore (KS)	Weiner
Frank (MA)	Moore (WI)	Wexler
Gonzalez	Moran (VA)	Woolsey
Gordon	Murtha	Wu
Green, Al	Nadler	Wynn

NOES—222

Aderholt	Brown (SC)	Davis, Jo Ann
Akin	Brown-Waite,	Davis, Tom
Alexander	Ginny	DeLay
Bachus	Burgess	Dent
Baker	Burton (IN)	Diaz-Balart, L.
Barrett (SC)	Buyer	Diaz-Balart, M.
Bartlett (MD)	Calvert	Doolittle
Barton (TX)	Camp	Drake
Bass	Cannon	Dreier
Biggert	Cantor	Duncan
Bilirakis	Capito	Ehlers
Bishop (UT)	Carter	Emerson
Blackburn	Castle	English (PA)
Blunt	Chabot	Everett
Boehlert	Chocola	Feeney
Boehner	Coble	Ferguson
Bonilla	Cole (OK)	Fitzpatrick (PA)
Bonner	Conaway	Flake
Bono	Crenshaw	Foley
Boozman	Cubin	Forbes
Boustany	Culberson	Fortenberry
Bradley (NH)	Cunningham	Fossella
Brady (TX)	Davis (KY)	Foxx

Franks (AZ)	LaHood	Regula	Dreier	Kennedy (MN)	Putnam	Meek (FL)	Reyes	Stark
Frelinghuysen	Latham	Rehberg	Duncan	King (IA)	Radanovich	Meeks (NY)	Ross	Strickland
Galleghy	LaTourette	Reichert	Ehlers	King (NY)	Ramstad	Melancon	Rothman	Stupak
Garrett (NJ)	Leach	Renzi	Emerson	Kingston	Regula	Menendez	Roybal-Allard	Tanner
Gerlach	Lewis (CA)	Reynolds	English (PA)	Kirk	Rehberg	Michaud	Ruppersberger	Tauscher
Gibbons	Lewis (KY)	Rogers (AL)	Everett	Kline	Reichert	Rush	Millender-	Taylor (MS)
Gilchrist	Linder	Rogers (KY)	Feeeny	Knollenberg	Renzi	McDonald	Ryan (OH)	Thompson (CA)
Gillmor	Lucas	Rogers (MI)	Ferguson	Kolbe	Reynolds	Miller (NC)	Sabo	Thompson (MS)
Gingrey	Lungren, Daniel	Rohrabacher	Flake	Kuhl (NY)	Rogers (AL)	Miller, George	Salazar	Tierney
Gohmert	E.	Ros-Lehtinen	Foley	Latham	Rogers (KY)	Mollohan	Sánchez, Linda	Towns
Goode	Mack	Ryan (WI)	Forbes	LaTourette	Rogers (MI)	Moore (KS)	T.	Udall (CO)
Goodlatte	Manzullo	Ryun (KS)	Fortenberry	Lewis (CA)	Rohrabacher	Moore (WI)	Sanchez, Loretta	Udall (NM)
Granger	Marchant	Saxton	Fossella	Lewis (KY)	Ros-Lehtinen	Moran (VA)	Sanders	Van Hollen
Graves	McCaul (TX)	Schmidt	Fox	Linder	Ryan (WI)	Murtha	Saxton	Velazquez
Green (WI)	McCotter	Sensenbrenner	Franks (AZ)	Lucas	Ryun (KS)	Nadler	Schakowsky	Visclosky
Gutknecht	McCrery	Sessions	Frelinghuysen	Lungren, Daniel	Schmidt	Napolitano	Schiff	Wasserman
Hall	McHenry	Shadegg	Galleghy	E.	Sensenbrenner	Oberstar	Schwartz (PA)	Wasserman
Harris	McHugh	Shaw	Garrett (NJ)	Mack	Sessions	Obey	Scott (GA)	Schultz
Hart	McKeon	Sherwood	Gerlach	Manzullo	Shadegg	Ortiz	Scott (VA)	Waters
Hastert	McMorris	Shimkus	Gibbons	Marchant	Shaw	Owens	Serrano	Watson
Hastings (WA)	Mica	Gilchrist	Hobson	McCaul (TX)	Sherwood	Pallone	Shays	Watt
Hayes	Miller (FL)	Gillmor	Hoeckstra	McCotter	Shimkus	Pascarell	Sherman	Waxman
Hayworth	Miller (MI)	Gingrey	Hulshof	McCrery	Shuster	Pastor	Skelton	Weiner
Hefley	Miller, Gary	Gohmert	Hunter	McHenry	Simmons	Pelosi	Slaughter	Weldon (PA)
Hensarling	Moran (KS)	Goode	Hyde	McHugh	Smith (TX)	Peterson (MN)	Smith (NJ)	Wexler
Herger	Murphy	Goodlatte	Inglis (SC)	McKeon	Simpson	Pomeroy	Smith (WA)	Woolsey
Hobson	Musgrave	Granger	Issa	McMorris	Smith (TX)	Price (NC)	Snyder	Wu
Hoeckstra	Myrick	Graves	Istook	Mica	Sodrel	Rahall	Solis	Wynn
Hostettler	Neugebauer	Green (WI)	Jenkins	Miller (FL)	Souder	Rangel	Spratt	
Hulshof	Ney	Gutknecht	Jindal	Miller (MI)	Stearns			
Hunter	Northup	Hall	Johnson (CT)	Miller, Gary	Sullivan			
Hyde	Nunes	Harris	Johnson (IL)	Moran (KS)				
Inglis (SC)	Nussle	Hart	Johnson (IL)	Murphy				
Issa	Osborne	Hastert	Johnson, Sam	Musgrave				
Istook	Otter	Hastings (WA)	Keller	Myrick				
Jenkins	Oxley	Hayes	Kelly	Neugebauer				
Jindal	Paul	Hayworth		Ney				
Johnson (CT)	Pearce	Hefley		Northup				
Johnson (IL)	Pence	Hensarling		Nunes				
Johnson, Sam	Peterson (PA)	Herger		Nussle				
Jones (NC)	Petri	Hobson		Osborne				
Keller	Pickering	Hoeckstra		Otter				
Kelly	Pitts	Hostettler		Oxley				
Kennedy (MN)	Platts	Hulshof		Pearce				
King (IA)	Poe	Hunter		Pence				
King (NY)	Pombo	Hyde		Peterson (PA)				
Kingston	Porter	Inglis (SC)		Petri				
Kirk	Price (GA)	Issa		Pickering				
Kline	Pryce (OH)	Istook		Pitts				
Knollenberg	Putnam	Jenkins		Platts				
Kolbe	Radanovich	Jindal		Poe				
Kuhl (NY)	Ramstad	Johnson (CT)		Pombo				
		Johnson, Sam		Porter				
		Keller		Price (GA)				
		Kelly		Pryce (OH)				

NOT VOTING—12

Beauprez	Hastings (FL)	Payne
Boswell	Neal (MA)	Royce
Deal (GA)	Norwood	Schwarz (MI)
Delahunt	Oliver	Weldon (PA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill? The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. DELAY demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 212 affirmative } { Nays 210 }

¶106.14 [Roll No. 519]

AYES—212

Aderholt	Bono	Chocola
Akin	Boozman	Coble
Alexander	Boustany	Cole (OK)
Bachus	Brady (TX)	Conaway
Baker	Brown (SC)	Crenshaw
Barrett (SC)	Brown-Waite,	Cubin
Bartlett (MD)	Ginny	Culberson
Barton (TX)	Burgess	Cunningham
Bass	Burton (IN)	Davis (KY)
Biggart	Buyer	Davis, Jo Ann
Bilirakis	Calvert	Davis, Tom
Bishop (UT)	Camp	DeLay
Blackburn	Cannon	Dent
Blunt	Cantor	Diaz-Balart, L.
Boehner	Capito	Diaz-Balart, M.
Bonilla	Carter	Doolittle
Bonner	Chabot	Drake

NOES—210

Abercrombie	Cuellar	Israel
Ackerman	Cummings	Jackson (IL)
Allen	Davis (AL)	Jackson-Lee
Andrews	Davis (CA)	(TX)
Baca	Davis (FL)	Jefferson
Baird	Davis (IL)	Johnson (IL)
Baldwin	Davis (TN)	Johnson, E. B.
Barrow	DeFazio	Jones (NC)
Bean	DeGette	Jones (OH)
Becerra	DeLauro	Kanjorski
Berkley	Dicks	Kaptur
Berman	Dingell	Kennedy (RI)
Berry	Doggett	Kildee
Bishop (GA)	Doyle	Kilpatrick (MI)
Bishop (NY)	Edwards	Kind
Blumenauer	Emanuel	Kucinich
Boehkert	Engel	LaHood
Boren	Eshoo	Langevin
Boucher	Etheridge	Lantos
Boyd	Evans	Larsen (WA)
Bradley (NH)	Farr	Larson (CT)
Brady (PA)	Fattah	Leach
Brown (OH)	Filner	Lee
Brown, Corrine	Fitzpatrick (PA)	Levin
Butterfield	Ford	Lewis (GA)
Capps	Frank (MA)	Lipinski
Capuano	Gonzalez	LoBiondo
Cardin	Gordon	Lofgren, Zoe
Carloza	Green, Al	Lowey
Carnahan	Green, Gene	Lynch
Carson	Grijalva	Maloney
Case	Gutierrez	Markey
Castle	Harman	Marshall
Chandler	Herseth	Matheson
Clay	Higgins	Matsui
Cleaver	Hinchey	McCarthy
Clyburn	Hinojosa	McCollum (MN)
Conyers	Holden	McDermott
Cooper	Holt	McGovern
Costa	Honda	McIntyre
Costello	Hooley	McKinney
Cramer	Hoyer	McNulty
Crowley	Inslee	Meehan

NOT VOTING—12

Beauprez	Hastings (FL)	Paul
Boswell	Neal (MA)	Payne
Deal (GA)	Norwood	Royce
Delahunt	Oliver	Schwarz (MI)

So the bill was passed. A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.15 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes."

¶106.16 H. CON. RES. 248—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 248) recognizing the life and accomplishments of Simon Wiesenthal; as amended.

The question being put, Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 354 affirmative } { Nays 0 }

¶106.17 [Roll No. 520]

YEAS—354

Abercrombie	Barrett (SC)	Biggart
Aderholt	Barrow	Bilirakis
Akin	Bartlett (MD)	Bishop (GA)
Alexander	Barton (TX)	Bishop (NY)
Allen	Bass	Bishop (UT)
Andrews	Bean	Blumenauer
Baca	Becerra	Blunt
Baird	Berkley	Boehkert
Baker	Berman	Boehner
Baldwin	Berry	Bonilla

Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Herse
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan

Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neugebauer
Northrup
Nunes
Oberstar
Obey
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Pearce
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry

Tiahrt
Tierney
Townes
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky

NOT VOTING—79

Ackerman
Bachus
Beauprez
Blackburn
Boswell
Boucher
Brady (TX)
Brown-Waite,
Ginny
Capps
Carson
Cleaver
Clyburn
Coble
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLauro
Dicks
Eshoo
Everett
Feeney
Filner
Fox

Frelinghuysen
Gillmor
Goode
Granger
Graves
Green (WI)
Gutierrez
Harris
Hastings (FL)
Hinchev
Hooley
Israel
Jenkins
Johnson (IL)
King (NY)
LaHood
Larson (CT)
Lynch
Marchant
McCarthy
McDermott
Meehan
Mica
Moran (KS)
Murtha
Musgrave
Neal (MA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶106.18 ADJOURNMENT OF THE TWO HOUSES

Mr. BAKER, submitted the following privileged concurrent resolution (H. Con. Res. 263):

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, October 17, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, October 17, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Walden (OR)
Wasserman
Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler

Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶106.19 ORDER OF BUSINESS—HOUSE ADJOURNMENT

On motion of Mr. BAKER, by unanimous consent,

Ordered, That when the House adjourns on this legislative day, it adjourn to meet at noon on the Third Constitutional Day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 263, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶106.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BAKER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, October 19, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶106.21 COMMUNITY DISASTER LOANS

On motion of Mr. BAKER, by unanimous consent, the bill of the Senate (S. 1858) to provide for community disaster loans; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶106.22 FURTHER MESSAGE FROM THE SENATE

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

H.R. 2863. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2863) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Messrs. STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, MCCONNELL, SHELBY, GREGG, HUTCHISON, BURNS, INOUE, BYRD, LEAHY, HARKIN, DORGAN, DURBIN, REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3765. An Act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3971. An Act to provide assistance to individuals and States affected by Hurricane Katrina.

The message also announced that the Senate has passed a concurrent resolution of the House of the following title:

H. Con. Res. 161. A concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

¶106.23 COMMITTEE RESIGNATION— MAJORITY

The SPEAKER pro tempore, Mr. GINGREY, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, Sept. 15, 2005.
Speaker DENNIS HASTERT,
House of Representatives, Room H-209, the Capital, Washington, DC.

DEAR SPEAKER HASTERT: This letter is to resign my seat on the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005.

Sincerely,

GINNY BROWN-WAITE,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶106.24 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. GINGREY, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶106.25 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

H. Con. Res. 263. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

¶106.26 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mrs. SCHMIDT, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable JEAN SCHMIDT to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶106.27 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2360. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

¶106.28 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1786. An Act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

¶106.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. POE, for today until 1:45 p.m.

And then,

¶106.30 ADJOURNMENT

On motion of Mrs. JONES of Ohio, moved that the House adjourn.

The question being put, *viva voce*,
Will the House now adjourn?

The SPEAKER pro tempore, Mrs. SCHMIDT, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House Concurrent Resolution 263, One Hundred Ninth Congress, at 4 o'clock 31 minutes, the House stands adjourned until 2 p.m. on Monday, October 17, 2005.

¶106.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109-246). Referred to the Committee of the Whole House on the State of the Union.

¶106.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. JEFFERSON, Mr. MELANCON, Mr. GRIJALVA, Mr. SERRANO, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. DELAURO):

H.R. 4012. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON:

H.R. 4013. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. DOOLITTLE, Mr. POMBO, Mr. BOEHNER, Mr. RENZI, Mr. PORTER, Mr. FRANKS of Arizona, Mr. HERGER, Mr. GIBBONS, Mr. HAYWORTH, Mr. THOMAS, Mr. BACA, Mr. CARDOZA, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Mr. FILNER, Mr. FARR, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mrs. NAPOLITANO, Mr. DUNCAN, Mr. HOLDEN, Mr. SESSIONS, Mr. THOMPSON of California, Ms. BERKLEY, Mr. PASTOR, and Ms. MATSUI):

H.R. 4015. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. DAVIS of Alabama, Mr. OWENS, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BISHOP of New York, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. CONYERS, Mr. BROWN of Ohio, Mr. STARK, Ms. WATSON, Mr. JEFFERSON, Mr. CUMMINGS, Mrs. NAPOLITANO, and Ms. BORDALLO):

H.R. 4016. A bill to provide assistance to revitalize institutions of higher education affected by the Gulf hurricane disasters; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. MARCHANT):

H.R. 4017. A bill to provide assistance for the education of elementary and secondary students; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. DELAY, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MARCHANT, Ms. FOX, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. PENCE, Mr. SESSIONS, Mr. SHADEGG, and Mr. TIAHRT):

H.R. 4018. A bill to repeal certain education provisions; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 4019. A bill to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. SANDERS, Mr. JEFFERSON, and Mr. MELANCON):

H.R. 4020. A bill to authorize the Community Development Financial Institutions Fund to conduct a special round of funding in fiscal year 2006 for assistance in areas affected by Hurricane Katrina, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4021. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. ROSS:

H.R. 4022. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. McDERMOTT, Mr. BOSWELL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. UDALL of New Mexico, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. MELANCON, Mr. DOGGETT, Mr. BISHOP of New York, Mr. NADLER, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. RAHALL, Mr. HOYER, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. CARDIN, Mr. KENNEDY of Rhode Island, Mr. HINCHHEY, Mr. WEINER, Mr. MARKEY, Mr. DAVIS of California, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. HOLT, Ms. CARSON, Ms. DELAURO, Ms. SOLIS, Mr. MORAN of Virginia, Mr. CLEAVER, Ms. SCHWARTZ of Pennsylvania, Mr. KILDEE, Mr. CARNAHAN, Mr. MATHESON, Mr. CARDOZA, Mr. WU, Mr. SPRATT, Mr. DAVIS of Tennessee, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. HOLDEN, Ms. BERKLEY, Mr. GILLMOR, Mr. SCHIFF, Mr. HONDA, Mr. EDWARDS, Mr. ISRAEL, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. INSLEE, Mr. NEAL of Massachusetts, and Mr. TOM DAVIS of Virginia):

H.R. 4023. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Energy and Commerce.

By Mr. BAKER (for himself and Mr. JEFFERSON):

H.R. 4024. A bill to make funds available for community disaster loans to assist local governments in providing essential services following Hurricane Katrina, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARRROW (for himself, Mr. FILNER, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. EVANS, Ms. HERSETH, and Mr. BROWN of Ohio):

H.R. 4025. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. ISRAEL, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, and Mr. DAVIS of Illinois):

H.R. 4026. A bill to amend the Internal Revenue Code of 1986 to allow nonrefundable credits against income tax for certain gasoline, diesel fuel, and home energy consumption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4027. A bill to establish a short-term moratorium on the payment of principal or interest on certain mortgage loans secured by residential or commercial real estate located in any area declared to be a Federal disaster area due to Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee:

H.R. 4028. A bill to require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 4029. A bill to ensure fairness in gasoline, diesel fuel, and home heating oil prices; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. BROWN of Ohio, Ms. CARSON, Mr. POMEROY, Mr. GRIJALVA, Mr. PRICE of North Carolina, and Ms. SCHAKOWSKY):

H.R. 4030. A bill to amend the Internal Revenue Code of 1986 to repeal the inflation adjustment of the earned income threshold used in determining the refundable portion of the child tax credit and to restore the threshold to its original amount; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. PUTNAM, Ms. HARRIS, Mr. FOLEY, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, and Ms. ROSLEHTINEN):

H.R. 4031. A bill to provide assistance to nursery crop and tropical fruit producers whose agricultural operations were severely damaged by Hurricane Dennis, Hurricane Katrina, or Hurricane Rita in 2005; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 4032. A bill to amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. TERRY, Mr. SHIMKUS, Mr. WAXMAN, Mr. WHITFIELD, Mr. BROWN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. RUSH, Mrs. CAPPS, Mr. ALLEN, Mr. RANGEL, Mr. FOLEY, Mr. McNULTY, Mr. McHUGH, Ms. ROS-LEHTINEN, Mr.

McDERMOTT, Ms. DELAURO, Mr. SHAYS, Mr. JEFFERSON, Mr. GOODE, Mr. LANTOS, Ms. BERKLEY, Mr. CALVERT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Ms. CARSON, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHHEY, Mr. KUCINICH, Mr. LYNCH, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, Mr. CAPUANO, and Mr. OWENS):

H.R. 4033. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4034. A bill to allow a deduction for 100 percent of medical expenses, not compensated for by insurance or otherwise, for taxpayers residing in the Hurricane Katrina disaster area; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to eliminate capital gains taxes on investments in the Hurricane Katrina disaster area to reduce the estate tax for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Ms. DEGETTE):

H.R. 4036. A bill to amend the Public Health Service Act to allow qualifying children's hospitals to participate in the 340B drug discount program; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 4037. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 4038. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4039. A bill to amend title XVIII of the Social Security Act to provide for an exception to the reduction in unused medical residency positions for small family practice residency programs under the Medicare Program; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4040. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4041. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain flood-related attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4042. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the

Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. CONAWAY, Mr. RADANOVICH, Mrs. BONO, and Mr. DOOLITTLE):

H.R. 4043. A bill to provide for a report from the National Academy of Sciences on the feasibility and design of a national strategic gasoline reserve; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 4044. A bill to provide for more efficient and effective protection of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. LANTOS, and Mr. BILIRAKIS):

H.R. 4045. A bill to award a congressional gold medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mr. MICHAUD:

H.R. 4046. A bill to amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MILLER of Florida (for himself,

Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KIND, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. SIMMONS, Mr. COBLE, Mrs. EMERSON, Mr. MATHESON, Mr. GREEN of Wisconsin, Mr. HALL, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BARRETT of South Carolina, Mr. GINGREY, Mr. KENNEDY of Minnesota, Mr. GIBBONS, and Mr. ENGLISH of Pennsylvania):

H.R. 4047. A bill to amend the Legislative Reorganization Act of 1946 to reduce the rate of pay, and to eliminate automatic pay adjustments, for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, and Mrs. DAVIS of California):

H.R. 4048. A bill to authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POMBO (for himself, Mr. COSTA, Mr. CARDOZA, Mr. CASE, Mr. NUNES, Mr. BACA, Mr. HERGER, Mr. FARR, Mr. RADANOVICH, Mr. BOYD, and Ms. ZOE LOFGREN of California):

H.R. 4049. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with State and local govern-

ments to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States; to the Committee on Agriculture.

By Mr. RAMSTAD (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. BEAUPREZ, Ms. MCCOLLUM of Minnesota, Mr. HEFLEY, and Mr. TANCREDO):

H.R. 4050. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself, Mrs.

CUBIN, and Mr. BISHOP of Utah):

H.R. 4051. A bill to establish the policy of the United States on the size of the land-based intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr.

GUTKNECHT, Mr. GEORGE MILLER of

California, Mr. HINCHEY, Mr. DAVIS of

Illinois, Ms. LEE, Mr. BISHOP of New

York, Ms. WOOLSEY, Mr. EMANUEL,

Mr. MURTHA, Mr. TAYLOR of Missis-

sissippi, Ms. BORDALLO, Mr. OBER-

STAR, Mr. BRADY of Pennsylvania,

Mr. DEFAZIO, Mrs. MALONEY, Mr.

BROWN of Ohio, Mr. HOLT, Mr. BERRY,

Mr. MARKEY, Mr. GRIJALVA, Ms. KIL-

PATRICK of Michigan, Mr. LANTOS,

Mr. FILNER, Mr. UDALL of New Mex-

ico, Mr. MCGOVERN, Mr. KENNEDY of

Rhode Island, Mr. FRANK of Massa-

chusetts, Mr. VAN HOLLEN, Mr.

DOYLE, Mr. PAYNE, Ms. LINDA T.

SANCHEZ of California, Ms.

MILLENDER-MCDONALD, Mr. OLVER,

Mr. PALLONE, Ms. NORTON, Ms.

SCHAKOWSKY, Mr. DOGGETT, Mr.

EVANS, Mr. VISCLOSKEY, Mr. MEEK of

Florida, Mr. WEXLER, Mr. BOEHLERT,

Mr. MEEKS of New York, Mr.

TIERNY, Mr. ENGEL, Mr. CONYERS,

Ms. ESHOO, Mr. ALLEN, Ms. EDDIE

BERNICE JOHNSON of Texas, Mr. RUSH,

Mr. LYNCH, Mrs. NAPOLITANO, Ms.

JACKSON-LEE of Texas, Mr. STRICK-

LAND, Mr. ROSS, Mr. SCHIFF, Ms.

SLAUGHTER, Mr. MEEHAN, Mr.

BLUMENAUER, Mr. MICHAUD, Mr. KIL-

DEE, Mrs. CAPPS, Ms. KAPTUR, Mr.

CASE, Ms. MCCOLLUM of Minnesota,

Mr. UDALL of Colorado, Mr. KUCINICH,

Mr. CUMMINGS, Mr. SCOTT of Virginia,

and Ms. DELAURO):

H.R. 4052. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. BACA,

Mr. BECERRA, Mr. BERMAN, Mrs.

BONO, Mr. CALVERT, Mrs. CAPPS, Mr.

CARDOZA, Mr. COSTA, Mr.

CUNNINGHAM, Mrs. DAVIS of Cali-

ifornia, Mr. DOOLITTLE, Ms. ESHOO,

Mr. FARR, Mr. FILNER, Ms. HARMAN,

Mr. HERGER, Mr. HONDA, Mr. ISSA,

Mr. LANTOS, Ms. LEE, Mr. LEWIS of

California, Ms. ZOE LOFGREN of Cali-

ifornia, Mr. DANIEL E. LORNGREN of

California, Mr. MCKEON, Ms. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Mr. POMBO, Mr. ROHRBACHER, Ms. ROYBAL-AL-LARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. CONYERS, Mrs. MALONEY, Mr. REYES, Mr. TOWNS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mr. HUNTER, Mr. DREIER, Mr. NUNES, Mr. GALLEGLY, and Mr. THOMAS):

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office"; to the Committee on Government Reform.

By Mr. SULLIVAN:

H.R. 4054. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office"; to the Committee on Government Reform.

By Mr. VISCLOSKEY:

H.R. 4055. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United States Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H. Con. Res. 263. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. HALL, Mr. REGULA, Mr. HYDE, and Mr. DINGELL):

H. Con. Res. 264. Concurrent resolution recognizing veterans who served in the Armed Forces during World War II and supporting the goals and ideals of National World War II Veterans Recognition Week; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. LEACH, Mr. SMITH of Washington, and Mr. DICKS):

H. Con. Res. 265. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

By Mr. TOWNS:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Cote d'Ivoire be encouraged and supported by the United States in its efforts to hold democratic elections in the very near future; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 486. A resolution commending the Coast Guard for its extraordinary efforts in response to Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself, Mr. RANGEL, Mr. CAPUANO, and Mr. ROYCE):

H. Res. 487. A resolution supporting the goals and ideals of Korean American Day; to the Committee on Government Reform.

By Mr. LATOURETTE (for himself, Mr. LOBIONDO, and Mr. MCCOTTER):

H. Res. 488. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself and Mr. BECERRA):

H. Res. 489. A resolution commemorating the 100th Anniversary of the National Audubon Society; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H. Res. 490. A resolution urging the United Nations to establish a commission on the prevention of slavery, human trafficking, and exploitation; to the Committee on International Relations.

¶106.33 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 4056) for the relief of Fouad Yousef Hakim Mansour and Saheir Gamil Shaker Mansour; which was referred to the Committee on the Judiciary.

¶106.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WELDON of Pennsylvania and Mr. ETHERIDGE.

H.R. 34: Ms. SCHWARTZ of Pennsylvania.

H.R. 303: Mr. RADANOVICH.

H.R. 328: Mr. REYES.

H.R. 373: Mr. CLAY.

H.R. 375: Mr. FORBES, Mr. AKIN, and Mr. GOODLATTE.

H.R. 389: Mr. MEEHAN, Ms. HARRIS, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.

H.R. 445: Mr. JONES of North Carolina, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina.

H.R. 457: Mr. GARRETT of New Jersey and Mr. WEXLER.

H.R. 543: Mr. FITZPATRICK of Pennsylvania.

H.R. 552: Mr. GOHMERT.

H.R. 583: Mr. CAMP.

H.R. 586: Mr. SMITH of Washington and Mr. MCCOTTER.

H.R. 594: Mr. WATT.

H.R. 616: Mr. BROWN of Ohio.

H.R. 633: Mr. CLAY.

H.R. 668: Mr. CONYERS.

H.R. 697: Mr. BRADLEY of New Hampshire.

H.R. 699: Ms. MOORE of Wisconsin and Mr. ALLEN.

H.R. 747: Mr. ALLEN and Mr. FRANK of Massachusetts.

H.R. 752: Ms. CARSON.

H.R. 769: Ms. ZOE LOFGREN of California.

H.R. 791: Mr. CONYERS and Mr. CAPUANO.

H.R. 844: Mr. BROWN of Ohio.

H.R. 864: Mr. JOHNSON of Illinois, Ms. ZOE LOFGREN of California, Mr. MATHESON, Mr. MCHUGH, and Mrs. JOHNSON of Connecticut.

H.R. 874: Ms. FOXX.

H.R. 896: Mr. HIGGINS.

H.R. 910: Mr. ABERCROMBIE, Mr. MILLER of North Carolina, and Ms. DEGETTE.

H.R. 923: Mr. HOEKSTRA.

H.R. 949: Mrs. CAPITO.

H.R. 986: Mr. CHANDLER, Mr. SAXTON, Mr. MCGOVERN, and Mr. ROTHMAN.

H.R. 999: Mr. JONES of North Carolina and Mr. ADERHOLT.

H.R. 1002: Mrs. MALONEY.

H.R. 1043: Ms. SCHAKOWSKY.

H.R. 1108: Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MARKEY, Mr. RANGEL, and Mr. CROWLEY, and Mr. NADLER.

H.R. 1120: Mr. MICHAUD and Mr. LEACH.

H.R. 1121: Mrs. BIGGERT and Mr. LEWIS of Kentucky.

H.R. 1131: Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, and Mr. MENENDEZ.

H.R. 1176: Mr. AKIN.

H.R. 1182: Mr. RUSH.

H.R. 1190: Mr. CUNNINGHAM.

H.R. 1227: Mr. EHLERS, Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, Mr. SWENEY, Mrs. BONO, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. MICA, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. DUNCAN.

H.R. 1246: Mrs. BIGGERT.

H.R. 1264: Mr. ABERCROMBIE, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Mr. ALLEN.

H.R. 1431: Mr. HOLDEN and Mr. CUNNINGHAM.

H.R. 1498: Mr. MOLLOHAN.

H.R. 1558: Mr. ANDREWS and Ms. MCCOLLUM of Minnesota.

H.R. 1577: Ms. ESHOO.

H.R. 1582: Ms. SCHAKOWSKY and Mr. GILLMOR.

H.R. 1590: Mr. BROWN of Ohio.

H.R. 1592: Mr. VAN HOLLEN.

H.R. 1594: Mr. JONES of North Carolina.

H.R. 1646: Mr. THOMPSON of California.

H.R. 1651: Mr. FEENEY.

H.R. 1664: Mr. MILLER of Florida.

H.R. 1671: Mrs. CUBIN and Mr. MCINTYRE.

H.R. 1689: Mr. GONZALEZ.

H.R. 1707: Mr. HASTINGS of Florida and Mr. KILDEE.

H.R. 1709: Mr. MENENDEZ and Mr. VAN HOLLEN.

H.R. 1714: Mr. ISRAEL.

H.R. 1814: Mrs. DAVIS of California.

H.R. 1898: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1940: Mr. ALLEN, Mr. BISHOP of Georgia, Mr. BOEHLERT, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HYDE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OBERSTAR, and Mr. PASCRELL.

H.R. 1950: Mr. SIMMONS.

H.R. 1951: Mr. CARTER.

H.R. 1952: Mr. TANCREDI.

H.R. 1953: Miss McMORRIS, Mr. ALEXANDER, Mr. SIMPSON, Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. MARCHANT, Mr. BUYER, Mr. FOSSELLA, Mr. PITTS, and Mr. CHABOT.

H.R. 2017: Mr. STARK.

H.R. 2048: Mr. SHAW and Mr. MEEK of Florida.

H.R. 2177: Mr. BRADLEY of New Hampshire.

H.R. 2257: Mr. McNULTY.

H.R. 2308: Mr. LEWIS of Georgia.

H.R. 2356: Ms. HARMAN, Mr. FORD, Mr. PASTOR, Mr. ENGEL, Mr. LATOURETTE, and Mr. GILLMOR.

H.R. 2470: Mrs. KELLY and Mr. CRENSHAW.

H.R. 2533: Mr. REYES, Ms. MOORE of Wisconsin, Mr. CHANDLER, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. PICKERING, and Miss McMORRIS.

H.R. 2587: Mr. HUNTER.

H.R. 2662: Mrs. BIGGERT.

H.R. 2669: Mr. BROWN of South Carolina, Mr. EVANS, Mr. KUCINICH, Mr. ANDREWS, and Mr. BLUMENAUER.

H.R. 2671: Ms. BALDWIN, Mr. EMANUEL, and Mr. BOYD.

H.R. 2694: Mr. ROSS.

H.R. 2717: Mr. SHERWOOD, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. NEAL of Massachusetts, and Mr. OWENS.

H.R. 2719: Mr. CONYERS.

H.R. 2793: Mrs. BIGGERT.

H.R. 2811: Ms. CARSON, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Mr. CONYERS, and Mr. MICHAUD.

H.R. 2869: Ms. BALDWIN.

H.R. 2872: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. KING of New York, Mr.

BUTTERFIELD, Mr. LEWIS of Kentucky, Mr. BERRY, and Mr. MARKEY.

H.R. 2874: Mr. LAHOOD and Mr. MENENDEZ.

H.R. 2892: Mr. SERRANO.

H.R. 2962: Mr. FALCOMA VAEGA, Mr. STRICKLAND, and Mrs. CHRISTENSEN.

H.R. 2963: Mr. MARKEY.

H.R. 2989: Mr. SHERMAN.

H.R. 3046: Mrs. LOWEY.

H.R. 3082: Mr. CARTER.

H.R. 3128: Ms. SLAUGHTER.

H.R. 3142: Mr. FILNER and Ms. WOOLSEY.

H.R. 3146: Mr. FORTUÑO.

H.R. 3160: Mr. VAN HOLLEN and Mr. BRADY of Pennsylvania.

H.R. 3171: Mr. KUCINICH.

H.R. 3296: Mr. RUPPERSBERGER and Mr. JEFFERSON.

H.R. 3334: Mr. BECERRA, Mr. MILLER of North Carolina, and Mr. CUPELLAR.

H.R. 3360: Mr. KING of Iowa.

H.R. 3380: Mrs. LOWEY.

H.R. 3417: Mr. MCGOVERN.

H.R. 3427: Mr. FARR, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. McNULTY.

H.R. 3437: Mr. MCCOTTER.

H.R. 3449: Mr. CLEAVER.

H.R. 3452: Ms. PRYCE of Ohio and Mr. REGULA.

H.R. 3478: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3492: Mr. FILNER and Ms. DELAURO.

H.R. 3505: Mr. LEWIS of Kentucky.

H.R. 3547: Mr. CAPUANO.

H.R. 3548: Ms. VELÁZQUEZ and Mrs. KELLY.

H.R. 3561: Ms. WATSON.

H.R. 3579: Mr. MILLER of North Carolina.

H.R. 3601: Mr. JACKSON of Illinois and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3604: Mrs. NAPOLITANO.

H.R. 3612: Mr. MCCOTTER.

H.R. 3616: Mr. MCCOTTER and Mr. MCHUGH.

H.R. 3622: Mr. CAMP.

H.R. 3628: Mr. GRIJALVA.

H.R. 3639: Ms. MOORE of Wisconsin and Mr. HIGGINS.

H.R. 3641: Mr. BROWN of Ohio.

H.R. 3662: Mrs. CHRISTENSEN and Mr. WYNN.

H.R. 3681: Mr. CARDOZA.

H.R. 3697: Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, and Ms. MOORE of Washington.

H.R. 3698: Mr. KILDEE, Mr. FARR, and Mrs. MCCARTHY.

H.R. 3711: Mr. SCHIFF, Mr. RUSH, Mr. SANDERS, and Mr. FATTAH.

H.R. 3715: Mr. PAUL.

H.R. 3637: Mr. WELLER, Mrs. MILLER of Michigan, Mr. GRAVES, Mr. FORBES, Mr. BEAUPREZ, Mr. CLAY, and Mr. DINGELL.

H.R. 3739: Mr. OSBORNE.

H.R. 3740: Ms. SCHWARTZ of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. FATTAH.

H.R. 3774: Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Ms. SOLIS, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Mr. FATTAH.

H.R. 3776: Mrs. BLACKBURN, Mr. SESSIONS, Mr. GINGREY, and Mr. DEAL of Georgia.

H.R. 3781: Mr. RANGEL, Mr. JEFFERSON, Mr. MCGOVERN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. McNULTY, Ms. LEE, and Mr. SHERMAN.

H.R. 3782: Mr. OBEY.

H.R. 3796: Mr. OWENS.

H.R. 3800: Mr. FATTAH.

H.R. 3854: Mr. FRANK of Massachusetts.

H.R. 3858: Mr. FILNER, Mr. TANNER, Ms. LEE, Mr. INSLIE, Mr. FARR, Mr. HINCHY, Mr. CASE, Mr. KLINE, Mr. McNULTY, Mr. SPRATT, Mr. NADLER, Ms. BERKLEY, Mr. WAXMAN, and Mr. SNYDER.

H.R. 3860: Mr. ALEXANDER, Mr. FLAKE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. FEENEY, Mr. SODRELL, Ms. FOXX, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. KLINE, Mr. HENSARLING, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. BARRETT of South

Carolina, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, and Mr. COLE of Oklahoma.

H.R. 3861: Mr. DEFAZIO, Mr. FATTAH, Ms. WOOLSEY, Mr. LEVIN, and Mr. CAPUANO.

H.R. 3883: Mr. BLUNT, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. SHAW, Mr. SESSIONS, Mr. JEFFERSON, Mr. GOODE, and Mr. GINGREY.

H.R. 3910: Mr. KLINE and Mr. KUHL of New York.

H.R. 3916: Mr. GRIJALVA.
H.R. 3917: Mr. CONYERS, Mr. HINCHEY, Mr. SANDERS, and Mr. OWENS.

H.R. 3922: Mr. PICKERING.

H.R. 3935: Mr. PETERSON of Pennsylvania, Mr. JENKINS, Mr. ROGERS of Michigan, and Mr. ALEXANDER.

H.R. 3936: Mr. MENENDEZ.

H.R. 3943: Mr. TERRY, Ms. HERSETH, Mr. OTTER, Mr. REHBERG, Mr. HOSTETTLER, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. BOYD, Mr. SHUSTER, Mr. BOOZMAN, Ms. GRANGER, Mr. GRAVES, Mr. JONES of North Carolina, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. MCHENRY, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. WAMP, Mrs. CAPITO, Mr. REGULA, Mr. PASTOR, Mr. SENSENBRENNER, Mr. DUNCAN, and Mr. WHITFIELD.

H.R. 3948: Mr. FILNER.

H.R. 3957: Mr. HAYWORTH, Mr. WELLER, and Mr. BECERRA.

H.R. 3960: Mr. CANTOR, Mr. FEENEY, Mr. WELDON of Florida, Ms. FOXX, Mr. FORTUÑO, Mr. PENCE, Mr. FORBES, Mr. SODREL, and Mr. DOOLITTLE.

H.R. 3974: Mr. MCINTYRE, Mr. BUTTERFIELD, Ms. HERSETH, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. STRICKLAND, Mr. CHANDLER, Mr. SANDERS, and Ms. KAPTUR.

H.R. 3979: Mr. COSTELLO and Mr. DELAY.

H.R. 3987: Mr. TIAHRT.

H.J. Res. 38: Mr. KENNEDY of Rhode Island and Mr. MORAN of Virginia.

H.J. Res. 55: Mr. OBERSTAR and Mr. DAVIS of Illinois.

H.J. Res. 56: Ms. MCCOLLUM of Minnesota.
H.J. Res. 57: Mrs. DRAKE.

H. Con. Res. 112: Mr. OWENS, Mr. ROSS, and Mr. MCGOVERN.

H. Con. Res. 190: Mr. SHIMKUS.

H. Con. Res. 197: Mr. NADLER.

H. Con. Res. 210: Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of Georgia, and Mr. PEARCE.

H. Con. Res. 213: Mr. SHERMAN.

H. Con. Res. 251: Mr. DUNCAN, Mr. DAVIS of Alabama, Ms. CARSON, Mr. GRAVES, Mr. JEFFERSON, Mr. RAHALL, Ms. LEE, Mr. WOLF, Mr. ROSS, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.

H. Con. Res. 254: Mr. SANDERS, Mrs. MALONEY, and Mr. BAKER.

H. Con. Res. 260: Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PELOSI, Mr. McNULTY, Mr. PASCRELL, Mr. TANCREDO, Mr. DOGGETT, Mr. KILDEE, Mr. HASTINGS of Florida, Mr. BERMAN, Ms. ESHOO, and Mr. ACKERMAN.

H. Con. Res. 262: Mr. McNULTY and Ms. SCHAKOWSKY.

H. Res. 97: Mr. NORWOOD, Mrs. DRAKE, and Mr. GOODE.

H. Res. 141: Mr. SOUDER.

H. Res. 166: Mr. CARDIN.

H. Res. 286: Mr. NADLER.

H. Res. 323: Mr. SHERMAN and Mr. SERRANO.

H. Res. 363: Mr. JACKSON of Illinois.

H. Res. 411: Mr. BROWN of Ohio, Mr. SCHIFF, and Mr. ROTHMAN.

H. Res. 444: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. TOWNS, Mr. PUTNAM, Mr. MATHESON, Mr. SMITH of Washington, and Mr. FITZPATRICK of Pennsylvania.

H. Res. 447: Mr. OWENS.

H. Res. 457: Ms. JACKSON-LEE of Texas and Mr. VAN HOLLEN.

H. Res. 466: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 472: Mr. WEXLER, Mr. RAHALL, Mr. FORTENBERRY, and Ms. WATSON.

H. Res. 473: Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Ms. KAPTUR, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. RANGEL, Mr. FATTAH, Mr. WYNN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, and Ms. SCHAKOWSKY.

H. Res. 477: Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. MARKEY, Mr. FARR, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. DAVIS of Illinois, and Mr. CLAY.

H. Res. 485: Mr. HUNTER, Mr. OSBORNE, and Mr. COSTA.

MONDAY, OCTOBER 17, 2005 (107)

¶107.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
October 17, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶107.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Friday, October 7, 2005.

Mr. SMITH of Texas, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, *viva voce*, Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mr. SMITH of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

¶107.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4471. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0260; FRL-7738-8] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4472. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4473. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Major General Roger C. Schultz, United States Army, and his advancement to the grade of lieutenant general

on the retired list; to the Committee on Armed Services.

4474. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4475. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William S. Wallace, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4476. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Ann E. Dunwoody, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4477. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Douglas M. Fraser, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4478. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4479. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Gary L. North, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4480. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Frank G. Klotz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4481. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Stephen R. Lorenz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4482. A letter from the Secretary, Department of Defense, transmitting a report to Congress in response to the Electromagnets Pulse (EMP) Commission's report, pursuant to Section 1403 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; to the Committee on Armed Services.

4483. A letter from the Assistant Secretary for Special Education and Rehabilitation Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4484. A letter from the Assistant Secretary for Special Education and Rehabilitative

Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4485. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the Department's final rule—Office of Vocational and Adult Education, Department of Education; Notice of Funding of Continuation Grants and Waiver for the Career Resources Network (CRN) Program—September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4486. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans [OAR-2003-0032; FRL-7965-4] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Endocrine Disruptor Screening Program; Chemical Selection Approach for Initial Round of Screening [OPPT-2004-0109 FRL-7716-9] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Nashville-Davidson County; Revised Format for Materials Being Incorporated by Reference [TN-200507; FRL-7972-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Texas Low-Emission Diesel Fuel Program [R06-OAR-2005-TX-0020; FRL-7982-2] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Massachusetts; Negative Declaration [R01-OAR-2005-MA-0002; FRL-7981-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Hazardous Air Pollutants From Mobile Sources; Default Baseline Revision [OAR-2002-0042; FRL-7981-4] (RIN: 2060-AJ97) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration for Nitrogen Oxides [AD-FRL-7981-1; E-Docket ID No. OAR-2004-0013 (Legacy Docket No. A-87-16)] (RIN: 2060-AM33) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-

cy's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the Motor Vehicle Enhanced I/M Program—Philadelphia, Pittsburgh, South Central, and Northern Regions and Safety Inspection Program Enhancements for Non-I/M Regions [R03-OAR-2004-PA-0001, R03-OAR-2004-PA-0002; FRL-7980-5] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky; Inspection and Maintenance Program Removal for Northern Kentucky; New Solvent Metal Cleaning Equipment; Commercial Motor Vehicle and Mobile Equipment Refinishing Operations [R04-OAR-2004-KY-0003-200529; FRL-7979-7-A] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; [Region 2 Docket No. R02-OAR-2005-NY-0003, FRL-7971-5] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Bernalillo County, New Mexico; Negative Declaration [R06-OAR-2004-NM-0002; FRL-7979-3] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [OAR-2002-0084; FRL-7978-4] (RIN: 2060-AN38) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule [R06-OAR-2005-TX-0016; FRL-7975-9] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Idaho; Correcting Amendment [R10-OAR-2005-ID-0002; FRL-7977-5] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4500. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plan for Designated Facilities and Pollutants; North Carolina [R04-OAR-2005-NC-0003-200532(a); FRL-7976-5] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4501. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cross-Media Electronic Reporting [FRL-7977-1] (RIN: 2025-AA07) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4502. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Montana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7977-4] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Reimbursement to Local Governments for Emergency Responses to Hazardous Substances Releases [SFUND-2005-0009; FRL-7976-2] (RIN: 2050-AE36) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Oklahoma; Plan for Controlling Emissions From Commercial and Industrial Solid Waste Incineration Units [R06-OAR-2005-OK-0004; FRL-7979-7] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4505. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 08-05 which informs of an intent to sign Amendment Number Six to the Arrow System Improvement Program (ASIP) Memorandum of Agreement (MOA) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4506. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 09-05 which informs of an intent to sign the Ballistic Missile Defense Technology (BMDT) Memorandum of Agreement (MOA) between the United States and Denmark, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4507. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-36, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4508. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-06, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4509. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-05, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4510. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-04, concerning the Department of the Air Force's

proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4511. A letter from the Acting Deputy Secretary, Department of Defense, transmitting reports pursuant to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13; to the Committee on International Relations.

4512. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

4513. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Japan (Transmittal No. DDTC 030-05); to the Committee on International Relations.

4514. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment (Transmittal No. DDTC 045-05); to the Committee on International Relations.

4515. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 027-05); to the Committee on International Relations.

4516. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 2 U.S.C. 4831 et seq.; to the Committee on International Relations.

4517. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4518. A letter from the Asst. Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4519. A letter from the Asst. Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4520. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4521. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4522. A letter from the General Counsel (Acting), Export-Import Bank of the United States, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4523. A letter from the General Counsel (Acting), Export-Import Bank of the United States, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4524. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution [OW-2002-0007; FRL-7980-4] (RIN: 2040-AC58) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions") [RCRA-2002-0028; FRL-7980-1] (RIN: 2050-AE84) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶107.4 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. PETRI, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. Tom DAVIS of Virginia signed the following enrolled bill on Friday, October 7, 2005:

S. 1858. An Act to provide for community disaster loans.

¶107.5 HOUR OF MEETING

On motion of Mr. SMITH of Texas, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 18, 2005, for morning-hour debate.

¶107.6 NATIONAL CHEMISTRY WEEK

Mr. SMITH of Texas moved to suspend the rules and agree to the following resolution (H. Res. 457):

Whereas chemistry is at the core of every technology we benefit from today;

Whereas the power of the chemical sciences is what they create as a whole; an enabling infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace sectors, and these contributions boost economic growth, create new jobs, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public, particularly elementary and secondary school children, about the role of chemistry in society and to enhance students' appreciation of the chemical sciences;

Whereas National Chemistry Week is a community-based public awareness campaign conducted by more than 10,000 volunteers in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Chemistry Week volunteers from United States industry, government, secondary schools, and institutions of higher education reach and educate millions of children through hands-on science activities in local schools, libraries, and museums;

Whereas the theme of National Chemistry Week in 2005, "The Joy of Toys", was chosen to emphasize the chemistry involved in the creation and production of toys and the role that chemistry has played in new material development that has helped to make toys safer and more durable; and

Whereas in recognition of National Chemistry Week, volunteers across the United States will teach children about the chem-

istry involved with the materials, function, and properties of toys during the week beginning October 16, 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals of National Chemistry Week as founded by the American Chemical Society; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SMITH of Texas and Mr. WU, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶107.7 CYBER SECURITY AWARENESS MONTH

Mr. SMITH of Texas moved to suspend the rules and agree to the following resolution (H. Res. 491):

Whereas over 202,000,000 Americans use the Internet in the United States, including 53 percent of home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 23,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50.1 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with approximately 80 percent of instructional rooms connected to the Internet, to enhance our children's education by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their systems, but will protect our children's physical safety, and help them become good cyber citizens;

Whereas our Nation's critical infrastructures rely on the secure and reliable operation of our information networks to support

our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of our Nation's overall homeland security, in particular the control systems that control and monitor our drinking water, dams, and other water management systems; our electricity grids, oil and gas supplies, and pipeline distribution networks; our transportation systems; and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire systems;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in 205,568 complaints in 2004 to the Federal Trade Commission's Consumer Sentinel database; and Internet-related complaints in 2004 accounted for 53 percent of all reported fraud complaints, with monetary losses of over \$265,000,000 and a median loss of \$214;

Whereas our Nation's youth face increasing threats online such as inappropriate content or child predators, with 70 percent of teens having accidentally come across pornography on the Internet, and with one in five children having been approached by a child predator online each year;

Whereas national organizations, policy-makers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance our level of computer and national security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security; Now, therefore, be it

Resolved, That the House of Representatives—

- (1) supports the goals and ideals of National Cyber Security Awareness Month; and
(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SMITH of Texas and Mr. WU, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶107.8 RECESS—2:30 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 30 minutes p.m., until approximately 6:30 p.m.

¶107.9 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. NEUGEBAUER, called the House to order.

¶107.10 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. NEUGEBAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, October 7, 2005.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

Table with 3 columns: Question, Yeas, Nays. Result: 317 Yeas, 52 Nays, 1 present.

¶107.11 [Roll No. 521] YEAS—317

- Ackerman, Carnahan, Emanuel
Aderholt, Carson, Emerson
Akin, Carter, Ashoo
Allen, Castle, Evans
Andrews, Chabot, Everett
Baca, Chocola, Farr
Bachus, Clay, Ferguson
Baker, Cleaver, Flake
Barrett (SC), Clyburn, Foley
Bartlett (MD), Coble, Forbes
Barton (TX), Cole (OK), Fortenberry
Bass, Conaway, Foxx
Bean, Conyers, Frank (MA)
Beauprez, Cooper, Franks (AZ)
Berkley, Costa, Frelinghuysen
Berman, Cramer, Garrett (NJ)
Berry, Crenshaw, Gilchrist
Bilirakis, Crowley, Gillmor
Bishop (GA), Cubin, Gingrey
Bishop (NY), Cuellar, Gohmert
Bishop (UT), Culberson, Gonzalez
Blackburn, Cummings, Goodlatte
Blunt, Cunningham, Gordon
Boehlert, Davis (AL), Granger
Boehner, Davis (CA), Graves
Bonilla, Davis (IL), Green (WI)
Bonner, Davis (TN), Green, Al
Bono, Davis, Jo Ann, Gutknecht
Boozman, Davis, Tom, Hall
Boren, Deal (GA), Hastings (WA)
Boustany, DeGette, Hayes
Boyd, Delahunt, Hayworth
Bradley (NH), DeLauro, Hensarling
Brady (TX), DeLay, Henger
Brown (OH), Dent, Herseth
Brown (SC), Diaz-Balart, M., Higgins
Brown-Waite, Dicks, Hinchey
Ginny, Dingell, Hinojosa
Burgess, Doggett, Hobson
Burton (IN), Doolittle, Hoekstra
Buyer, Doyle, Holt
Camp, Drake, Honda
Cannon, Dreier, Hooley
Cantor, Duncan, Hostettler
Capps, Edwards, Hoyer
Cardoza, Ehlers, Hulshof

- Hunter, Millender-Sánchez, Linda
Hyde, McDonald, T.
Inglis (SC), Miller (FL), Saxton
Inslee, Miller (MI), Schakowsky
Israel, Miller (NY), Schmidt
Issa, Miller, Gary, Schwartz (PA)
Jackson (IL), Miller, George, Schwarz (MI)
Jefferson, Mollohan, Scott (GA)
Jenkins, Moore (KS), Scott (VA)
Jindal, Moore (WI), Sensenbrenner
Johnson (CT), Murphy, Serrano
Johnson (IL), Murtha, Sessions
Johnson, E. B., Musgrave, Shadegg
Johnson, Sam, Myrick, Shaw
Jones (NC), Nadler, Shays
Kaptur, Napolitano, Sherman
Kelly, Neugebauer, Sherwood
Kildee, Ney, Shimkus
Kind, Northup, Simmons
King (NY), Norwood, Simpson
Kingston, Nunes, Skelton
Kline, Obey, Slaughter
Knollenberg, Ortiz, Smith (NJ)
Kolbe, Osborne, Smith (TX)
Kuhl (NY), Otter, Smith (WA)
Langevin, Owens, Snyder
Lantos, Pallone, Sodrel
Larsen (WA), Paul, Solis
Larson (CT), Payne, Souder
LaTourette, Pearce, Spratt
Leach, Pelosi, Stearns
Lee, Pence, Tanner
Levin, Peterson (PA), Tauscher
Lewis (CA), Petri, Taylor (NC)
Lewis (KY), Pitts, Thomas
Linder, Platts, Thompson (MS)
Lipinski, Poe, Thornberry
Lofgren, Zoe, Pombo, Tiahrt
Lowey, Pomeroy, Tierney
Lucas, Porter, Turner
Lungren, Daniel, Price (GA), Upton
E., Price (NC), Van Hollen
Lynch, Pryce (OH), Walden (OR)
Mack, Putnam, Walsh
Maloney, Radanovich, Wamp
Manzullo, Rahall, Watson
Marchant, Regula, Waxman
Matsui, Rehberg, Weiner
McCaul (TX), Reichert, Weldon (FL)
McCrery, Renzi, Weldon (PA)
McHenry, Reynolds, Westmoreland
McHugh, Rogers (AL), Wexler
McIntyre, Rogers (MI), Whitfield
McKinney, Rohrabacher, Wicker
McMorris, Ross, Wilson (NM)
McNulty, Rothman, Wilson (SC)
Meehan, Royce, Wolf
Meek (FL), Ruppersberger, Woolsey
Melancon, Ryan (OH), Wynn
Mica, Ryan (WI), Young (AK)
Michaud, Salazar, Young (FL)

NAYS—52

- Abercrombie, Holden, Peterson (MN)
Baird, Kanjorski, Ramstad
Baldwin, Kennedy (MN), Sabo
Capito, Kucinich, Sanchez, Loretta
Capuano, Latham, Stuster
Chandler, Lewis (GA), Stupak
Costello, LoBiondo, Sweeney
Davis (KY), Markey, Taylor (MS)
English (PA), Marshall, Thompson (CA)
Etheridge, Matheson, Tiberi
Fattah, McCarthy, Udall (CO)
Filner, McCollum (MN), Udall (NM)
Fitzpatrick (PA), McDermott, Velázquez
Fossella, Moran (KS), Waters
Green, Gene, Nussle, Weller
Hart, Oberstar, Wu
Hastings (FL), Olver, Wu
Hefley, Pastor

ANSWERED "PRESENT"—1

- Tancredo

NOT VOTING—63

- Alexander, DeFazio, Jackson-Lee
Barrow, Diaz-Balart, L., (TX)
Becerra, Engel, Jones (OH)
Biggert, Feeney, Keller
Blumenauer, Ford, Kennedy (RI)
Boswell, Gallegly, Kilpatrick (MI)
Boucher, Gerlach, King (IA)
Brady (PA), Gibbons, Kirk
Brown, Corrine, Goode, LaHood
Butterfield, Grijalva, McCotter
Calvert, Gutierrez, McGovern
Cardin, Harman, McKeon
Case, Harris, Meeks (NY)
Davis (FL), Istook, Menendez

Moran (VA) Ros-Lehtinen Sullivan
 Neal (MA) Roybal-Allard Terry
 Oxley Rush Towns
 Pascrell Ryun (KS) Visclosky
 Pickering Sanders Wasserman
 Rangel Schiff Schultz
 Reyes Stark Watt
 Rogers (KY) Strickland

Kline Myrick Sessions
 Knollenberg Nadler Shaw
 Kolbe Napolitano Shays
 Kucinich Neugebauer Sherman
 Kuhl (NY) Ney Sherwood
 Langevin Northup Shimkus
 Lantos Norwood Shuster
 Larsen (WA) Nunes Simmons
 Larson (CT) Nussle Simpson
 Latham Oberstar Skelton
 LaTourette Obey Slaughter
 Leach Oliver Smith (NJ)
 Lee Ortiz Smith (TX)
 Levin Osborne Smith (WA)
 Lewis (CA) Otter Snyder
 Lewis (GA) Owens
 Lewis (KY) Pallone
 Linder Pastor
 Lipinski Paul
 LoBiondo Payne
 Lofgren, Zoe Pearce
 Lowey Pelosi
 Lucas Pence
 Lungren, Daniel Peterson (MN)
 E. Peterson (PA)
 Lynch Mack Petri
 Maloney Pitts
 Manzullo Platts
 Marchant Poe
 Markey Pomeroy
 Marshall Price (GA)
 Matheson Price (NC)
 Matsui Pryce (OH)
 McCarthy Putnam
 McCaul (TX) Radanovich
 McCollum (MN) Rahall
 McCreery Ramstad
 McDermott Regula
 McHenry Rehberg
 McHugh Reichert
 McIntyre Renzi
 McKinney Rogers (AL)
 Morris Rogers (MI)
 McNulty Rohrabacher
 Meehan Ross
 Meek (FL) Rothman
 Melancon Royce
 Mica Ruppertsberger
 Michaud Ryan (OH)
 Millender Ryan (WI)
 McDonald Sabo
 Miller (FL) Salazar
 Miller (MI) Sanchez, Linda
 Miller (NC) T.
 Miller, Gary Sanchez, Loretta
 Miller, George Schakowsky
 Mollohan Schmidt
 Moore (KS) Schwartz (PA)
 Moore (WI) Schwarz (MI)
 Moran (KS) Scott (GA)
 Murphy Scott (VA)
 Murtha Sensenbrenner
 Musgrave Serrano

Sessions
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Nunes
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Sodrel
 Solis
 Souder
 Spratt
 Stearns
 Stupak
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velazquez
 Walden (OR)
 Walsh
 Wamp
 Waters
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)
 Young (FL)

said resolution was agreed was, by unanimous consent, laid on the table.

¶107.14 H. RES. 491—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. NEUGEBAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 491) expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 354 affirmative } Nays 13

So the Journal was approved.

¶107.12 H. RES. 457—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. NEUGEBAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 457) recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 366 affirmative } Nays 2

¶107.13 [Roll No. 522] YEAS—366

Abercrombie Clyburn Garrett (NJ)
 Ackerman Coble Gilchrest
 Aderholt Cole (OK) Gillmor
 Akin Conaway Gingrey
 Allen Conyers Gohmert
 Andrews Cooper Gonzalez
 Baca Costa Goodlatte
 Bachus Costello Gordon
 Baird Cramer Granger
 Baker Crenshaw Graves
 Baldwin Crowley Green (WI)
 Barrett (SC) Cubin Green, Al
 Bartlett (MD) Cuellar Green, Gene
 Barton (TX) Culberson Gutknecht
 Bass Cummings Hall
 Bean Cunningham Hart
 Beauprez Davis (AL) Hastings (FL)
 Berkley Davis (CA) Hastings (WA)
 Berman Davis (IL) Hayes
 Berry Davis (KY) Hayworth
 Bilirakis Davis (TN) Hefley
 Bishop (GA) Davis, Jo Ann Hensarling
 Bishop (NY) Davis, Tom Herger
 Bishop (UT) Deal (GA) Hersheth
 Blackburn DeGette Higgins
 Blunt Delahunt Hinchey
 Boehlert DeLauro Hinojosa
 Boehner DeLay Hobson
 Bonilla Dent Hoekstra
 Bonner Diaz-Balart, M. Holden
 Bono Dicks Holt
 Boozman Dingell Honda
 Boren Doggett Hooley
 Boustany Doolittle Hostettler
 Boyd Doyle Hoyer
 Bradley (NH) Drake Hulshof
 Brady (TX) Dreier Hunter
 Brown (OH) Duncan Hyde
 Brown (SC) Edwards Inglis (SC)
 Brown-Waite, Ehlers Insee
 Ginny Emanuel Israel
 Burgess Emerson Issa
 Burton (IN) English (PA) Jackson (IL)
 Buyer Eshoo Jefferson
 Camp Etheridge Jenkins
 Cannon Evans Jindal
 Cantor Everett Johnson (CT)
 Capito Farr Johnson (IL)
 Capps Fattah Johnson, E. B.
 Capuano Ferguson Johnson, Sam
 Cardoza Filner Jones (NC)
 Carnahan Fitzpatrick (PA) Kanjorski
 Carson Foley Kaptur
 Carter Forbes Kelly
 Castle Fortenberry Kennedy (MN)
 Chabot Fossella Kildee
 Chandler Foxx Kind
 Choccola Frank (MA) King (NY)
 Clay Franks (AZ) Kingston
 Cleaver Frelinghuysen Kirk

Kline Myrick Sessions
 Knollenberg Nadler Shaw
 Kolbe Napolitano Shays
 Kucinich Neugebauer Sherman
 Kuhl (NY) Ney Sherwood
 Langevin Northup Shimkus
 Lantos Norwood Shuster
 Larsen (WA) Nunes Simmons
 Larson (CT) Nussle Simpson
 Latham Oberstar Skelton
 LaTourette Obey Slaughter
 Leach Oliver Smith (NJ)
 Lee Ortiz Smith (TX)
 Levin Osborne Smith (WA)
 Lewis (CA) Otter Snyder
 Lewis (GA) Owens
 Lewis (KY) Pallone
 Linder Pastor
 Lipinski Paul
 LoBiondo Payne
 Lofgren, Zoe Pearce
 Lowey Pelosi
 Lucas Pence
 Lungren, Daniel Peterson (MN)
 E. Peterson (PA)
 Lynch Mack Petri
 Maloney Pitts
 Manzullo Platts
 Marchant Poe
 Markey Pomeroy
 Marshall Price (GA)
 Matheson Price (NC)
 Matsui Pryce (OH)
 McCarthy Putnam
 McCaul (TX) Radanovich
 McCollum (MN) Rahall
 McCreery Ramstad
 McDermott Regula
 McHenry Rehberg
 McHugh Reichert
 McIntyre Renzi
 McKinney Rogers (AL)
 Morris Rogers (MI)
 McNulty Rohrabacher
 Meehan Ross
 Meek (FL) Rothman
 Melancon Royce
 Mica Ruppertsberger
 Michaud Ryan (OH)
 Millender Ryan (WI)
 McDonald Sabo
 Miller (FL) Salazar
 Miller (MI) Sanchez, Linda
 Miller (NC) T.
 Miller, Gary Sanchez, Loretta
 Miller, George Schakowsky
 Mollohan Schmidt
 Moore (KS) Schwartz (PA)
 Moore (WI) Schwarz (MI)
 Moran (KS) Scott (GA)
 Murphy Scott (VA)
 Murtha Sensenbrenner
 Musgrave Serrano

NAYS—2

Flake Shadegg

NOT VOTING—65

Alexander Grijalva Pombo
 Barrow Gutierrez Rangel
 Becerra Harman Reyes
 Biggart Harris Reynolds
 Blumenauer Istook Rogers (KY)
 Boswell Jackson-Lee
 Boucher (TX) Ros-Lehtinen
 Brady (PA) Roybal-Allard
 Brown, Corrine Jones (OH)
 Butterfield Keller
 Calvert Kennedy (RI)
 Cardin Kilpatrick (MI)
 Case King (IA)
 Davis (FL) LaHood
 DeFazio McCotter
 Diaz-Balart, L. McGovern
 Engel McKeon
 Feeney Meeke (NY)
 Ford Menendez
 Gallegly Moran (VA)
 Gerlach Neal (MA)
 Gibbons Oxley
 Goode Pascrell
 Pickering Schultz
 Watt

Costa
 Costello
 Cramer
 Crenshaw
 Crowley
 Cubin
 Cuellar
 Culberson
 Cummings
 Cunningham
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 Davis, Jo Ann
 Davis, Tom
 Deal (GA)
 DeGette
 Delahunt
 DeLauro
 DeLay
 Dent
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Doolittle
 Doyle
 Drake
 Dreier
 Duncan
 Edwards
 Ehlers
 Emanuel
 Emerson
 English (PA)
 Eshoo
 Etheridge
 Evans
 Everett
 Farr
 Fattah
 Filner
 Fitzpatrick (PA)
 Foley
 Forbes
 Fortenberry
 Fossella
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Garrett (NJ)
 Gilchrest
 Gillmor
 Gingrey
 Gohmert
 Gonzalez
 Goodlatte
 Gordon
 Granger
 Graves
 Green (WI)
 Green, Al
 Green, Gene
 Gutknecht
 Hall
 Honda
 Hooley
 Hostettler
 Hoyer
 Hulshof
 Hunter
 Hyde
 Inglis (SC)
 Insee
 Israel
 Issa
 Jackson (IL)
 Jefferson
 Jenkins
 Jindal
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Kanjorski
 Kaptur
 Kelly
 Kennedy (MN)
 Kildee
 Kind
 King (NY)
 Kingston
 Kirk
 Kline
 Knollenberg
 Kolbe
 Kucinich
 Kuhl (NY)
 Langevin
 Lantos
 Larson (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 Lipinski

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

LoBiondo	Ortiz	Sherman
Lofgren, Zoe	Osborne	Sherwood
Lowey	Otter	Shuster
Lucas	Owens	Simmons
Lungren, Daniel E.	Pallone	Simpson
Lynch	Pastor	Skelton
Mack	Payne	Slaughter
Maloney	Pearce	Smith (NJ)
Manzullo	Pelosi	Smith (WA)
Marchant	Pence	Snyder
Markey	Peterson (MN)	Sodrel
Marshall	Peterson (PA)	Solis
Matheson	Petri	Souder
Matsui	Pitts	Spratt
McCarthy	Platts	Stupak
McCaul (TX)	Poe	Sweeney
McCollum (MN)	Pombo	Tancredo
McCrery	Pomeroy	Tanner
McDermott	Porter	Tauscher
McHenry	Price (GA)	Taylor (MS)
McHugh	Pryce (OH)	Taylor (NC)
McIntyre	Putnam	Thomas
McKinney	Radanovich	Thompson (CA)
McMorris	Rahall	Thompson (MS)
McNulty	Ramstad	Thornberry
Meehan	Regula	Tiberi
Meek (FL)	Rehberg	Tierney
Melancon	Reichert	Turner
Menendez	Renzi	Udall (CO)
Mica	Reynolds	Udall (NM)
Michaud	Rogers (AL)	Udall (NM)
Millender-McDonald	Rogers (MI)	Van Hollen
Miller (FL)	Rohrabacher	Velázquez
Miller (MI)	Ross	Walsh
Miller (NC)	Rothman	Wamp
Miller, Gary	Royce	Waters
Miller, George	Ruppersberger	Watson
Mollohan	Ryan (OH)	Waxman
Moore (KS)	Ryan (WI)	Weiner
Moore (WI)	Sabo	Weldon (FL)
Moran (KS)	Salazar	Weldon (PA)
Murphy	Sánchez, Linda T.	Weller
Musgrave	Sanchez, Loretta	Westmoreland
Myrick	Saxton	Wexler
Nadler	Schakowsky	Whitfield
Napolitano	Schmidt	Wicker
Neugebauer	Schwartz (PA)	Wilson (NM)
Ney	Schwarz (MI)	Wilson (SC)
Northup	Scott (GA)	Wolf
Nunes	Scott (VA)	Woolsey
Nussle	Sensenbrenner	Wu
Oberstar	Serrano	Wynn
Obey	Shaw	Young (AK)
	Shays	Young (FL)

NAYS—13

Barton (TX)	Norwood	Stearns
Ferguson	Paul	Upton
Flake	Sessions	Walden (OR)
Hensarling	Shadegg	
Jones (NC)	Shimkus	

NOT VOTING—66

Alexander	Grijalva	Pickering
Barrow	Gutierrez	Price (NC)
Becerra	Harman	Rangel
Biggert	Harris	Reyes
Blumenauer	Istook	Rogers (KY)
Boswell	Jackson-Lee (TX)	Ros-Lehtinen
Boucher	Jones (OH)	Roybal-Allard
Brady (PA)	Keller	Rush
Brown, Corrine	Kennedy (RI)	Ryun (KS)
Butterfield	Kilpatrick (MI)	Sanders
Calvert	King (IA)	Schiff
Cardin	LaHood	Smith (TX)
Case	McCotter	Stark
Davis (FL)	McGovern	Strickland
DeFazio	McKeon	Sullivan
Diaz-Balart, L.	Meeks (NY)	Terry
Engel	Moran (VA)	Tiahrt
Feeney	Murtha	Towns
Ford	Neal (MA)	Viscolsky
Gallegly	Olver	Wasserman
Gerlach	Oxley	Schultz
Gibbons	Pascarell	Watt
Goode		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶107.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. NEUGEBAUER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 17, 2005, at 4:42 p.m. and said to contain a message from the President consistent with the Trade Act of 2002 whereby he notifies the Congress of his intention to enter into a Free Trade Agreement with the Sultanate of Oman.

With best wishes, I am
Sincerely,

GERASIMOS VANS,
Deputy Clerk of the House.

¶107.17 FREE TRADE AGREEMENT WITH THE SULTANATE OF OMAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, (Public Law 107-210) (the "Trade Act"), I am pleased to notify the Congress of my intention to enter into a Free Trade Agreement (FTA) with the Sultanate of Oman.

The Agreement will generate export opportunities for U.S. companies, farmers, and ranchers, help create jobs in the United States, and help American consumers save money while offering them more choices. Entering into an FTA with Oman will build on the FTAs that we already have with Israel, Jordan, and Morocco, as well as the FTA that we have concluded with Bahrain, and will be an important step on the path to fulfilling my vision of developing economic growth and democracy in the Middle East and creating a U.S.—Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this Agreement.

GEORGE W. BUSH,
THE WHITE HOUSE, October 17, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 109-60).

¶107.18 PROVIDING FOR THE CONSIDERATION OF S. 397

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-248) the resolution (H. Res. 493) providing for the consideration of the bill of the Senate (S. 397) to prohibit civil liability actions from being brought or continued against manufac-

turers, distributors, dealers, or importers of firearms ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

When said resolution and report were referred to the House Calendar and ordered printed.

¶107.19 PROVIDING FOR THE CONSIDERATION OF H.R. 554

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-249) the resolution (H. Res. 494) providing for the consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

When said resolution and report were referred to the House Calendar and ordered printed.

¶107.20 SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced his signature to an enrolled bill of the Senate of the following title:

S. 1858. An Act to provide for community disaster loans.

¶107.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;
To Mrs. BIGGERT, for today;
To Mr. CARDIN, for today;
To Mr. GRIJALVA, for today and October 18;
To Ms. KILPATRICK of Michigan, for today;
To Mr. KING of Iowa, for today;
To Mr. REYES, for today;
To Ms. ROYBAL-ALLARD, for today and balance of the week;
To Mr. SCHIFF, for today and October 18;
To Ms. WASSERMAN-SCHULTZ, for today and
To Ms. JACKSON-LEE of Texas, for today.
And then,

¶107.22 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the previous order of the House, at 10 o'clock and 59 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, October 18, 2005.

¶107.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2383. A bill to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the

“C.W. ‘Bill’ Jones Pumping Plant” (Rept. 109-247). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 493. Resolution providing for consideration of the bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others (Rept. 109-248). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 494. Resolution providing for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person’s weight gain, obesity, or any health condition associated with weight gain or obesity (Rept. 109-249). Referred to the House Calendar.

107.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. VAN HOLLEN):

H.R. 4057. A bill to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Government Reform.

By Mr. WELLER:

H.R. 4058. A bill to amend the Internal Revenue Code of 1986 to modify the construction contract exception to the percentage of completion method for determining income under long-term contracts; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. BURTON of Indiana, and Mr. WELDON of Florida):

H.R. 4059. A bill to amend the Individuals with Disabilities Education Act to enhance educational services for persons with autism spectrum disorders, to expand loan forgiveness for teachers of autistic children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE:

H.R. 4060. A bill to amend the Internal Revenue Code of 1986 to allow a 100 percent deduction for meal and entertainment expenses; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. EVANS, Mr. BILIRAKIS, Mr. STRICKLAND, Mr. EVERETT, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. REYES, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. UDALL of New Mexico, Mr. BRADLEY of New Hampshire, Mr. MORAN of Kansas, and Mr. TURNER):

H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes; to the Committee on Veterans’ Affairs.

By Mrs. LOWEY (for herself, Mr. EMANUEL, Mr. CASE, Mr. CONYERS, Mrs. MALONEY, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. OWENS, Mr.

KILDEE, Mr. McNULTY, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. HOYER, Mr. VAN HOLLEN, Mr. PALLONE, Mr. DEFazio, Mr. INSLEE, Mr. MCGOVERN, Mr. GUTIERREZ, Ms. BEAN, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. SCHIFF, Mr. SKELTON, Mr. SANDERS, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. MARKEY, Mr. WEXLER, Mr. ACKERMAN, and Mr. ALLEN):

H.R. 4062. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mrs. MALONEY, Mr. EMANUEL, Mr. OWENS, Mr. MEEK of Florida, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mr. SANDERS, Mr. LEVIN, and Mr. WEXLER):

H.R. 4063. A bill to direct the Secretary of Health and Human Services to develop a policy for managing the risk of food allergy and anaphylaxis in schools; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 4064. A bill to provide for the inclusion of Department of Defense property on Santa Rosa and Okaloosa Island, Florida, in the Gulf Islands National Seashore if the property is ever excess to the needs of the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSBORNE:

H.R. 4065. A bill to amend the Immigration and Nationality Act to provide certain undocumented workers with temporary work visas; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4066. A bill to amend the Internal Revenue Code of 1986 to allow individuals either a credit against income tax or a deduction for expenses paid or incurred by reason of a voluntary or mandatory evacuation; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Ms. LEE, Mr. KUCINICH, and Mr. FILNER):

H.R. 4067. A bill to reform the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. VISCLOSKEY:

H.R. 4068. A bill to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. POMEROY, and Mr. ENGLISH of Pennsylvania):

H.R. 4069. A bill to amend the Internal Revenue Code of 1986 to extend the period that regulated investment companies may carry-over capital losses; to the Committee on Ways and Means.

By Mr. POMBO:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress upholding the Makah Tribe treaty rights; to the Committee on Resources.

By Mr. BOEHLERT (for himself, Mr. GORDON, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. HONDA, Mr. SHERMAN, Mr. UPTON, Ms. ESHOO,

Ms. ZOE LOFGREN of California, Mr. WU, and Mr. SMITH of Texas):

H. Res. 491. A resolution expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Science, considered and agreed to.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. LEACH, Mr. FALOMAVAEGA, Mr. BURTON of Indiana, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. CROWLEY, and Mr. MENENDEZ):

H. Res. 492. A resolution mourning the loss of life caused by the earthquake that occurred on October 8, 2005, in Pakistan and India, expressing the condolences of the American people to the families of the victims, and urging assistance to those affected; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. LANTOS, Mr. GALLEGLY, Mr. WEXLER, Mrs. KELLY, Mr. MCGOVERN, Mr. KING of New York, Mr. CROWLEY, Mr. KIRK, Mrs. MALONEY, Mr. MEEKS of New York, Mr. SMITH of New Jersey, and Ms. WASSERMAN SCHULTZ):

H. Res. 495. A resolution commending the people of the Republic of Albania on the 60th anniversary of the end of World War II for protecting and saving the lives of the majority of Jews living in Albania during the Holocaust; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. TANCREDO, Mr. WOLF, Mr. LANTOS, Mr. MEEKS of New York, Ms. MCCOLLUM of Minnesota, and Ms. WATSON):

H. Res. 496. A resolution honoring the life and achievements of the late Dr. John Garang de Mabiior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan; to the Committee on International Relations.

By Mr. RANGEL:

H. Res. 497. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; to the Committee on the Judiciary.

107.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 49: Mr. HIGGINS and Mr. OLVER.
- H.R. 219: Mr. BARTLETT of Maryland.
- H.R. 226: Mrs. CAPITO.
- H.R. 302: Mr. UDALL of Colorado.
- H.R. 305: Mr. KLINE.
- H.R. 311: Mr. MOORE of Kansas, Mr. SHERMAN, and Mr. BERMAN.
- H.R. 500: Mrs. CUBIN.
- H.R. 503: Mr. LARSON of Connecticut.
- H.R. 517: Mr. RUPPERSBERGER, Mr. CRENSHAW, Mrs. CUBIN, Mr. ROTHMAN, Mr. MENENDEZ, and Mr. VAN HOLLEN.
- H.R. 535: Ms. MCKINNEY and Mr. JACKSON of Illinois.
- H.R. 583: Mr. BURGESS and Mr. SHUSTER.
- H.R. 602: Mr. THOMPSON of Mississippi.
- H.R. 615: Mr. ROSS and Mr. ANDREWS.
- H.R. 668: Ms. ROYBAL-ALLARD.
- H.R. 759: Mr. CLEAVER and Mr. SHERMAN.
- H.R. 777: Mr. INGLIS of South Carolina.
- H.R. 813: Mr. NADLER, Mr. ETHERIDGE, and Mr. MILLER of North Carolina.
- H.R. 872: Mr. COOPER, Mr. ROTHMAN, Mr. KILDEE, Mr. ALLEN, Mrs. CAPPS, Mr. OLVER, and Ms. SCHWARTZ of Pennsylvania.
- H.R. 874: Mr. BOUSTANY.
- H.R. 884: Mr. SWEENEY.

H.R. 887: Mr. HONDA.
 H.R. 920: Mr. SOUDER.
 H.R. 923: Mr. SERRANO and Mr. FORTUÑO.
 H.R. 949: Ms. LEE and Mr. ISRAEL.
 H.R. 972: Mr. MENENDEZ and Mrs. DAVIS of California.
 H.R. 986: Mr. ROSS and Mr. HIGGINS.
 H.R. 994: Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. BONNER, Mr. SHAW, Mr. KUCINICH, Mr. TANNER, Mr. BECERRA, Mr. LAHOOD, Mr. BROWN of South Carolina, Ms. LORETTA SANCHEZ of California, and Mr. SCHWARZ of Michigan.
 H.R. 998: Mr. SODREL.
 H.R. 1000: Mr. FITZPATRICK of Pennsylvania.
 H.R. 1002: Mr. WALSH, Mr. McCOTTER, Mr. MCINTYRE, Mrs. DAVIS of California, and Mr. HOLT.
 H.R. 1010: Mr. NEAL of Massachusetts and Mr. LEVIN.
 H.R. 1227: Mr. DAVIS of Kentucky, Mr. LAN-TOS, and Mr. ORTIZ.
 H.R. 1246: Mrs. CUBIN and Mr. BECERRA.
 H.R. 1251: Mr. SERRANO.
 H.R. 1298: Mr. ISSA, Mr. BECERRA, Ms. DEGETTE, and Mr. LOBIONDO.
 H.R. 1329: Mr. SHAYS and Mr. BROWN of South Carolina.
 H.R. 1369: Mr. FORBES.
 H.R. 1409: Mr. VAN HOLLEN.
 H.R. 1426: Mr. CONYERS.
 H.R. 1510: Mr. SODREL and Mr. SESSIONS.
 H.R. 1526: Ms. DEGETTE.
 H.R. 1578: Mr. LINDER.
 H.R. 1588: Mr. BROWN of Ohio and Ms. SLAUGHTER.
 H.R. 1591: Mr. VAN HOLLEN.
 H.R. 1621: Mr. WAXMAN and Mr. DINGELL.
 H.R. 1636: Mr. ENGEL.
 H.R. 1664: Mr. LARSEN of Washington.
 H.R. 1681: Mr. RUPPERSBERGER.
 H.R. 1696: Mr. ETHERIDGE.
 H.R. 1736: Mr. JONES of North Carolina.
 H.R. 1742: Mr. FATTAH.
 H.R. 1819: Ms. CORRINE BROWN of Florida.
 H.R. 1849: Mr. FORTUÑO.
 H.R. 1859: Mr. UDALL of Colorado.
 H.R. 1864: Mr. RAMSTAD, Mr. SHAYS, Mrs. MALONEY, Ms. ZOE LOFGREN of California, Mr. SOUDER, Mr. GENE GREEN of Texas, and Mr. LINCOLN DIAZ-BALART of Florida.
 H.R. 1973: Mrs. DAVIS of California and Mr. EVANS.
 H.R. 2048: Mr. HOLT and Mr. RANGEL.
 H.R. 2199: Mr. CUMMINGS.
 H.R. 2238: Mr. HASTINGS of Florida.
 H.R. 2294: Mr. SIMMONS.
 H.R. 2421: Mr. TURNER, Mr. BACA, Mr. HOYER, Mr. SHERMAN, Mr. KIND, Mr. GENE GREEN of Texas, Ms. KAPTUR, Ms. PRYCE of Ohio, and Mr. FOLEY.
 H.R. 2669: Mr. SMITH of New Jersey, Mr. PALLONE, Ms. NORTON, Mr. OLVER, Mr. EMANUEL, Mr. DICKS, Mrs. MALONEY, and Mr. SCHIFF.
 H.R. 2682: Mr. ABERCROMBIE.
 H.R. 2694: Mr. HIGGINS, Mr. HONDA, and Mr. CUMMINGS.
 H.R. 2721: Mr. BOREN.
 H.R. 2793: Mr. MORAN of Kansas.
 H.R. 2803: Mr. PENCE, Mr. HINCHEY, and Mrs. BONO.
 H.R. 2804: Mr. SOUDER and Mrs. MYRICK.
 H.R. 2811: Mr. JACKSON of Illinois.
 H.R. 2830: Mr. MANZULLO.
 H.R. 2835: Mr. HONDA and Mr. ROSS.
 H.R. 2841: Ms. DEGETTE.
 H.R. 2861: Mr. CUMMINGS, Mr. DICKS, and Mr. STUPAK.
 H.R. 2874: Mr. PASTOR, Mr. HONDA, Mr. REYES, and Mr. EMANUEL.
 H.R. 2892: Mrs. MALONEY and Mr. FARR.
 H.R. 2961: Mr. BOUCHER, Mr. LAHOOD, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 2971: Mr. SHIMKUS.
 H.R. 2989: Mr. ROSS, Mr. MENENDEZ, Mr. PRICE of North Carolina, and Mr. VAN HOLLEN.

H.R. 3127: Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. WOOLSEY, and Mr. WELDON of Pennsylvania.
 H.R. 3150: Mr. JONES of North Carolina.
 H.R. 3151: Mr. MICHAUD.
 H.R. 3162: Mr. ABERCROMBIE.
 H.R. 3255: Mr. TANNER.
 H.R. 3276: Mr. MCCAUL of Texas.
 H.R. 3333: Mr. SULLIVAN.
 H.R. 3352: Mrs. MUSGRAVE.
 H.R. 3361: Mr. PETERSON of Minnesota and Ms. MATSUL.
 H.R. 3373: Mr. MICA, Mr. ISRAEL, Mr. NEAL of Massachusetts, Mr. REYNOLDS, Mr. MICHAUD, and Mr. SCOTT of Georgia.
 H.R. 3405: Mr. ROGERS of Alabama, Mr. HUNTER, Mr. PAUL, Mr. BARROW, Mr. KLINE, Mr. AKIN, and Mr. CULBERSON.
 H.R. 3417: Mr. BRADY of Pennsylvania and Mr. EVANS.
 H.R. 3492: Mr. LEWIS of Georgia.
 H.R. 3548: Mr. SWEENEY.
 H.R. 3561: Mr. CLAY, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER.
 H.R. 3579: Mr. GRIJALVA.
 H.R. 3582: Mr. MCHUGH.
 H.R. 3601: Mr. ACKERMAN.
 H.R. 3616: Mr. CHABOT.
 H.R. 3617: Mr. WALSH, Ms. SLAUGHTER, and Mr. SIMMONS.
 H.R. 3644: Mr. HIGGINS.
 H.R. 3700: Mr. GOODE.
 H.R. 3704: Mr. DUNCAN.
 H.R. 3710: Mr. KENNEDY of Rhode Island.
 H.R. 3758: Mr. BERMAN and Ms. LORETTA SANCHEZ of California.
 H.R. 3764: Mr. POMEROY and Mr. DAVIS of Florida.
 H.R. 3800: Mr. SANDERS.
 H.R. 3832: Mr. JACKSON of Illinois.
 H.R. 3852: Mr. MEEKS of New York.
 H.R. 3917: Ms. WOOLSEY.
 H.R. 3918: Mrs. BLACKBURN and Mr. MANZULLO.
 H.R. 3936: Ms. BERKLEY, Mr. DOYLE, Ms. BALDWIN, Mr. GONZALEZ, Mrs. CHRISTENSEN, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. BERRY, Mr. FRANK of Massachusetts, Mr. LEVIN, Mr. GRIJALVA, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. CARNAHAN, Mr. BECERRA, Ms. DEGETTE, Mr. WAXMAN, and Mr. ALLEN.
 H.R. 3953: Mr. FEENEY, Mr. KELLER, and Mr. WEXLER.
 H.R. 3954: Mr. ETHERIDGE.
 H.R. 3974: Mr. BACA, Mr. ROGERS of Alabama, Mrs. MUSGRAVE, Mr. BOREN, Mr. RAHALL, and Mr. SALAZAR.
 H.R. 4012: Mr. OWENS, Mr. BERMAN, and Mr. WEXLER.
 H.R. 4018: Mr. NORWOOD and Mr. RYUN of Kansas.
 H.R. 4021: Mr. TOM DAVIS of Virginia and Ms. MILLENDER-MCDONALD.
 H.R. 4025: Mr. BACA, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. MORAN of Kansas, Mr. OBERSTAR, and Mrs. TAUSCHER.
 H.R. 4030: Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. BACA, and Mr. WEXLER.
 H.R. 4033: Mrs. MCCARTHY, Mr. UPTON, Mr. STEARNS, and Mr. SAXTON.
 H.R. 4052: Ms. BALDWIN and Mr. JACKSON of Illinois.
 H.J. Res. 38: Mr. DOYLE.
 H. Con. Res. 106: Mr. DOYLE.
 H. Con. Res. 177: Mr. MCHUGH.
 H. Con. Res. 197: Mrs. MALONEY and Ms. HARMAN.
 H. Con. Res. 230: Mr. GARRETT of New Jersey, Mr. BEAUPREZ, Mr. MACK, Mr. BISHOP of Georgia, Mr. OLVER, Mr. MANZULLO, Mr. DAVIS of Florida, and Mr. POE.
 H. Con. Res. 231: Mr. PRICE of North Carolina, Mr. MATHESON, and Mr. McNULTY.
 H. Con. Res. 234: Mr. OLVER and Mr. SANDERS.
 H. Con. Res. 260: Mr. McCOTTER, Mr. TERRY, Mr. BISHOP of Georgia, Mr. PALLONE,

Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. CROWLEY, Mr. ENGEL, and Mr. LANTOS.
 H. Con. Res. 262: Mr. LARSEN of Washington, Mr. ABERCROMBIE, and Mr. MEEKS of New York.
 H. Res. 31: Mr. BROWN of Ohio.
 H. Res. 76: Mr. MCINTYRE, Mr. PAYNE, and Mr. FILNER.
 H. Res. 97: Mr. PLATTS.
 H. Res. 223: Mr. BROWN of Ohio.
 H. Res. 316: Mr. MICHAUD.
 H. Res. 404: Mr. SPRATT.
 H. Res. 449: Mr. WEXLER and Mr. KIND.
 H. Res. 457: Mr. BISHOP of Georgia, Mr. LIPINSKI, Mr. MCGOVERN, Mr. SKELTON, and Mr. HONDA.
 H. Res. 458: Mr. MEEKS of New York, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, and Mr. DOYLE.
 H. Res. 472: Mr. COLE of Oklahoma.
 H. Res. 477: Mrs. MALONEY, Mr. TOWNS, Mr. FILNER, Mr. GUTIERREZ, and Mrs. TAUSCHER.

¶107.26 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3954: Mr. BISHOP of Utah.

TUESDAY, OCTOBER 18, 2005 (108)

¶108.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. PRICE of Georgia, who laid before the House the following communication:

WASHINGTON, DC,
 October 18, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Tuesday, January 4, 2005, Members were recognized for morning-hour debate.

¶108.2 RECESS—11:17 A.M.

The SPEAKER pro tempore, Mr. PRICE of Georgia, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 17 minutes a.m., until noon.

¶108.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. SHIMKUS, called the House to order.

¶108.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHIMKUS, announced he had examined and approved the Journal of the proceedings of Monday, October 17, 2005.

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

¶108.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4526. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Kevin P. Byrnes, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4527. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 07-05 which informs of an intent to sign a Research, Development, Test and Evaluation Annex to the Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4528. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-30, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services; to the Committee on International Relations.

4529. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding the determination to transfer FY 2004 and FY 2005 funds to the FY 2005 International Narcotics Control and Law Enforcement Account for the Women's Justice and Empowerment Initiative; to the Committee on International Relations.

4530. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

4531. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report of the amount of acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside the United States; to the Committee on International Relations.

4532. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-34, Waiving Prohibition on United States Military Assistance with Respect to Benin, pursuant to Public Law 107-206, section 2007; to the Committee on International Relations.

4533. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on International Relations.

4534. A letter from the Secretary, Department of Agriculture, transmitting the semi-annual report of the Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4535. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's FY 2004 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Government Reform.

4536. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Audit of Advisory Neighborhood Commis-

sion 2D for Fiscal Years 2003 and 2004," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

4537. A letter from the Director of Finance and Administration, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2004, pursuant to Public Law 106-554, section 382L. (114 Stat. 2763A-280); to the Committee on Government Reform.

4538. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, covering the period from May 2004 to May 2005, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4539. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting in accordance with the requirements of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Department's annual report for Fiscal Year 2004; to the Committee on Government Reform.

4540. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2005 FAIR Act inventory; to the Committee on Government Reform.

4541. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States for the March 15, 2005 session, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4542. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the Annual Report to Congress on the Refugee Resettlement Program as required by section 413(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

4543. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the effects of Parental Kidnapping Laws in domestic violence cases, pursuant to Public Law 106-386, section 1303; to the Committee on the Judiciary.

4544. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on stalking and domestic violence for 2002 through 2004, pursuant to Public Law 106-386, section 40610; to the Committee on the Judiciary.

4545. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report to Congress for 2004 on Safe Havens: Supervised Visitation and Safe Exchange Services and Programs, pursuant to 42 U.S.C. 10420(d); to the Committee on the Judiciary.

4546. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Twenty-Seventh Annual Report to Congress on the activities during Fiscal Year 2004 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

4547. A letter from the Chief Executive Officer, United States Olympic Committee, transmitting the 2004 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

4548. A letter from the Interim Staff Director, United States Sentencing Commission, transmitting a copy of the 2003 Annual Report and Sourcebook of Federal Sentencing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

4549. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2004 Findings on the

Worst Forms of Child Labor," pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

4550. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Stock Held by Foreign Insurance Companies [TD 9226] (RIN: 1545-BD27) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4551. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit, Section 41 (b), Qualified Research Expenses. [U.I.L. 41.51-01] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4552. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005-67) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4553. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reduction in Certain Deductions of Mutual Life Insurance Companies (Rev. Rul. 2005-58) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4554. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-57) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4555. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Sherwin-Williams Co. Employee Health Plan Trust v. Commissioner, 330 F.3d 449 (6th Cir. 2003), rev'g 115 T.C. 440 (2000) — received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4556. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs [Notice 2005-68] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4557. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transfers of Excess Pension Assets to Retiree Health Accounts (Rev. Rul. 2005-60) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4558. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2005-63) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4559. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-61) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4560. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Collected Excise Taxes; Duties of Collector [TD 9221] (RIN: 1545-BB75) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4561. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 951 for Determining Pro Rata Share [TD 9222] (RIN: 1545-BD49) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4562. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005-62) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4563. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adjusted Gross Income Defined (Rev. Rul. 2005-52) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4564. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-63] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4565. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9218] (RIN: 1545-BE16) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4566. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2005-53) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4567. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Property Transferred in Connection with the Performance of Services (Rev. Rul. 2005-48) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4568. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2005 Section 43 Inflation Adjustment [Notice 2004-56] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4569. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Simplified Service Cost Method and the Simplified Production Method [TD 9217] (RIN: 1545-BE61) received August 10, 2005, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4570. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Notice 2005-4; biodiesel and aviation-grade kerosene [Notice 2005-62] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4571. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's

final rule — 2005 Marginal Production Rates [Notice 2005-55] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4572. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Consent for an Eligible Educational Institution to Change Reporting Methods (Rev. Proc. 2005-50) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4573. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information about additional criteria that will be applied in selecting proposals for the Internal Revenue Service's Industry Issue Resolution (IIR) program. [Notice 2005-59] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4574. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Foreign tax credit and other guidance under section 965 [Notice 2005-64] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4575. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a joint report on the counter-drug efforts in Afghanistan as required by the Intelligence Reform and Terrorism Prevention Act of 2004; jointly to the Committees on International Relations and Armed Services.

¶108.6 ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES

Mr. HYDE moved to suspend the rules and pass the bill (H.R. 1409) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. HYDE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.7 PAKISTAN EARTHQUAKE

Mr. HYDE moved to suspend the rules and agree to the following resolution (H. Res. 492):

Whereas on October 8, 2005, a powerful earthquake measuring 7.6 on the Richter Scale occurred in Pakistan and India, centered on the city of Muzaffarabad;

Whereas the earthquake caused severe damage in both Pakistan and India;

Whereas the earthquake and continuing aftershocks have caused more than 50,000

deaths, resulted in serious injuries to additional tens of thousands of people, and left between 2.5 and 3 million homeless as winter in the affected mountainous region approaches;

Whereas millions of people throughout the affected region currently lack clean water, food, proper sanitation, basic healthcare, adequate shelter, and other necessities, thereby increasing the risk of additional suffering and death; and

Whereas the United States and donors from at least 30 other countries have, to date, pledged several hundred million dollars in emergency and long-term reconstruction assistance, and have begun to deliver humanitarian supplies to survivors of the earthquake; Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the tragic loss of life and horrendous suffering caused by the earthquake that occurred on October 8, 2005, in Pakistan and India;

(2) expresses the deepest condolences of the American people to the families, communities, and governments of the tens of thousands of individuals who lost their lives in this earthquake;

(3) welcomes and commends the prompt international humanitarian response to the earthquake by the governments of many countries, the United Nations and other international organizations, and nongovernmental organizations;

(4) expresses gratitude and respect for the courageous and committed work of all individuals providing aid, relief and assistance, including United States civilian and military personnel, who are working to save lives and provide relief in the devastated areas; and

(5) supports the actions to assist the victims taken by the President and the Government of the United States to provide all appropriate assistance to the governments and people of the affected region.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. HYDE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.8 SANTA ANA RIVER WATER SUPPLY

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 177) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mrs. MUSGRAVE and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶108.9 ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT

Mrs. MUSGRAVE moved to suspend the rules and pass the bill of the Senate (S. 55) to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mrs. MUSGRAVE and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶108.10 OJITO WILDERNESS

Mrs. MUSGRAVE moved to suspend the rules and pass the bill of the Senate (S. 156) to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mrs. MUSGRAVE and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶108.11 AUTHORITY OF THE SECRETARY OF THE ARMY

Mr. DUNCAN moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 3765) to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits:

Page 2, line 10, strike "December 31, 2007" and insert: "March 31, 2006".

Amend the title so as to read: "An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits."

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. DUNCAN and Mr. SALAZAR, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶108.12 WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

Mr. PORTER moved to suspend the rules and pass the bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.13 U.S. CLEVELAND POST OFFICE BUILDING

Mr. PORTER moved to suspend the rules and pass the bill (H.R. 3830) to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶108.14 WILLIE VAUGHN POST OFFICE

Mr. PORTER moved to suspend the rules and pass the bill (H.R. 3853) to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.15 SOUTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY

Mr. BARRETT of South Carolina moved to suspend the rules and agree to the following resolution (H. Res. 300):

Whereas the South Carolina Farm Bureau Mutual Insurance Company was organized on December 19, 1955, to provide members of the Farm Bureau Federation with insurance coverage that was difficult to obtain and to assist such members with safety programs and loss control measures;

Whereas the South Carolina Farm Bureau Mutual Insurance Company is the largest domestic property and casualty insurer in the State of South Carolina;

Whereas the South Carolina Farm Bureau Mutual Insurance Company has 245 employees and 250 exclusive licensed agents throughout South Carolina that offer various insurance and financial services;

Whereas the South Carolina Farm Bureau Mutual Insurance Company provides a diverse line of products, including auto, homeowners, and other insurance coverage with sales exceeding \$190,000,000 on more than 344,000 policies;

Whereas in 1999, after Hurricane Floyd struck the coast of South Carolina, 90 percent of reported claims made with the South Carolina Farm Bureau Mutual Insurance Company were settled within one week; and

Whereas the South Carolina Farm Bureau Mutual Insurance Company serves families of farmers and non-farmers in rural and urban communities and the slogan of the Company is, "Helping you is what we do best": Now, therefore, be it

Resolved, That the House of Representatives recognizes the South Carolina Farm Bureau Mutual Insurance Company on the occasion of its 50th anniversary and salutes the outstanding service of the Company to the people of South Carolina.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BARRETT of South Carolina and Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.16 PROVIDING FOR CONSIDERATION OF S. 397

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 493):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommitt.

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.17 PROVIDING FOR THE CONSIDERATION OF H.R. 554

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 494):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.18 RECESS—3:54 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 54 minutes p.m., subject to the call of the Chair.

¶108.19 AFTER RECESS—5:30 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶108.20 H. RES. 494—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 494) providing for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 310
affirmative } Nays 114

¶108.21 [Roll No. 524]

YEAS—310

Aderholt	Chabot	Foxx
Akin	Chandler	Frank (MA)
Alexander	Chocola	Franks (AZ)
Baca	Coble	Frelinghuysen
Bachus	Cole (OK)	Galleghy
Baker	Conaway	Garrett (NJ)
Barrett (SC)	Conyers	Gerlach
Barrow	Cooper	Gibbons
Bartlett (MD)	Costa	Gilchrest
Barton (TX)	Cramer	Gillmor
Bass	Crenshaw	Gingrey
Bean	Cubin	Gohmert
Beauprez	Cuellar	Gonzalez
Berkley	Culberson	Goode
Berry	Cunningham	Goodlatte
Biggert	Davis (AL)	Gordon
Bilirakis	Davis (CA)	Granger
Bishop (GA)	Davis (KY)	Graves
Bishop (NY)	Davis (TN)	Green (WI)
Bishop (UT)	Davis, Jo Ann	Green, Gene
Blackburn	Davis, Tom	Gutierrez
Blunt	Deal (GA)	Gutknecht
Boehlert	DeFazio	Hall
Boehner	DeGette	Harman
Bonilla	DeLay	Harris
Bonner	Dent	Hart
Bono	Diaz-Balart, L.	Hastings (WA)
Boozman	Diaz-Balart, M.	Hayes
Boren	Dicks	Hayworth
Boucher	Dingell	Hefley
Boustany	Doolittle	Hensarling
Boyd	Doyle	Herger
Bradley (NH)	Drake	Herseth
Brady (TX)	Dreier	Higgins
Brown (SC)	Duncan	Hinojosa
Brown-Waite,	Edwards	Hobson
Ginny	Ehlers	Hoekstra
Burgess	Emanuel	Hooley
Burton (IN)	Emerson	Hostettler
Buyer	English (PA)	Hoyer
Calvert	Everett	Hulshof
Camp	Feeney	Hunter
Cannon	Ferguson	Hyde
Cantor	Fitzpatrick (PA)	Inglis (SC)
Capito	Flake	Israel
Carson	Foley	Issa
Carter	Forbes	Istook
Case	Fortenberry	Jackson-Lee
Castle	Fossella	(TX)

Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy

NAYS—114

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (IL)
Delahunt
DeLauro
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Green, Al
Hastings (FL)
Hinchey
Holden

NAYS—114

Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Barton (TX)
Wu
Wynn
Young (AK)
Young (FL)

Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Pastor
Payne
Price (NC)
Rahall
Rothman
Rush
Ryan (OH)
Sabo
Schakowsky
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—9

Andrews
Boswell
Davis (FL)
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

108.22 H.R. 1409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1409) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; as amended.

The question being put,
Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 415
affirmative } Nays 9

108.23 [Roll No. 525]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehler
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan

Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud

NAYS—9

Brown-Waite,
Ginny
Flake
Gohmert
Johnson, Sam
Shadegg
Shuster

NOT VOTING—9

Andrews
Boswell
Davis (FL)
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶108.24 H. RES. 492—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 492) mourning the loss of life caused by the earthquake that occurred on October 8, 2005, in Pakistan and India, expressing condolences of the American people to the families of the victims, and urging assistance to those affected.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 423 affirmative } Nays 0

¶108.25 [Roll No. 526] YEAS—423

- Abercrombie
- Ackerman
- Aderholt
- Akin
- Alexander
- Allen
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Beauprez
- Becerra
- Berkley
- Berman
- Berry
- Biggett
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blackburn
- Blumenauer
- Blunt
- Boehkert
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (PA)
- Brady (TX)
- Brown (OH)
- Brown (SC)
- Brown, Corrine
- Brown-Waite, Ginny
- Burgess
- Burton (IN)
- Butterfield
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capps
- Capuano
- Cardin
- Cardoza
- Carnahan
- Carson
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Cleaver
- Clyburn
- Coble
- Cole (OK)
- Conaway
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Crowley
- Cubin
- Cuellar
- Culberson
- Cummings
- Cunningham
- Davis (AL)
- Davis (CA)
- Davis (IL)
- Davis (KY)
- Davis (TN)
- Davis, Jo Ann
- Davis, Tom
- Deal (GA)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- DeLay
- Dent
- Diaz-Balart, L.
- Diaz-Balart, M.
- Dicks
- Dingell
- Doggett
- Doyle
- Drake
- Dreier
- Duncan
- Edwards
- Ehlers
- Emanuel
- Emerson
- Engel
- English (PA)
- Eshoo
- Etheridge
- Evans
- Everett
- Farr
- Fattah
- Feeney
- Ferguson
- Filner
- Fitzpatrick (PA)
- Flake
- Foley
- Forbes
- Ford
- Fortenberry
- Fossella
- Fox
- Frank (MA)
- Franks (AZ)
- Frelinghuysen
- Gallely
- Garrett (NJ)
- Gerlach
- Gibbons
- Gilchrest
- Gillmor
- Gingrey
- Gingrey
- Gohmert
- Gordon
- Granger
- Graves
- Green (WI)
- Green, Al
- Green, Gene
- Gutierrez
- Gutknecht
- Hall
- Harman
- Harris
- Hart
- Hastings (FL)
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Higgins
- Hinche
- Hinojosa
- Hobson
- Hoekstra
- Holden
- Holt
- Honda
- Hooley
- Hostettler
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Israel
- Issa
- Istook
- Kilpatrick (MI)
- Kind
- King (IA)
- King (NY)
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- LaHood
- Langevin
- Lantlos
- Larsen (WA)
- Larson (CT)
- Latham
- LaTourrette
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowe
- Lucas
- Lungren, Daniel E.
- Lynch
- Mack
- Maloney
- Manzullo
- Marchant
- Markey
- Marshall
- Matheson
- Matsui
- McCarthy
- McCaul (TX)
- McCollum (MN)
- McCotter
- McCrary
- McDermott
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McKinney
- McMorris
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Melancon
- Menendez
- Mica
- Michaud
- Millender
- McDonald
- Miller (FL)
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Mollohan
- Moore (KS)
- Moore (WI)
- Moran (KS)
- Moran (VA)
- Murphy
- Murtha
- Musgrave
- Myrick
- Nadler
- Napolitano
- Neal (MA)
- Neugebauer
- Ney
- Northup
- Norwood
- Nunes
- Nussle
- Oberstar
- Obey
- Olver
- Ortiz
- Osborne
- Otter
- Owens
- Oxley
- Pallone
- Pascrell
- Pastor
- Paul
- Payne
- Pearce
- Pelosi
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Platts
- Poe
- Pombo
- Pomeroy
- Porter
- Price (GA)
- Price (NC)
- Pryce (OH)
- Putnam
- Radanovich
- Rahall
- Ramstad
- Rangel
- Regula
- Rehberg
- Reichert
- Renzi
- Reyes
- Reynolds
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ros-Lehtinen
- Ross
- Rothman
- Royce
- Ruppersberger
- Rush
- Ryan (OH)
- Ryan (WI)
- Ryan (KS)
- Sabo
- Salazar
- Sanchez, Linda T.
- Sanchez, Loretta
- Sanders
- Saxton
- Schakowsky
- Schmidt
- Schwartz (PA)
- Schwarz (MI)
- Scott (GA)
- Scott (VA)
- Sensenbrenner
- Serrano
- Sessions
- Shadegg
- Shaw
- Shays
- Sherman
- Sherwood
- Shimkus
- Shuster
- Simmons
- Simpson
- Skelton
- Slaughter
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Sodrel
- Solis
- Souder
- Spratt
- Stark
- Stearns
- Strickland
- Stupak
- Sullivan
- Sweeney
- Tancredo
- Tanner
- Tauscher
- Taylor (MS)
- Taylor (PA)
- Terry
- Thomas
- Thompson (CA)
- Thompson (MS)
- Thornberry
- Tiahrt
- Tiberi
- Tierney
- Towns
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Van Hollen
- Velázquez
- Viscosky
- Walden (OR)
- Walsh
- Wamp
- Wasserman
- Schultz
- Waters
- Watson
- Watt
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Weller
- Westmoreland
- Wexler
- Whitfield
- Wicker
- Wilson (NM)
- Wilson (SC)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

NOT VOTING—10

- Andrews
- Boswell
- Davis (FL)
- Doolittle
- Grijalva
- Keller
- Kingston
- Lewis (GA)
- Roybal-Allard
- Schiff

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.26 H.R. 3549—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 422 affirmative } Nays 1

¶108.27 [Roll No. 527] YEAS—422

- Ackerman
- Aderholt
- Akin
- Alexander
- Allen
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Beauprez
- Becerra
- Berkley
- Berman
- Berry
- Biggett
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blackburn
- Blumenauer
- Blunt
- Boehkert
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (PA)
- Brady (TX)
- Brown (OH)
- Brown (SC)
- Brown, Corrine
- Brown-Waite, Ginny
- Burgess
- Burton (IN)
- Butterfield
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capps
- Capuano
- Cardin
- Cardoza
- Carnahan
- Carson
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Cleaver
- Clyburn
- Coble
- Cole (OK)
- Conaway
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Crowley
- Cubin
- Cuellar
- Culberson
- Cummings
- Cunningham
- Davis (AL)
- Davis (CA)
- Davis (IL)
- Davis (KY)
- Davis (TN)
- Davis, Jo Ann
- Davis, Tom
- Deal (GA)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- DeLay
- Dent
- Diaz-Balart, L.
- Diaz-Balart, M.
- Dicks
- Dingell
- Doggett
- Doyle
- Drake
- Dreier
- Duncan
- Edwards
- Ehlers
- Emanuel
- Emerson
- Engel
- English (PA)
- Eshoo
- Etheridge
- Evans
- Everett
- Farr
- Fattah
- Feeney
- Ferguson
- Filner
- Fitzpatrick (PA)
- Flake
- Foley
- Forbes
- Ford
- Fortenberry
- Fossella
- Fox
- Frank (MA)
- Franks (AZ)
- Frelinghuysen
- Gallely
- Garrett (NJ)
- Gerlach
- Gibbons
- Gilchrest
- Gillmor
- Gingrey
- Gingrey
- Gohmert
- Gordon
- Granger
- Graves
- Green (WI)
- Green, Al
- Green, Gene
- Gutierrez
- Gutknecht
- Hall
- Harman
- Harris
- Hart
- Hastings (FL)
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Higgins
- Hinche
- Hinojosa
- Hobson
- Hoekstra
- Holden
- Holt
- Honda
- Hooley
- Hostettler
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Israel
- Issa
- Istook
- Kilpatrick (MI)
- Kind
- King (IA)
- King (NY)
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- LaHood
- Langevin
- Lantlos
- Larsen (WA)
- Larson (CT)
- Latham
- LaTourrette
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowe
- Lucas
- Lungren, Daniel E.
- Lynch
- Mack
- Maloney
- Manzullo
- Marchant
- Markey
- Marshall
- Matheson
- Matsui
- McCarthy
- McCaul (TX)
- McCollum (MN)
- McCotter
- McCrary
- McDermott
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McKinney
- McMorris
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Melancon
- Menendez
- Mica
- Michaud
- Millender
- McDonald
- Miller (FL)
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Mollohan
- Moore (KS)
- Moore (WI)
- Moran (KS)
- Moran (VA)
- Murphy
- Murtha
- Musgrave
- Myrick
- Nadler
- Napolitano
- Neal (MA)
- Neugebauer
- Ney
- Northup
- Norwood
- Nunes
- Nussle
- Oberstar
- Obey
- Olver
- Ortiz
- Osborne
- Otter
- Owens
- Oxley
- Pallone
- Pascrell
- Pastor
- Paul
- Payne
- Pearce
- Pelosi
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Platts
- Poe
- Pombo
- Pomeroy
- Porter
- Price (GA)
- Price (NC)
- Pryce (OH)
- Putnam
- Radanovich
- Rahall
- Ramstad
- Rangel
- Regula
- Rehberg
- Reichert
- Renzi
- Reyes
- Reynolds
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ros-Lehtinen
- Ross
- Rothman
- Royce
- Ruppersberger
- Rush
- Ryan (OH)
- Ryan (WI)
- Ryan (KS)
- Sabo
- Salazar
- Sanchez, Linda T.
- Sanchez, Loretta
- Sanders
- Saxton
- Schakowsky
- Schmidt
- Schwartz (PA)
- Schwarz (MI)
- Scott (GA)
- Scott (VA)
- Sensenbrenner
- Serrano
- Sessions
- Shadegg
- Shaw
- Shays
- Sherman
- Sherwood
- Shimkus
- Shuster
- Simmons
- Simpson
- Skelton
- Slaughter
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Sodrel
- Solis
- Souder
- Spratt
- Stark
- Stearns
- Strickland
- Stupak
- Sullivan
- Sweeney
- Tancredo
- Tanner
- Tauscher
- Taylor (MS)
- Taylor (PA)
- Terry
- Thomas
- Thompson (CA)
- Thompson (MS)
- Thornberry
- Tiahrt
- Tiberi
- Tierney
- Towns
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Van Hollen
- Velázquez
- Viscosky
- Walden (OR)
- Walsh
- Wamp
- Wasserman
- Schultz
- Waters
- Watson
- Watt
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Weller
- Westmoreland
- Wexler
- Whitfield
- Wicker
- Wilson (NM)
- Wilson (SC)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
 McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood

Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastorelli
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
 Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

NOT VOTING—10

Andrews
Boswell
Davis (FL)
Grijalva

Keller
Kingston
Lewis (GA)
Roybal-Allard

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

108.28 H.R. 3853—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to sus-

pend the rules and pass the bill (H.R. 3853) to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 421
affirmative } Nays 0

108.29

[Roll No. 528]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cuberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchee
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Insee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo

Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
 McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
 Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Andrews
Blunt
Boswell
Davis (FL)
Fattah
Grijalva
Keller
Kingston
Lewis (GA)
Murtha
Roybal-Allard
Schiff

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

108.30 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

¶108.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BECERRA, for today.

And then,

¶108.32 ADJOURNMENT

On motion of Mr. GOHMERT, at 10 o'clock and 35 minutes p.m., the House adjourned.

¶108.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1400. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; with an amendment (Rept. 109-250). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3647. A bill to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; with an amendment (Rept. 109-251). Referred to the Committee of the Whole House on the State of the Union.

¶108.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FALEOMAVAEGA (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. FORTUÑO):

H.R. 4070. A bill to permit each of the territories of the United States to provide and furnish a statue honoring a citizen of the territory to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall; to the Committee on House Administration.

By Mr. FLAKE:

H.R. 4071. A bill to amend Public Law 109-59 to provide additional transportation flexibility and to rescind certain amounts of Federal funding; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH:

H.R. 4072. A bill to direct the Federal Trade Commission to revise the do-not-call telemarketing rules to prohibit calls from certain political organizations to persons on the national do-not-call registry; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas (for himself, Mr. POE, Mr. CROWLEY, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Ms. JACKSON-LEE of Texas):

H.R. 4073. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mrs. MCCARTHY:

H.R. 4074. A bill to provide student loan forgiveness to the surviving spouses and parents of victims who were Hurricane Katrina or Hurricane Rita first responders; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 4075. A bill to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4076. A bill to authorize the Secretary of the Treasury to issue Disaster Recovery Bonds for disaster relief and recovery efforts; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE (for himself, Mr. BOUCHER, and Mr. GOODLATTE):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H. Res. 498. A resolution supporting the goals and ideals of School Bus Safety Week; to the Committee on Government Reform.

By Mr. McCOTTER:

H. Res. 499. A resolution condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation; to the Committee on International Relations.

By Mr. SHAW:

H. Res. 500. A resolution recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19; to the Committee on Armed Services.

¶108.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. MILLER of Florida and Mr. BACHUS.

H.R. 23: Ms. PELOSI.

H.R. 25: Mr. DUNCAN and Mr. CARTER.

H.R. 97: Mr. ENGLISH of Pennsylvania and Mr. REYES.

H.R. 115: Mr. SHERMAN.

H.R. 147: Mr. SESSIONS, Mr. BROWN of South Carolina, and Mr. SCHWARZ of Michigan.

H.R. 224: Mr. MENENDEZ and Mr. HONDA.

H.R. 269: Mr. ENGLISH of Pennsylvania.

H.R. 282: Mrs. DAVIS of California.

H.R. 312: Ms. MILLENDER-MCDONALD.

H.R. 352: Mr. MCINTYRE.

H.R. 356: Mr. PEARCE and Mr. HULSHOF.

H.R. 363: Mr. HONDA, Mr. CUMMINGS, and Mr. ROSS.

H.R. 371: Mr. PRICE of Georgia.

H.R. 414: Ms. CORRINE BROWN of Florida, Mr. HOEKSTRA, Mr. NEAL of Massachusetts, and Mr. LEWIS of Georgia.

H.R. 415: Mr. ANDREWS.

H.R. 503: Mr. BROWN of South Carolina.

H.R. 515: Mr. McCOTTER.

H.R. 552: Mr. BURTON of Indiana.

H.R. 558: Mr. ENGLISH of Pennsylvania.

H.R. 586: Mr. NUNES.

H.R. 602: Mr. TURNER and Mr. BISHOP of Utah.

H.R. 691: Mr. CAMP.

H.R. 697: Mr. MICHAUD.

H.R. 752: Mr. FATTAH.

H.R. 769: Mr. FOLEY.

H.R. 783: Mr. UDALL of New Mexico.

H.R. 791: Mr. UDALL of Colorado, Mr. BLUMENAUER, and Mr. NEAL of Massachusetts.

H.R. 827: Mr. SWEENEY and Mr. REYNOLDS.

H.R. 838: Mr. SCHARZ of Michigan.

H.R. 839: Ms. MCCOLLUM of Minnesota and Mr. ABERCROMBIE.

H.R. 859: Mr. WELDON of Pennsylvania.

H.R. 891: Mr. NORWOOD.

H.R. 892: Mr. NORWOOD.

H.R. 896: Mr. UDALL of New Mexico.

H.R. 916: Mr. RYAN of Wisconsin, Mr. HINOJOSA, Mr. PETERSON of Pennsylvania, and Mr. REYNOLDS.

H.R. 923: Mr. SHUSTER.

H.R. 934: Mr. ALEXANDER, Mr. ANDREWS, and Mr. SIMMONS.

H.R. 960: Mrs. JO ANN DAVIS of Virginia, Mr. HOYER, Mr. FORD, and Ms. KILPATRICK of Michigan.

H.R. 968: Ms. CORRINE BROWN of Florida and Mr. HOLT.

H.R. 995: Mr. EMANUEL.

H.R. 1070: Mr. JINDAL.

H.R. 1106: Mr. DAVIS of Illinois.

H.R. 1120: Mr. WAXMAN, Mr. FORD, and Mr. MCGOVERN.

H.R. 1186: Mr. GARRETT of New Jersey, Mr. CONAWAY, Mr. FITZPATRICK of Pennsylvania, and Mr. MARCHANT.

H.R. 1188: Mr. AL GREEN of Texas, Mr. SOUDER, and Mr. HOLT.

H.R. 1190: Mr. ISSA.

H.R. 1222: Ms. WASSERMAN SCHULTZ.

H.R. 1239: Mr. ANDREWS.

H.R. 1241: Mr. WALSH.

H.R. 1246: Mr. CRAMER, Mr. SMITH of Texas, Ms. HARMAN, and Mrs. CAPPS.

H.R. 1306: Mr. KINGSTON, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, Ms. MILLENDER-MCDONALD, Mr. HYDE, and Mr. TAYLOR of North Carolina.

H.R. 1353: Mr. SMITH of New Jersey.

H.R. 1376: Mrs. EMERSON.

H.R. 1380: Mr. PASTOR, Mr. TIBERI, Mr. KLINE, and Mr. HULSHOF.

H.R. 1388: Mr. DOOLITTLE.

H.R. 1402: Mr. DINGELL, Mr. SCOTT of Georgia, and Mr. KIND.

H.R. 1413: Mr. BERMAN, Mr. MEEKS of New York, Mr. HINCHEY, Ms. LEE, and Mr. GORDON.

H.R. 1426: Mr. JENKINS.

H.R. 1510: Mr. BONNER and Mr. MARCHANT.

H.R. 1549: Mr. HIGGINS, Mr. MEEKS of New York, Mr. SWEENEY, Mr. DAVIS of Illinois, and Mr. BURTON of Indiana.

H.R. 1558: Mr. BROWN of South Carolina.

H.R. 1588: Mr. MARKEY.

H.R. 1632: Mr. HALL.

H.R. 1671: Mr. OWENS and Ms. HERSETH.

H.R. 1704: Mr. DANIEL E. LUNGREN of California and Mr. KLINE.

H.R. 1744: Mr. EVANS.

H.R. 1749: Mr. MORAN of Kansas and Mr. LATHAM.

H.R. 1796: Mr. EVANS.

H.R. 1898: Mr. SIMPSON, Mrs. SCHMIDT, and Mr. CLAY.

H.R. 1956: Mr. ROGERS of Kentucky.

H.R. 2045: Ms. CARSON.

H.R. 2048: Mr. PRICE of North Carolina, Ms. ZOE LOFGREN of California, and Mr. RENZI.

H.R. 2061: Mr. LEWIS of Kentucky, Mr. AKIN, and Mr. SOUDER.

H.R. 2106: Mr. McCOTTER.

H.R. 2112: Mr. LAHOOD.

H.R. 2134: Ms. WATSON, Mr. FORTUÑO, Mr. KIRK, Ms. CARSON, Mr. RENZI, and Mr. LANTOS.

H.R. 2176: Mr. MCHUGH.

H.R. 2231: Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Mr. RANGEL, Mr. SERRANO, Mr. MATHESON, and Mr. TIERNEY.

H.R. 2238: Mr. DICKS.

H.R. 2294: Mr. SHAYS.

H.R. 2331: Mrs. MCCARTHY.

H.R. 2533: Mr. HONDA, Mr. HIGGINS, Mr. VAN HOLLEN, Mr. RAHALL, Mrs. NAPOLITANO, Mr. CUMMINGS, Mrs. EMERSON, and Mr. UDALL of Colorado.

H.R. 2666: Mr. POMEROY and Mr. LEWIS of Kentucky.

H.R. 2683: Mr. CONYERS and Mr. PRICE of North Carolina.

H.R. 2719: Mr. EVANS.

H.R. 2794: Mr. EVANS.

H.R. 2963: Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. OWENS, and Mr. KILDEE.

H.R. 3127: Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mr. DOYLE, and Ms. ROS-LEHTINEN.

H.R. 3137: Mr. CAMP and Mr. McCOTTER.

H.R. 3146: Mr. POMBO.

H.R. 3159: Mr. KILDEE and Ms. HART.
 H.R. 3183: Mr. MCCAUL of Texas and Mr. UDALL of New Mexico.
 H.R. 3187: Mr. MCINTYRE.
 H.R. 3189: Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. MCINTYRE.
 H.R. 3196: Mr. ACKERMAN.
 H.R. 3256: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HOLDEN, Mr. KANJORSKI, Mr. PETERSON of Pennsylvania, and Mr. WELDON of Pennsylvania.
 H.R. 3334: Ms. KAPTUR, Mr. ADERHOLT, Ms. JACKSON-LEE of Texas, Mr. TOWNS, and Mr. CLAY.
 H.R. 3336: Mr. ROTHMAN.
 H.R. 3358: Mrs. MALONEY.
 H.R. 3369: Mr. HOLT and Mr. NADLER.
 H.R. 3385: Mr. CALVERT and Mr. EMANUEL.
 H.R. 3420: Mr. ENGEL.
 H.R. 3559: Mr. BROWN of Ohio, Mr. GOODE, Mr. PORTER, Mr. NEUGEBAUER, Mr. HALL, Mr. TIERNEY, Ms. HERSETH, Mr. ANDREWS, Ms. DELAURO, Mr. BONNER, Mr. GIBBONS, and Mr. MCCOTTER.
 H.R. 3561: Ms. BERKLEY and Mr. DOGGETT.
 H.R. 3563: Ms. WASSERMAN SCHULTZ.
 H.R. 3617: Mrs. CAPITO.
 H.R. 3630: Mr. REGULA.
 H.R. 3639: Mr. LANTOS, Ms. MATSUI, and Mr. JACKSON of Illinois.
 H.R. 3698: Ms. WOOLSEY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. SHERMAN, Ms. DEGETTE, Mr. OWENS, Ms. MATSUI, Mr. BACA, and Mr. WEXLER.
 H.R. 3704: Mr. FORBES.
 H.R. 3737: Mr. ROTHMAN, Ms. DEGETTE, Mr. INGLIS of South Carolina, and Mr. MCHUGH.
 H.R. 3748: Mr. MCNULTY and Ms. BERKLEY.
 H.R. 3764: Mr. MICHAUD.
 H.R. 3800: Mr. CUMMINGS.
 H.R. 3825: Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. GERLACH, Ms. HART, Mr. MURTHA, Mr. PITTS, Ms. SCHWARTZ of Pennsylvania, Mr. SHERWOOD, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. KANJORSKI, and Mr. HOLDEN.
 H.R. 3838: Mr. KIND, Ms. DEGETTE, Mr. DOYLE, and Mr. LARSEN of Washington.
 H.R. 3860: Mr. CONAWAY.
 H.R. 3861: Ms. ROYBAL-ALLARD and Mr. MILLER of North Carolina.
 H.R. 3867: Mr. PAYNE.
 H.R. 3905: Mr. GONZALEZ.
 H.R. 3916: Mr. EVANS.
 H.R. 3925: Mr. MCNULTY and Mr. BROWN of Ohio.
 H.R. 3933: Mr. CASE, Mr. GRIJALVA, and Mr. ISRAEL.
 H.R. 3938: Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. SULLIVAN, and Mr. BURTON of Indiana.
 H.R. 3940: Mr. GOODE, Mr. KINGSTON, and Mr. COSTA.
 H.R. 3944: Mr. MICHAUD.
 H.R. 3947: Mr. FORBES.
 H.R. 3949: Mr. ROGERS of Alabama and Mr. OWENS.
 H.R. 3954: Mr. BISHOP of Georgia.
 H.R. 3960: Mr. BARTLETT of Maryland, Mr. PAUL, Mr. MCKEON, and Mr. SAM JOHNSON of Texas.
 H.R. 3966: Mr. COOPER.
 H.R. 3968: Mr. UDALL of Colorado and Mr. EVANS.
 H.R. 3970: Mr. FORBES.
 H.R. 4011: Mr. CUELLAR, Mr. CUMMINGS, Mr. OWENS, Mr. TOWNS, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, and Ms. BERKELY.
 H.R. 4025: Mr. LYNCH, Mr. ROSS, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. BISHOP of New York, and Mr. MOORE of Kansas.
 H.R. 4030: Mr. WAXMAN and Ms. HOOLEY.
 H.R. 4032: Mr. TANCREDO.
 H.R. 4033: Mr. BOEHLERT and Mr. UDALL of Colorado.

H.R. 4045: Mr. MCNULTY, Mr. SAXTON, and Mr. GONZALEZ.
 H.R. 4047: Mrs. MUSGRAVE, Mr. PENCE, Mr. GOODE, and Mr. REHBERG.
 H.R. 4048: Mr. CONYERS and Mr. KENNEDY of Rhode Island.
 H.R. 4050: Ms. DEGETTE.
 H.R. 4061: Ms. HERSETH.
 H.J. Res. 38: Mr. MENENDEZ and Mr. WALSH.
 H.J. Res. 60: Mr. MILLER of Florida.
 H. Con. Res. 172: Mr. EVANS.
 H. Con. Res. 173: Mr. KIRK, Mr. HIGGINS, Mr. WELDON of Pennsylvania, Mr. PRICE of North Carolina, and Mr. WU.
 H. Con. Res. 179: Mr. CHOCOLA, Mr. BISHOP of New York, Mrs. JOHNSON of Connecticut, Mr. MURTHA, Mr. MCGOVERN, Mr. GILLMOR, and Mr. SHAW.
 H. Con. Res. 231: Mr. WU, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BORDALLO.
 H. Con. Res. 260: Mr. KING of New York, Ms. HARRIS, Mr. FORTENBERRY, Mr. CONYERS, Mrs. CAPPAS, Mr. HIGGINS, Mr. BURTON of Indiana, Mr. NADLER, Ms. WASSERMAN SCHULTZ, and Mr. HOLDEN.
 H. Res. 215: Mrs. BLACKBURN and Mr. BEAUPREZ.
 H. Res. 222: Mr. SMITH of Washington.
 H. Res. 335: Mr. MCNULTY, Mr. BEAUPREZ, Mrs. MALONEY, Mr. WYNN, Mr. KUHL of New York, and Mr. BERMAN.
 H. Res. 390: Mrs. NORTHUP and Mr. PETRI.
 H. Res. 438: Mr. HOYER, Mr. AL GREEN of Texas, Mr. DAVIS of Alabama, and Mr. SAXTON.
 H. Res. 447: Mr. MORAN of Virginia and Mr. CLAY.
 H. Res. 453: Mr. SOUDER.
 H. Res. 471: Mr. DINGELL.
 H. Res. 477: Mr. STARK, Mrs. MCCARTHY, Mr. SANDERS, Ms. NORTON, Mr. INSLEE, Ms. MOORE of Wisconsin, and Mr. LANTOS.
 H. Res. 487: Mr. MCDERMOTT, Mr. CASE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Ms. WATSON, Mr. POMEROY, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Ms. BORDALLO, Mr. WELDON of Pennsylvania, and Mr. GONZALEZ.
 H. Res. 489: Mr. CARDOZA, Mr. CASE, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. LEE, Mr. HINOJOSA, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. PETERSON of Minnesota, and Mr. WALSH.
 H. Res. 492: Ms. JACKSON-LEE of Texas.

¶108.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2290: Mr. SMITH of Texas.

WEDNESDAY, OCTOBER 19, 2005 (109)

¶109.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

WASHINGTON, DC,
 October 19, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶109.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Jour-

nal of the proceedings of Tuesday, October 18, 2005.

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

¶109.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule II, were referred as follows:

4576. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — West Indian Fruit Fly; Regulated Articles [Docket No. 04-127-2] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4577. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Quarantined Areas and Treatments for Regulated Articles [Docket No. 02-129-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4578. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Commodity Supplemental Food Program — Plain Language, Program Accountability, and Program Flexibility (RIN: 0584-AC84) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Removal of Regulated Areas [Docket No. 05-011-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4580. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 05-009-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4581. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Noxious Weed Control and Eradication Act; Delegation of Authority [Docket No. 05-012-1] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4582. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for 2005-2006 Marketing Year [Docket No. FV05-985-2 IFR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4583. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Increased Assessment Rates [Docket No. FV05-916-3 FR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4584. A letter from the Administrator, Agricultural Marketing Service, Fruit and

Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Amendment to the Peanut Promotion, Research, and Information Order [FV-05-701-IFR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4585. A letter from the Administrator, Agricultural Marketing Services, Department of Agriculture, transmitting the Department's final rule — Milk in the Mideast Marketing Area; Interim Order Amending the Order [Docket No. AO-166-A39; DA-05-01-A] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4586. A letter from the Agricultural Marketing Agency, Science and Technology Programs, Department of Agriculture, transmitting the Department's final rule — Plant Variety Protection Office, Fee Increase [Doc. No. ST-05-02] (RIN: 0581-AC42) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4587. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4588. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4589. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4590. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting revisions to the National Defense Stockpile Annual Materials Plan (AMP) for fiscal year 2006, pursuant to 50 U.S.C. 98d; to the Committee on Armed Services.

4591. A letter from the Assistant to the Secretary, Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting revisions to the Counterproliferation Program Review Committee report entitled, "Report on Activities and Programs for Countering Proliferation and NBC Terrorism"; to the Committee on Armed Services.

4592. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Safe and Drug-Free Schools Programs, Final Priority and Other Application Requirements — received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4593. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Innovation for Teacher Quality (RIN: 1855-AA04) received July 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4594. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Alcohol and Other Drug Prevention Models on College Campuses — received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4595. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program — September 20,

2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4596. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2003, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

4597. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 2003 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

4598. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for Fiscal Year 2006 under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa-2; to the Committee on International Relations.

4599. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

4600. A letter from the NSPS Senior Executive, Department of Defense, transmitting comments on proposed regulations for the National Security Personnel System from unions representing Department of Defense employees; to the Committee on Government Reform.

4601. A letter from the Executive Director, Commission on Federal Election Reform, transmitting the Commission's report entitled, "Building Confidence in U.S. Election: The Report of the Commission on Federal Election Reform"; to the Committee on House Administration.

4602. A letter from the Secretary, Department of the Interior, transmitting a progress report on the Department's continuing effort to provide an historical accounting for individual Indian monies; to the Committee on Resources.

4603. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4604. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a legislative proposal regarding the Civil Works program of the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

4605. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting the Department's status report on the Great Lakes Tributary Model required by Section 516(e-g) of the Water Resources Development Act; to the Committee on Transportation and Infrastructure.

4606. A letter from the Secretary, Department of Transportation, transmitting the Administration's March 2005 report to Congress entitled, "Use of Dedicated Trains for Transportation of High-Level Radioactive Waste and Spent Nuclear Fuel," pursuant to Public Law 101-615, section 15; to the Committee on Transportation and Infrastructure.

4607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Determination of Amount of Original Issue Discount (Rev. Rul. 2005-47) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2005-47) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan [TD 9223] (RIN: 1545-BC20) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4610. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Returns Prepared For or Executed by Secretary (Rev. Rul. 2005-59) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4611. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2005-62) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4612. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Additional Relief for Certain Employee Benefit Plans as a Result of Hurricane Katrina [Notice 2005-60] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4613. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2005-45) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4614. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Converting an IRA Annuity to a ROTH IRA [TD 9220] (RIN: 1545-BE66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4615. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of tax liability (Rev. Proc. 2005-64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4616. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-66) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4617. A letter from the Chairman, International Trade Commission, transmitting the Commission's report on investigation No. TA-204-12, entitled, "Steel: Evaluation of the Effectiveness of Import Relief," pursuant to 19 U.S.C. 2254(d)(3); to the Committee on Ways and Means.

4618. A letter from the Chairman, United States International Trade Commission, transmitting the eleventh annual report on the Andean Trade Preference Act (ATPA) entitled "Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

4619. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4620. A letter from the Inspector General, Department of Health and Human Services, transmitting a report on the adequacy of reimbursement rate under the new methodology for Medicare reimbursement of drugs and biologicals, pursuant to 42 U.S.C. 1395w-3a note Public Law 108-173, section 303(c)(3)(B); jointly to the Committees on Energy and Commerce and Ways and Means.

4621. A letter from the Secretary, Department of Health and Human Services, transmitting the Administration's draft proposal that would protect and strengthen the financing of the Medicare program, as described in the President's fiscal year 2006 Budget; jointly to the Committees on Energy and Commerce and Ways and Means.

4622. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

4623. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2005 "Treasury Bulletin," pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Resources, Energy and Commerce, Education and the Workforce, and Agriculture.

¶109.4 PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to House Resolution 494 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

The SPEAKER pro tempore, Mr. CULBERSON, by unanimous consent, designated Mrs. MILLER of Michigan as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

¶109.5 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1886. An Act to authorize the transfer of naval vessels to certain foreign recipients.

The Committee resumed its sitting; and after some further time spent therein,

¶109.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 109-249, submitted by Ms. JACKSON-LEE of Texas:

Page 6, line 24, insert after "trade association," the following: "or a civil action brought by a manufacturer or seller of a qualified product, or a trade association, against any person,".

It was decided in the { Yeas 67
negative } Nays 357

¶109.7 [Roll No. 529]

AYES—67

- Berkley
- Brady (PA)
- Brown (OH)
- Butterfield
- Capuano
- Carnahan
- Carson
- Clay
- Cleaver
- Crowley
- Cummings
- DeFazio
- Delahunt
- Doggett
- Farr
- Fattah
- Finer
- Green, Al
- Green, Gene
- Grijalva
- Gutierrez
- Higgins
- Hinchev
- Hinojosa
- Honda
- Jackson (IL)
- Jackson-Lee (TX)
- Johnson, E. B.
- Jones (OH)
- Kilpatrick (MI)
- Kucinich
- Langevin
- Larson (CT)
- Lee
- Markey
- McDermott
- McKinney
- McNulty
- Meehan
- Millender-McDonald
- Moore (WI)
- Nadler
- Napolitano
- Obey
- Owens
- Pallone

- Pascrell
- Pastor
- Payne
- Pelosi
- Rush
- Sánchez, Linda T.
- Sanders
- Schakowsky
- Scott (VA)
- Serrano
- Slaughter
- Stark
- Thompson (MS)
- Visclosky
- Wasserman
- Schultz
- Waters
- Watson
- Watt
- Wexler
- Woolsey
- Wynn

NOES—357

- Abercrombie
- Ackerman
- Aderholt
- Akin
- Alexander
- Allen
- Andrews
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Beauprez
- Becerra
- Berman
- Berry
- Biggert
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blackburn
- Blumenauer
- Blunt
- Boehlert
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (TX)
- Brown (SC)
- Brown, Corrine
- Brown-Waite, Ginny
- Burgess
- Burton (IN)
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capps
- Cardin
- Cardoza
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Clyburn
- Coble
- Cole (OK)
- Conaway
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Cubin
- Cuellar
- Culberson
- Cunningham
- Davis (AL)
- Davis (CA)
- Davis (IL)
- Davis (KY)
- Davis (TN)
- Davis, Jo Ann
- Davis, Tom
- Deal (GA)
- DeGette
- DeLauro
- DeLay
- Dent
- Diaz-Balart, L.
- Diaz-Balart, M.
- Dicks
- Doolittle
- Doyle
- Drake
- Dreier
- Duncan
- Ehlers
- Emanuel
- Emerson
- Engel
- English (PA)
- Eshoo
- Etheridge
- Evans
- Everett
- Ferguson
- Fitzpatrick (PA)
- Flake
- Foley
- Forbes
- Ford
- Fortenberry
- Fossella
- Fox
- Frank (MA)
- Franks (AZ)
- Frelinghuysen
- Gallely
- Garrett (NJ)
- Gerlach
- Gibbons
- Gilchrest
- Gillmor
- Gingrey
- Gohmert
- Gonzalez
- Goode
- Goodlatte
- Gordon
- Granger
- Graves
- Green (WI)
- Gutknecht
- Hall
- Harman
- Harris
- Hart
- Hastings (FL)
- Hastings (WA)
- Hayes

- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Hobson
- Hoekstra
- Holden
- Holt
- Hooley
- Hostettler
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Israel
- Issa
- Istook
- Jefferson
- Jenkins
- Jindal
- Johnson (CT)
- Johnson (IL)
- Johnson, Sam
- Jones (NC)
- Kanjorski
- Kaptur
- Kelly
- Kennedy (MN)
- Kennedy (RI)
- Kildee
- Kind
- King (IA)
- King (NY)
- Kingston
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kuhl (NY)
- LaHood
- Lantos
- Larsen (WA)
- Latham
- LaTourette
- Leach
- Levin
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowey
- Lucas
- Lungren, Daniel E.
- Lynch
- Mack
- Maloney
- Manzullo
- Marchant
- Marshall
- Matheson
- Matsui
- McCarthy
- McCaul (TX)
- McCollum (MN)
- McCotter
- McCrery
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McMorris
- Meek (FL)
- Meeke (NY)
- Melancon
- Menendez
- Mica
- Michaud
- Miller (FL)
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Mollohan
- Moore (KS)
- Moran (KS)
- Moran (VA)
- Murphy
- Murtha
- Musgrave
- Neal (MA)
- Neugebauer
- Ney
- Northup
- Norwood
- Nunes
- Nussle
- Oberstar
- Olver
- Ortiz
- Osborne
- Otter
- Oxley
- Paul
- Pearce
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Platts
- Pombo
- Pomeroy
- Porter
- Price (GA)
- Price (NC)
- Pryce (OH)
- Putnam
- Radanovich
- Rahall
- Ramstad
- Rangel
- Regula
- Rehberg
- Reichert
- Renzi
- Reyes
- Reynolds
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ros-Lehtinen
- Ross
- Rothman
- Royce
- Ruppersberger
- Ryan (OH)
- Ryan (WI)
- Ryun (KS)
- Sabo
- Salazar
- Sanchez, Loretta
- Saxton
- Schiff
- Schmitt
- Schwartz (PA)
- Schwarz (MI)
- Scott (GA)
- Sensenbrenner
- Sessions
- Shadegg
- Shaw
- Shays
- Sherman
- Sherwood
- Shimkus
- Shuster
- Simmons
- Simpson
- Skelton
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Sodrel
- Solis
- Souder
- Spratt
- Stearns
- Strickland
- Stupak
- Sullivan
- Sweeney
- Tancred
- Tanner
- Tauscher
- Taylor (MS)
- Taylor (NC)
- Terry
- Thomas
- Thompson (CA)
- Thornberry
- Tiahrt
- Tiberi
- Tierney
- Towns
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Van Hollen
- Velázquez
- Walden (OR)
- Walsh
- Wamp
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Weller
- Westmoreland
- Whitfield
- Wicker
- Wilson (NM)
- Wilson (SC)
- Wolf
- Wu
- Young (AK)
- Young (FL)

NOT VOTING—9

- Boswell
- Davis (FL)
- Dingell
- Edwards
- Feeney
- Keller
- Lewis (GA)
- Myrick
- Roybal-Allard

So the amendment was not agreed to.

¶109.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 109-249, submitted by Mr. FILNER:

At the end of the bill, add the following new section:

SEC. . . . LIMITATION.

Notwithstanding any other provision of this Act, this Act does not apply to an action brought by, or on behalf of, a person injured at or before the age of 8, against a seller that, as part of a chain of outlets at least 20 of which do business under the same trade name (regardless of form of ownership of any

outlet), markets qualified products to minors at or under the age of 8.

It was decided in the { Yeas 129 negative } Nays 298

¶109.9 [Roll No. 530]

AYES—129

- Abercrombie, Ackerman, Andrews, Baldwin, Becerra, Berman, Bishop (NY), Blumenauer, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Chandler, Clay, Cleaver, Conyers, Costello, Crowley, Cuellar, Cummings, Davis (CA), Delahunt, DeLauro, Dicks, Dingell, Doggett, Doyle, Emanuel, Engel, Etheridge, Evans, Farr, Fattah, Filner, Gonzalez, Green, Al, Green, Gene, Grijalva, Gutierrez, Hastings (FL), Higgins, Hinchey, Hoyer, Honda, Hoyer, Israel, Jackson (IL), Jackson-Lee, Johnson (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Lantos, Larson (CT), Lee, Levin, Lipinski, Lofgren, Zoe, Lowey, Maloney, Markey, Matsui, McCarthy, McDermott, McGovern, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Miller (NC), Miller, George, Mollohan, Moore (WI), Moran (VA), Musgrave, Nadler, Napolitano, Oberstar, Obey, Owens, Pallone, Pastor, Payne, Pelosi, Price (NC), Rahall, Rangel, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Sherman, Slaughter, Solis, Stark, Stupak, Thompson (MS), Tierney, Udall (NM), Van Hollen, Velazquez, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu

NOES—298

- Aderholt, Akin, Alexander, Allen, Baca, Bachus, Baird, Baker, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Berkley, Berry, Biggart, Bilirakis, Bishop (GA), Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Carter, Chabot, Chocola, Coble, Conaway, Cramer, Crenshaw, Cubin, Culberson, Cunningham, Davis (AL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Edwards, Ehlers, Emerson, English (PA), Eshoo, Everett, Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Gutknecht, Hall, Harman, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Hinojosa, Hobson, Hoekstra, Holden, Hooley, Hostettler, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Lantos, Larson (CT), Lee, Levin, Lipinski, Lofgren, Zoe, Lowey, Maloney, Markey, Matsui, McCarthy, McDermott, McGovern, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Miller (NC), Miller, George, Mollohan, Moore (WI), Moran (VA), Moore (KS), Myrick, Roybal-Allard, Napolitano, Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rohrabacher, Ross, Rothman, Ruppersberger, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tauscher, Taylor (MS), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

- Issa, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, Sam, Jones (NC), Kelly, Kennedy (MN), Kind, King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kuhl (NY), LaHood, Langevin, Larsen (WA), Latham, LaTourette, Leach, Lewis (CA), Lewis (KY), Linder, LoBiondo, Lucas, Lungren, Daniel E., Lynch, Mack, Manzullo, Marchant, Marshall, Matheson, McCaul (TX), McCollum (MN), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, Melancon, Mica, Michaud, Millender-McDonald, Miller (FL), Miller (MI), Miller, Gary, Moore (KS), Moran (KS), Moran (KS), Murphree, Murtha, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Ortiz, Osborne, Otter, Oxley, Pascrell, Paul, Pearce, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomo, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Royce, Ruppersberger, Ryan (WI), Ryun (KS), Salazar, Sanchez, Loretta, Saxton, Schmidt, Schwarz (MI), Scott (GA), Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Souder, Spratt, Stearns, Strickland, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thornberry, Tiahrt, Tiberi, Towns, Turner, Udall (CO), Upton, Visclosky, Walden (OR), Walsh, Wamp, Wasserman, Schultz, Weldon (FL), Weldon (PA), Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Wynn, Young (AK), Young (FL), Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Lantos, Larson (CT), Lee, Levin, Lipinski, Lofgren, Zoe, Lowey, Maloney, Markey, Matsui, McCarthy, McDermott, McGovern, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Miller (NC), Miller, George, Mollohan, Moore (WI), Moran (VA), Moore (KS), Myrick, Roybal-Allard, Napolitano, Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rohrabacher, Ross, Rothman, Ruppersberger, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tauscher, Taylor (MS), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

NOT VOTING—6

- Boswell, Keller, Myrick, Davis (FL), Lewis (GA), Roybal-Allard

So the amendment was not agreed to.

¶109.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 109-249, submitted by Mr. SCOTT of Virginia:

At the end of the bill, add the following new section:

SEC. ____ STATE CONSUMER PROTECTION ACTIONS.

Notwithstanding any other provision to the contrary in this Act, this Act does not apply to an action brought by a State agency to enforce a State consumer protection law concerning mislabeling or other unfair and deceptive trade practices.

It was decided in the { Yeas 192 negative } Nays 234

¶109.11 [Roll No. 531]

AYES—192

- Abercrombie, Berkley, Brown, Corrine, Ackerman, Berman, Butterfield, Allen, Berry, Capps, Andrews, Bishop (GA), Capuano, Baca, Bishop (NY), Cardin, Baird, Blumenauer, Baldwin, Boucher, Carson, Bean, Brady (PA), Case, Becerra, Brown (OH), Chandler, Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Carter, Chabot, Chocola, Coble, Conaway, Cramer, Crenshaw, Cubin, Culberson, Cunningham, Davis (AL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Edwards, Ehlers, Emerson, English (PA), Eshoo, Everett, Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gibbons, Gilchrest, Gillmor, Gohmert, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Gutknecht, Hall, Harman, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Hinojosa, Hobson, Hoekstra, Holden, Hooley, Hostettler, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Lantos, Larson (CT), Lee, Levin, Lipinski, Lofgren, Zoe, Lowey, Maloney, Markey, Matsui, McCarthy, McDermott, McGovern, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Miller (NC), Miller, George, Mollohan, Moore (WI), Moran (VA), Moore (KS), Myrick, Roybal-Allard, Napolitano, Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rohrabacher, Ross, Rothman, Ruppersberger, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tauscher, Taylor (MS), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

- Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kind, Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Lee, Levin, Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matsui, McCarthy, McCollum (MN), McDermott, McGovern, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Michaud, Millender-McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Morán, Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rohrabacher, Ross, Rothman, Ruppersberger, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (GA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tauscher, Taylor (MS), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velazquez, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

NOES—234

- Aderholt, Chabot, Gingrey, Akin, Chocola, Gohmert, Alexander, Coble, Goode, Bachus, Cole (OK), Goodlatte, Baker, Conaway, Gordon, Barrett (SC), Cramer, Granger, Barrow, Crenshaw, Graves, Bartlett (MD), Cubin, Green (WI), Barton (TX), Culberson, Gutknecht, Bass, Davis (KY), Hall, Beauprez, Davis (TN), Harris, Biggart, Davis, Jo Ann, Hart, Bilirakis, Davis, Tom, Hastings (WA), Bishop (UT), Deal (GA), Hayes, Blackburn, DeLay, Hayworth, Blunt, Dent, Hefley, Boehlert, Diaz-Balart, L., Hensarling, Boehner, Diaz-Balart, M., Herger, Bonilla, Doolittle, Hobson, Bonner, Drake, Hoekstra, Bono, Dreier, Hostettler, Boozman, Edwards, Hulshof, Boren, Ehlers, Hunter, Boustany, Emerson, Hyde, Boyd, English (PA), Inglis (SC), Bradley (NH), Everett, Issa, Brady (TX), Feeney, Istook, Brown (SC), Ferguson, Jenkins, Brown-Waite, Flake, Jindal, Ginny, Foley, Johnson (CT), Burgess, Forbes, Johnson (IL), Burton (IN), Fortenberry, Johnson, Sam, Buyer, Fossella, Jones (NC), Calvert, Foxx, Kelly, Camp, Franks (AZ), Kennedy (MN), Cannon, Frelinghuysen, King (IA), Cantor, Gallegly, King (NY), Capito, Garrett (NJ), Kingston, Cardoza, Gibbons, Kirk, Camp, Gilchrest, Kline, Cannon, Gillmor, Knollenberg

Table listing names of representatives in columns, including Osborne, Shays, Kucinich, Moran (VA), Serrano, Rehberg, Shaw, Thompson (CA), etc.

NOT VOTING—9

Table listing names of representatives not voting, including Boswell, Davis (FL), Keller, Lewis (GA), Myrick, Roybal-Allard, Simpson.

NOES—247

Table listing names of representatives with NOES, including Drake, King (IA), King (NY), Kington, etc.

So the amendment was not agreed to.

109.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 109-249, submitted by Mr. WAXMAN:

At the end of the bill, add the following new section:

SECTION . NOT APPLICABLE TO DIETARY SUPPLEMENTS.

Notwithstanding any other provision of this Act, this Act does not apply to a claim of injury involving a dietary supplement relating to a person's weight gain, obesity or any health condition associated with weight gain or obesity.

It was decided in the { Yeas 177 negative } { Nays 247

109.13 [Roll No. 532]

AYES—177

Table listing names of representatives with AYES, including Abercrombie, Clay, Ford, Ackerman, Cleaver, Frank (MA), etc.

So the amendment was not agreed to. After some further time, The SPEAKER pro tempore, Mr. LATHAM, assumed the Chair.

When Mr. TERRY, Acting Chairman, pursuant to House Resolution 494, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility in Food Consumption Act of 2005".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that— (1) the food and beverage industries are a significant part of our national economy;

(2) the activities of manufacturers and sellers of foods and beverages substantially affect interstate and foreign commerce;

(3) a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity is based on a multitude of factors, including genetic factors and the lifestyle and physical fitness decisions of individuals, such that a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity cannot be attributed to the consumption of any specific food or beverage; and

(4) because fostering a culture of acceptance of personal responsibility is one of the most important ways to promote a healthier society, lawsuits seeking to blame individual food and beverage providers for a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity are not only legally frivolous and economically damaging, but also harmful to a healthy America.

(b) PURPOSE.—The purpose of this Act is to allow Congress and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

SEC. 3. PRESERVATION OF SEPARATION OF POWERS.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

(c) DISCOVERY.—

(1) STAY.—In any action that is allegedly of the type described in section 4(5) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the obligation of any party or non-party to make disclosures of any kind under any applicable rule or order, or to respond to discovery requests of any kind, as well as all proceedings unrelated to a motion to dismiss, shall be stayed prior to the time for filing a motion to dismiss and during the pendency of any such motion, unless the court finds upon motion of any party that a response to a particularized discovery request is necessary to preserve evidence or to prevent undue prejudice to that party.

(2) RESPONSIBILITY OF PARTIES.—During the pendency of any stay of discovery under paragraph (1), the responsibilities of the parties with regard to the treatment of all documents, data compilations (including electronically recorded or stored data), and tangible objects shall be governed by applicable Federal or State rules of civil procedure. A party aggrieved by the failure of an opposing party to comply with this paragraph shall have the applicable remedies made available by such applicable rules, provided that no remedy shall be afforded that conflicts with the terms of paragraph (1).

(d) PLEADINGS.—In any action that is allegedly of the type described in section 4(5) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the complaint initiating such action shall state with particularity for each defendant and cause of action—

(1) each element of the cause of action and the specific facts alleged to satisfy each element of the cause of action;

(2) the Federal and State statutes or other laws that allegedly create the cause of action; and

(3) the section 4(5)(B) exception being relied upon and the specific facts that allegedly satisfy the requirements of that exception.

(e) RULE OF CONSTRUCTION.—No provision of this Act shall be construed to create a public or private cause of action or remedy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term “engaged in the business” means a person who manufactures, markets, distributes, advertises, or sells a qualified product in the person’s regular course of trade or business.

(2) MANUFACTURER.—The term “manufacturer” means, with respect to a qualified product, a person who is lawfully engaged in the business of manufacturing the product.

(3) PERSON.—The term “person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term “qualified product” means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f))).

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “qualified civil liability action” means a civil action brought by any person against a manufacturer, marketer, distributor, advertiser, or seller of a qualified product, or a trade association, for damages, penalties, declaratory judgment, injunctive or declaratory relief, restitution, or other relief arising out of, or related to a person’s accumulated acts of consumption of a qualified product and weight gain, obesity, or a health condition that is associated with a person’s weight gain or obesity, including an action brought by a person other than the person on whose weight gain, obesity, or health condition the action is based, and any

derivative action brought by or on behalf of any person or any representative, spouse, parent, child, or other relative of that person.

(B) EXCEPTION.—A qualified civil liability action shall not include—

(i) an action based on allegations of breach of express contract or express warranty, provided that the grounds for recovery being alleged in such action are unrelated to a person’s weight gain, obesity, or a health condition associated with a person’s weight gain or obesity;

(ii) an action based on allegations that—
(I) a manufacturer or seller of a qualified product knowingly violated a Federal or State statute applicable to the marketing, advertisement, or labeling of the qualified product with intent for a person to rely on that violation;

(II) such person individually and justifiably relied on that violation; and

(III) such reliance was the proximate cause of injury related to that person’s weight gain, obesity, or a health condition associated with that person’s weight gain or obesity; or

(iii) an action brought by the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or by the Federal Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(6) SELLER.—The term “seller” means, with respect to a qualified product, a person lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product.

(7) STATE.—The term “State” includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term “trade association” means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers, marketers, distributors, advertisers, or sellers of a qualified product.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 306
affirmative Nays 120

109.14

[Roll No. 533]

YEAS—306

Aderholt	Bass	Boehlert
Akin	Bean	Boehner
Alexander	Beauprez	Bonilla
Baca	Berkley	Bonner
Bachus	Berry	Bono
Baird	Biggart	Boozman
Baker	Bilirakis	Boren
Barrett (SC)	Bishop (GA)	Boucher
Barrow	Bishop (UT)	Boustany
Bartlett (MD)	Blackburn	Boyd
Barton (TX)	Blunt	Bradley (NH)

Brady (TX)	Herger	Petri
Brown (SC)	Herseth	Pickering
Brown, Corrine	Higgins	Pitts
Brown-Waite,	Hinojosa	Platts
Ginny	Hobson	Poe
Burgess	Hoekstra	Pombo
Burton (IN)	Holden	Pomeroy
Buyer	Hooley	Porter
Calvert	Hostettler	Price (GA)
Camp	Hulshof	Putnam
Cannon	Hunter	Radanovich
Cantor	Hyde	Ramstad
Capito	Inglis (SC)	Regula
Cardoza	Issa	Rehberg
Carter	Istook	Reichert
Castle	Jenkins	Renzi
Chabot	Jindal	Reyes
Choccola	Johnson (CT)	Reynolds
Clay	Johnson (IL)	Rogers (AL)
Clyburn	Johnson, Sam	Rogers (KY)
Coble	Jones (NC)	Rogers (MI)
Cole (OK)	Kelly	Rohrabacher
Conaway	Kennedy (MN)	Ros-Lehtinen
Cooper	Kind	Ross
Costa	King (IA)	Royce
Cramer	King (NY)	Ruppersberger
Crenshaw	Kingston	Ryan (OH)
Cubin	Kirk	Ryan (WI)
Cuellar	Kline	Ryun (KS)
Culberson	Knollenberg	Salazar
Cunningham	Kolbe	Sanchez, Loretta
Davis (AL)	Kuhl (NY)	Saxton
Davis (IL)	LaHood	Schmidt
Davis (KY)	Langevin	Schwarz (MI)
Davis (TN)	Larsen (WA)	Scott (GA)
Davis, Jo Ann	Larson (CT)	Sensenbrenner
Davis, Tom	Latham	Sessions
Deal (GA)	LaTourette	Shadegg
DeFazio	Leach	Shaw
DeLay	Lewis (CA)	Shays
Dent	Lewis (KY)	Sherwood
Diaz-Balart, L.	Linder	Shimkus
Diaz-Balart, M.	Lipinski	Shuster
Dicks	LoBiondo	Simmons
Dingell	Lucas	Simpson
Doolittle	Lungren, Daniel	Skelton
Doyle	E.	Slaughter
Drake	Lynch	Smith (NJ)
Dreier	Mack	Smith (TX)
Duncan	Manzullo	Smith (WA)
Edwards	Marchant	Sodrel
Ehlers	Marshall	Souder
Emanuel	Matheson	Spratt
Emerson	McCaull (TX)	Stearns
English (PA)	McCotter	Stupak
Everett	McCrery	Sullivan
Feeney	McHenry	Sweeney
Ferguson	McHugh	Tancredro
Fitzpatrick (PA)	McIntyre	Tanner
Flake	McKeon	Tauscher
Foley	McMorris	Taylor (MS)
Forbes	McNulty	Taylor (NC)
Ford	Meek (FL)	Terry
Fortenberry	Meeks (NY)	Thomas
Fossella	Melancon	Thompson (CA)
Fox	Menendez	Thornberry
Franks (AZ)	Mica	Tiahrt
Frelinghuysen	Michaud	Tiberi
Galleghy	Millender	Towns
Garrett (NJ)	McDonald	Turner
Gerlach	Miller (FL)	Udall (CO)
Gibbons	Miller (MI)	Upton
Gilchrest	Miller, Gary	Velazquez
Gillmor	Moore (KS)	Walden (OR)
Gingrey	Moran (KS)	Walsh
Gohmert	Moran (VA)	Wamp
Goode	Murphy	Wasserman
Goodlatte	Musgrave	Schultz
Gordon	Neugebauer	Weldon (FL)
Granger	Ney	Weldon (PA)
Graves	Northup	Weller
Green (WI)	Norwood	Westmoreland
Green, Gene	Nunes	Whitfield
Gutknecht	Nussle	Wicker
Hall	Obey	Wilson (NM)
Harman	Ortiz	Wilson (SC)
Harris	Osborne	Wolf
Hart	Otter	Wu
Hastings (WA)	Oxley	Wynn
Hayes	Pearce	Young (AK)
Hayworth	Pence	Young (FL)
Hefley	Peterson (MN)	
Hensarling	Peterson (PA)	

NAYS—120

Abercrombie	Becerra	Brown (OH)
Ackerman	Berman	Butterfield
Allen	Bishop (NY)	Capps
Andrews	Blumenauer	Capuano
Baldwin	Brady (PA)	Cardin

Carnahan	Jefferson	Pastor
Carson	Johnson, E. B.	Paul
Case	Jones (OH)	Payne
Chandler	Kanjorski	Pelosi
Cleaver	Kaptur	Price (NC)
Conyers	Kennedy (RI)	Rahall
Costello	Kildee	Rangel
Crowley	Kilpatrick (MI)	Rothman
Cummings	Kucinich	Rush
Davis (CA)	Lantos	Sabo
DeGette	Lee	Sánchez, Linda
Delahunt	Levin	T.
DeLauro	Lofgren, Zoe	Sanders
Doggett	Lowey	Schakowsky
Engel	Maloney	Schiff
Eshoo	Markey	Schwartz (PA)
Etheridge	Matsui	Scott (VA)
Evans	McCarthy	Serrano
Farr	McCollum (MN)	Sherman
Fattah	McDermott	Snyder
Filner	McGovern	Solis
Frank (MA)	McKinney	Stark
Gonzalez	Meehan	Strickland
Green, Al	Miller (NC)	Thompson (MS)
Grijalva	Miller, George	Tierney
Gutierrez	Mollohan	Udall (NM)
Hastings (FL)	Moore (WI)	Van Hollen
Hinchee	Murtha	Visclosky
Holt	Nadler	Waters
Honda	Napolitano	Watson
Hoyer	Neal (MA)	Watt
Inslie	Oberstar	Waxman
Israel	Olver	Weiner
Jackson (IL)	Owens	Wexler
Jackson-Lee	Pallone	Woolsey
(TX)	Pascrell	

NOT VOTING—7

Boswell	Lewis (GA)	Roybal-Allard
Davis (FL)	Myrick	
Keller	Pryce (OH)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

109.15 AGRICULTURE APPROPRIATIONS FY 2006

On motion of Mr. BONILLA, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. BONILLA, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

109.16 MOTION TO INSTRUCT CONFEREES—H.R. 2744

Ms. DELAURO moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2744 be instructed to: 1. Recede to the Senate on Section 785 of the amendment of the Senate, and 2. Agree to a provision that restricts, within the scope of conference, the availability of funds to reimburse administrative costs under the Food Stamp Act of 1977 to a State agency based on the percentage of the costs (other than costs for issuance of bene-

fits or nutrition education) obtained under contract.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Ms. DELAURO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, October 20, 2005.

109.17 AMENDMENTS OF THE SENATE TO H.R. 3971

Mr. McCRERY moved to suspend the rules and agree to the following resolution (H. Res. 501):

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3971, with the Senate amendment thereto, and to have concurred in the Senate amendment to the bill with the following amendments:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality, Transparency, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005".

TITLE I—HEALTH PROVISIONS

SEC. 101. EXTENSION OF QUALIFIED INDIVIDUAL (QI) PROGRAM.

(a) THROUGH SEPTEMBER 2007.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "September 2005" and inserting "September 2007".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

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

"(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is \$100,000,000;

"(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is \$300,000,000;

"(F) for the period that begins on October 1, 2006, and ends on December 31, 2006, the total allocation amount is \$100,000,000; and

"(G) for the period that begins on January 1, 2007, and ends on September 30, 2007, the total allocation amount is \$300,000,000.";

and (2) in paragraph (3), in the matter preceding subparagraph (A), by inserting " (D), or (F)" after "subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 102. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Effective as if enacted on September 30, 2005, activities authorized by sections 510 and

1925 of the Social Security Act shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

SEC. 103. ELIMINATION OF MEDICARE COVERAGE OF DRUGS USED FOR TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) IN GENERAL.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended—

(1) by striking the period at the end and inserting " , as such sections were in effect on the date of the enactment of this part."; and

(2) by adding at the end the following: "Such term also does not include a drug when used for the treatment of sexual or erectile dysfunction, unless such drug were used to treat a condition, other than sexual or erectile dysfunction, for which the drug has been approved by the Food and Drug Administration.".

(b) CONSTRUCTION.—Nothing in this section shall be construed as preventing a prescription drug plan or an MA-PD plan from providing coverage of drugs for the treatment of sexual or erectile dysfunction as supplemental prescription drug coverage under section 1860D-2(a)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w-102(a)(2)(A)(ii)).

(c) EFFECTIVE DATES.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) and the amendment made by subsection (a)(2) shall apply to coverage for drugs dispensed on or after January 1, 2007.

SEC. 104. ELIMINATION OF MEDICAID COVERAGE OF DRUGS USED FOR TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding at the end the following new subparagraph:

"(K) Agents when used for the treatment of sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agents have been approved by the Food and Drug Administration.".

(b) ELIMINATION OF FEDERAL PAYMENT UNDER MEDICAID PROGRAM.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(1) by striking "or" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting " ; or"; and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) with respect to amounts expended for covered outpatient drugs described in section 1927(d)(2)(K) (relating to drugs when used for treatment of sexual or erectile dysfunction)."

(c) CLARIFICATION OF NO EFFECT ON DETERMINATION OF BASE EXPENDITURES.—Section 1935(c)(3)(B)(ii)(II) of such Act (42 U.S.C. 1396v(c)(3)(B)(ii)(II)) is amended by inserting " , including drugs described in subparagraph (K) of section 1927(d)(2)" after "1860D-2(e)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs dispensed on or after January 1, 2006.

**TITLE II—ASSISTANCE RELATING TO
UNEMPLOYMENT**

**SEC. 201. SPECIAL TRANSFER IN FISCAL YEAR
2006.**

Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

“(e) SPECIAL TRANSFER IN FISCAL YEAR 2006.—Not later than 10 days after the date of the enactment of this subsection, the Secretary of the Treasury shall transfer from the Federal unemployment account—

“(1) \$15,000,000 to the account of Alabama in the Unemployment Trust Fund;

“(2) \$400,000,000 to the account of Louisiana in the Unemployment Trust Fund; and

“(3) \$85,000,000 to the account of Mississippi in the Unemployment Trust Fund.”.

SEC. 202. FLEXIBILITY IN UNEMPLOYMENT COMPENSATION ADMINISTRATION TO ADDRESS HURRICANE KATRINA.

Notwithstanding any provision of section 302(a) or 303(a)(8) of the Social Security Act, any State may, on or after August 28, 2005, use any amounts received by such State pursuant to title III of the Social Security Act to assist in the administration of claims for compensation on behalf of any other State if a major disaster was declared with respect to such other State or any area within such other State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

SEC. 203. REGULATIONS.

The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this title and any amendment made by this title.

Amend the title so as to read: “To extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.”.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. MCCRERY and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶109.18 RECESS—2:23 P.M.

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 23 minutes p.m., subject to the call of the Chair.

¶109.19 AFTER RECESS—4:15 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶109.20 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶109.21 MESSAGE FROM THE
PRESIDENT—NATIONAL EMERGENCY
WITH RESPECT TO COLOMBIA

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on October 20, 2004 (69 Fed. Reg. 61733).

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, October 19, 2005.

The message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-61).

¶109.22 FURTHER MESSAGE FROM THE
SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the amendments of the House to the amendment of the Senate to the text of the bill (H.R. 3971) “An Act to provide assistance to individuals and States affected by Hurricane Katrina.”

¶109.23 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An Act to authorize the transfer of naval vessels to certain foreign recipients; to the Committee on International Relations.

¶109.24 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3971. An Act to extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.

¶109.25 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 155. An Act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An Act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

¶109.26 BILL PRESENTED TO THE
PRESIDENT

Jeff Trandahl, Clerk of the House reports that an October 14, 2005, he represented to the President of the United States, for his approval, the following bill.

H.R. 2360. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

And then,

¶109.27 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, at 9 o'clock and 5 minutes p.m., the House adjourned.

¶109.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY:

H.R. 4077. A bill to provide additional funding to prevent sexual assaults in the military; to the Committee on Armed Services.

By Mr. NORWOOD (for himself and Mr. WHITFIELD):

H.R. 4078. A bill to amend part B of title XVIII of the Social Security Act to establish a floor for Medicare physician payment rates for 2006 at the level for 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. HAYWORTH, Mr. GOODE, Mr. JONES of North Carolina, Mr. HEFLEY, and Mr. GARRETT of New Jersey):

H.R. 4079. A bill to reduce the number of visa overstays and to ensure that illegal aliens are apprehended, detained, and removed as rapidly as possible; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself, Mr. OSBORNE, Mr. FORTENBERRY, and Mr. TERRY):

H.R. 4080. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 4081. A bill to ensure that emergency appropriation funds for hurricane assistance relief are used only for individuals in affected areas; to the Committee on Transportation and Infrastructure.

By Ms. HART (for herself, Mr. NEAL of Massachusetts, Mr. REYNOLDS, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, and Mr. GERLACH):

H.R. 4082. A bill to permit biomedical research corporations to engage in certain financings and other transactions without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. HUNTER, Mr. GINGREY, Mr. HAYWORTH, Mr. ROGERS of Alabama, Ms. FOXX, Mr. BARRETT of South Carolina, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, Mr. TANCREDO, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. DAVIS of Kentucky, Mr. SULLIVAN, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. POE, Mr. CARTER, Mr. ROHRBACHER, Mr. RADANOVICH, Mr. HOSTETTLER, Mr. SESSIONS, and Mr. KING of Iowa):

H.R. 4083. A bill to direct the Secretary of Homeland Security to construct a fence along the southern border of the United States; to the Committee on Homeland Security.

By Mr. HERGER:

H.R. 4084. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 4085. A bill to amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions; to the Committee on Education and the Workforce.

By Mr. JINDAL:

H.R. 4086. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for health insurance costs of eligible disaster relief recipients; to the Committee on Ways and Means.

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 4087. A bill to permit nonjudicial employees of the District of Columbia courts, employees transferred to the Pretrial Services, Parole, Adult Probation, and Offender Supervision Trustee, and employees of the District of Columbia Public Defender Service to have periods of service performed prior to the enactment of the Balanced Budget Act of 1997 included as part of the years of service used to determine the time at which such employees are eligible to retire under chapter 84 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 4088. A bill to impose limitations on the use of eminent domain for purposes of economic development; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. SIMMONS, Mr. MCCOTTER, Mr. GOODE, Mr. TERRY, Mr. PETRI, Mr. SAM JOHNSON of Texas, Mr. MCHENRY, Mr. WAMP, Mr. FEENEY, Mr. CHABOT, Mr. GUTKNECHT, Mr. RYAN of Wisconsin, Mr. NEUGEBAUER, Mr. SODREL, Mr. CULBERSON, Mr. PITTS, Mr. AKIN, Mr. FORTUÑO, Mr. FLAKE, Mr. PENCE, Mr. HENSARLING, and Mr. WELDON of Florida):

H.R. 4089. A bill to require Government credit card bills to be made available to the public, and for other purposes; to the Committee on Government Reform.

By Mr. MCCREERY:

H. Res. 501. A resolution providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 3971; considered and agreed to.

By Mr. LATOURETTE (for himself and Mr. RYAN of Ohio):

H. Res. 502. A resolution expressing the sense of the House of Representatives with respect to the senseless and unwarranted criminal prosecution of 2nd Lt. Erick J. Anderson, United States Army; to the Committee on Armed Services.

By Mr. MCCOTTER:

H. Res. 503. A resolution condemning the actions taken by the Government of Cameroon against Henry Fossung and others, and for other purposes; to the Committee on International Relations.

109.29 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

180. THE SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 15, urging the Congress of the United States to support the American Veterans Home Ownership Act of 2005; to the Committee on Ways and Means.

109.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. FITZPATRICK of Pennsylvania.
 H.R. 278: Mr. FEENEY.
 H.R. 303: Mr. RENZI.
 H.R. 475: Mr. SHAYS.
 H.R. 503: Mr. AL GREEN of Texas.
 H.R. 515: Mr. ENGLISH of Pennsylvania.
 H.R. 551: Mr. DAVIS of Illinois.
 H.R. 567: Mr. LIPINSKI.
 H.R. 596: Mrs. SCHMIDT.
 H.R. 698: Mr. BARRETT of South Carolina, Mrs. MUSGRAVE, and Mr. MCHUGH.
 H.R. 756: Mr. FITZPATRICK of Pennsylvania.
 H.R. 856: Mr. PLATTS.
 H.R. 874: Mr. PUTNAM.
 H.R. 896: Mr. BUTTERFIELD.
 H.R. 923: Mr. MARCHANT, Mr. HALL, Mr. FORD, Mr. MILLER of Florida, and Mr. BISHOP of Georgia.
 H.R. 949: Mr. CASTLE.
 H.R. 983: Mr. BLUMENAUER.
 H.R. 1059: Mr. DINGELL.
 H.R. 1227: Mr. SCHWARZ of Michigan, Mr. GILCHREST, and Mr. KING of New York.
 H.R. 1245: Mr. FRELINGHUYSEN.
 H.R. 1298: Mr. DOYLE.
 H.R. 1498: Mr. SALAZAR, Mr. CLAY, Mr. WOLF, Mr. BISHOP of New York, and Mr. LOBIONDO.

H.R. 1597: Mr. ANDREWS.

H.R. 1615: Ms. LINDA T. SANCHEZ of California.

H.R. 1631: Mr. COSTA.

H.R. 1688: Mr. MILLER of North Carolina.

H.R. 1736: Mrs. KELLY.

H.R. 1951: Mr. PORTER, Mr. MARKEY, Mr. SESSIONS, and Mr. OBERSTAR.

H.R. 1952: Mrs. MALONEY.

H.R. 1973: Mr. FARR.

H.R. 2045: Mr. UPTON.

H.R. 2051: Mr. BURGESS, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, and Mr. LEVIN.

H.R. 2259: Ms. BERKLEY.

H.R. 2335: Mr. TANNER and Mr. SOUDER.

H.R. 2337: Mr. RENZI.

H.R. 2357: Mr. SCHWARZ of Michigan.

H.R. 2391: Mr. CONYERS and Mr. BLUMENAUER.

H.R. 2410: Mr. NEAL of Massachusetts.

H.R. 2567: Mr. FRELINGHUYSEN and Mr. ROTHMAN.

H.R. 2646: Mr. BASS.

H.R. 2694: Mr. THOMPSON of Mississippi.

H.R. 2717: Mr. LANGEVIN, Mr. GENE GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. SERRANO, and Mrs. EMERSON.

H.R. 2793: Mr. PETERSON of Minnesota, Mr. LARSEN of Washington, Mr. FILNER, and Mr. THORNBERRY.

H.R. 2803: Mr. WILSON of South Carolina.

H.R. 2842: Mr. WELDON of Florida.

H.R. 2892: Mr. DAVIS of Kentucky and Mr. FILNER.

H.R. 2989: Ms. BERKLEY.

H.R. 3096: Mr. BAIRD and Mr. MCGOVERN.

H.R. 3137: Mr. BLUNT, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. MCCREERY, Mr. ROHRBACHER, and Mr. WICKER.

H.R. 3146: Mr. LANGEVIN.

H.R. 3147: Mr. MILLER of Florida.

H.R. 3174: Mr. REYES.

H.R. 3273: Mr. GILCHREST.

H.R. 3301: Mr. POMBO.

H.R. 3333: Mr. BEAUPREZ.

H.R. 3361: Mr. BERMAN.

H.R. 3505: Mr. SOUDER.

H.R. 3520: Ms. GINNY BROWN-WAITE of Florida and Ms. CARSON.

H.R. 3555: Mr. CROWLEY and Mr. SCOTT of Virginia.

H.R. 3561: Mr. FALCOMAVAEGA, Ms. HERSETH, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. FILNER, and Mrs. MALONEY.

H.R. 3630: Mr. SCHWARZ of Michigan.

H.R. 3664: Mr. THOMPSON of Mississippi.

H.R. 3684: Mrs. BLACKBURN.

H.R. 3698: Ms. BERKLEY, Ms. ROYBAL-AL-LARD, Mr. BISHOP of Georgia, and Mr. HONDA.
 H.R. 3711: Ms. WASSERMAN SCHULTZ and Ms. LEE.

H.R. 3717: Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mrs. SCHMIDT, Mr. MCKEON, and Mr. JINDAL.

H.R. 3752: Mr. THOMPSON of Mississippi.

H.R. 3774: Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. BERMAN.

H.R. 3776: Mr. SHADEGG and Mr. GOODE.

H.R. 3806: Mr. SHADEGG.

H. R. 3858: Mr. WU, Mr. TIERNEY, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. SCHWARZ of Michigan, Mrs. LOWEY, and Ms. WATSON.

H.R. 3870: Mr. INGLIS of South Carolina.

H.R. 3889: Mrs. CUBIN, Mr. CHABOT, Mr. SIMMONS, and Mr. SHADEGG.

H.R. 3910: Mr. AKIN.

H.R. 3931: Mr. DAVIS of Florida, Mr. ENGEL, Mr. PRICE of North Carolina, Mr. CLYBURN, Mr. CLAY, and Mr. LOBIONDO.

H.R. 3938: Mr. ROYCE and Mr. MARCHANT.

H.R. 3943: Mr. MILLER of Florida, Mr. ISTOOK, Mr. COBLE, and Mr. DENT.

H.R. 3944: Mr. BOEHLERT.

H.R. 3947: Mr. UPTON.

H.R. 3957: Mr. DICKS and Mr. GREEN of Wisconsin.

H.R. 3974: Mr. BERRY, Mr. BARROW, and Mr. MCCAUL of Texas.

H.R. 3979: Mr. GIBBONS.
 H.R. 3985: Mr. PAUL and Mr. FORTUÑO.
 H.R. 4008: Mr. DUNCAN, Mr. SALAZAR, Mr. ABERCROMBIE, and Mr. BURTON of Indiana.
 H.R. 4023: Mr. BURTON of Indiana, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. Gonzalez, Mr. HALL, Mr. HINOJOSA, Mr. KUCINICH, Mr. MEEKS of New York, Mr. MICHAUD, Mr. SANDERS, Ms. LINDA T. SÁNCHEZ of California, Mr. STRICKLAND, Mr. WYNN, Mr. LEVIN, Mr. BACA, Mr. PAYNE, Ms. LEE, Mr. SKELTON, and Ms. VELÁZQUEZ.
 H.R. 4049: Mr. HONDA.
 H.J. Res. 54: Mr. GARRETT of New Jersey.
 H.J. Res. 55: Mr. MEEKS of New York.
 H. Con. Res. 10: Mr. FRANK of Massachusetts.
 H. Con. Res. 174: Mr. PICKERING.
 H. Con. Res. 190: Mr. PENCE, Ms. ROSELEHTINEN, and Mr. ISSA.
 H. Con. Res. 231: Mr. UDALL of Colorado and Mr. DEFAZIO.
 H. Con. Res. 251: Mr. SCHWARZ of Michigan, Mr. PASTOR, Mr. MILLER of Florida, and Mr. CONAWAY.
 H. Con. Res. 252: Mr. DREIER, Mr. OXLEY, and Mr. KOLBE.
 H. Res. 85: Mr. DUNCAN and Mr. WHITFIELD.
 H. Res. 447: Mr. CONYERS.
 H. Res. 477: Ms. DELAURO and Mr. KILDEE.
 H. Res. 485: Mr. SNYDER, Mr. ORTIZ, Mr. PETERSON of Minnesota, and Mr. CONYERS.
 H. Res. 499: Mr. EVANS.

109.31 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

73. The SPEAKER presented a petition of the City of Evanston, Illinois, relative to Resolution No. 50-R-05, urging the return of United States Troops from Iraq; which was referred to the Committee on International Relations.

THURSDAY, OCTOBER 20, 2005 (110)

The House was called to order by the SPEAKER.

110.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, October 19, 2005.

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

110.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4624. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Collection of State Commodity Assessments (RIN: 0560-AH35) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4625. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas in Arkansas and Tennessee [Docket No. 05-030-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4626. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and To-

mato Lycopene Concentrate [Docket No. 2001C-0486] (formerly Docket No. 01C-0486) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4627. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment—received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4628. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Definition of Primary Mode of Action of a Combination Product [Docket No. 2004-N-0194] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4629. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt from Certification; Mica-Based Pearlescent Pigments [Docket No. 1998C-0431] (formerly 98C-0431) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4630. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Name and Address; Technical Amendment [Docket No. 2005N-0201] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4631. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No. 1999F-4372] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4632. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Ribonucleic Acid Preanalytical Systems [Docket No. 2005N-0263] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4633. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque [Docket No. 2005N-0338] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4634. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4635. A letter from the Director, Contract Policy Division, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05; Introduction — received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustment from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 082605A] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 041126332-5039-02; I.D. 081605D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 072105A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels [Docket No. 040809233-4363-03; I.D. 083105A] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4640. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090705D] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4641. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No. 041130335-5154-02; I.D. 091305E] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4642. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8 — Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 091405H] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4643. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 091405G] received September 30, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

4644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeastern Multispecies Fishery; Modification of Access to the Eastern U.S./Canada Area [Docket No. 040112010-4114-02; I.D. 063005A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072005B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, "Other Rockfish" in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072905A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4647. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 080305B] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4648. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4649. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 080405B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805D] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5231-05; I.D. 081105E] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4653. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Stastical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090205A] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4655. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 070805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4656. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071305A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4657. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subistence Fishing; Correction [Docket No. 050627169-5169-01; I.D. 051804C] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4658. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures [Docket No. 050708183-5183-01; I.D. 070505D] (RIN: 0648-AT45) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4659. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Non-immigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas; — received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4660. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction (RIN: 1205-AB37) received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4661. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Health Care Infrastructure Improvement Program; Selection Criteria of Loan Program for Qualifying Hospitals Engaged in Cancer-Related Health Care [CMS-1287-IFC] (RIN: 0938-A003) received September 30, 2005,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4662. A letter from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B; Interpretation and Correction [CMS-1325-IFC2] (RIN: 0938-AN58) received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4663. A letter from the Regulations Coordinator, CBC, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Prescription Drug Discount Card; Revision of Marketing Rules for Endorsed Drug Card Sponsors [CMS-4063-F] (RIN: 0938-AN97) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶110.3 MESSAGE FROM THE SENATE

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

H.R. 3204. An Act to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

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

S. 1736. An Act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1894. An Act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The message also announced that pursuant to Public Law 109-59, section 1909(b)(2)(A)(vi), the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission: Francis McArdle of New York, and Tom R. Skancke of Nevada.

¶110.4 PROTECTION OF LAWFUL COMMERCE IN ARMS

Mr. SENSENBRENNER, pursuant to House Resolution 493, called up for consideration the bill of the Senate (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

When said bill was considered.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be read a third time, was a read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and

nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 283 affirmative } Nays 144

¶110.5

[Roll No. 534]

YEAS—283

- Aderholt, Akin, Alexander, Baca, Bachus, Baird, Baker, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Berkeley, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Capito, Cardoza, Carter, Chabot, Chandler, Chocola, Coble, Cole (OK), Conaway, Cooper, Costa, Costello, Cramer, Crenshaw, Cubin, Cuellar, Culberson, Cunningham, Davis (AL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, Dent, Diaz-Balart, L., Diaz-Balart, M., Dingell, Doolittle, Drake, Dreier, Duncan, Edwards, Ehlers, Emerson, English (PA), Everett, Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrist, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Gene, Gutknecht, Hall, Harris, Hart, Hasttings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Ginny, Burgess, Hoekstra, Holden, Hostettler, Hulshof, Hunter, Hyde, Inglis (SC), Issa, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, Sam, Jones (NC), Kanjorski, Kaptur, Kelly, Kennedy (MN), Kind, King (IA), King (NY), Kingston, Kline, Knollenberg, Kolbe, Kuhl (NY), LaHood, Larsen (WA), Latham, LaTourrette, Leach, Lewis (CA), Lewis (KY), Linder, LoBiondo, Lucas, Lungren, Daniel E., Mack, Manzullo, Marchant, Marshall, Matheson, McCaul (TX), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris, Melancon, Mica, Michaud, Miller (FL), Miller (MI), Miller, Gary, Mollohan, Moran (KS), Murphy, Murtha, Myrick, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Obey, Ortiz, Osborne, Otter, Oxley, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pombro, Pomeroy, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Rahall, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Royce, Ryan (OH), Ryan (WI), Ryun (KS), Salazar, Sanchez, Loretta, Sanders, Saxton, Schmidt, Schwarz (MI), Scott (GA), Sensenbrenner, Sessions, Shadegg, Shaw, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Smith (NJ), Smith (TX), Sodrel, Souder, Spratt, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner

- Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thornberry, Tiahrt, Tiberi, Turner, Upton, Walden (OR), Walsh, Wamp, Weldon (FL), Weldon (PA), Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Young (AK), Young (FL)

NAYS—144

- Abercrombie, Ackerman, Allen, Andrews, Baldwin, Becerra, Berman, Bishop (NY), Blumenauer, Brady (PA), Brown (OH), Brown, Corrine, Capps, Capuano, Cardin, Carnahan, Carson, Case, Castle, Clay, Cleaver, Clyburn, Conyers, Crowley, Cummings, Davis (CA), Davis (IL), DeGette, Delahunt, DeLauro, Dicks, Doggett, Doyle, Emanuel, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Frank (MA), Gonzalez, Green, Al, Grijalva, Gutierrez, Harman, Hastings (FL), Hinchey, Holt, Honda, Hooley, Hoyer, Insllee, Israel, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kennedy (RI), Kildee, Kilpatrick (MI), Kirk, Kucinich, Langevin, Lantos, Larson (CT), Lee, Levin, Lewis (GA), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Matsui, McCarthy, McCollum (MN), McDermott, McGovern, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Millender, Filner, McDonald, Miller (NC), Miller, George, Moore (KS), Moore (WI), Moran (VA), Nadler, Napolitano, Neal (MA), Oberstar, Olver, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Price (NC), Rangel, Rothman, Ruppersberger, Rush, Sabo, Sanchez, Linda T., Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Shays, Sherman, Slaughter, Smith (WA), Snyder, Solis, Stark, Tauscher, Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velázquez, Visclosky, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

NOT VOTING—6

- Boswell, DeLay, Davis (FL), Musgrave, Roybal-Allard

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶110.6 MOMENT OF SILENCE IN MEMORY OF THE VICTIMS OF THE EARTHQUAKE IN PAKISTAN, INDIA, AND AFGHANISTAN

The SPEAKER, announced that all Members stand and observe a moment of silence in memory of the victims of the recent earthquake in Pakistan, India, and Afghanistan.

¶110.7 MOTION TO INSTRUCT CONFEREES TO H.R. 2744—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Ms. DeLauro, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The vote was taken by electronic device.

It was decided in the { Yeas 209 negative } Nays 216

¶110.8

[Roll No. 535]

YEAS—209

- Abercrombie, Ackerman, Allen, Andrews, Baca, Baird, Baldwin, Barrow, Bean, Becerra, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Boren, Boucher, Boyd, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Camp, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Case, Chandler, Clay, Cleaver, Clyburn, Conyers, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (IL), Davis (TN), DeFazio, DeGette, Delahunt, DeLauro, Dicks, Dingell, Doggett, Doyle, Edwards, Emanuel, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Gonzalez, Gordon, Green, Al, Green, Gene, Grijalva, Gutierrez, Harman, Hastings (FL), Hinchey, Holt, Hoyer, Insllee, Israel, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson (CT), Johnson (IL), Johnson, E. B., Jones (NC), Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kind, Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Leach, Lee, Levin, Lewis (GA), Lewis (KY), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McDermott, McGovern, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Millender, Filner, McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Olver, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Price (NC), Rangel, Rothman, Ruppersberger, Rush, Sabo, Sanchez, Linda T., Schakowsky, Schiff, Schwartz (PA), Scott (VA), Serrano, Shays, Sherman, Slaughter, Smith (WA), Snyder, Solis, Stark, Tauscher, Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velázquez, Visclosky, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Whitfield, Woolsey, Wu, Wynn

NAYS—216

- Aderholt, Akin, Alexander, Bachus, Baker, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Biggert, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boustany, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Cannon, Cantor, Capito, Carter, Castle, Chabot, Chocola

Coble	Hyde	Poe
Cole (OK)	Ingليس (SC)	Pombo
Conaway	Issa	Porter
Crenshaw	Istook	Price (GA)
Cubin	Jenkins	Putnam
Culberson	Jindal	Radanovich
Davis (KY)	Johnson, Sam	Ramstad
Diaz-Balart, M.	Kelly	Regula
Doolittle	Kennedy (MN)	Rehberg
Drake	King (IA)	Reichert
Dreier	King (NY)	Renzi
Duncan	Kingston	Reynolds
Ehlers	Kirk	Rogers (AL)
Emerson	Kline	Rogers (KY)
English (PA)	Knollenberg	Rogers (MI)
Everett	Kolbe	Rohrabacher
Feeney	Kuhl (NY)	Ros-Lehtinen
Ferguson	LaHood	Royce
Fitzpatrick (PA)	Latham	Ryan (WI)
Flake	LaTourette	Ryun (KS)
Foley	Lewis (CA)	Saxton
Forbes	Linder	Schmidt
Fortenberry	LoBiondo	Schwarz (MI)
Fossella	Lucas	Sensenbrenner
Fox	Lungren, Daniel	Sessions
Franks (AZ)	E.	Shadegg
Frelinghuysen	Mack	Shaw
Galleghy	Manzullo	Sherwood
Garrett (NJ)	Marchant	Shimkus
Gerlach	McCaul (TX)	Shuster
Gibbons	McCotter	Simpson
Gilchrist	McCrery	Smith (NJ)
Gillmor	McHenry	Smith (TX)
Gingrey	McHugh	Smith (WA)
Gohmert	McKeon	Sodrel
Goode	McMorris	Souder
Goodlatte	Mica	Stearns
Granger	Miller (FL)	Sweeney
Graves	Miller (MI)	Tancredo
Green (WI)	Miller, Gary	Taylor (NC)
Gutknecht	Moran (KS)	Terry
Hall	Murphy	Thomas
Harris	Murphy	Thornberry
Hart	Musgrave	Tiahrt
Hastings (WA)	Neugebauer	Tiberi
Hayes	Ney	Turner
Hayworth	Northup	Upton
Hefley	Norwood	Walden (OR)
Hensarling	Nunes	Walsh
Hergert	Nussle	Wamp
Hobson	Osborne	Weldon (FL)
Hoekstra	Otter	Weldon (PA)
Hostettler	Oxley	Weller
Hulshof	Paul	Westmoreland
Hunter	Pearce	Wicker
	Pence	Wilson (NM)
	Peterson (PA)	Wilson (SC)
	Petri	Wolf
	Pickering	Young (AK)
	Pitts	Young (FL)
	Platts	

NOT VOTING—8

Boswell	Keller	Roybal-Allard
Davis (FL)	Moran (VA)	Stark
DeLay	Myrick	

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶110.9 APPOINTMENT OF CONFEREES— H.R. 2744

The SPEAKER pro tempore, Mr. HEFLEY, by unanimous consent, appointed Messrs. BONILLA, KINGSTON, LATHAM, Mrs. EMERSON, Messrs. GOODE, LAHOOD, DOOLITTLE, ALEXANDER, LEWIS of California, Ms. DELAURIO, Messrs. HINCHEY, FARR, BOYD, Ms. KAPTUR, and Mr. OBEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶110.10 HOUR OF MEETING

On motion of Mr. HULSHOF, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Monday, October 24, 2005, and

further, when the House adjourns on Monday, October 24, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, October 25, 2005, for morning-hour debate.

¶110.11 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HULSHOF, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, October 26, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶110.12 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1736. An Act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Government Reform.

S. 1894. An Act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

¶110.13 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 20, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

H.R. 3971. An Act to provide assistance to individuals and States affected by Hurricane Katrina.

And then,

¶110.14 ADJOURNMENT

On motion of Mr. POE, pursuant to the previous order of the House, at 4 o'clock and 40 minutes p.m., the House adjourned until noon on Monday, October 24, 2005.

¶110.15 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself and Mr. GOODLATTE):

H.R. 4091. A bill to permit certain projects and activities to resume on National Forest System lands by ratifying part 215 of title 36, Code of Federal Regulations, relating to notice, comment, and appeal procedures for such projects and activities; to the Committee on Agriculture.

By Ms. BEAN (for herself and Ms. HART):

H.R. 4092. A bill to amend the Internal Revenue Code of 1986 to allow an additional cred-

it against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. SIMPSON):

H.R. 4093. A bill to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4094. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 4095. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. SIMMONS, Mr. SHAW, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALDEN of Oregon, Mr. HUNTER, Mr. MCHUGH, Mr. KING of New York, Mr. MCCOTTER, Mr. KUHLE of New York, Mr. PAUL, Mr. SESSIONS, Mr. FORTUÑO, Mrs. CAPITO, Mr. HOSTETTLER, Mr. MURPHY, Mrs. KELLY, Mr. BISHOP of Utah, Mr. GARY G. MILLER of California, Mr. GARRETT of New Jersey, and Mr. LINDER):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Miss MCMORRIS, Mr. MARCHANT, Mr. FORTUÑO, Mr. BOUSTANY, Ms. FOX, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. WICKER, Mr. BRADY of Texas, Mr. PITTS, Mr. SESSIONS, Mr. CULBERSON, Mr. BURGESS, Mr. COLE of Oklahoma, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MCHENRY, Mr. POE, and Mr. DELAY):

H.R. 4097. A bill to direct the Secretary of Education to establish a Family Education Reimbursement Account Program to assist hurricane displaced students during the 2005-2006 school year, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4098. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL of Texas (for himself, Mr. BOREN, Mrs. DRAKE, Mr. SMITH of Texas, and Mr. CULBERSON):

H.R. 4099. A bill to amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, and for other purposes; to the Committee on Homeland Security.

By Mr. BAKER:

H.R. 4100. A bill to establish the Louisiana Recovery Corporation for purposes of economic stabilization and redevelopment of devastated areas in Louisiana, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. ACKERMAN, Mrs. MCCARTHY, Mr. ISRAEL, Mr. McNULTY, Mr. CROWLEY, Mr. ENGEL, Mr. KUHL of New York, Mr. SERRANO, Mr. BOEHLERT, Mr. KING of New York, Mr. FOSSELLA, Mr. HIGGINS, Mr. WALSH, Mr. HINCHEY, Mr. NADLER, Mr. WEINER, Mr. OWENS, Ms. VELÁZQUEZ, Mrs. MALONEY, Mrs. LOWEY, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. TOWNS, Mr. RANGEL, Mr. SWEENEY, Mr. MCHUGH, Mr. MEEKS of New York, and Mrs. KELLY):

H.R. 4101. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Government Reform.

By Mr. BROWN of Ohio:

H.R. 4102. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, and Ms. SCHAKOWSKY):

H.R. 4103. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 4105. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and its tributaries in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself, Mr. PLATTS, Mr. BACHUS, Mr. WELDON of Pennsylvania, Mr. KIRK, and Mr. FITZPATRICK of Pennsylvania):

H.R. 4106. A bill to provide for the security and safety of rail transportation systems in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4107. A bill to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mr. VAN HOLLEN, Mr. HOYER, Mr. CARDIN, Mr. GILCREST, Mr. BARTLETT of Maryland, and Mr. RUPPERSBERGER):

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCREST,

Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4109. A bill to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office"; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. DEFazio, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ALLEN, Mr. BOUCHER, Mr. CLAY, Mr. COSTELLO, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. LEE, Mr. MCGOVERN, Mrs. MALONEY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. NADLER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, and Mr. WEXLER):

H.R. 4110. A bill to require grants to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. FORTUÑO:

H.R. 4111. A bill to redesignate the Caribbean National Forest in the Commonwealth of Puerto Rico as the El Yunque National Forest; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 4112. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 4113. A bill to provide for a reduction in pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, and Mrs. EMERSON):

H.R. 4114. A bill to prohibit the sale of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates at an unjust or unreasonable price; to the Committee on Energy and Commerce.

By Mr. MARSHALL:

H.R. 4115. A bill to designate the facility of the United States Postal Service located at 118 East Hancock Street in Milledgeville, Georgia, as the "Boddie Davis Simmons Post Office Building"; to the Committee on Government Reform.

By Mrs. MCCARTHY:

H.R. 4116. A bill to prohibit the Secretary of Transportation from requiring the sounding of a locomotive horn in suburban areas in nonpeak traffic hours; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. JEFFERSON, Mr. JINDAL, Mr. BAKER, Mr. BOUSTANY, Mr. ALEXANDER, and Mrs. MALONEY):

H.R. 4117. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 4118. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4119. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 4120. A bill to eliminate the Western Hemisphere travel exception by requiring a passport for all travel into and out of the United States and to require the Secretary of State to endeavor to persuade all countries to issue machine-readable passports that comply with a uniform document identifying standard; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SODREL:

H.R. 4121. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 4122. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina):

H.R. 4123. A bill to amend section 44706 of title 49, United States Code, to require operating certificates for airports at which large cargo operations are conducted; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California:

H.J. Res. 69. A joint resolution relating to a national emergency declared by the President on September 8, 2005; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. BURGESS, Mr. GONZALEZ, Mr. CONAWAY, Mr. CARTER, Mr. SESSIONS, Mr. RADANOVICH, Mr. WHITFIELD, Mr. UPTON, Mrs. CUBIN, Mr. BASS, Mr. SMITH of Texas, Mr. SHADEGG, Mr. BOUSTANY, Mr. PICKERING, Mr. TOWNS, Mr. LEWIS of California, Mr. BILIRAKIS, Mr. MARKEY, Mr. MCGOVERN, Mr. HENSARLING, Mr. ORTIZ, Ms. KILPATRICK of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OTTER, Mr. MARCHANT, Mr. GENE GREEN of Texas, Mr. EDWARDS, Mr. MCCAUL of Texas, Mr. HALL, Mr. CALVERT, Mr. SULLIVAN, Mrs. CAPPS, Mr. BACHUS,

Mr. MURPHY, Mr. FITZPATRICK of Pennsylvania, Mr. CANTOR, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mrs. BONO, Mr. WALDEN of Oregon, Mr. GILLMOR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. RUSH, Mr. BUYER, Mr. CASTLE, Mr. BOEHLERT, Mr. STEARNS, and Mr. TERRY):

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. MEEKS of New York):

H. Con. Res. 270. Concurrent resolution expressing the sense of the Congress to honor those in Pakistan who lost their lives as a result of the earthquake that affected South Asia on October 8, 2005; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. RANGEL, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. WATT, Mr. ABERCROMBIE, Mr. SCOTT of Georgia, Mr. FILNER, Mr. McDERMOTT, Mr. McNULTY, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 271. Concurrent resolution honoring the life and accomplishments of Judge Constance Baker Motley and recognizing her as a symbol of hope and inspiration for all men and women; to the Committee on the Judiciary.

By Mr. WEXLER (for himself and Ms. HARRIS):

H. Con. Res. 272. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 504. A resolution commending the people of the Republic of Iraq for holding a successful referendum on a new constitution for Iraq; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 505. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group; to the Committee on International Relations.

110.16 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. MATSUI.
 H.R. 500: Mr. BONILLA.
 H.R. 558: Ms. DELAURO.
 H.R. 583: Mr. STARK.
 H.R. 602: Mr. MEEKS of New York.
 H.R. 759: Ms. SCHWARTZ of Pennsylvania.
 H.R. 772: Mr. FORTUÑO, Mr. ENGLISH of Pennsylvania, Mr. HALL, and Mr. SIMMONS.
 H.R. 809: Mr. GOODE.
 H.R. 827: Mr. WELLER and Mr. ENGLISH of Pennsylvania.
 H.R. 839: Ms. HOOLEY, Mr. RANGEL, and Mr. UDALL of New Mexico.
 H.R. 896: Mr. FARR.
 H.R. 923: Mr. RAHALL, Mr. MORAN of Virginia, Mr. BOEHLERT, Mr. BERRY, Ms. MILLENDER-MCDONALD, and Mr. REYNOLDS.
 H.R. 952: Mr. JACKSON of Illinois.
 H.R. 983: Mr. STARK.
 H.R. 1130: Mrs. CAPPS and Mr. DOYLE.
 H.R. 1131: Mr. FATTAH and Mr. JACKSON of Illinois.
 H.R. 1241: Mr. MARCHANT.
 H.R. 1243: Mr. BROWN of South Carolina.
 H.R. 1246: Mrs. SCHMIDT.

H.R. 1249: Mr. MICHAUD.
 H.R. 1262: Mr. ROTHMAN.
 H.R. 1298: Mr. WHITFIELD.
 H.R. 1366: Mrs. JO ANN DAVIS of Virginia.
 H.R. 1431: Mrs. DAVIS of California and Mr. THOMPSON of California.
 H.R. 1443: Mr. CUMMINGS.
 H.R. 1471: Mr. LARSON of Connecticut and Mr. STARK.

H.R. 1510: Mrs. NORTHUP.
 H.R. 1561: Mr. LARSEN of Washington, Mr. PETERSON of Minnesota, and Mr. SOUDER.

H.R. 1591: Mr. EVANS.
 H.R. 1592: Mr. EVANS.
 H.R. 1633: Mr. PLATTS.
 H.R. 1723: Mr. CONYERS.
 H.R. 1736: Mr. SHAYS.
 H.R. 1973: Mr. HYDE.
 H.R. 1994: Mr. MARKEY and Ms. CARSON.
 H.R. 2012: Mr. SHIMKUS.
 H.R. 2014: Mr. GARY G. MILLER of California, Ms. BERKLEY, and Mrs. BONO.
 H.R. 2112: Mr. BURTON of Indiana and Mr. HULSHOF.

H.R. 2134: Mr. MCGOVERN, Mr. LARSEN of Washington, and Mr. THOMPSON of Mississippi.

H.R. 2177: Mr. Strickland, Mr. MICHAUD, and Mr. SWEENEY.

H.R. 2211: Mr. INGLIS of South Carolina and Mr. PITTS.

H.R. 2231: Mr. ALLEN, Mr. LYNCH, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Mr. HEFLEY, Mr. HONDA, Mr. MICHAUD, Mr. BURTON of Indiana, Mr. HINOJOSA, Ms. LEE, and Mr. SIMMONS.

H.R. 2257: Mr. WEXLER and Mr. BRADY of Texas.

H.R. 2317: Mr. WELDON of Pennsylvania and Mrs. DAVIS of California.

H.R. 2327: Mr. ENGEL.

H.R. 2356: Mr. WALSH, Mr. NADLER, Mrs. NAPOLITANO, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina.

H.R. 2359: Mr. OWENS.

H.R. 2389: Ms. GRANGER.

H.R. 2412: Mr. CONYERS.

H.R. 2471: Mr. SIMPSON.

H.R. 2669: Mr. ALLEN, Mr. BRADY of Pennsylvania, Mr. CLYBURN, and Mr. RYAN of Ohio.

H.R. 2679: Mr. JINDAL.

H.R. 2727: Mr. BRADY of Pennsylvania.

H.R. 2835: Mr. THOMPSON of Mississippi and Mr. ALLEN.

H.R. 2861: Mr. DUNCAN.

H.R. 2872: Mr. CONYERS, Mr. SOUDER, Mr. DOYLE, Mr. FOSSELLA, Mr. ROSS, and Mr. LIPINSKI.

H.R. 2926: Mr. PRICE of North Carolina.

H.R. 2928: Mr. ETHERIDGE.

H.R. 3063: Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. BERMAN, and Mr. DOGGETT.

H.R. 3127: Mr. OWENS, Mr. TAYLOR of North Carolina, Mr. ROTHMAN, Mr. LYNCH, and Ms. ESHOO.

H.R. 3137: Mr. HALL, Mr. ROGERS of Alabama, Mr. FEENEY, Mr. GERLACH, Mr. THORNBERRY, and Mr. SOUDER.

H.R. 3151: Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. RUPPERSBERGER.

H.R. 3157: Ms. KILPATRIK of Michigan.

H.R. 3296: Mr. FATTAH.

H.R. 3312: Mr. UDALL of Colorado.

H.R. 3334: Mr. PUTNAM, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, and Ms. ZOE LOPGREN of California.

H.R. 3369: Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, and Ms. SCHWARTZ of Pennsylvania.

H.R. 3373: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. THORNBERRY, Mr. CUMMINGS, and Mr. WYNN.

H.R. 3427: Mr. SHAYS.

H.R. 3436: Mr. CONAWAY.

H.R. 3459: Mr. MCINTYRE.

H.R. 3476: Mr. GILCREST.

H.R. 3478: Mr. HOLT.
 H.R. 3532: Mr. MCCOTTER.
 H.R. 3546: Mr. WEXLER.
 H.R. 3561: Mr. MEEK of Florida and Ms. DELAURO.

H.R. 3604: Mr. BERMAN.
 H.R. 3617: Mr. SESSIONS.
 H.R. 3638: Mr. KUHL of New York.

H.R. 3644: Mr. JOHNSON of Illinois.
 H.R. 3662: Mr. OLVER.

H.R. 3698: Mr. BRADY of Pennsylvania and Mrs. JONES of Ohio.

H.R. 3758: Mr. CONYERS.
 H.R. 3778: Mr. MILLER of Florida, Mr. GRIJALVA, Ms. HARRIS, and Mr. HONDA.

H.R. 3796: Mr. FATTAH and Mr. LYNCH.
 H.R. 3810: Mr. SOUDER.

H.R. 3860: Mrs. MYRICK.
 H.R. 3870: Mr. PAUL.

H.R. 3889: Mrs. WILSON of New Mexico and Mr. CAMP.

H.R. 3903: Mr. BEAUPREZ and Mr. AKIN.
 H.R. 3904: Mr. BEAUPREZ and Mr. AKIN.

H.R. 3906: Mr. BEAUPREZ and Mr. AKIN.
 H.R. 3922: Mr. JINDAL, Mr. SKELTON, Mr. ABERCROMBIE, and Mr. CLEAVER.

H.R. 3940: Mr. BRADY of Pennsylvania.
 H.R. 3949: Mr. HALL, Mr. McNULTY, and Mr. HEFLEY.

H.R. 3952: Mr. SCOTT of Georgia.
 H.R. 3960: Mr. PUTNAM, Mr. BOEHNER, and Mr. HERGER.

H.R. 3966: Mr. MOORE of Kansas.
 H.R. 4011: Mr. CLAY and Mr. LEWIS of Georgia.

H.R. 4015: Mr. PETERSON of Minnesota and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4032: Mr. CARTER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, and Mr. GOODE.
 H.R. 4033: Mrs. DAVIS of California and Mr. NORWOOD.

H.R. 4034: Mr. BURTON of Indiana and Mr. HOEKSTRA.

H.R. 4035: Mr. MILLER of Florida.
 H.R. 4044: Mr. REYES.

H.R. 4047: Mr. LOBIONDO.
 H.R. 4048: Mr. MENENDEZ.

H.R. 4062: Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. LANTOS, Mr. RANGEL, Mr. McDERMOTT, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. HINCHEY, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. KILPATRIK of Michigan, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FILNER, and Mr. KENNEDY of Rhode Island.

H.R. 4063: Mrs. BLACKBURN, Mr. CLAY, Mr. VAN HOLLEN, Mr. COOPER, Mr. McNULTY, Mr. ISRAEL, Mr. RANGEL, Mr. LAHOOD, Mr. PRICE of North Carolina, Mr. HIGGINS, Mr. BOSWELL, Mr. DUNCAN, Mr. MENENDEZ, Mr. KING of New York, and Mr. WHITFIELD.

H.R. 4079: Mr. BEAUPREZ and Mr. GINGREY.
 H. Con. Res. 172: Mr. LEVIN.

H. Con. Res. 179: Mr. LIPINSKI.
 H. Con. Res. 210: Mr. POMBO, Mr. BLUMENAUER, Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. RADANOVICH, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, and Mrs. BLACKBURN.

H. Con. Res. 228: Mrs. JO ANN DAVIS of Virginia and Mr. HINOJOSA.

H. Con. Res. 230: Mr. HALL.
 H. Con. Res. 231: Mr. LAHOOD.

H. Con. Res. 254: Mr. ROTHMAN and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 260: Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ISRAEL, Mr. SHERMAN, and Mr. WEXLER.

H. Con. Res. 265: Mr. KOLBE.
 H. Res. 137: Mr. BEAUPREZ, Mr. BRADY of Texas, Mr. MCINTYRE, Mr. AKIN, and Mr. GOHMERT.

H. Res. 215: Mrs. MUSGRAVE.
 H. Res. 458: Mr. HOLT and Mr. CASE.

H. Res. 479: Mr. BERMAN, Mr. CONYERS, Mr. ENGEL, Mr. MCGOVERN, Mr. McNULTY, Mrs. MALONEY, Mr. PALLONE, Mr. KIRK, and Mr. SMITH of New Jersey.

H. Res. 483: Mr. MCGOVERN.

H. Res. 485: Mr. LEVIN and Mr. BERRY.
H. Res. 488: Mr. SIMMONS.

¶110.17 DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 551: Mr. FRANKS of Arizona.

MONDAY, OCTOBER 24, 2005 (111)

¶111.1 APPOINTMENT OF SPEAKER PRO
TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
October 24, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶111.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, October 20, 2005.

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

¶111.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4664. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Gerald L. Hoewing, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4665. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John W. Rosa, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4666. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Parts and Accessories Necessary for Safe Operation; General Amendments [Docket No. FMCSA-1997-2364] (RIN: 2126-AA61) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4667. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Certification; Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards; Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA-2000-8159; Notice 3] (RIN: 2127-AJ63) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4668. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No. NHTSA-2005-22113] (RIN: 2127-AI09) received August 23, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4669. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect [DOT Docket No. NHTSA-05-21401] (RIN: 2127-AI43) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4670. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—MAKE INOPERATIVE PROVISIONS; Vehicle Modifications To Accommodate People With Disabilities [Docket No. NHTSA-2004-19092] (RIN: 2127-AJ07) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4671. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Motorcycle Controls and Displays [Docket No. NHTSA-03-15073] (RIN: 2127-AI67) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4672. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems [Docket No. NHTSA-05-21400] (RIN: 2127-AI47) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4673. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Glazing Materials [Docket No. NHTSA-2003-15712] (RIN: 2127-AJ43) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems [Docket No. NHTSA 2005-22251] (RIN: 2127-AJ70) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact [Docket No. NHTSA-2005-22240] (RIN: 2127-AJ60) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4676. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AJ47) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4677. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Low Speed Vehicles [Docket No. NHTSA-05-22116] (RIN: 2127-AJ12) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4678. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 10-05 which informs of an intent to sign an Memorandum of Agreement (MOA) con-

cerning the upgrade of the AGM-88E Advanced Anti-Radiation Guided Missile (AARGM) between the United States and Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4679. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4680. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-08, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Colombia for defense articles and services; to the Committee on International Relations.

4681. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the heading "Loan Guarantees to Israel" in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on International Relations.

4682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's intent to obligate FY 2005 Economic Support Funds (ESF) for Morocco to provide assistance to HIV/AIDS-infected children in Libya; to the Committee on International Relations.

4683. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Community and Faith-Based Organizations, as requested in House Report 108-599; to the Committee on International Relations.

4684. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4685. A letter from the Chairman, Federal Communication Commission, transmitting the Commission's strategic plan for fiscal years 2006 to 2011; to the Committee on Government Reform.

4686. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Sections 3 and 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the annual performance budget for FY 2006; to the Committee on Government Reform.

4687. A letter from the Director of Finance and Administration, James Madison Memorial Fellowship Foundation, transmitting the Foundation's financial statements in compliance with the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

4688. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2005 Commercial and Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the Office of Management and Budget; to the Committee on Government Reform.

4689. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2003 and 2004"; to the Committee on Government Reform.

4690. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 2C for Fiscal Years 2003

Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4691. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4692. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4693. A letter from the Secretary, Department of the Interior, transmitting a copy of a draft bill, "To clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes"; to the Committee on Resources.

4694. A letter from the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result of Hurricane Rita on September 20, 2005 in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program [Docket No. FAA-2005-20750; Amendment Nos. 61-112, 63-33, 65-46, 121-313, 135-99] (RIN: 2120-A159) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30456; Amdt. No. 3133] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4697. A letter from the Secretary, Department of Transportation, transmitting the Department's report on State practices regarding specific service food signs, in accordance with Section 1213(g) of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

4698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Domestic VOR Federal Airway V-19; OH [Docket No. FAA 2003-16091; Airspace Docket No. 03-AGL-12] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4699. A letter from the Secretary, Department of Transportation, transmitting a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry, pursuant to Public Law 108-176, section 816; to the Committee on Transportation and Infrastructure.

4700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Using Agency for Restricted Areas R-2510 A & B; El Centro, CA. [Docket No. FAA-2005-22400; Airspace Docket No. 05-AWP-10] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4701. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30458; Amdt. No. 3135] (received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff [Docket No. 30457; Amdt. No. 3134] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30459; Amdt. No. 457] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4704. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Maritime Security Program [Docket No. MARAD-2004-18489] (RIN: 2133-AB62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4705. A letter from the Attorney, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule—Applicability of the Hazardous Materials Regulations to a "Person who Offers" a Hazardous Material for Transportation in Commerce [Docket No. PHMSA-04-19173 (HM-223A)] (RIN: 2137-AE04) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4706. A letter from the Attorney-Advisor, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. PHMSA-2005-22071 (HM-189Y)] (RIN: 2137-AE08) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4707. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Commercial Driver's License Standards; School Bus Endorsement [Docket No. FMCSA-2005-21603] (RIN: 2126-AA94) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4708. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Title VI Regulations for Federal Motor Carrier Safety Administration Financial Assistance Recipients [Docket No. FMCSA-2002-13248] (RIN: 2126-AA79) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4709. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Civil Penalties [Docket No. NHTSA-05-21161; Notice 2] (RIN: 2127-AJ62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4710. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System [Docket No. NHTSA-04-17326] (RIN: 2127-AI45) received August 12, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4711. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes"; to the Committee on Veterans' Affairs.

4712. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "Veterans Programs Improvement Act of 2005"; to the Committee on Veterans' Affairs.

4713. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the biennial report entitled, "Report on the Montgomery G.I. Bill for Members of the Selected Reserve" for Fiscal Year 2004, pursuant to 10 U.S.C. 16137 Public Law 106-65, section 546; jointly to the Committees on Armed Services and Veterans' Affairs.

¶111.4 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PETRI, laid before the House the following communication from Bob Black, Military Field Representative, office of the Honorable Jeff MILLER of Florida:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I was served with a subpoena, issued by the U.S. District Court, Northern District of Florida, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
BOB BLACK,
Military Field Representative.

And then,

¶111.5 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House agreed to on Thursday, October 20, 2005, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, October 25, 2005.

¶111.6 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MARKEY:

H.R. 4124. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD (for herself and Mr. GARY G. MILLER of California):

H. Res. 506. A resolution commending the Southern California Association of Governments for Forty Years of Planning and Advocacy in Transportation, Air Quality, and Growth Management; to the Committee on Transportation and Infrastructure.

By Mr. BARTLETT of Maryland (for himself, Mr. UDALL of New Mexico, Mr. GOODE, Mr. GRJALVA, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. GINGREY, Mr. KUHL of New York, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. GILCHREST, and Mr. WYNN):

H. Res. 507. A resolution expressing the sense of the House of Representatives that the United States, in collaboration with other international allies, should establish an energy project with the magnitude, creativity, and sense of urgency that was incorporated in the "Man on the Moon" project to address the inevitable challenges of "Peak Oil"; to the Committee on Energy and Commerce.

¶111.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 170: Ms. ZOE LOFGREN of California.
 H.R. 219: Mr. NEY.
 H.R. 1159: Mrs. MUSGRAVE.
 H.R. 1426: Mr. PALLONE.
 H.R. 2048: Mr. PETRI and Ms. SCHWARTZ of Pennsylvania.
 H.R. 2182: Mr. PITTS, Mr. BURTON of Indiana, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. GUTKNECHT, Mr. FEENEY, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. BRADY of Texas, and Mr. TIAHRT.
 H.R. 3417: Mr. JACKSON of Illinois.
 H.R. 3561: Mr. McNULTY.
 H.R. 3630: Mr. RYUN of Kansas and Mr. CAMP.
 H.R. 3661: Mr. MILLER of Florida.
 H.R. 3889: Mr. COOPER.
 H. Con. Res. 190: Mr. FITZPATRICK of Pennsylvania and Mr. WEXLER.
 H. Con. Res. 231: Mr. OWENS and Mr. SWEENEY.
 H. Con. Res. 269: Mr. BARRETT of South Carolina, Ms. ESHOO, Ms. FOX, Mr. GOHMERT, Mr. SHIMKUS, Mr. ROSS, Mr. LIPINSKI, Mr. PAUL, Mr. FOSSELLA, and Mrs. CHRISTENSEN.
 H. Res. 477: Ms. VELÁZQUEZ.
 H. Res. 483: Mrs. JOHNSON of Connecticut.

TUESDAY, OCTOBER 25, 2005 (112)

¶112.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ISSA, who laid before the House the following communication:

WASHINGTON, DC,
 October 25, 2005.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶112.2 MESSAGE FROM THE SENATE

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

H.R. 1409. An Act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

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

S. 1382. An Act to require the Secretary of the Interior to accept the conveyance of cer-

tain land, to be held in trust for the benefit of the Puyallup Indian tribe.

S. 1905. An Act to clarify Foreign Service Grievance Board procedures.

¶112.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. ISSA, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶112.4 RECESS—12:59 P.M.

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 59 minutes p.m., until 2 p.m.

¶112.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. PETRI, called the House to order.

¶112.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Monday, October 24, 2005.

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

¶112.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4714. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Protected Plant Permits [Docket No. 04-137-1] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4715. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Noxious Weed Control and Eradication Act; Revisions to Authority Citations [Docket No. 05-012-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4716. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan [Docket No. 05-035-1] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4717. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Increased Assessment Rate [Docket No. FV05-920-2 FR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4718. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Melons Grown in South Texas; Continued Suspension of Handling and Assessment Collection Regulations [Docket No. FV05-979-2 IFR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4719. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV05-920-1 FR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4720. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule — Quality Systems Verification Programs [No. LS-02-10] (RIN: 0581-AC12) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4721. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian and Southeast Marketing Areas; Order Amending the Orders [Docket No. AO-388-A15 and AO-366-A44; DA-03-11] received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4722. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Advisory and Assistance Services [DFARS Case 2003-D042] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4723. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Logistics Agency Waiver Authority [DFARS Case 2005-D019] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4724. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Partnership Agreement — 8(a) Program [DFARS Case 2005-D020] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4725. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Central Contractor Registration [DFARS Case 2003-D040] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4726. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Assignment of Contract Administration — Exception for Defense Energy Support Center [DFARS Case 2004-D007] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4727. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Levy on Payments to Contractors [DFARS Case 2004-D033] October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4728. A letter from the Acting General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Organization and Functions (RIN: 2550-AA33) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4729. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4730. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1, 2, 3-Propanetriol [OPPT-2003-0075; FRL-7715-2] (RIN: 2070-AC61) received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4731. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay United Air Pollution Control District [R09-OAR-2005-CA-0009; FRL-7975-1] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Wisconsin [R05-OAR-2005-WI-0002; FRL-7974-4] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Speed Limits Local Measure for the Dallas/Fort Worth Ozone Nonattainment Area [TX-126-1-7685; FRL-7982-1] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC from AIM Coatings [R03-OAR-2005-MD-0011; FRL-7984-6] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Visible and Particulate Emissions from Glass Melting Facilities [R03-OAR-2004-MD-0002; FRL-7984-7] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Redesignation of City of New Haven PM10 Nonattainment Area to Attainment and Approval of the Limited Maintenance Plan [R01-OAR-2005-CT-0003; A-1-FRL-7979-8] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4737. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Orders for Hitchcock Chair Co., Ltd.; Kimberly Clark Corp.; Watson Laboratories, Inc.; and Ross & Roberts, Inc. [R01-OAR-2005-CT-0002; A-1-FRL-7967-2] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4738. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Massachusetts; Negative Declaration [R01-OAR-2005-MA-003; FRL-7986-6] received October 19, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4739. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Consumer Products Regulation [R01-OAR-2005-ME-0004; A-1-FRL-7982-4] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4740. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [R05-OAR-2005-IN-0003; FRL-7981-8] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4741. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clinton and Mayfield, Kentucky) [MB Docket No. 05-152; RM-11204] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4742. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2004, pursuant to the Balanced Budget Act of 1997, as codified in Section 309(j)(8)(B) of the Communications Act of 1934, as amended; to the Committee on Energy and Commerce.

4743. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-63); to the Committee on International Relations and ordered to be printed.

4744. A letter from the Assistant General Counsel (Gen. Law and Ethics), Department of the Treasury, transmitting the Department's final rule — Federal Benefit Payments Under Certain District of Columbia Retirement Plans (RIN: 1505-AB55) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4745. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Miscellaneous Revisions to EPAAR Clauses [FRL-7986-2] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4746. A letter from the Senior Procurement Executive, OCAO, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-06—received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4747. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2005 through September 30, 2005 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 109-62); to the Committee on House Administration and ordered to be printed.

4748. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Oil and Gas Leasing; Geothermal Resources Leasing; Coal Management; Management of Solid Minerals Other Than Coal; Mineal Materials Disposal; and Mining Claims Under the General Mining Laws [WO-610-4111-02-24

1A] (RIN: 1004-AC64) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4749. A letter from the Bureau of Land Management, Department of the Interior, transmitting the Department's final rule — Leasing in Special Tar Sand Areas [WO-310-1310-PP-241A] (RIN: 1004-AD76) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4750. A letter from the Director, Office of Sustainable Fisheries, NMFIS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 091405F] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4751. A letter from the Secretary, Department of Health and Human Services, transmitting a petition on behalf of a class of workers from the Mallinckrodt Chemical Works to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4752. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Defense, transmitting a Feasibility Report and Environmental Assessment for the Denver County Reach, South Platte River, Denver, Colorado; to the Committee on Transportation and Infrastructure.

4753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328-300 Airplanes [Docket No. FAA-2005-21054; Directorate Identifier 2005-NM-054-AD; Amendment 39-14205; AD 2005-15-16] (RIN: 2120-AA4) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2004-19694; Directorate Identifier 2004-CE-41-AD; Amendment 39-14240; AD 2005-17-19] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2F Turbohaft Engines [Docket No. FAA-2005-21924; Directorate Identifier 2005-NE-30AD; Amendment 39-14236; AD 2005-17-15] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-21599; Directorate Identifier 2005-NM-036-AD; Amendment 39-14246; AD 2005-18-06] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, and -300 Series Airplanes [Docket No. FAA-2004-18877; Directorate Identifier 2002-NM-340-AD; Amendment 39-14248; AD 2005-18-08] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A-H1, PC-6/A/H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2005-20515; Directorate Identifier 2005-CE-09-AD; Amendment 39-14221; AD 2005-17-01] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4759. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in; First-out Inventories (Rev. Rul. 2005-69) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4760. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-71] received October 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4761. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2004; to the Committee on Ways and Means.

4762. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance [FRL-7983-7] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

¶112.8 AMERICA'S BLOOD CENTERS

Mr. BASS moved to suspend the rules and agree to the following resolution (H. Res. 220); as amended:

Whereas each year more than 4,500,000 Americans need a blood transfusion, and for over half the need is urgent and lifesaving;

Whereas one out of three people need donated blood in their lifetime, and one out of seven hospital patients need a blood transfusion;

Whereas it is the blood available on a daily basis that saves lives, and volunteer blood donors are required every day to meet patient needs and to be immediately available in times of disaster;

Whereas community blood centers strive year-round to maintain a sufficient blood supply, an urgent task because blood components must be constantly rotated as a result of blood's short 42-day shelf life;

Whereas America's Blood Centers was founded in 1962 and is North America's largest network of community-based, federally licensed, not-for-profit blood centers;

Whereas members of America's Blood Centers serve more than 150,000,000 people and operate more than 600 collection sites, collecting a significant amount of the blood supply of the United States;

Whereas members of America's Blood Centers are currently engaged in developing new tests and new technologies to further assure the safety of the Nation's blood supply and are actively engaged in biomedical research in the area of transfusion medicine;

Whereas America's Blood Centers assists its members and other blood organizations in assuring adequate blood supplies for patients in times of disasters;

Whereas members of America's Blood Centers were the first to respond to the Oklahoma City bombing, the Columbine shoot-

ings, and the 9/11 World Trade Center tragedy and since 9/11 have supported and developed with the Departments of Homeland Security and Health and Human Services proposals to ensure rapid response and adequate blood support in the case of a national disaster or act of terrorism; and

Whereas members of America's Blood Centers support military operations around the globe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the role of America's Blood Centers and its members in—

(A) providing life saving blood to patients, including the military in times of war and the Nation in times of disaster;

(B) ensuring the safety of that blood supply; and

(C) promoting essential blood donor initiatives;

(2) acknowledges the efforts made by member community blood centers and other blood organizations to promote and protect the safety and adequacy of blood components provided to patients; and

(3) recognizes the need to promote a stable blood supply and increase volunteer participation of blood donors.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. BASS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶112.9 AMERICAN SPIRIT FRAUD PREVENTION

Mr. STEARNS moved to suspend the rules and pass the bill (H.R. 3675) to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. STEARNS and Ms. SCHAKOWSKY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX,

announced that further proceedings on the question were postponed.

¶112.10 RED RIBBON WEEK

Mr. BASS moved to suspend the rules and agree to the following resolution (H. Res. 485):

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. BASS and Ms. SCHAKOWSKY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶112.11 WHITE HOUSE FELLOWS PROGRAM

Mrs. SCHMIDT moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 269):

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to come to Washington to participate as Fellows and learn the workings of the highest levels of the Federal Government to learn about leadership as they observed the Nation's officials in action and met with these officials and other leaders of society, thereby strengthening the Fellows' abilities and desires to contribute to their communities, their professions, and their country;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183, to create a program that would select between 11 and 19 outstanding young Americans every year and bring them to Washington for "first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit";

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 8 Presidents exceptionally well;

Whereas the more than 600 White House Fellows that have served have established a legacy of leadership in every aspect of American society that includes appointments as Cabinet officials and senior White House staff, election to the House of Representatives, Senate, and State and local Government, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the Nation's largest corporations and law firms, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a national resource that has been used by the Nation in major challenges including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, and reforming and innovating in national and international securities and capital markets;

Whereas the more than 600 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service through continuing personal and professional renewal and association, creating a Fellows community of mutual support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2005, marked the 40th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 40th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. SCHMIDT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. SCHMIDT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶112.12 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶112.13 CONGRESSMAN JAMES GROVE FULTON MEMORIAL POST OFFICE BUILDING

Mrs. SCHMIDT moved to suspend the rules and pass the bill (H.R. 3256) to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. SCHMIDT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. SCHMIDT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶112.14 GAGETOWN VETERANS MEMORIAL POST OFFICE

Mrs. SCHMIDT moved to suspend the rules and pass the bill (H.R. 3368) to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans memorial Post Office".

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. SCHMIDT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶112.15 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendment a bill of the House of the following title:

H.R. 3058. An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3058) "An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. BOND, SHELBY, SPECTER, BENNETT, HUTCHISON, DEWINE, BROWNBACK, STEVENS, DOMENICI, BURNS, ALLARD, COCHRAN, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Messrs. REID, KOHL, DURBIN, DORGAN, LEAHY, HARKIN, Ms. LANDRIEU, and Mr. INOUE, to be conferees on the part of the Senate.

¶112.16 RUNAWAY YOUTH PREVENTION PROGRAMS

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 484):

Whereas preventing young people from running away and supporting homeless youth and youth in other high-risk situations is a family, community, and national concern;

Whereas the prevalence of runaway and homeless youth in the Nation is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets or in emergency shelters are often those who have been thrown out of their homes by their families; who have been physically, sexually, or emotionally abused at home; who have been discharged by State custodial systems without adequate transition plans; who have lost their parents through death or divorce; and who are too poor to secure their own basic needs;

Whereas providers of services to runaway and homeless youth are experiencing increased demand for services due to the displacement of youth and families in the aftermath of Hurricanes Katrina and Rita;

Whereas the commemoration of National Runaway Prevention Month will encourage all sectors of society to develop community-based solutions to prevent runaway and homeless episodes among the Nation's youth;

Whereas effective programs that support runaway and homeless youth and assist

young people in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas Congress supports an array of community-based support services that address the critical needs of runaway and homeless youth, including family strengthening, street outreach, emergency shelter, and transitional living programs;

Whereas Congress supports programs that provide crisis intervention and referrals to reconnect runaway and homeless youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the purpose of National Runaway Prevention Month in November 2005 is to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe and productive alternatives, resources, and supports for youth, their families, and their communities: Now, therefore, be it

Resolved, That the House of Representatives supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth and youth in other high-risk situations.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PORTER and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶112.17 INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE

Mr. EHLERS moved to suspend the rules and pass the bill (H.R. 758) to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. EHLERS and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶112.18 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore, Mr. PETRI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their means of delivery declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was signed on November 4, 2004, and published in the *Federal Register* on November 8, 2004 (69 FR 64637).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2005.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 25, 2005.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-63).

¶112.19 RECESS—3:42 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 42 minutes p.m., until approximately 6:30 p.m.

¶112.20 AFTER RECESS—6:32 P.M.

The SPEAKER called the House to order.

¶112.21 H.R. 3675—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3675) to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil pen-

alties for such violations in actions brought under section 13 of that Act.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 399 affirmative } Nays 3

¶112.22 [Roll No. 536] YEAS—399

Abercrombie	Davis (IL)	Issa
Ackerman	Davis (KY)	Istook
Aderholt	Davis (TN)	Jackson (IL)
Akin	Davis, Jo Ann	Jefferson
Alexander	Davis, Tom	Jenkins
Allen	Deal (GA)	Jindal
Baca	DeFazio	Johnson (CT)
Bachus	DeGette	Johnson (IL)
Baird	Delahunt	Johnson, E. B.
Baker	DeLauro	Johnson, Sam
Baldwin	DeLay	Jones (NC)
Barrett (SC)	Dent	Jones (OH)
Barrow	Dicks	Kanjorski
Bartlett (MD)	Dingell	Kaptur
Barton (TX)	Doggett	Keller
Bass	Doolittle	Kelly
Bean	Doyle	Kennedy (MN)
Beauprez	Drake	Kennedy (RI)
Becerra	Dreier	Kildee
Berkley	Duncan	Kilpatrick (MI)
Berman	Ehlers	Kind
Berry	Emanuel	King (IA)
Biggert	Emerson	King (NY)
Billirakis	Engel	Kingston
Bishop (GA)	English (PA)	Kirk
Bishop (NY)	Eshoo	Kline
Bishop (UT)	Etheridge	Knollenberg
Blackburn	Everett	Kolbe
Blumenauer	Farr	Kucinich
Blunt	Feeney	Kuhl (NY)
Boehlert	Ferguson	LaHood
Boehner	Filner	Langevin
Bonilla	Fitzpatrick (PA)	Lantos
Bonner	Forbes	Larsen (WA)
Bono	Fortenberry	Larson (CT)
Boozman	Fossella	Latham
Boren	Fox	LaTourette
Boucher	Frank (MA)	Leach
Boustany	Franks (AZ)	Lee
Boyd	Frelinghuysen	Levin
Bradley (NH)	Gallely	Lewis (CA)
Brady (PA)	Garrett (NJ)	Lewis (GA)
Brown (OH)	Gerlach	Lewis (KY)
Brown (SC)	Gibbons	Linder
Burgess	Gilchrest	Lipinski
Burton (IN)	Gillmor	LoBiondo
Butterfield	Gohmert	Lofgren, Zoe
Buyer	Gonzalez	Lowe
Calvert	Goode	Lucas
Camp	Goodlatte	Lungren, Daniel
Cannon	Gordon	E.
Cantor	Granger	Lynch
Capito	Graves	Mack
Capps	Green (WI)	Maloney
Capuano	Green, Al	Manzullo
Cardin	Green, Gene	Marchant
Cardoza	Grijalva	Markey
Carnahan	Gutknecht	Marshall
Carter	Hall	Matheson
Case	Harman	Matsui
Castle	Harris	McCarthy
Chabot	Hart	McCaul (TX)
Chandler	Hastings (FL)	McCollum (MN)
Chocola	Hastings (WA)	McCotter
Clay	Hayes	McCrery
Cleaver	Hayworth	McDermott
Clyburn	Hefley	McGovern
Coble	Hensarling	McHenry
Cole (OK)	Hergert	McHugh
Conyers	Herseth	McIntyre
Cooper	Hinche	McKeon
Costa	Hinojosa	McKinney
Costello	Hobson	McMorris
Cramer	Hoekstra	McNulty
Crenshaw	Holden	Meehan
Crowley	Holt	Meeks (NY)
Cubin	Hooley	Melancon
Cuellar	Hostettler	Menendez
Culberson	Hoyer	Mica
Cummings	Hunter	Michaud
Cunningham	Hyde	Millender-
Davis (AL)	Inglis (SC)	McDonald
Davis (CA)	Inslee	Miller (FL)
Davis (FL)	Israel	Miller (MI)

Miller (NC) Rahall
 Miller, Gary Ramstead
 Miller, George Rangel
 Mollohan Regula
 Moore (KS) Rehberg
 Moore (WI) Reichert
 Moran (KS) Renzi
 Moran (VA) Rogers (AL)
 Murphy Rogers (KY)
 Murtha Rogers (MI)
 Musgrave Rohrabacher
 Myrick Ross
 Nadler Rothman
 Napolitano Royce
 Neal (MA) Ruppersberger
 Neugebauer Rush
 Ney Ryan (OH)
 Northup Ryan (WI)
 Norwood Ryun (KS)
 Nunes Sabo
 Nussle Salazar
 Oberstar Sanchez, Linda
 Obey T.
 Oliver Sanchez, Loretta
 Ortiz Sanders
 Osborne Saxton
 Otter Schakowsky
 Owens Schiff
 Oxley Schmidt
 Pallone Schwartz (PA)
 Pascrell Schwarz (MI)
 Pastor Scott (GA)
 Pearce Scott (VA)
 Pelosi Sensenbrenner
 Pence Serrano
 Peterson (MN) Sessions
 Peterson (PA) Shadegg
 Petri Shays
 Pickering Sherman
 Pitts Sherwood
 Platts Shimkus
 Poe Shuster
 Pomo Simmons
 Pomeroy Simpson
 Porter Skelton
 Price (GA) Slaughter
 Price (NC) Smith (NJ)
 Pryce (OH) Smith (TX)
 Putnam Smith (WA)
 Radanovich Snyder

NAYS—3

Conaway Flake Paul

NOT VOTING—31

Andrews Foley
 Boswell Ford
 Brady (TX) Gingrey
 Brown, Corrine Gutierrez
 Brown-Waite, Higgins
 Ginny Honda
 Carson Hulshof
 Diaz-Balart, L. Jackson-Lee
 Diaz-Balart, M. (TX)
 Edwards Meek (FL)
 Evans Payne
 Fattah Reyes

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

112.23 H. CON. RES. 269—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 269) recognizing the 40th anniversary of the White House Fellows Program.

The question being put, Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 401 Nays 0

112.24

[Roll No. 537]

YEAS—401

Abercrombie DeLauro
 Ackerman DeLay
 Aderholt Dent
 Akin Dicks
 Alexander Dingell
 Allen Doggett
 Baca Doolittle
 Bachus Doyle
 Baird Drake
 Baker Dreier
 Baldwin Duncan
 Barrett (SC) Ehlers
 Barrow Emanuel
 Bartlett (MD) Emerson
 Barton (TX) Engel
 Bass English (PA)
 Bean Eshoo
 Beauprez Etheridge
 Becerra Evans
 Berkeley Everrett
 Berman Farr
 Berry Feeney
 Biggert Ferguson
 Bilirakis Filner
 Bishop (GA) Fitzpatrick (PA)
 Bishop (NY) Flake
 Bishop (UT) Forbes
 Blackburn Fortenberry
 Blumenauer Fossella
 Blunt Fox
 Boehlert Frank (MA)
 Boehner Franks (AZ)
 Bonilla Frelinghuysen
 Bonner Gallegly
 Bono Garrett (NJ)
 Boozman Gerlach
 Boren Gibbons
 Boucher Gilchrest
 Boustany Gillmor
 Boyd Gohmert
 Bradley (NH) Gonzalez
 Brady (PA) Goode
 Brown (OH) Goodlatte
 Brown (SC) Gordon
 Burgess Granger
 Burton (IN) Graves
 Butterfield Green (WI)
 Buyer Green, Al
 Calvert Green, Gene
 Camp Grijalva
 Cannon Gutknecht
 Cantor Hall
 Capito Harman
 Capps Harris
 Capuano Hart
 Cardin Hastings (FL)
 Carzoza Hastings (WA)
 Carnahan Hayes
 Carter Hayworth
 Case Hefley
 Castle Hensarling
 Chabot Herger
 Chandler Herseth
 Chocola Hinchey
 Clay Hinojosa
 Cleaver Hobson
 Clyburn Hoekstra
 Coble Holden
 Cole (OK) Holt
 Conaway Hooley
 Conyers Hostettler
 Cooper Hoyer
 Costa Hunter
 Costello Hyde
 Cramer Inglis (SC)
 Crenshaw Inslee
 Crowley Israel
 Cubin Issa
 Cuellar Istook
 Culberson Jackson (IL)
 Cummings Jefferson
 Cunningham Jenkins
 Davis (AL) Jindal
 Davis (CA) Johnson (CT)
 Davis (FL) Johnson (IL)
 Davis (IL) Johnson, E. B.
 Davis (KY) Johnson, Sam
 Davis (TN) Jones (NC)
 Davis, Jo Ann Jones (OH)
 Davis, Tom Kanjorski
 Deal (GA) Kaptur
 DeFazio Keller
 DeGette Kelly
 Delahunt Kennedy (MN)

Oxley Sabo
 Pallone Salazar
 Pascrell Sanchez, Linda
 Pastor T.
 Paul Sanchez, Loretta
 Pearce Sanders
 Pelosi Saxton
 Pence Schakowsky
 Peterson (PA) Schiff
 Petri Schmidt
 Pickering Schwartz (PA)
 Pitts Schwarz (MI)
 Platts Scott (GA)
 Poe Scott (VA)
 Pomo Sensenbrenner
 Pomeroy Serrano
 Porter Sessions
 Price (GA) Shadegg
 Price (NC) Shays
 Pryce (OH) Sherman
 Putnam Sherwood
 Radanovich Shimkus
 Rahall Shuster
 Ramstad Simmons
 Rangel Simpson
 Regula Skelton
 Rehberg Slaughter
 Reichert Smith (NJ)
 Renzi Smith (TX)
 Rogers (AL) Smith (WA)
 Rogers (KY) Snyder
 Rogers (MI) Sodrel
 Rohrabacher Solis
 Ross Souder
 Rothman Spratt
 Royce Stark
 Ruppertsberger Stearns
 Rush Stupak
 Ryan (OH) Sullivan
 Ryan (WI) Sweeney
 Ryun (KS) Tancredo
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Walden (OR)
 Walsh
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)

NOT VOTING—32

Andrews Ford
 Boswell Gingrey
 Brown (TX) Gutierrez
 Brown, Corrine Higgins
 Brown-Waite, Honda
 Ginny Hulshof
 Carson Jackson-Lee
 Diaz-Balart, L. (TX)
 Diaz-Balart, M. Manzullo
 Edwards Meek (FL)
 Fattah Payne
 Foley Peterson (MN)
 Reyes
 Reynolds
 Ros-Lehtinen
 Roybal-Allard
 Shaw
 Strickland
 Visclosky
 Wasserman
 Schultz
 Wexler
 Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

112.25 MOMENT OF SILENCE IN MEMORY OF MRS. ROSA LOUISE PARKS

The SPEAKER requested that Members rise and join in a moment of silence in memory of Mrs. Rosa Louise Parks.

112.26 H.R. 3256—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3256) to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 396
affirmative { Nays 1

¶112.27 [Roll No. 538]
YEAS—396

Ackerman	DeLay	Kildee
Aderholt	Dent	Kilpatrick (MI)
Akin	Dicks	Kind
Alexander	Dingell	King (IA)
Allen	Doggett	King (NY)
Baca	Doolittle	Kingston
Bachus	Doyle	Kirk
Baird	Drake	Kline
Baker	Dreier	Knollenberg
Baldwin	Duncan	Kolbe
Barrett (SC)	Ehlers	Kucinich
Barrow	Emanuel	Kuhl (NY)
Bartlett (MD)	Emerson	LaHood
Barton (TX)	Engel	Langevin
Bass	English (PA)	Lantos
Bean	Eshoo	Larsen (WA)
Beauprez	Etheridge	Larson (CT)
Becerra	Evans	Latham
Berkley	Everett	LaTourette
Berman	Farr	Leach
Berry	Feeney	Lee
Biggert	Ferguson	Levin
Bilirakis	Filner	Lewis (CA)
Bishop (GA)	Fitzpatrick (PA)	Lewis (GA)
Bishop (NY)	Flake	Lewis (KY)
Bishop (UT)	Forbes	Linder
Blackburn	Fortenberry	Lipinski
Blumenauer	Fossella	LoBiondo
Blunt	Fox	Lofgren, Zoe
Boehlert	Frank (MA)	Lowey
Boehner	Franks (AZ)	Lucas
Bonilla	Frelinghuysen	Lungren, Daniel E.
Bonner	Gallely	Lynch
Bono	Garrett (NJ)	Mack
Boozman	Gerlach	Marchant
Boren	Gibbons	Markey
Boucher	Gilchrest	Marshall
Boustany	Gillmor	Matheson
Boyd	Gohmert	Matsui
Bradley (NH)	Gonzalez	McCarthy
Brady (PA)	Goodlatte	McCaul (TX)
Brown (OH)	Goodlatte	McCaul (TX)
Brown (SC)	Gordon	McCollum (MN)
Burgess	Granger	McCotter
Burton (IN)	Graves	McCrery
Butterfield	Green (WI)	McDermott
Buyer	Green, Al	McGovern
Calvert	Green, Gene	McHenry
Camp	Grijalva	McHugh
Cannon	Gutknecht	McIntyre
Cantor	Hall	McKeon
Capito	Harman	McKinney
Capps	Harris	McMorris
Capuano	Hart	McNulty
Cardin	Hastings (FL)	Meehan
Cardoza	Hastings (WA)	Meeks (NY)
Carnahan	Hayes	Melancon
Carter	Hayworth	Menendez
Case	Hefley	Mica
Castle	Hensarling	Michaud
Chabot	Hergert	Millender-McDonald
Chandler	Herseth	Miller (MI)
Chocoba	Hinchee	Miller (NC)
Clay	Hinojosa	Miller, Gary
Cleaver	Hobson	Miller, George
Clyburn	Hoekstra	Mollohan
Coble	Holden	Moore (KS)
Cole (OK)	Holt	Moore (WI)
Conaway	Honda	Moran (KS)
Conyers	Hooley	Moran (VA)
Cooper	Hostettler	Murphy
Costa	Hoyer	Musgrave
Costello	Hunter	Myrick
Cramer	Hyde	Nadler
Crenshaw	Inglis (SC)	Napolitano
Crowley	Inslee	Neal (MA)
Cubin	Israel	Neugebauer
Cuellar	Issa	Ney
Culberson	Istook	Northup
Cummings	Jackson (IL)	Norwood
Cunningham	Jefferson	Nunes
Davis (AL)	Jenkins	Nussle
Davis (CA)	Jindal	Oberstar
Davis (FL)	Johnson (CT)	Obey
Davis (IL)	Johnson (IL)	Oliver
Davis (KY)	Johnson, E. B.	Ortiz
Davis (TN)	Johnson, Sam	Osborne
Davis, Jo Ann	Jones (NC)	Otter
Davis, Tom	Jones (OH)	Owens
Deal (GA)	Kanjorski	Oxley
DeFazio	Kaptur	Pallone
DeGette	Kelly	Pascarell
DeLaHunt	Kennedy (MN)	Pastor
DeLauro	Kennedy (RI)	

Paul	Sánchez, Linda	Tanner
Pearce	T.	Tauscher
Pelosi	Sanchez, Loretta	Taylor (MS)
Pence	Sanders	Taylor (NC)
Peterson (MN)	Saxton	Terry
Peterson (PA)	Schakowsky	Thomas
Petri	Schiff	Thompson (CA)
Pickering	Schmidt	Thompson (MS)
Pitts	Schwartz (PA)	Thornberry
Platts	Schwarz (MI)	Tiahrt
Poe	Scott (GA)	Tiberi
Pomeroy	Scott (VA)	Tierney
Porter	Sensenbrenner	Towns
Price (GA)	Serrano	Turner
Price (NC)	Sessions	Udall (CO)
Pryce (OH)	Shadegg	Udall (NM)
Putnam	Shays	Upton
Radanovich	Sherman	Van Hollen
Rahall	Sherwood	Velázquez
Ramstad	Shimkus	Walden (OR)
Rangel	Shuster	Walsh
Regula	Simmons	Wamp
Rehberg	Simpson	Watson
Reichert	Skelton	Watt
Renzi	Slaughter	Waxman
Rogers (AL)	Smith (NJ)	Weiner
Rogers (KY)	Smith (TX)	Weldon (FL)
Rogers (MI)	Smith (WA)	Weldon (PA)
Rohrabacher	Snyder	Weller
Ross	Sodrel	Westmoreland
Rothman	Solis	Whitfield
Royce	Souder	Wicker
Ruppersberger	Spratt	Wilson (NM)
Rush	Stark	Wilson (SC)
Ryan (OH)	Stearns	Wolf
Ryan (WI)	Stupak	Woolsey
Ryun (KS)	Sullivan	Wu
Sabo	Sweeney	Wynn
Salazar	Tancredo	Young (AK)

NAYS—1

Abercrombie
NOT VOTING—36

Andrews	Gingrey	Pombo
Boswell	Gutierrez	Reyes
Brady (TX)	Higgins	Reynolds
Brown, Corrine	Hulshof	Ros-Lehtinen
Brown-Waite, Ginny (TX)	Jackson-Lee	Roybal-Allard
Carson	Keller	Shaw
Diaz-Balart, L.	Maloney	Strickland
Diaz-Balart, M.	Manzullo	Visclosky
Edwards	Meek (FL)	Wasserman
Fattah	Miller (FL)	Schultz
Foley	Murtha	Waters
Ford	Payne	Wexler
		Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶112.28 PROVIDING FOR THE CONSIDERATION OF H.R. 420

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 109-253) the resolution (H. Res. 508) providing for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶112.29 PROVIDING FOR THE CONSIDERATION OF H.R. 1461

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 109-254) the resolution (H. Res. 509) providing for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-

sponsored enterprises, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶112.30 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1382. An Act to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian Tribe; to the Committee on Resources.

¶112.31 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 397. An Act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

¶112.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FOLEY, for today;
To Mr. GINGREY, for today;
To Mr. HIGGINS, for today;
To Ms. JACKSON-LEE of Texas, for today;

To Mr. MEEK of Florida, for today;
To Mr. REYES, for today and October 26;

To Ms. ROYBAL-ALLARD, for today and balance of the week;
To Mr. SHAW, for today and October 26; and

To Ms. WASSERMAN SCHULTZ, for today.

And then,

¶112.33 ADJOURNMENT

On motion of Mr. PETERSON of Pennsylvania, at 11 o'clock and 50 minutes p.m., the House adjourned.

¶112.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1129. A bill to authorize the exchange of certain land in the State of Colorado; with an amendment (Rept. 109-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 508. Resolution providing for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes (Rept. 109-253). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 509. Resolution providing for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes (Rept. 109-254). Referred to the House Calendar.

¶112.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself, Ms. NORTON, and Mr. BOUSTANY):

H.R. 4125. A bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself, Mr. WYNN, Mr. MORAN of Virginia, Mr. CARDIN, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. HOYER, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, Mr. HOLDEN, Mr. CUMMINGS, Mr. HINCHAY, Mr. PLATTS, Ms. NORTON, Mr. TOM DAVIS of Virginia, and Mr. CASTLE):

H.R. 4126. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay program; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself, Ms. PRYCE of Ohio, Mr. UPTON, Mr. RADANOVICH, Mr. BASS, Mrs. BONO, Mr. FERGUSON, and Mrs. BLACKBURN):

H.R. 4127. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. GOODLATTE, Mr. CONYERS, Ms. WATERS, Mr. BONILLA, Ms. HERSETH, Mr. DELAY, and Mr. BLUNT):

H.R. 4128. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. TIAHRT, Mr. TERRY, Mr. FLAKE, and Mr. SWEENEY):

H.R. 4129. A bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on the expensing of section 179 property, to allow taxpayers to elect shorter recovery periods for purposes of determining the deduction for depreciation, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4130. A bill to require information on the contents of sludge to be provided to purchasers of the sludge and the public; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself, Mr. NADLER, Mr. WAXMAN, Mr. BERRY, Mr. STARK, Mr. ALLEN, and Mr. KUCINICH):

H.R. 4131. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies, and to provide that applications under section 505 of the Federal Food, Drug, and Cosmetic Act that are submitted pursuant to such licenses may be approved with immediate effective dates; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 4132. A bill to amend title 18, United States Code, to provide penalties for officers and employees of the Federal Bureau of Investigation who obtain knowledge of criminal conduct within the jurisdiction of State and local prosecutors and fail to so inform those prosecutors; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Ms. GINNY BROWN-WAITE

of Florida, Mr. NEY, Mr. BAKER, Mr. BOUSTANY, Mr. JNDAL, Mr. ENGLISH of Pennsylvania, Mr. DENT, and Mr. TAYLOR of Mississippi):

H.R. 4133. A bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; to the Committee on Financial Services.

By Mr. FLAKE:

H.R. 4134. A bill to provide that rates of pay for Members of Congress shall not be increased as a result of any adjustment otherwise scheduled to take effect in fiscal year 2006; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 4135. A bill to extend the suspension of duty on certain steam generators and certain parts used in nuclear facilities; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 4136. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 4137. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4138. A bill to provide for the establishment of a program of assistance to States for consultations with respect to weatherization and energy efficiency; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H.R. 4139. A bill to minimize harm to populations impacted by the release of environmental contaminants, hazardous materials or infectious materials in the aftermath of Hurricanes Katrina and Rita by providing for a Comprehensive Environmental Sampling and Toxicity Assessment Plan (CESTAP) to assess and monitor air, water, soil and human populations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, the Budget, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 4140. A bill to direct the Election Assistance Commission to make grants to States to restore and replace election administration supplies, materials, and equipment which were damaged as a result of Hurricane Katrina or Hurricane Rita; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD:

H.R. 4141. A bill to amend the Help America Vote Act of 2002 to permit individuals to use a national write-in absentee ballot to cast votes in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MURPHY:

H.R. 4142. A bill to amend title XIX of the Social Security Act to provide health information technology grants to States and transform the Medicaid Program by reducing the number of medical and medication er-

rors, unnecessary hospitalizations, infections and inappropriate care that exists within the current system and save thousands of lives and tens of billions of dollars a year; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4143. A bill to provide for relief payments to private and public hospitals that temporarily ceased to operate because of a mandatory evacuation order issued in anticipation of Hurricane Rita, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself and Mr. MILLER of North Carolina):

H.J. Res. 70. A joint resolution requiring the President to submit to Congress a plan for the withdrawal of United States Armed Forces from Iraq, and for other purposes; to the Committee on International Relations.

By Mr. ROGERS of Alabama (for himself, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. BONNER, Mr. BACHUS, Mr. EVERETT, Mr. ADERHOLT, Mr. SCOTT of Georgia, Mr. MCCOTTER, Mr. NEAL of Massachusetts, Mr. WEXLER, Ms. BORDALLO, Mr. COOPER, Mr. BISHOP of Georgia, Mr. FITZPATRICK of Pennsylvania, Mr. EHLERS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. TAYLOR of Mississippi, Ms. SOLIS, Ms. NORTON, Mrs. MALONEY, Mr. BURGESS, Mr. BRADY of Pennsylvania, Mr. NADLER, Mr. McNULTY, Ms. WATSON, Mr. MOORE of Kansas, Mr. LEVIN, Mr. BUTTERFIELD, Mr. PORTER, Mr. HOLT, Mr. SNYDER, Mrs. EMERSON, Mr. ROTHMAN, Mr. SERRANO, Mr. SCHWARZ of Michigan, Ms. LORETTA SANCHEZ of California, Mr. RUPPERSBERGER, Mrs. MCCARTHY, Mr. UPTON, Mr. ROSS, Mrs. MILLER of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIAHRT, Mr. MCGOVERN, Mr. FOLEY, Mr. BOUSTANY, Mr. EMANUEL, Mr. JEFFERSON, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. ROHRBACHER, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. ETHERIDGE, Mr. HONDA, Mr. BERMAN, Mr. WOLF, and Mr. SCOTT of Virginia):

H. Con. Res. 273. Concurrent resolution recognizing the 50th anniversary of the Montgomery bus boycott; to the Committee on Government Reform.

By Ms. MCKINNEY:

H. Con. Res. 274. Concurrent resolution reaffirming the continued importance and applicability of the Posse Comitatus Act; to the Committee on the Judiciary.

By Mr. WEXLER (for himself, Mr. CHABOT, Mr. LANTOS, Mr. ACKERMAN, Mr. MENENDEZ, Mr. CROWLEY, Mr. TANCREDO, Mr. ISSA, and Mr. MCCOTTER):

H. Res. 510. A resolution supporting the findings of the United Nations International Independent Investigation Commission that is investigating the assassination of former Lebanese Prime Minister Rafik Hariri, condemning the Government of Syria for its apparent involvement in this terrorist attack, and demanding compliance by Syria with United Nations Security Council Resolution 1595; to the Committee on International Relations.

¶112.36 MEMORIALS

Under clause 3 of rule XII,

181. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States relative to the early termination fees imposed

by cellular telephone companies; to the Committee on Energy and Commerce.

¶112.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GILLMOR.
 H.R. 97: Mr. ANDREWS.
 H.R. 202: Mr. MARKEY.
 H.R. 213: Mr. SHERMAN.
 H.R. 215: Mr. PUTNAM.
 H.R. 267: Mr. INGLIS of South Carolina.
 H.R. 583: Ms. LEE.
 H.R. 586: Mr. BACHUS.
 H.R. 625: Mr. OLVER.
 H.R. 669: Mrs. CUBIN.
 H.R. 735: Mrs. MCCARTHY.
 H.R. 758: Mr. CALVERT.
 H.R. 814: Mr. JACKSON of Illinois.
 H.R. 874: Mrs. SCHMIDT.
 H.R. 916: Mr. PAYNE, Ms. CARSON, Mr. COBLE, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. BOUSTANY, Ms. MATSUI, Mrs. MALONEY, Mr. BARROW, Mr. BERMAN, Mr. SAXTON, Mr. GOODE, Mr. BUTTERFIELD, and Mr. WELLER.
 H.R. 1000: Mr. FOSSELLA.
 H.R. 1029: Mr. MOORE of Kansas.
 H.R. 1068: Mr. GORDON and Ms. LORETTA SANCHEZ of California.
 H.R. 1124: Mrs. DAVIS of California and Mr. WAXMAN.
 H.R. 1264: Mr. ENGLISH of Pennsylvania, and Mr. MICHAUD.
 H.R. 1288: Mr. PETRI.
 H.R. 1298: Mr. BROWN of Ohio and Mr. JENKINS.
 H.R. 1356: Mr. PLATTS.
 H.R. 1402: Mr. ROTHMAN, Mr. MCHUGH, and Mr. DAVIS of Tennessee.
 H.R. 1405: Mr. HOLT and Mr. FILNER.
 H.R. 1413: Mr. PRICE of North Carolina and Mr. McNULTY.
 H.R. 1414: Ms. CARSON and Mr. MOORE of Kansas.
 H.R. 1424: Mr. MEEHAN.
 H.R. 1511: Mr. MCHUGH.
 H.R. 1554: Mr. LYNCH.
 H.R. 1592: Mr. LEACH.
 H.R. 1632: Mr. DOYLE.
 H.R. 1668: Ms. MCKINNEY.
 H.R. 1671: Mr. BRADY of Pennsylvania.
 H.R. 1678: Mr. GILLMOR.
 H.R. 1709: Mr. FATTAH and Mr. RUSH.
 H.R. 1719: Mr. CASTLE.
 H.R. 1789: Mr. BRADY of Pennsylvania.
 H.R. 1823: Mr. ROTHMAN.
 H.R. 1849: Mr. HONDA.
 H.R. 1850: Mr. BRADY of Pennsylvania.
 H.R. 1951: Ms. SCHAKOWSKY.
 H.R. 1956: Mr. KOLBE.
 H.R. 2051: Mr. BERMAN.
 H.R. 2134: Mrs. CAPPS and Mr. GEORGE MILLER of California.
 H.R. 2231: Mr. CLAY, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. MARKEY, Mr. INSLEE, Mr. CUMMINGS, and Mr. PASCRELL.
 H.R. 2328: Mr. MCGOVERN.
 H.R. 2339: Mr. TANCREDO.
 H.R. 2369: Ms. MCKINNEY.
 H.R. 2533: Mr. SCHWARZ of Michigan and Mr. OXLEY.
 H.R. 2553: Ms. BERKLEY, Mr. MEEKS of New York, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. MARKEY, and Mr. SABO.
 H.R. 2694: Mr. BISHOP of Georgia.
 H.R. 2716: Mr. GRIJALVA and Mr. MCDERMOTT.
 H.R. 2788: Mr. KILDEE and Mr. MCDERMOTT.
 H.R. 2792: Mr. WYNN.
 H.R. 2803: Mr. BROWN of South Carolina, Mr. SHERMAN, and Mr. GORDON.
 H.R. 2870: Ms. NORTON.
 H.R. 2924: Mr. THOMPSON of Mississippi.
 H.R. 2962: Mr. STUPAK and Ms. HERSETH.
 H.R. 2963: Mr. GREEN of Wisconsin, Mr. BISHOP of Georgia, and Mr. ROSS.
 H.R. 2989: Ms. WOOLSEY and Mr. SCHWARZ of Michigan.

H.R. 3011: Mr. MCCOTTER, Mr. HULSHOF, Mr. COLE of Oklahoma, and Mr. LEWIS of Kentucky.
 H.R. 3042: Mrs. MALONEY.
 H.R. 3137: Mr. FOLEY, Mr. BOEHNER, Mr. CARTER, and Mr. HERGER.
 H.R. 3151: Mr. BERMAN and Mr. SANDERS.
 H.R. 3157: Mr. KILDEE.
 H.R. 3165: Mr. SHERMAN.
 H.R. 3183: Mr. BONILLA and Ms. ZOE LOFGREN of California.
 H.R. 3189: Mr. SOUDER.
 H.R. 3298: Mr. MCCAUL of Texas.
 H.R. 3313: Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. ISRAEL, Mrs. CAPPS, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. SANDERS, Mr. CASE, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. EMANUEL, Ms. BERKLEY, Ms. CARSON, Ms. LEE, and Mr. CLEAVER.
 H.R. 3326: Mr. WYNN.
 H.R. 3361: Mr. HINCHEY.
 H.R. 3369: Mr. TIERNEY.
 H.R. 3373: Mr. ISTOOK, Mrs. MCCARTHY, Mr. MORAN of Kansas, Mr. HYDE, and Mr. TIERNEY.
 H.R. 3401: Mr. INGLIS of South Carolina.
 H.R. 3437: Mr. HOEKSTRA.
 H.R. 3442: Mrs. DAVIS of California.
 H.R. 3476: Mr. LYNCH and Mr. DELAHUNT.
 H.R. 3505: Mr. RYAN of Ohio.
 H.R. 3506: Mr. SOUDER.
 H.R. 3550: Mr. UPTON.
 H.R. 3616: Mr. LATOURETTE and Mr. PRICE of North Carolina.
 H.R. 3630: Mr. KNOLLENBERG, Mr. KENNEDY of Minnesota, and Mr. LINDER.
 H.R. 3697: Mr. JACKSON of Illinois, Mr. DEFAZIO, and Ms. DEGETTE.
 H.R. 3698: Mrs. DAVIS of California, Mr. OLVER, and Mr. CLEAVER.
 H.R. 3708: Ms. MCKINNEY.
 H.R. 3734: Mr. JACKSON of Illinois, Mr. HOYER, Mr. HOLT, Ms. WASSERMAN SCHULTZ, and Ms. PELOSI.
 H.R. 3748: Ms. MCKINNEY.
 H.R. 3753: Mr. PUTNAM and Mr. SODREL.
 H.R. 3779: Ms. SCHAKOWSKY, Mr. BOEHLERT, and Mr. SERRANO.
 H.R. 3837: Ms. ZOE LOFGREN of California and Mr. GUTIERREZ.
 H.R. 3841: Mr. SODREL.
 H.R. 3858: Mr. THOMPSON of California, Mr. SHERMAN, Mr. MCINTYRE, Mr. WEXLER, Ms. MCCOLLUM of Minnesota, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 3868: Mr. WILSON of South Carolina.
 H.R. 3883: Mrs. BLACKBURN, Mr. EVERETT, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, Mr. ALEXANDER, Mr. BONNER, Mr. WICKER, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, Mr. ETHERIDGE, Mr. SHERWOOD, Mr. ADERHOLT, Mr. MICHAUD, and Mr. BASS.
 H.R. 3889: Mrs. MUSGRAVE.
 H.R. 3903: Mr. COLE of Oklahoma and Mr. CHABOT.
 H.R. 3904: Mr. COLE of Oklahoma and Mr. CHABOT.
 H.R. 3906: Mr. COLE of Oklahoma and Mr. CHABOT.
 H.R. 3943: Mr. NORWOOD, Mr. PICKERING, Mr. CONAWAY, Mr. MOORE of Kansas, Mr. NEUGEBAUER, and Mr. PETERSON of Pennsylvania.
 H.R. 3948: Mr. MICHAUD and Mr. ROSS.
 H.R. 3960: Mr. TANCREDO and Mr. BURTON of Indiana.
 H.R. 3970: Mr. ANDREWS.
 H.R. 4008: Mr. BROWN of South Carolina, Mr. COOPER, Mr. SIMMONS, and Mr. TAYLOR of Mississippi.
 H.R. 4030: Ms. LEE.
 H.R. 4032: Mr. KUHL of New York.
 H.R. 4045: Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. EMANUEL, and Ms. SCHAKOWSKY.
 H.R. 4047: Mr. GOODLATTE.
 H.R. 4048: Mr. DOGGETT.
 H.R. 4057: Mr. MORAN of Virginia.
 H.R. 4062: Mr. OLVER, Mr. FARR, Ms. HERSETH, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Ms. VELAZQUEZ, Mr. RYAN of Ohio, and Ms. LEE.

H.R. 4063: Ms. WOOLSEY, Mrs. MCCARTHY, and Mr. KIRK.
 H.R. 4073: Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LINDA T. SANCHEZ of California.
 H.J. Res. 69: Mr. OWENS and Ms. ESHOO.
 H. Con. Res. 10: Mr. GORDON.
 H. Con. Res. 42: Mr. SOUDER.
 H. Con. Res. 106: Mr. FRANK of Massachusetts.
 H. Con. Res. 172: Mr. ROTHMAN and Mr. CHANDLER.
 H. Con. Res. 179: Mr. KNOLLENBERG.
 H. Con. Res. 184: Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. DICKS, Mr. MILLER of North Carolina, and Mrs. MALONEY.
 H. Con. Res. 190: Mr. SOUDER and Mr. GRAVES.
 H. Con. Res. 197: Mr. MARKEY, Mr. TIERNEY, and Mr. RANGEL.
 H. Con. Res. 222: Mr. GRAVES.
 H. Con. Res. 230: Mrs. TAUSCHER, Ms. ROSELEHTINEN, Mr. HYDE, Mr. HULSHOF, and Mr. DAVIS of Alabama.
 H. Con. Res. 231: Mr. SERRANO.
 H. Con. Res. 254: Mr. RYAN of Ohio.
 H. Con. Res. 260: Mr. KIRK, Ms. SCHAKOWSKY, Ms. WATSON, Mr. CLEAVER, and Ms. LINDA T. SANCHEZ of California.
 H. Con. Res. 261: Mr. FALBOMAVAEGA, Mr. CROWLEY, Mr. TANCREDO, Mr. LANTOS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. CONYERS, and Mr. RUSH.
 H. Con. Res. 268: Mr. GOODE, Mr. FEENEY, Mr. MCCOTTER, Mrs. DRAKE, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. PEARCE, Mr. PICKERING, Mr. CANNON, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. SESSIONS, Mrs. BLACKBURN, Mr. BURTON of Indiana, and Mr. NEUGEBAUER.
 H. Res. 76: Ms. SCHAKOWSKY and Mr. PETERSON of Minnesota.
 H. Res. 97: Mr. BEAUPREZ, Mr. ROGERS of Alabama, and Mr. HALL.
 H. Res. 302: Mr. SIMMONS, Mr. BROWN of Ohio, Mr. FORTUÑO, Mr. SHIMKUS, Ms. JACKSON-LEE of Texas, and Mr. WELDON of Pennsylvania.
 H. Res. 447: Mr. GRIJALVA.
 H. Res. 458: Mr. FILNER.
 H. Res. 477: Mrs. DAVIS of California, Mr. TIERNEY, Mr. OLVER, Mr. NEAL of Massachusetts, and Mr. MICHAUD.
 H. Res. 484: Mr. TIBERI and Ms. MCCOLLUM of Minnesota.
 H. Res. 487: Mr. ROTHMAN, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. CARDIN, Mr. BRADY of Pennsylvania, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. PUTNAM, Mr. GRIJALVA, Mr. LEACH, and Mr. ABERCROMBIE.
 H. Res. 488: Mr. JOHNSON of Illinois.
 H. Res. 489: Mr. MCGOVERN, Mr. LOBIONDO, Mr. JOHNSON of Illinois, Mr. CARDIN, Mr. RANGEL, and Mr. MICHAUD.
 H. Res. 496: Mr. CAPUANO.

¶112.38 PETITIONS

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Lasalle County Board, Illinois, relative to a resolution supporting Congressman Weller's Combat Military Medically Retired Veteran's Fairness Act of 2005 (H.R. 995) and urging the Illinois congressional representatives to co-sponsor and pass H.R. 995; which was referred to the Committee on Armed Services.

WEDNESDAY, OCTOBER 26, 2005
(113)

¶113.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

WASHINGTON, DC,
October 26, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶113.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Tuesday, October 25, 2005.

Mr. WILSON of South Carolina, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. WILSON of South Carolina demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

¶113.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4763. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for drawdown under sections 552(c)(2) of the Foreign Assistance Act to authorize Department of Defense commodities and services as part of the mission to support the deployment of AU forces to Darfur, Sudan; to the Committee on International Relations.

4764. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 031-05); to the Committee on International Relations.

4765. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4766. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2005 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4767. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4768. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4769. A letter from the Assistant General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4770. A letter from the Assistant General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4771. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for Economic Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4772. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4773. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4774. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 091505B] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4775. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090605F] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4776. A letter from the Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Exemptions to Taking Prohibitions for Endangered Sea Turtles [Docket No. 050224044-5185-02; I.D. 092304A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4777. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 080305A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4778. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition of the use of Regular B Days-at-Sea in the Georges Bank Cod Stock Area [Docket No. 040804229-4300-02; I.D. 071305B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4779. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of Bering Sea and Aleutian Islands Management Area [Docket

No. 041126332-5039-02; I.D. 071805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4780. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 41 [Docket No. 050630174-5234-02; I.D. 062005B-X] (RIN: 0648-AT08) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas [Docket No. FAA-2005-20881; Directorate Identifier 2004-NM-253-AD; Amendment 39-14302; AD 2003-17-07 R1] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Second-in-Command Pilot Type Rating [Docket No. FAA-2004-19630; Amendment No. 61-108] (RIN: 2120-A138) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; Salina Municipal Airport, KS. [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-322, -341, and -342 Airplanes; and Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22486; Directorate Identifier 2004-NM-219-AD; Amendment 39-14287; AD 2005-19-22] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-202, -223, -243, and -343 Airplanes; and Model A340-313 Airplanes [Docket No. FAA-2005-22484; Directorate Identifier 2003-NM-270-AD; Amendment 39-14286; AD 2005-19-21] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No. FAA-2005-21355; Directorate Identifier 2005-NM-037-AD; Amendment 39-14288; AD 2005-19-23] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-66-AD; Amendment 39-14289; AD 2005-19-24] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 Series Airplanes [Docket No. FAA-2005-22483; Directorate Identifier 2004-NM-236-AD; Amendment 39-14292; AD 2005-19-27] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes and Model HS 748 Airplanes [Docket No. FAA-2005-22482; Directorate Identifier 2003-NM-009-AD; Amendment 39-14291; AD 2005-19-26] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-20657; Directorate Identifier 2004-NM-39-AD; Amendment 39-14290; AD 2005-19-25] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes, and Boeing Model 720 and 720B Series Airplanes [Docket No. FAA-2005-20785; Directorate Identifier 2005-NM-002-AD; Amendment 39-14295; AD 2005-20-02] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-18788; Directorate Identifier 2003-NM-203-AD; Amendment 39-14296; AD 2005-20-03] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-20356; Directorate Identifier 2004-NM-115-AD; Amendment 39-14294; AD 2005-20-01] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors GTSIO-520 Series Reciprocating Engines [Docket No. FAA-2005-20850; Directorate Identifier 2005-NE-05-AD; Amendment 39-14297; AD 2005-20-04] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22540; Directorate Identifier 2004-NM-137-AD; Amendment 39-14301; AD 2005-20-08] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4796. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; Model A300 B4-600, B4-600R and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-20796; Directorate Identifier 2004-NM-160-AD; Amendment 39-14299; AD 2005-20-06] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No. FAA-2005-21170; Directorate Identifier 2002-NM-124-AD; Amendment 39-14298; AD 2005-20-05] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-22413; Directorate Identifier 2005-NM-167-AD; Amendment 39-14271; AD 2005-19-06] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22405; Directorate Identifier 2002-NM-243-AD; Amendment 39-14269; AD 2005-19-04] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospaciale Model ATR42-500 Airplanes [Docket No. FAA-2005-22406; Directorate Identifier 2002-NM-242-AD; Amendment 39-14270; AD 2005-19-05] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22404; Directorate Identifier 2005-NM-018-AD; Amendment 39-14268; AD 2005-19-03] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22485; Directorate Identifier 2001-NM-337-AD; Amendment 39-14293; AD 2005-19-28] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-300 Series Airplanes [Docket No. FAA-2005-22539; Directorate Identifier 2004-NM-08-AD; Amendment 39-14300; AD 2005-20-07] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-243, -341, -342, and -343 Airplanes [Docket No. FAA-2005-22563; Directorate Identifier 2004-NM-177-AD; Amendment 39-14304; AD 2005-20-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22562; Directorate Identifier 2004-NM-60-AD; Amendment 39-14303; AD 2005-20-09] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30453; Amdt. No. 456] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶113.4 ENERGY AND WATER APPROPRIATIONS FY 2006

On motion of Mr. HOBSON, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. HOBSON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. HEFLEY, by unanimous consent, appointed Messrs. HOBSON, FRELINGHUYSEN, LATHAM, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, SIMPSON, REHBERG, LEWIS of California, VIS-CLOSKY, EDWARDS, PASTOR, CLYBURN, BERRY, and OBEY as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶113.5 PROVIDING FOR THE CONSIDERATION OF H.R. 1461

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 509):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and

ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate, On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶113.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 443. An Act to improve the investigation of criminal antitrust offenses.

¶113.7 HURRICANE KATRINA FINANCIAL SERVICES RELIEF

Mr. BAKER moved to suspend the rules and pass the bill (H.R. 3945) to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and

Federal regulatory agencies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. BAKER and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BAKER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, October 27, 2005.

¶113.8 H. RES. 509—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 509) providing for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

The question being put, Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 220 affirmative } Nays 196

¶113.9 [Roll No. 539] YEAS—220

- | | | |
|---------------|------------------|---------------|
| Aderholt | Culberson | Hart |
| Akin | Cunningham | Hastings (WA) |
| Alexander | Davis (KY) | Hayes |
| Bachus | Davis, Jo Ann | Hayworth |
| Baker | Davis, Tom | Hefley |
| Barrett (SC) | Deal (GA) | Hensarling |
| Bartlett (MD) | DeLay | Herger |
| Barton (TX) | Dent | Hobson |
| Bass | Doolittle | Hoekstra |
| Beauprez | Drake | Hostettler |
| Biggert | Dreier | Hulshof |
| Bilirakis | Duncan | Hunter |
| Bishop (UT) | Ehlers | Hyde |
| Blackburn | Emerson | Inglis (SC) |
| Blunt | English (PA) | Issa |
| Boehert | Everett | Istook |
| Boehner | Feeney | Jenkins |
| Bonilla | Ferguson | Jindal |
| Bonner | Fitzpatrick (PA) | Johnson (CT) |
| Bono | Flake | Johnson (IL) |
| Boozman | Forbes | Johnson, Sam |
| Boustany | Portenberry | Jones (NC) |
| Bradley (NH) | Fossella | Keller |
| Brady (TX) | Foxx | Kelly |
| Brown (SC) | Franks (AZ) | King (IA) |
| Burgess | Frelinghuysen | King (NY) |
| Burton (IN) | Gallely | Kingston |
| Buyer | Garrett (NJ) | Kirk |
| Calvert | Gerlach | Kline |
| Camp | Gibbons | Knollenberg |
| Cannon | Gilchrest | Kolbe |
| Cantor | Gillmor | Kuhl (NY) |
| Capito | Gingrey | LaHood |
| Carter | Gohmert | Latham |
| Castle | Goode | LaTourette |
| Chabot | Goodlatte | Leach |
| Chocola | Granger | Lewis (CA) |
| Coble | Graves | Lewis (KY) |
| Cole (OK) | Green (WI) | Linder |
| Conaway | Gutknecht | LoBiondo |
| Crenshaw | Hall | Lucas |
| Cubin | Harris | |

- | | | |
|-----------------|---------------|--------------|
| Lungren, Daniel | Peterson (PA) | Shuster |
| E. | Petri | Simmons |
| Mack | Pickering | Simpson |
| Manzullo | Pitts | Smith (NJ) |
| Marchant | Poe | Smith (TX) |
| McCaul (TX) | Pombo | Sodrel |
| McCotter | Porter | Souder |
| McCrery | Price (GA) | Stearns |
| McHenry | Pryce (OH) | Sullivan |
| McHugh | Putnam | Sweeney |
| McKeon | Radanovich | Tancredo |
| McMorris | Ramstad | Taylor (NC) |
| Mica | Regula | Terry |
| Miller (FL) | Rehberg | Thomas |
| Miller (MI) | Reichert | Thornberry |
| Miller, Gary | Renzi | Tiahrt |
| Moran (KS) | Rogers (LA) | Tiberi |
| Murphy | Rogers (KY) | Turner |
| Musgrave | Rogers (MI) | Upton |
| Myrick | Rohrabacher | Walden (OR) |
| Neugebauer | Royce | Walsh |
| Ney | Ryan (WI) | Wamp |
| Northup | Ryun (KS) | Weldon (FL) |
| Norwood | Saxton | Weldon (PA) |
| Nunes | Schmidt | Weller |
| Nussle | Schwarz (MI) | Westmoreland |
| Osborne | Sensenbrenner | Whitfield |
| Otter | Sessions | Wicker |
| Oxley | Shadegg | Wilson (NM) |
| Paul | Shays | Wilson (SC) |
| Pearce | Sherwood | Wolf |
| Pence | Shimkus | Young (AK) |

NAYS—196

- | | | |
|----------------|-----------------|------------------|
| Abercrombie | Gordon | Moore (KS) |
| Ackerman | Green, Al | Moore (WI) |
| Allen | Green, Gene | Moran (VA) |
| Andrews | Grijalva | Murtha |
| Baca | Gutierrez | Nadler |
| Baird | Harman | Napolitano |
| Baldwin | Hastings (FL) | Neal (MA) |
| Barrow | Herseht | Oberstar |
| Bean | Higgins | Obey |
| Becerra | Hinchey | Olver |
| Berkley | Hinojosa | Ortiz |
| Berman | Holden | Owens |
| Berry | Holt | Pallone |
| Bishop (NY) | Honda | Pascrell |
| Blumenauer | Hooley | Pastor |
| Boren | Hoyer | Payne |
| Boucher | Inslee | Pelosi |
| Boyd | Israel | Peterson (MN) |
| Brady (PA) | Jackson (IL) | Pomeroy |
| Brown (OH) | Jackson-Lee | Price (NC) |
| Brown, Corrine | (TX) | Rahall |
| Butterfield | Jefferson | Rangel |
| Capps | Johnson, E. B. | Ross |
| Capuano | Jones (OH) | Rothman |
| Cardin | Kanjorski | Ruppersberger |
| Cardoza | Kaptur | Rush |
| Carnahan | Kennedy (MN) | Ryan (OH) |
| Carson | Kennedy (RI) | Sabo |
| Case | Kildee | Salazar |
| Chandler | Kilpatrick (MI) | Sanchez, Linda |
| Clay | Kind | T. |
| Cleaver | Kucinich | Sanchez, Loretta |
| Clyburn | Langevin | Sanders |
| Conyers | Lantos | Schakowsky |
| Cooper | Larsen (WA) | Schiff |
| Costa | Larson (CT) | Schwartz (PA) |
| Costello | Lee | Scott (GA) |
| Cramer | Levin | Scott (VA) |
| Crowley | Lewis (GA) | Serrano |
| Cuellar | Lipinski | Sherman |
| Cummings | Lofgren, Zoe | Skelton |
| Davis (LA) | Lowey | Slaughter |
| Davis (CA) | Lynch | Smith (WA) |
| Davis (FL) | Maloney | Snyder |
| Davis (IL) | Markey | Solis |
| Davis (TN) | Marshall | Spratt |
| DeFazio | Matheson | Stark |
| DeGette | Matsui | Strickland |
| Delahunt | McCarthy | Stupak |
| DeLauro | McCollum (MN) | Tanner |
| Dicks | McDermott | Tauscher |
| Dingell | McGovern | Taylor (MS) |
| Doggett | McIntyre | Thompson (CA) |
| Doyle | McKinney | Thompson (MS) |
| Edwards | McNulty | Tierney |
| Engel | Meehan | Towns |
| Eshoo | Meeks (NY) | Udall (CO) |
| Etheridge | Melancon | Udall (NM) |
| Evans | Menendez | Van Hollen |
| Farr | Michaud | Velazquez |
| Fattah | Millender- | Viscosky |
| Filner | McDonald | Waters |
| Ford | Miller (NC) | Watson |
| Frank (MA) | Miller, George | |
| Gonzalez | Mollohan | |

Watt	Weiner	Wu
Waxman	Woolsey	Wynn
NOT VOTING—17		
Bishop (GA)	Foley	Shaw
Boswell	Meek (FL)	Wasserman
Brown-Waite,	Platts	Schultz
Ginny	Reyes	Wexler
Diaz-Balart, L.	Reynolds	Young (FL)
Diaz-Balart, M.	Ros-Lehtinen	
Emanuel	Roybal-Allard	

Jindal	Millender-McDonald
Johnson (CT)	Miller (FL)
Johnson (IL)	Miller (MI)
Johnson, E. B.	Miller (NC)
Johnson, Sam	Miller, Gary
Jones (NC)	Mollohan
Kanjorski	Moore (WI)
Kaptur	Murphy
Keller	Murtha
Kelly	Musgrave
Kennedy (RI)	Myrick
Kildee	Nadler
Kilpatrick (MI)	Napolitano
Kind	Neal (MA)
King (IA)	Neugebauer
King (NY)	Ney
Kingston	Northup
Kirk	Norwood
Kline	Nunes
Knollenberg	Nussle
Kolbe	Obey
Kuhl (NY)	Ortiz
LaHood	Osborne
Langevin	Owens
Lantos	Oxley
Larson (CT)	Pallone
LaTourette	Pascrell
Lee	Paul
Levin	Payne
Lewis (CA)	Pearce
Lewis (KY)	Pelosi
Linder	Pence
Lipinski	Peterson (PA)
Lofgren, Zoe	Petri
Lowe	Pickering
Lucas	Pitts
Lungren, Daniel E.	Poe
Lynch	Pombo
Mack	Pomeroy
Maloney	Porter
Manzullo	Price (GA)
Marchant	Price (NC)
Markey	Pryce (OH)
Marshall	Putnam
Matsui	Radanovich
McCarthy	Rahall
McCaul (TX)	Rangel
McCullum (MN)	Regula
McCrery	Rehberg
McGovern	Reichert
McHenry	Renzi
McHugh	Rogers (AL)
McIntyre	Rogers (KY)
McKeon	Rogers (MI)
McKinney	Rohrabacher
McMorris	Ross
Meehan	Rothman
Meeks (NY)	Royce
Melancon	Ruppersberger
Menendez	Rush
Mica	Ryan (OH)
Michaud	Ryan (WI)

Ryun (KS)	Sánchez, Linda T.
Salazar	Sanders
Sánchez, Linda T.	Saxton
Sanders	Schiff
Saxton	Schmidt
Schiff	Schwartz (PA)
Schmidt	Schwarz (MI)
Schwartz (PA)	Scott (GA)
Schwarz (MI)	Scott (VA)
Scott (GA)	Sensenbrenner
Scott (VA)	Serrano
Sensenbrenner	Sessions
Serrano	Shadegg
Sessions	Shays
Shadegg	Sherman
Shays	Sherwood
Sherman	Shimkus
Sherwood	Simmons
Shimkus	Simpson
Simmons	Skelton
Simpson	Smith (NJ)
Skelton	Smith (TX)
Smith (NJ)	Smith (WA)
Smith (TX)	Snyder
Smith (WA)	Sodrel
Snyder	Solis
Sodrel	Souder
Solis	Spratt
Souder	Stark
Spratt	Stearns
Stark	Sullivan
Stearns	Taylor (NC)
Sullivan	Terry
Taylor (NC)	Thomas
Terry	Thornberry
Thomas	Tiahrt
Thornberry	Tierney
Tiahrt	Towns
Tierney	Turner
Towns	Upton
Turner	Van Hollen
Upton	Walden (OR)
Van Hollen	Walsh
Walden (OR)	Wamp
Walsh	Waters
Wamp	Watt
Waters	Waxman
Watt	Weiner
Waxman	Weldon (FL)
Weiner	Weldon (PA)
Weldon (FL)	Westmoreland
Weldon (PA)	Whitfield
Westmoreland	Wicker
Whitfield	Wilson (NM)
Wicker	Wilson (SC)
Wilson (NM)	Wolf
Wilson (SC)	Woolsey
Wolf	Wynn
Woolsey	Young (AK)
Wynn	
Young (AK)	

So the Journal was approved.

¶113.12 FEDERAL HOUSING FINANCE REFORM

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 509 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

The SPEAKER pro tempore, Mr. SHIMKUS, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶113.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 109-254, submitted by Mr. OXLEY:

Page 6, strike lines 3 through 5 and insert the following new subparagraph:

“(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

“(i) the independent contractor knowingly or recklessly participates in—

“(I) any violation of any law or regulation;

“(II) any breach of fiduciary duty; or

“(III) any unsafe or unsound practice; and

“(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and”.

Page 12, line 8, strike the quotations marks and the last period.

Page 12, after line 8, insert the following new subsection:

“(g) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman in the Agency. Such regulations shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.”.

Page 15, line 2, before the period insert “, or request that the Attorney General of the United States act on behalf of the Director”.

Page 15, after line 2, insert the following new paragraph:

“(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.”.

Page 15, line 3, strike “(2)” and insert “(3)”.

Page 25, line 13, after the period insert quotation marks and a period.

Page 25, strike lines 14 through 16.

Page 66, after line 12 add the following new subsection:

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

Page 102, after line 19, insert the following new subparagraph:

“(A) Mortgages that finance dwelling units for low-income families.”.

¶113.10 APPROVAL OF THE JOURNAL— UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair’s approval of the Journal of Tuesday, October 25, 2005.

The question being put,

Will the House agree to the Chair’s approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	349
	Nays	62
	Answered present	2

¶113.11 [Roll No. 540] YEAS—349

Abercrombie	Case	Forbes
Ackerman	Castle	Ford
Aderholt	Chabot	Fortenberry
Akin	Chocola	Foxo
Alexander	Clay	Frank (MA)
Allen	Cleaver	Franks (AZ)
Andrews	Clyburn	Frelinghuysen
Baca	Coble	Galleghy
Bachus	Cole (OK)	Garrett (NJ)
Baker	Conaway	Gerlach
Barrett (SC)	Conyers	Gibbons
Bartlett (MD)	Cooper	Gilchrest
Barton (TX)	Costa	Gillmor
Bass	Cramer	Gingrey
Bean	Crenshaw	Gohmert
Beauprez	Crowley	Gonzalez
Becerra	Cubin	Goode
Berkley	Cuellar	Goodlatte
Berman	Culberson	Gordon
Biggert	Cummings	Granger
Bilirakis	Cunningham	Green (WI)
Bishop (NY)	Davis (AL)	Green, Al
Bishop (UT)	Davis (CA)	Gutierrez
Blackburn	Davis (FL)	Hall
Blumenauer	Davis (IL)	Harman
Blunt	Davis (TN)	Harris
Boehlert	Davis, Jo Ann	Hastings (WA)
Boehner	Davis, Tom	Hayes
Bonilla	Deal (GA)	Hayworth
Bonner	DeGette	Hensarling
Bono	Delahunt	Henger
Boozman	DeLauro	Herseth
Boren	DeLay	Higgins
Boucher	Dent	Hinchey
Boustany	Dicks	Hinojosa
Boyd	Dingell	Hobson
Bradley (NH)	Doggett	Hoekstra
Brady (TX)	Doolittle	Holden
Brown (OH)	Doyle	Honda
Brown (SC)	Drake	Hooley
Brown, Corrine	Dreier	Hostettler
Burgess	Duncan	Hoyer
Burton (IN)	Edwards	Hulshof
Butterfield	Ehlers	Hunter
Buyer	Emanuel	Hyde
Calvert	Emerson	Inglis (SC)
Camp	Engel	Inslee
Cannon	Eshoo	Israel
Cantor	Etheridge	Issa
Capito	Evans	Istook
Capps	Everett	Jackson (IL)
Cardin	Farr	Jackson-Lee
Cardoza	Fattah	(TX)
Carnahan	Ferguson	Jefferson
Carter	Flake	Jenkins

Jindal	Millender-McDonald
Johnson (CT)	Miller (FL)
Johnson (IL)	Miller (MI)
Johnson, E. B.	Miller (NC)
Johnson, Sam	Miller, Gary
Jones (NC)	Mollohan
Kanjorski	Moore (WI)
Kaptur	Murphy
Keller	Murtha
Kelly	Musgrave
Kennedy (RI)	Myrick
Kildee	Nadler
Kilpatrick (MI)	Napolitano
Kind	Neal (MA)
King (IA)	Neugebauer
King (NY)	Ney
Kingston	Northup
Kirk	Norwood
Kline	Nunes
Knollenberg	Nussle
Kolbe	Obey
Kuhl (NY)	Ortiz
LaHood	Osborne
Langevin	Owens
Lantos	Oxley
Larson (CT)	Pallone
LaTourette	Pascrell
Lee	Paul
Levin	Payne
Lewis (CA)	Pearce
Lewis (KY)	Pelosi
Linder	Pence
Lipinski	Peterson (PA)
Lofgren, Zoe	Petri
Lowe	Pickering
Lucas	Pitts
Lungren, Daniel E.	Poe
Lynch	Pombo
Mack	Pomeroy
Maloney	Porter
Manzullo	Price (GA)
Marchant	Price (NC)
Markey	Pryce (OH)
Marshall	Putnam
Matsui	Radanovich
McCarthy	Rahall
McCaul (TX)	Rangel
McCullum (MN)	Regula
McCrery	Rehberg
McGovern	Reichert
McHenry	Renzi
McHugh	Rogers (AL)
McIntyre	Rogers (KY)
McKeon	Rogers (MI)
McKinney	Rohrabacher
McMorris	Ross
Meehan	Rothman
Meeks (NY)	Royce
Melancon	Ruppersberger
Menendez	Rush
Mica	Ryan (OH)
Michaud	Ryan (WI)

NAYS—62

Baird	Jones (OH)
Baldwin	Kennedy (MN)
Barrow	Kucinich
Berry	Larsen (WA)
Brady (PA)	Latham
Capuano	Lewis (GA)
Chandler	LoBiondo
Chastoli	Matheson
Davis (KY)	McCotter
DeFazio	McDermott
English (PA)	McNulty
Filner	Miller, George
Fitzpatrick (PA)	Moore (KS)
Fossella	Moran (KS)
Graves	Oberstar
Grijalva	Oliver
Gutknecht	Otter
Hart	Pastor
Hastings (FL)	Peterson (MN)
Hefley	Ramstad
Holt	Sabo

ANSWERED “PRESENT”—2

Carson	Tancredo
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NOT VOTING—20

Bishop (GA)	Green, Gene
Boswell	Leach
Brown-Waite,	Meek (FL)
Ginny	Moran (VA)
Diaz-Balart, L.	Platts
Diaz-Balart, M.	Reyes
Feeney	Reynolds
Foley	Ros-Lehtinen

Sanchez, Loretta
Schakowsky
Shuster
Slaughter
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson
Weller
Wu

Page 102, line 20, strike “(A)” and insert “(B)”.

Page 102, line 22, strike “(B)” and insert “(C)”.

Strike line 17 on page 119 and all that follows through line 9 on page 138 and insert the following:

SEC. 128. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

“SEC. 1337. AFFORDABLE HOUSING FUND.

“(a) ESTABLISHMENT AND PURPOSE.—Each enterprise shall establish and manage an affordable housing fund in accordance with this section. The purpose of the affordable housing fund shall be—

“(1) to increase homeownership for extremely low- and very low-income families;

“(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

“(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

“(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

“(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section

“(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

“(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (k) and subject to paragraphs (2) and (3) of this subsection and subsection (f)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a) by the enterprise—

“(A) in the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs, 3.5 percent of the after-tax income of the enterprise for the preceding year;

“(B) in the year after the year referred to in subparagraph (A), 3.5 percent of the after-tax income of the enterprise for the preceding year; and

“(C) in each of the first three years after the year referred to in subparagraph (B), 5 percent of the after-tax income of the enterprise for the preceding year.

“(2) LIMITATION.—An enterprise shall not be required to make an allocation for a year to the affordable housing fund of the enterprise established under subsection (a) unless the enterprise generated after-tax income for the preceding year.

“(3) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund of the enterprise upon a finding by the Director that such allocations—

“(A) are contributing, or would contribute, to the financial instability of the enterprise;

“(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

“(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

“(4) 5-YEAR SUNSET AND REPORT.—

“(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing funds in the 5th year after the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs or in any year thereafter.

“(B) REPORT ON PROGRAM CONTINUANCE.—Not later 6 months before the end of the last

year in which the allocations are required under paragraph (1), the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing funds, should be extended and on any modifications for the program.

“(5) DETERMINATION OF AFTER-TAX INCOME.—For purposes of this section, the term ‘after-tax income’ means, with respect to an enterprise for a year, the amount reported by the enterprise for such year in the enterprise’s annual report for such year that is filed with the Securities and Exchange Commission, except that for any year in which no such filing is made by an enterprise or such filing is not timely made, such term means the amount determined by the Director based on the income tax return filings of the enterprise.

“(c) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND AMOUNTS.—Amounts from the affordable housing fund of the enterprise may be used, or committed for use, only for activities that—

“(1) are eligible under subsection (d) for such use; and

“(2) are selected for funding by the enterprise in accordance with the process and criteria for such selection established pursuant to subsection (k)(2)(C).

“(d) ELIGIBLE ACTIVITIES.—Amounts from the affordable housing fund of an enterprise shall be eligible for use, or for commitment for use, only for assistance for—

“(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that amounts provided from the Fund may be used for the benefit only of extremely low- and very low-income families;

“(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

“(A) is available for purchase only for use as a principal residence by families that qualify both as—

“(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

“(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from the affordable housing fund of the enterprise;

“(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act; and

“(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

“(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

“(e) ELIGIBLE RECIPIENTS.—

“(1) IN GENERAL.—Amounts from the affordable housing fund of an enterprise may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a federally recognized tribe, an Alaskan Na-

tive village, and a faith-based organization) that—

“(A) has a demonstrated capacity for carrying out activities of the type that are to be funded with such affordable housing fund amounts; and

“(B) makes such assurances to the enterprise as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section (including, in the case of any organization, agency, or entity subject to paragraph (2), all of the requirements specified under such paragraph) during the entire period that begins upon selection of the recipient to receive amounts from the affordable housing fund of the enterprise and ending upon the conclusion of all activities under subsection (d) that are engaged in by the recipient and funded with such affordable housing fund amounts; and

“(C) in the case of any recipient who is not a for-profit entity or a government agency or authority, complies with all of the requirements under paragraph (2).

“(2) ADDITIONAL REQUIREMENTS FOR RECIPIENTS OTHER THAN FOR-PROFIT ENTITIES.—The requirements under this paragraph with respect to any organization, agency, or entity that is not a for-profit entity or a government agency or authority are that the organization, agency, or entity—

“(A) shall have as its primary purpose the provision of affordable housing, as defined by the Director;

“(B) shall make such assurances to the enterprise as the Director shall, by regulation, require to ensure that such affordable housing fund amounts—

“(i) are used only to supplement, and to the extent practical, to increase the level of funds that would, in the absence of amounts made available from the affordable housing fund, be made available from other sources for the recipient to carry out activities of the type that are eligible under subsection (d) for funding with affordable housing fund amounts; and

“(ii) are not in any case used so as to supplant any funds from other sources that are made available for such activities of the recipient; and

“(C) does not, at the time during the period that begins 12 months before submission of an application for funding from the affordable housing fund of the enterprise and ending upon the expiration of the period referred to in paragraph (1)(B)—

“(i) engage in any Federal election activity, as such term is defined in paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), except that, notwithstanding the 120-day limitation in subparagraph (A)(i) of such paragraph, such term shall include voter registration activity during any period;

“(ii) make any expenditure for any electioneering communication (as such term is defined in section 304(f)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3)));

“(iii) make any lobbying expenditure, (as such term is defined in such section 501(h)(2)), except that this clause shall not apply to any such expenditure by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under subsection (a) of such section 501, to the extent that such expenditure does not exceed the amount under such Code for which such exemption may be denied; or

“(iv) maintain any affiliation with any organization, agency, or other entity that does not comply with clauses (i), (ii), and (iii) of this subparagraph.

“(3) AFFILIATION.—

“(A) IN GENERAL.—A recipient organization, agency, or entity shall be considered to

be affiliated with another entity, for purposes of paragraph (2), if such recipient entity controls, is controlled by, or is under common control with such other entity.

“(B) CONTROL.—The existence of any of the following relationships between a recipient entity and another entity shall indicate that control exists for purposes of subparagraph (A):

“(i) OVERLAPPING BOARD MEMBERSHIP.—Individuals serve in a similar capacity as officers, executives, or staff of both the recipient entity and the other entity.

“(ii) SHARED RESOURCES.—The recipient entity and the other entity share office space, staff members, supplies, resources, or marketing materials, including Internet and other forms of public communication.

“(iii) FUNDING.—The recipient entity receives more than 20 percent of its total funding from such other entity or provides more than 20 percent of the total funding of such other entity.

“(iv) OTHER.—The recipient entity or such other entity exhibits any other indicia of substantial overlap or common control as may be set forth in regulation by the Director.

“(4) FOR PROFIT.—For purposes of this subsection, the term ‘for-profit entity’ means any entity any part of the net earnings of which inure to the benefit of any private shareholder, member, founder, contributor, or individual.

“(f) LIMITATIONS ON USE.—

“(1) REQUIRED AMOUNT FOR REFCORP.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

“(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not less than 10 percent shall be used for activities under paragraph (2) of subsection (d).

“(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (d).

“(4) DEADLINE FOR COMMITMENT OR USE.—Any amounts allocated to the affordable housing fund of an enterprise shall be used or committed for use within two years of the date of such allocation.

“(5) USE OF RETURNS.—The Director shall, by regulation—

“(A) provide that any return on a loan or other investment of any amounts allocated pursuant to subsection (b) to the affordable housing fund of an enterprise shall count against the allocation required under subsection (b) to be made by the enterprise for the year following such return; and

“(B) establish such limitations as may be necessary to ensure that the amount or likelihood of return is not the primary consideration of awarding of allocated amounts to recipients.

“(6) PROHIBITED USES.—The Director shall—

“(A) by regulation, set forth prohibited uses of amounts from the affordable housing funds of the enterprises, which shall include use for—

“(i) political activities;

“(ii) advocacy;

“(iii) lobbying, whether directly or through other parties;

“(iv) counseling services;

“(v) travel expenses; and

“(vi) preparing or providing advice on tax returns;

“(B) by regulation, provide that, except as provided in subparagraph (C), amounts allocated to the affordable housing fund of an enterprise may not be used for administrative, outreach, or other costs of—

“(i) the enterprise; or

“(ii) any recipient of amounts from the affordable housing fund; and

“(C) by regulation, limit the amount of any such contributions that may be used for administrative costs of the enterprise of maintaining the affordable housing fund and carrying out the program under this section.

“(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS.—In determining compliance with the housing goals under this subpart, the Director may not consider amounts used under this section for eligible activities under subsection (d). The Director shall give credit toward the achievement of such housing goals to purchases of mortgages for housing that receives funding under this section, but only to the extent that such purchases are funded other than under this section.

“(8) PROHIBITION ON CERTAIN REDISTRIBUTION OF AMOUNTS.—The Director shall, by regulation, ensure that amounts from the affordable housing fund of an enterprise awarded under this section to a national nonprofit housing intermediary are not redistributed to other nonprofit entities.

“(g) ACCOUNTABILITY OF RECIPIENTS AND ENTERPRISES.—

“(1) RECIPIENTS.—

“(A) TRACKING OF FUNDS.—The Director shall—

“(i) require each enterprise to develop and maintain a system to ensure that each recipient of amounts from the affordable housing fund of the enterprise uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

“(ii) establish minimum requirements for agreements, between the enterprises and recipients, regarding grants from the affordable housing funds of the enterprises, which shall include—

“(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to ensure compliance with the limitations and requirements of this section and the regulation under this section; and

“(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

“(B) MISUSE OF FUNDS.—If an enterprise determines that any recipient of amounts from the affordable housing fund of the enterprise has used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided—

“(i) the enterprise shall notify the Director of such misuse of amounts and the actions taken under this subparagraph with respect to the recipient;

“(ii) such recipient shall be ineligible in perpetuity to receive of any further amounts from the affordable housing fund of such enterprise; and

“(iii) the enterprise shall require the recipient to reimburse the enterprise for such misused amounts and return to the enterprise any amounts from the affordable housing fund of the enterprise that remain unused or uncommitted for use.

The remedies under this subparagraph are in addition to any other remedies that may be available under law.

“(2) ENTERPRISES.—

“(A) QUARTERLY REPORTS.—The Director shall require each enterprise to submit a report, on a quarterly basis, to the Director

and the affordable housing board established under subsection (j) describing the activities funded under this section during such quarter with amounts from the affordable housing fund of the enterprise established under this section. The Director shall make such reports publicly available. The affordable housing board shall review each report by an enterprise to determine the consistency of such activities funded with the criteria for selection of such activities established pursuant to subsection (k)(2)(C).

“(B) REPLENISHMENT.—If the Director determines that an activity funded by an enterprise with amounts from the affordable housing fund of the enterprise is not consistent with the criteria established pursuant to subsection (k)(2)(C), the Director shall require the enterprise to allocate to such affordable housing fund (in addition to amounts allocated in compliance with subsection (b)) an amount equal to the sum of the amounts from the affordable housing fund used and further committed for use for such activity.

“(h) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund of an enterprise shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

“(i) REPORTING REQUIREMENT.—Each enterprise shall include, in the report required under section 309(m) of the Federal National Mortgage Association Charter Act or section 307(f) of the Federal Home Loan Mortgage Corporation Act, as applicable, a description of the actions taken by the enterprise to utilize or commit amounts allocated under this section to the affordable housing fund of the enterprise established under this section.

“(j) AFFORDABLE HOUSING BOARD.—

“(1) APPOINTMENT.—The Director shall appoint an affordable housing board of 7, 9, or 11 persons, who shall include—

“(A) the Director, or the Director’s designee;

“(B) the Secretary of Housing and Urban Development, or the Secretary’s designee;

“(C) the Secretary of Agriculture, or the Secretary’s designee;

“(D) 2 persons from for-profit organizations or businesses actively involved in providing or promoting affordable housing for extremely low- and very low-income households; and

“(E) 2 persons from nonprofit organizations actively involved in providing or promoting affordable housing for extremely low- and very low-income households.

“(2) TERMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term of each member of the affordable housing board appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C)) shall be 3 years.

“(B) INITIAL APPOINTEES.—The Director shall appoint the initial members of the affordable housing board not later than the expiration of the 60-day period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005. As designated by the Director at the time of appointment, of the members of the affordable housing board first appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C))—

“(i) in the case of a board having 7 members—

“(I) one shall be appointed for a term of one year; and

“(II) one shall be appointed for a term of two years;

“(ii) in the case of a board having 9 members—

“(I) two shall be appointed for a term of one year; and

“(II) two shall be appointed for a term of two years; and

“(iii) in the case of a board having 11 members—

“(I) two shall be appointed for a term of one year; and

“(II) three shall be appointed for a term of two years;

“(3) DUTIES.—The duties of the affordable housing board shall be—

“(A) to determine extremely low- and very low-income housing needs;

“(B) to advise the Director with respect to—

“(i) establishment of the selection criteria under subsection (k)(2)(C) that provide for appropriate use of amounts from the affordable housing funds of the enterprises to meet such needs; and

“(ii) operation of, and changes to, the program under this section appropriate to meet such needs; and

“(C) to review the reports submitted by the enterprises pursuant to subsection (g)(1) to determine whether the activities funded using amounts from the affordable housing funds of the enterprises comply with the regulations issued pursuant to subsection (k)(2)(C) and inform the Director of such determinations, for purposes of subsection (g)(2).

“(4) MEETINGS.—The board shall meet not less than quarterly, except that during the 2-year period referred to in paragraph (7), the board shall meet only as the Director determines necessary.

“(5) EXPENSES AND PER DIEM.—Members of the board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(6) ADVISORY COMMITTEE.—The board shall be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

“(7) TERMINATION.—The board shall terminate upon the expiration of the 2-year period that begins upon the conclusion of the last year referred to in subsection (b)(1)(C).

“(k) REGULATIONS.—

“(1) IN GENERAL.—The Director shall issue regulations to carry out this section.

“(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

“(A) authority for the Director to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

“(B) a requirement that the Director ensure that the affordable housing fund of each enterprise is audited not less than annually to ensure compliance with this section;

“(C) requirements for a process for application to, and selection by, an enterprise for activities to be funded with amounts from the affordable housing fund, which shall provide that—

“(i) selection shall be based upon specific criteria, which shall provide that—

“(I) in any selection of activities occurring during the 2-year period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, additional weight shall be given to applications for eligible activities under subsection (d) that—

“(aa) are to be carried out in any area that was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as result of Hurricane Katrina or Hurricane Rita in 2005; or

“(bb) the enterprise determines, in accordance with regulations issued by the Director, serve persons significantly affected by the occurrence of Hurricane Katrina or Hurricane Rita in 2005 (including persons displaced as a result of such hurricanes and persons whose affordable housing opportunities are

significantly affected by the presence of persons displaced as a result of such hurricanes); and

“(II) taking into consideration any additional weight afforded applications pursuant to subclass (I), priority in funding shall be based upon—

“(aa) whether activities are to be carried out in any area that, not more than 2 years before such selection, was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

“(bb) greatest impact;

“(cc) geographic diversity;

“(dd) ability to obligate amounts and undertake activities so funded in a timely manner;

“(ee) in the case of rental housing projects under subsection (d)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families; and

“(ff) in the case of rental housing projects under subsection (d)(1), the extent of the duration for which such rents will remain affordable; and

“(ii) an enterprise may not require for such selection that an activity involve financing or underwriting of any kind by the enterprise (other than funding through the affordable housing fund of the enterprise) and may not give preference in such selection to activities that involve such financing;

“(D) requirements to ensure that amounts from the affordable housing funds of the enterprises used for rental housing under subsection (d)(1) are used only for the benefit of extremely low- and very-low income families; and

“(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (d)(3) for funding with amounts from the affordable housing funds of the enterprises and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (d).

“(1) ENFORCEMENT.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.”.

(b) CONTRIBUTIONS FOR TRANSITION PERIOD.—

(1) RESERVATION AND CONTRIBUTION; PROHIBITION OF DOUBLE CONTRIBUTIONS.—If the date of the enactment of this Act does not occur in the same calendar year as the effective date under section 185 of this Act, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) shall, in the year that such date of enactment occurs, reserve for contribution to the affordable housing fund to be established by the enterprise pursuant to section 1337 of such Act (as amended by subsection (a) of this section) an amount equal to 3.5 percent of the after-tax income of the enterprise for the preceding year. Upon the establishment of such affordable housing fund, each enterprise shall allocate to such fund the amounts reserved under this paragraph by the enterprise.

(2) EXCEPTION TO DEADLINE FOR COMMITMENT.—Section 1337(f)(4) of the Housing and Community Development Act of 1992 (as amended by subsection (a) of this section) shall not apply to any amounts allocated to the affordable housing fund of an enterprise pursuant to paragraph (1) of this subsection.

(3) AFTER-TAX INCOME.—For purposes of this subsection, the term “after-tax income” has the meaning provided in subsection (b)(5) of the new section 1337 to be inserted by the

amendment made by subsection (a) of this section.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking “and (D)” and inserting “(D), and (E)”;

(2) by redesignating subparagraph (E) as subparagraph (F); and

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

“(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(f)(1) of such Act.”.

Page 238, strike line 6 and insert the following:

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title

Page 238, after line 10, insert the following new paragraph:

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended by striking “Board under this Act” and inserting “Director under section 1367 of the Housing and Community Development Act of 1992”.

Page 248, line 4, after the semicolon insert “or”.

Page 248, strike lines 5 through 11 and insert the following:

“(D) violates any written agreement between the regulated entity and the Director; shall forfeit and pay a civil money penalty of not more than \$10,000 for each day during which such violation continues.”.

Page 249, strike lines 4 through 10 and insert the following:

“(iii) results in pecuniary gain or other benefit to such party, the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than \$50,000 for each day during which such violation, practice, or breach continues.”.

Strike line 22 on page 249 and all that follows through line 5 on page 250, and insert the following:

“(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach, shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.”.

Page 278, line 21, after the comma insert “this title shall take effect on and”.

Page 278, line 23, strike “1-year” and insert “6-month”.

Page 296, line 19, after the period insert the following: “This section shall take effect on the date of the enactment of this Act.”

Page 296, line 21, after the comma insert “this title shall take effect on and”.

Page 296, line 23, strike “1-year” and insert “6-month”.

Page 297, line 13, strike “1-year” and insert “6-month”.

Page 297, line 19, strike “1-year” and insert “6-month”.

Page 297, line 22, strike “solely”.

Page 297, line 24, after “sight” insert “and in addition to carrying out its other responsibilities under law”.

Page 302, line 25, strike "201(a)" and insert "301(a)".
Page 303, line 14, strike "201(a)" and insert "301(a)".
Page 304, line 13, strike "1-year" and insert "6-month".
Page 304, line 17, strike "1-year" and insert "6-month".
Page 304, line 19, strike "solely".
Page 304, line 20, after "Board" insert "and in addition to carrying out its other responsibilities under law".
Page 305, lines 23 and 24, strike "1-year".
Page 311, line 7, strike "one year" and insert "6 months".
Page 311, line 11, strike "6-month" and insert "3-month".
Page 312, line 17, strike "1-year" and insert "6-month".
Page 312, line 20, strike "solely".
Page 312, line 24, strike "ment)" and insert "ment)" and in addition to carrying out the Secretary's other responsibilities under law regarding such functions".

It was decided in the Yeas 210
affirmative Nays 205

113.14 [Roll No. 541]
AYES—210

- Aderholt Gallely Mica
Akin Garrett (NJ) Miller (FL)
Alexander Gerlach Miller (MI)
Bachus Gibbons Miller, Gary
Baker Gillmor Moran (KS)
Barrett (SC) Gingrey Murphy
Bartlett (MD) Gohmert Musgrave
Barton (TX) Goode Myrick
Bass Goodlatte Neugebauer
Beauprez Granger Ney
Biggert Graves Northup
Bilirakis Green (WI) Norwood
Bishop (UT) Gutknecht Nunes
Blackburn Hall Nussle
Blunt Harris Osborne
Boehlert Hart Oxley
Boehner Hastert Paul
Bonilla Hastings (WA) Pearce
Bonner Hayes Pence
Bono Hayworth Peterson (PA)
Boozman Hefley Pickering
Boustany Hensarling Pitts
Brady (TX) Herger Poe
Brown (SC) Hobson Pombo
Burgess Hoekstra Porter
Burton (IN) Hostettler Price (GA)
Buyer Hulshof Pryce (OH)
Calvert Hunter Putnam
Camp Hyde Radanovich
Cantor Inglis (SC) Regula
Capito Issa Rehberg
Carter Istook Reichert
Castle Jenkins Renzi
Chabot Jindal Rogers (AL)
Chocola Johnson (CT) Rogers (KY)
Coble Johnson, Sam Rogers (MI)
Cole (OK) Jones (NC) Rohrabacher
Conaway Keller Royce
Crenshaw Kelly Ryan (WI)
Cubin King (IA) Ryun (KS)
Culberson King (NY) Saxton
Cunningham Kingston Schmidt
Davis (KY) Kirk Schwarz (MI)
Davis, Jo Ann Kline Sensenbrenner
Davis, Tom Knollenberg Sessions
Deal (GA) Kolbe Shadegg
DeLay Kuhl (NY) Shays
Dent LaHood Sherwood
Doolittle Latham Shimkus
Drake LaTourette Shuster
Dreier Lewis (CA) Simpson
Duncan Lewis (KY) Smith (TX)
Emerson Linder Sodrel
English (PA) LoBiondo Souder
Everett Lucas Stearns
Farr Lungren, Daniel Sullivan
Feeney E. Tancredo
Ferguson Mack Taylor (MS)
Fitzpatrick (PA) Manzullo Taylor (NC)
Flake Marchant Terry
Forbes McCaul (TX) Thomas
Fortenberry McCotter Thornberry
Fossella McCrery Tiahrt
Foxy McHenry Tiberi
Franks (AZ) McKeon Turner
Frelinghuysen McMorris Upton

- Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)

NOES—205

- Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchev
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
Boyd (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowe
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeke (NY)
Melancon
Menendez
Michaud
Miller (ND)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Viscosky
Wasserman
Schultz
Walters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—19

- Bishop (GA)
Boswell
Brown-Waite,
Ginny
Cannon
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Meek (FL)
Moran (VA)
Platts
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Towns
Wexler
Whitfield

So the amendment was agreed to.

113.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 109-254, submitted by Mr. LEACH:

Strike line 21 on page 49 and all that follows through line 4 on page 51 and insert the following new subsections:

- Young (AK)
Young (FL)

(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G(b) or by order—

(1) establish a minimum capital level, for any particular enterprise, that is higher than the level specified in subsection (a) or, for any particular Federal home loan bank, that is higher than the level specified in subsection (b), as the Director deems necessary or appropriate taking into consideration the particular circumstances of the particular regulated entity, which may include any prudential standards necessary to ensure long-term institutional viability and competitive equity in the market; or

(2) establish a minimum capital level for the enterprises, for the Federal home loans banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

(d) EFFECT ON OTHER AUTHORITY.—Nothing in this section may be construed to limit the authority of the Director to require a regulated entity to raise or maintain capital under other provisions of law, or pursuant to prompt corrective action or administrative enforcement actions, or in connection with conservatorship or receivership powers."

It was decided in the Yeas 36
negative Nays 378

113.16 [Roll No. 542]
AYES—36

- Beauprez Gutknecht Pence
Blackburn Hensarling Petri
Chocola Hostettler Rohrabacher
Cooper Johnson (CT) Royce
Dicks King (IA) Ryan (WI)
Dingell Kingston Shadegg
Duncan Latham Shays
Ehlers Leach Taylor (MS)
Flake Lungren, Daniel Taylor (NC)
Franks (AZ) E. Wamp
Garrett (NJ) Musgrave Wynn
Gilchrest Nussle
Gillmor Paul

NOES—378

- Abercrombie Brady (PA) Cuellar
Ackerman Brady (TX) Culberson
Aderholt Brown (OH) Cummings
Akin Brown (SC) Cunningham
Alexander Brown, Corrine Davis (AL)
Allen Burgess Davis (CA)
Andrews Burton (IN) Davis (FL)
Baca Butterfield Davis (IL)
Bachus Buyer Davis (KY)
Baird Calvert Davis (TN)
Baker Camp Davis, Jo Ann
Baldwin Cannon Davis, Tom
Barrett (SC) Cantor Deal (GA)
Barrow Capito DeFazio
Bartlett (MD) Capps DeGette
Barton (TX) Capuano Delahunt
Bass Cardin DeLauro
Bean Cardoza DeLay
Becerra Carnahan Dent
Berkley Carson Doggett
Berry Carter Doolittle
Biggert Case Doyle
Bilirakis Castle Drake
Bishop (NY) Chabot Dreier
Bishop (UT) Chandler Edwards
Blumenauer Clay Emerson
Blunt Cleaver Engel
Boehlert Clyburn English (PA)
Boehner Coble Eshoo
Bonilla Cole (OK) Etheridge
Bonner Conaway Evans
Bono Conyers Everett
Boozman Costa Farr
Boren Costello Fattah
Boucher Cramer Feeney
Boustany Crenshaw Ferguson
Boyd Crowley Filner
Bradley (NH) Cubin Fitzpatrick (PA)

Forbes
 Ford
 Fortenberry
 Fossella
 Foxx
 Frank (MA)
 Frelinghuysen
 Gallegly
 Gerlach
 Gibbons
 Gingrey
 Gohmert
 Gonzalez
 Goode
 Goodlatte
 Gordon
 Granger
 Graves
 Green (WI)
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hall
 Harman
 Harris
 Hart
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Herger
 Herseeth
 Higgins
 Hinchey
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Hulshof
 Hunter
 Hyde
 Inglis (SC)
 Inslee
 Israel
 Issa
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 Jindal
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kaptur
 Keller
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kildee
 Kilpatrick (MI)
 Kind
 King (NY)
 Kirk
 Kline
 Knollenberg
 Kolbe
 Kucinich
 Kuhl (NY)
 LaHood
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 LaTourette
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)

Linder
 Lipinski
 LoBiondo
 Lofgren, Zoe
 Lowey
 Lucas
 Lynch
 Mack
 Maloney
 Manzullo
 Marchant
 Marshall
 Matheson
 Matsui
 McCarthy
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCrery
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McKinney
 McMorris
 McNulty
 Meehan
 Meeks (NY)
 Melancon
 Menendez
 Mica
 Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Murphy
 Murtha
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Oberstar
 Obey
 Oliver
 Ortiz
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Payne
 Pearce
 Pelosi
 Peterson (MN)
 Peterson (PA)
 Pickering
 Pitts
 Poe
 Pombo
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi

Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Ross
 Rothman
 Ruppersberger
 Rush
 Ryan (OH)
 Ryun (KS)
 Sabo
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Saxton
 Schakowsky
 Schiff
 Schmidt
 Schwartz (PA)
 Schwarz (MI)
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Strickland
 Stupak
 Sullivan
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Young (AK)
 Young (FL)

So the amendment was not agreed to.
 After some further time,
 The SPEAKER pro tempore, Mr.
 BAKER, assumed the Chair.
 When Mrs. CAPITO, Acting Chair-
 man, reported that the Committee,
 having had under consideration said
 bill, had come to no resolution thereon.

¶113.17 COMMITTEE RESIGNATION—
 MAJORITY

The SPEAKER pro tempore, Mr.
 BAKER, laid before the House the fol-
 lowing communication, which was read
 as follows:

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, DC, October 26, 2005.

Hon. J. DENNIS HASTERT,
 Speaker of the House, the Capitol,
 Washington, DC.

DEAR MR. SPEAKER: Please accept my res-
 ignment from the House Energy and Com-
 merce Committee.

It has been my great pleasure to serve on
 the committee under the fine leadership of
 Chairman Barton.

Thank you for your attention to this re-
 quest.

Sincere regards,
 ROY BLUNT,
 Majority Whip.

By unanimous consent, the resigna-
 tion was accepted.

¶113.18 COMMITTEE ELECTION—
 MAJORITY

Mr. OXLEY, by unanimous consent,
 submitted the following resolution (H.
 Res. 513):

Resolved, That the following Member be
 and is hereby elected to the following stand-
 ing committee of the House of Representa-
 tives:

Committee on Energy and Commerce: Mr.
 Barrett of South Carolina.

When said resolution was considered
 and agreed to.

A motion to reconsider the vote
 whereby said resolution was agreed to
 was, by unanimous consent, laid on the
 table.

¶113.19 FEDERAL HOUSING FINANCE
 REFORM

The SPEAKER pro tempore, Mr.
 BAKER, pursuant to House Resolution
 509 and rule XVIII, declared the House
 resolved into the Committee of the
 Whole House on the state of the Union
 for the further consideration of the bill
 (H.R. 1461) to reform the regulation of
 certain housing-related Government-
 sponsored enterprises, and for other
 purposes.

Mrs. CAPITO, Acting Chairman, as-
 sumed the chair; and after some time
 spent therein,

¶113.20 RECORDED VOTE

A recorded vote by electronic device
 was ordered in the Committee of the
 Whole on the following amendment
 numbered 5, printed in House Report
 109-254, submitted by Mr. ROYCE:

Page 53, line 20, after "enterprise" insert
 the following: ", with mitigating systemic
 risk to the housing or capital markets or the
 financial system,".

It was decided in the { Yeas 73
 negative } Nays 346

¶113.21 [Roll No. 543]
 AYES—73

Akin	Gutknecht	Pence
Bartlett (MD)	Hall	Petri
Beauprez	Hayworth	Pitts
Blackburn	Hensarling	Platts
Blunt	Hoekstra	Radanovich
Cardoza	Hostettler	Ramstad
Chabot	Hunter	Regula
Chocola	Inglis (SC)	Rohrabacher
Cooper	Jones (NC)	Royce
Culberson	Kennedy (MN)	Ryan (WI)
Deal (GA)	King (IA)	Saxton
DeLay	Kingston	Sensenbrenner
Dreier	Kirk	Shadegg
Duncan	Kline	Shays
Ehlers	Kolbe	Sherwood
Feeney	Leach	Smith (NJ)
Ferguson	Lungren, Daniel	Stearns
Flake	E.	Tancredo
Fortenberry	Manzullo	Taylor (MS)
Foxx	McHenry	Taylor (NC)
Franks (AZ)	Musgrave	Tiahrt
Garrett (NJ)	Norwood	Upton
Gillmor	Nussle	Weldon (FL)
Gohmert	Otter	Westmoreland
Gohmert	Paul	

NOES—346

Abercrombie	Costa	Hefley
Ackerman	Costello	Herger
Aderholt	Cramer	Herseeth
Alexander	Crenshaw	Higgins
Allen	Crowley	Hinchey
Andrews	Cubin	Hinojosa
Baca	Cuellar	Hobson
Bachus	Cummings	Holden
Baird	Cunningham	Holt
Baker	Davis (AL)	Honda
Baldwin	Davis (CA)	Hooley
Barrett (SC)	Davis (FL)	Hoyer
Barrow	Davis (IL)	Hulshof
Barton (TX)	Davis (KY)	Hyde
Bass	Davis (TN)	Inslee
Bean	Davis, Jo Ann	Israel
Becerra	Davis, Tom	Issa
Berkley	DeFazio	Istook
Berman	DeGette	Jackson (IL)
Berry	Delahunt	Jackson-Lee
Biggert	DeLauro	(TX)
Bilirakis	Dent	Jefferson
Bishop (NY)	Dicks	Jenkins
Bishop (UT)	Dingell	Jindal
Blumenauer	Doggett	Johnson (CT)
Boehlert	Doolittle	Johnson (IL)
Boehner	Doyle	Johnson, E. B.
Bonilla	Drake	Johnson, Sam
Bonner	Edwards	Jones (OH)
Bono	Emerson	Kanjorski
Boozman	Engel	Kaptur
Boren	English (PA)	Keller
Boucher	Eshoo	Kelly
Boustany	Etheridge	Kennedy (RI)
Boyd	Evans	Kildee
Bradley (NH)	Everett	Kilpatrick (MI)
Brady (PA)	Farr	Kind
Brady (TX)	Fattah	King (NY)
Brown (OH)	Finer	Knollenberg
Brown (SC)	Fitzpatrick (PA)	Kucinich
Brown, Corrine	Forbes	Kuhl (NY)
Burgess	Ford	LaHood
Burton (IN)	Fossella	Langevin
Butterfield	Frank (MA)	Lantos
Buyer	Frelinghuysen	Larsen (WA)
Calvert	Gallegly	Larson (CT)
Camp	Gerlach	Latham
Cannon	Gibbons	LaTourette
Cantor	Gilchrest	Lee
Capito	Gingrey	Levin
Capps	Gonzalez	Lewis (CA)
Capuano	Goodlatte	Lewis (GA)
Cardin	Gordon	Lewis (KY)
Carnahan	Granger	Linder
Carson	Graves	Lipinski
Carter	Green (WI)	LoBiondo
Case	Green, Al	Lofgren, Zoe
Castle	Green, Gene	Lowey
Chandler	Grijalva	Lucas
Clay	Gutierrez	Lynch
Cleaver	Harman	Mack
Clyburn	Harris	Maloney
Coble	Hart	Marchant
Cole (OK)	Hastings (FL)	Markey
Conaway	Hastings (WA)	Marshall
Conyers	Hayes	Matheson

NOT VOTING—19

Berman	Emanuel	Reynolds
Bishop (GA)	Foley	Ros-Lehtinen
Boswell	Markey	Roybal-Allard
Brown-Waite,	Meek (FL)	Shaw
Ginny	Moran (VA)	Wexler
Diaz-Balart, L.	Platts	Whitfield
Diaz-Balart, M.	Reyes	

Matsui Pastor Slaughter Franks (AZ) Linder Platts Oliver Sabo Taylor (NC)
McCarthy Payne Smith (TX) Garrett (NJ) Mack Price (GA) Ortiz Salazar Terry
McCaul (TX) Pearce Smith (WA) Gohmert Manuzello Rohrabacher Osborne Sanchez, Linda Thomas
McCullum (MN) Pelosi Snyder Goode McHenry Royce Ryan (WI) Oxley Sanchez, Loretta Thompson (CA)
McCotter Peterson (MN) Sodrel Hensarling Miller (FL) Myrick Sensenbrenner Pallone Pascrell Sanders Thompson (MS)
McCrary Peterson (PA) Solis Hoekstra Myrick Norwood Shadegg Pascrell Saxton Thornberry
McDermott Pickering Souder Hostettler Inglis (SC) Nussle Shays Pastors Schakowsky Tiahrt
McGovern Poe Spratt Norwood Nussle Shays Pastors Schakowsky Tiberi
McHugh Pombo Stark Istook Otter Tancredo Pearce Schmidt Schwart (PA) Towns
McIntyre Pomeroy Strickland Stupak Sullivan Sweeney Schmidt Schwart (MI) Turner
McKeon Porter Stupak Sullivan Sweeney Schmidt Schwarz (MI) Turner
McKinney Price (GA) Stupak Sullivan Sweeney Schmidt Schwarz (MI) Turner
McMorris Price (NC) Sullivan Sweeney Schmidt Schwarz (MI) Turner
McNulty Pryce (OH) Tanner Tauscher Abercrombie DeFazio Jones (OH)
Meehan Putnam Tauscher Abercrombie DeFazio Jones (OH)
Meeks (NY) Rahall Terry Ackerman DeGette Kanjorski
Melancon Rangel Terry Ackerman DeGette Kanjorski
Menendez Rehberg Thomas Aderholt DeLauro Kaptur
Mica Reichert Thompson (CA) Alexander DeLauro Keller
Michaud Renzi Thompson (MS) Allen DeLauro Keller
Millender Reynolds Thornberry Andrews Dent Kennedy (MN)
McDonald Rogers (AL) Tiberi Baca Dicks Kennedy (RI)
Miller (FL) Rogers (KY) Tierney Bachus Dingell Kilpatrick (MI)
Miller (MI) Rogers (MI) Towns Baird Doggett Doolittle Kind
Miller (NC) Ross Udall (CO) Baker Doolittle Kind
Miller, Gary Rothman Udall (NM) Doyle Drake King (IA)
Miller, George Ruppberger Udall (NM) Drake King (NY)
Mollohan Rush Van Hollen Barrow Dreier Kirk
Moore (KS) Ryan (OH) Velazquez Bean Bass Edwards Kline
Moore (WI) Ryun (KS) Visclosky Bean Bass Edwards Kline
Moran (KS) Sabo Walden (OR) Beauprez Ehlert Knollenberg
Moran (VA) Salazar Walsh Becerra Engel Cucinich
Murphy Sanchez, Linda Wamp Wasserman Berry Etheridge Evans
Murtha T. Sanchez, Loretta Biggert Lantos
Myrick Sanchez, Loretta Sanders Waters Bilirakis Everett Larson (WA)
Nadler Sanders Watson Bilirakis Everett Larson (WA)
Napolitano Schakowsky Watt Bishop (NY) Farr
Neal (MA) Schiff Waxman Bishop (UT) Fattah
Neugebauer Schmidt Weiner Blumenauer Ferguson Blunt
Ney Schwartz (PA) Weldon (PA) Weller Boehlert
Northup Schwarz (MD) Weller Boehlert Bonilla
Nunes Scott (GA) Wicker Bonilla
Oberstar Scott (VA) Wicker Bonilla
Obey Serrano Wilson (NM) Bonner
Oliver Sessions Wilson (SC) Bono
Ortiz Sherman Wolf Boozman
Osborne Shimkus Woolsey Boren
Owens Shuster Wu Boucher
Oxley Simmons Wynn Boustany
Pallone Simpson Young (AK) Boyd
Pascrell Skelton Young (FL) Bradley (NH)

Brady (PA) Bradly (NH)
Brady (TX) Brown (OH)
Brown (OH) Brown (SC)
Brown (SC) Brown, Corrine
Burgess Butterfield
Buyer Graves
Green (WI) Green, Al
Green, Gene Grijalva
Gutierrez Gutfreund
Hall Harman
Harris Hart
Hastings (FL)
Hastings (WA) Hayes
Hayworth Hefley
Hefley Hegerger
Herseth Higgins
Hinchee Hinojosa
Hobson Holden
Holden Holt
Holt Honda
Honda Hooley
Hooley Hoyer
Hoyer Hulshof
Hulshof Hunter
Hunter Hyde
Hyde Inslee
Inslee Cuellar
Cuellar Culberson
Culberson Cummings
Cunningham Davis (AL)
Davis (AL) Davis (CA)
Davis (CA) Davis (FL)
Davis (FL) Davis (IL)
Davis (IL) Davis (KY)
Davis (KY) Johnson (CT)
Johnson (CT) Johnson (IL)
Johnson (IL) Johnson, E. B.
Johnson, E. B. Johnson, Sam

Oliver Sabo Taylor (NC)
Ortiz Salazar Terry
Osborne Sanchez, Linda Thomas
Owens T. Thompson (CA)
Oxley Sanchez, Loretta Thompson (MS)
Pallone Sanders Thornberry
Pascrell Saxton Tiahrt
Pastors Schakowsky Tiberi
Schiff Schmidt Schwart (PA) Towns
Pearce Schmidt Schwarz (MI) Turner
Pelosi Schwartz (MI) Udall (CO)
Peterson (MN) Scott (GA) Udall (NM)
Peterson (PA) Scott (VA) Upton
Petri Pickering Serrano Van Hollen
Pickering Poe Sessions Velazquez
Pombo Sherwood Visclosky
Pomeroy Shimkus Walden (OR)
Porter Shuster Walsh
Price (NC) Simmons Wamp
Pryce (OH) Simpson Skelton
Putnam Skelton Slaughter
Radanovich Radanovich Slaughter
Rahall Rahall Smith (NJ)
Ramstad Smith (TX) Waters
Rangel Smith (WA) Watson
Regula Snyder Watt
Rehberg Sodrel Waxman
Reichert Solis Weiner
Reichert Solis Weldon (FL)
Renzi Souder Weldon (PA)
Reynolds Spratt Weller
Rogers (AL) Stark Wicker
Rogers (KY) Stearns Wick
Rogers (MI) Strickland Wilson (NM)
Ross Stupak Wilson (SC)
Rothman Sullivan Wolf
Ruppberger Sweeney Woolsey
Rush Tanner Wu
Ryan (OH) Tauscher Wynn
Ryun (KS) Taylor (MS) Young (FL)

NOES—371

NOT VOTING—15

NOT VOTING—14
Bishop (GA) Diaz-Balart, M. Ros-Lehtinen
Boswell Emanuel Roybal-Allard
Brown-Waite, Foley Shaw
Ginny Meek (FL) Wexler
Diaz-Balart, L. Reyes Whitfield

So the amendment was not agreed to.

113.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 109-254, submitted by Mr. PAUL:

Page 64, after line 12, insert the following new section:

SECTION 117. ELIMINATION OF AUTHORITY TO BORROW FROM TREASURY OF THE UNITED STATES.

(a) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by striking subsection (c).

(b) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (c).

(c) FEDERAL HOME LOAN BANKS.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by striking subsection (i).

It was decided in the Yeas 47
negative Nays 371

113.23 [Roll No. 544]
AYES—47
Akin Boehner Duncan
Bartlett (MD) Burton (IN) Feeney
Barton (TX) Chocola Flake
Blackburn Deal (GA) Foxx

DeFazio Jones (OH)
DeGette Kanjorski
Delahunt Kaptur
DeLauro Keller
Ally Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCullum (MN)
McCotter
McCrary
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeke (NY)
Barrett (SC)
Bartlett (MD)
Menendez
Barton (TX)
Blackburn
Boustany
Burgess
Carter
Carter
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom

So the amendment was not agreed to.

113.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 109-254, submitted by Mr. GARRETT of New Jersey:

Strike line 21 on page 81 and all that follows through line 4 on page 91.

It was decided in the Yeas 57
negative Nays 358

113.25 [Roll No. 545]
AYES—57

Akin Flake Paul
Alexander Franks (AZ) Pence
Baker Garrett (NJ) Petri
Barrett (SC) Gohmert Pitts
Bartlett (MD) Green (WI) Platts
Barton (TX) Gutknecht Putnam
Blackburn Harris Radanovich
Boustany Hensarling Royce
Burgess Hostettler Rush
Carter Istook Ryan (WI)
Castle Jindal Sensenbrenner
Chocola Jones (NC) Shadegg
Cooper King (IA) Sodrel
Culberson Kolbe Stearns
Davis, Jo Ann Leach Tancredo
Deal (GA) McCrery Taylor (MS)
Delahunt Moore (WI) Murgrave Tiahrt
Duncan Moran (KS) Nussle Weldon (FL)
English (PA) Otter Westmoreland

NOES—358

Abercrombie Barrow Bilirakis
Ackerman Bass Bishop (NY)
Aderholt Bean Blumenauer
Allen Beauprez Blunt
Andrews Becerra Boehlert
Baca Berkley Boehner
Bachus Berman Bonilla
Baird Berry Bonner
Baldwin Biggert Bono

Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchee
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)

Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton

Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman

Weiner
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite,
Ginny
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Johnson, Sam
Marshall
Pelosi
Reyes

Ros-Lehtinen
Roybal-Allard
Shaw
Wexler
Whitfield

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mrs. CAPITO, Acting Chairman, pursuant to House Resolution 509, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Housing Finance Reform Act of 2005”.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Housing Finance Oversight Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Regulations and orders.
Sec. 111. Risk-based capital requirements.
Sec. 112. Minimum and critical capital levels.
Sec. 113. Review of and authority over enterprise assets and liabilities.
Sec. 114. Corporate governance of enterprises.
Sec. 115. Required registration under Securities Exchange Act of 1934.
Sec. 116. Financial Institutions Examination Council.
Sec. 117. Guarantee fee study.
Sec. 118. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 121. Transfer of program and activities approval and housing goal oversight.
Sec. 122. Review by Director of new programs and activities of enterprises.

Sec. 123. Conforming loan limits.
Sec. 124. Annual housing report regarding regulated entities.
Sec. 125. Revision of housing goals.
Sec. 126. Duty to serve underserved markets.
Sec. 127. Monitoring and enforcing compliance with housing goals.
Sec. 128. Affordable housing fund.
Sec. 129. Consistency with mission.
Sec. 130. Enforcement.
Sec. 131. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 141. Capital classifications.
Sec. 142. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 143. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 144. Authority over critically undercapitalized regulated entities.
Sec. 145. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.
Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Boards of enterprises.
Sec. 182. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 183. Conforming and technical amendments.
Sec. 184. Study of alternative secondary market systems.
Sec. 185. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 201. Definitions.
Sec. 202. Directors.
Sec. 203. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 204. Joint activities of banks.
Sec. 205. Sharing of information between Federal Home Loan Banks.
Sec. 206. Reorganization of banks and voluntary merger.
Sec. 207. Securities and Exchange Commission disclosure.
Sec. 208. Community financial institution members.
Sec. 209. Technical and conforming amendments.
Sec. 210. Study of affordable housing program use for long-term care facilities.
Sec. 211. Effective date.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

Sec. 301. Abolishment of OFHEO.
Sec. 302. Continuation and coordination of certain regulations.
Sec. 303. Transfer and rights of employees of OFHEO.
Sec. 304. Transfer of property and facilities.
Subtitle B—Federal Housing Finance Board
Sec. 321. Abolishment of the Federal Housing Finance Board.
Sec. 322. Continuation and coordination of certain regulations.
Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 324. Transfer of property and facilities.

Subtitle C—Department of Housing and Urban Development

Sec. 341. Termination of enterprise-related functions.

Sec. 342. Continuation and coordination of certain regulations.

Sec. 343. Transfer and rights of employees.

Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking “an enterprise” and inserting “a regulated entity”;

(2) by striking “the enterprise” each place such term appears (except in paragraphs (4) and (18)) and inserting “the regulated entity”;

(3) in paragraph (5), by striking “Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development” and inserting “Federal Housing Finance Agency”;

(4) in each of paragraphs (8), (9), (10), and (19), by striking “Secretary” each place that term appears and inserting “Director”;

(5) in paragraph (13), by inserting “, with respect to an enterprise,” after “means”;

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs: “(18) REGULATED ENTITY.—The term ‘regulated entity’ means—

“(A) the Federal National Mortgage Association and any affiliate thereof;

“(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

“(C) each Federal home loan bank.

“(19) REGULATED ENTITY-AFFILIATED PARTY.—The term ‘regulated entity-affiliated party’ means—

“(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

“(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity;

“(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

“(i) the independent contractor knowingly or recklessly participates in—

“(I) any violation of any law or regulation;

“(II) any breach of fiduciary duty; or

“(III) any unsafe or unsound practice; and

“(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and”.

“(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.”;

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

“(11) FEDERAL HOME LOAN BANK.—The term ‘Federal home loan bank’ means a bank established under the authority of the Federal Home Loan Bank Act.”;

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

“(2) AGENCY.—The term ‘Agency’ means the Federal Housing Finance Agency.

“(3) AUTHORIZING STATUTES.—The term ‘authorizing statutes’ means—

“(A) the Federal National Mortgage Association Charter Act;

“(B) the Federal Home Loan Mortgage Corporation Act; and

“(C) the Federal Home Loan Bank Act.

“(4) BOARD.—The term ‘Board’ means the Housing Finance Oversight Board established under section 1313B.”.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

“SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

“(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

“(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

“(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

“(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

“(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

“SEC. 1312. DIRECTOR.

“(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

“(b) APPOINTMENT; TERM.—

“(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

“(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

“(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

“(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

“(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

“(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

“(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

“(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

“(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

“(e) DEPUTY DIRECTOR FOR HOUSING.—

“(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

“(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing mission of the Federal home loan banks, as the Director shall prescribe.

“(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

“(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

“(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

“(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

“(g) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman in the Agency. Such regulations shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.”.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Act, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

“SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

“(a) DUTIES.—

“(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

“(A) to oversee the operations of each regulated entity; and

“(B) to ensure that—

“(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

“(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

“(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

“(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

“(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

“(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

“(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

“(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

“(c) LITIGATION AUTHORITY.—

“(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

“(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

“(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

“SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

“(a) STANDARDS.—The Director shall establish standards, by regulation, guideline,

or order, for each regulated entity relating to—

“(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

“(2) independence and adequacy of internal audit systems;

“(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

“(4) management of interest rate risk exposure;

“(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

“(6) adequacy and maintenance of liquidity and reserves;

“(7) management of any asset and investment portfolio;

“(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

“(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

“(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

“(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

“(12) such other operational and management standards as the Director determines to be appropriate.

“(b) FAILURE TO MEET STANDARDS.—

“(1) PLAN REQUIREMENT.—

“(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

“(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

“(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

“(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

“(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

“(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

“(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

“(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to im-

plement a plan accepted by the Director, the following shall apply:

“(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

“(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

“(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

“(ii) Require the regulated entity—

“(I) in the case of an enterprise, to increase its ratio of core capital to assets.

“(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5))) to assets.

“(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

“(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

“(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

“(B) the regulated entity has not corrected the deficiency; and

“(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

“(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.”

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking “the Federal Housing Finance Board” and inserting “the Director of the Federal Housing Finance Agency”.

SEC. 103. HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Act, the following new section:

“SEC. 1313B. HOUSING FINANCE OVERSIGHT BOARD.

“(a) IN GENERAL.—There is established the Housing Finance Oversight Board.

“(b) DUTIES.—

“(1) IN GENERAL.—The Board shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title, at the request of the Director and at the initiative of the Board, and shall carry out such functions as otherwise provided by law.

“(2) LIMITATION.—The Director may not delegate to the Board any of the functions, powers, or duties of the Director.

“(c) COMPOSITION.—The Board shall be comprised of 5 members, as follows:

“(1) One member shall be the Director, who shall serve as the Chairperson of the Board.

“(2) One member shall be the Secretary of the Treasury or the designee of the Secretary.

“(3) One member shall be the Secretary of Housing and Urban Development or the designee of the Secretary.

“(4) Two members shall be appointed by the President, by and with the advice and consent of the Senate, who shall include—

“(A) one individual who has extensive experience and expertise in the capital markets (including debt markets), the secondary mortgage market, and mortgage-backed securities; and

“(B) one individual who has extensive experience and expertise in mortgage finance (including single family and multifamily housing mortgage finance), development of affordable housing, and economic development and revitalization.

“(d) TERMS AND VACANCIES.—

“(1) TERMS.—Each member of the Board pursuant to paragraph (4) shall be appointed for a term of 3 years, and may be removed by the President only for cause.

“(2) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member of the Board may serve after the expiration of the member's term until a successor has been appointed.

“(e) PROHIBITION OF ADDITIONAL COMPENSATION.—Notwithstanding any other provision of law, members of Board pursuant to paragraphs (1), (2), and (3) shall not receive additional compensation by reason of service on the Board.

“(f) LIMITATIONS.—Each member of the Board may not—

“(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party; or

“(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party.

“(g) FULL-TIME MEMBERS AND STAFF.—

“(1) FULL-TIME MEMBERS.—The members of the Board pursuant to subsection (c)(4) shall serve on a full-time basis.

“(2) STAFF.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that each member of the Board pursuant to paragraph (4) may appoint one staff member without regard to the such provisions governing appointments in the competitive service and such staff members may be paid by the Board without regard to the such provisions relating to classification and General Schedule pay rates.

“(h) MEETINGS.—

“(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

“(2) SPECIAL MEETINGS.—Any member of the Board may, upon giving written notice to the Director, require a special meeting of the Board, which shall be convened by the Director within 30 days after such notice.

“(i) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

“(1) the safety and soundness of the regulated entities;

“(2) any material deficiencies in the conduct of the operations of the regulated entities;

“(3) the overall operational status of the regulated entities;

“(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

“(5) operations, resources, and performance of the Agency and the Board; and

“(6) such other matters relating to the Agency, the Board, and the regulated enti-

ties, and their fulfillment of their missions, as the Board determines appropriate.

“(j) COSTS.—Costs of the Board, including staff, shall be paid by the Agency as a cost and expense of the Agency.”.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking “and” at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

“(4) an assessment of the Board with respect to—

“(A) the safety and soundness of the regulated entities;

“(B) any material deficiencies in the conduct of the operations of the regulated entities;

“(C) the overall operational status of the regulated entities;

“(D) an evaluation of the performance of the regulated entities in carrying out their missions, including compliance of the enterprises with the housing goals under subpart B of part 2 of this subtitle and compliance of the Federal home loan banks with the community investment and affordable housing programs under subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

“(E) an evaluation of the performance of the Agency in fulfilling its duties and responsibilities under law; and

“(F) such other matters relating to the Board and the fulfillment of its duties as the Board considers appropriate;

“(5) operations, resources, and performance of the Agency; and

“(6) such other matters relating to the Agency and its fulfillment of its mission.”.

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking “enterprises” and inserting “regulated entities”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “Special Reports and Reports of Financial Condition” and inserting “Regular and Special Reports”;

(B) in paragraph (1)—

(i) in the paragraph heading, by striking “FINANCIAL CONDITION” and inserting “REGULAR REPORTS”;

(ii) by striking “reports of financial condition and operations” and inserting “regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate”;

(C) in paragraph (2), after “submit special reports” insert “on any of the topics specified in paragraph (1) or such other topics”;

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

“(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

“(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

“(2) PROTECTION FROM LIABILITY FOR REPORTS.—

“(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and

such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

“(i) any inference that the term ‘person’, as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

“(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.”.

SEC. 105. DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

“(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

“(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

“(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

“(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘designated amount’ means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

“(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

“(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.”.

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

“(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

“(2) the expenses of obtaining any reviews and credit assessments under section 1319; and

“(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e).”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “ENTERPRISES” and inserting “REGULATED ENTITIES”;

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking “Each enterprise” and inserting “Each regulated entity”;

(ii) by striking “each enterprise” and inserting “each regulated entity”; and

(iii) by striking “both enterprises” and inserting “all of the regulated entities”; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking “subparagraph (A)” and inserting “clause (i)”;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

“(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term ‘total assets’ means as follows:

“(A) ENTERPRISES.—With respect to an enterprise, the sum of—”;

(iv) by adding at the end the following new subparagraph:

“(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the bank, as determined by the Director in accordance with generally accepted accounting principles.”;

(3) by striking subsection (c) and inserting the following new subsection:

“(c) INCREASED COSTS OF REGULATION.—

“(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

“(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under subtitle B and C for a regulated entity are borne only by such regulated entity.

“(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under subtitle B or C for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from

the assessment for such regulated entity for the following semiannual period.”;

(4) in subsection (d), by striking “If” and inserting “Except with respect to amounts collected pursuant to subsection (a)(3), if”; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

“(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

“(f) TREATMENT OF ASSESSMENTS.—

“(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

“(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

“(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

“(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

“(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2005), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

“(g) BUDGET AND FINANCIAL MANAGEMENT.—

“(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director’s financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency’s operations, and copies of the quarterly reports of the Agency’s financial condition and results of operations as prepared by the Director in the ordinary course of the Agency’s operations.

“(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

“(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

“(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512 (c) of title 31, United States Code.

“(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

“(h) AUDIT OF AGENCY.—

“(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General’s right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

“(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

“(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.”.

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate"; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service."

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) in the section heading, by striking "reports" and inserting "gao audits";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517)."

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "of excessive" and inserting "and withholding of executive";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association

Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation."

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518)."

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518)."

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(1) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518)."

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"**SEC. 1319. REVIEWS OF REGULATED ENTITIES.**"; and

(2) by inserting after "any entity" the following: "that the Director considers appropriate, including an entity".

SEC. 110. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such Acts are accomplished."

(2) in subsection (b), by inserting "this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 111. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act."

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 112. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G(b), establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum

capital level for a regulated entity for such period as the Director may provide if the Director—

“(1) makes any of the determinations specified in subparagraphs (A) through (C) of section 1364(c)(1); or

“(2) determines that the regulated entity has violated any of the prudential management and operations standards established pursuant to section 1313A and, as a result of such violation, is operating in an unsafe and unsound manner.

“(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

“(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director may, by regulations issued under section 1319G(b), adjust the minimum capital levels as necessary, based on the Director’s review.”

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking “For” and inserting “(a) Enterprises.—For”; and

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

“(b) FEDERAL HOME LOAN BANKS.—

“(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

“(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.”

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 113. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

“**Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities**”; and

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

“SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

“(a) IN GENERAL.—The Director shall conduct, on a periodic basis, a review of the on-balance sheet and off-balance sheet assets and liabilities of each enterprise.

“(b) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—Pursuant to such a review

and notwithstanding the capital classifications of the enterprises, the Director may by order require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset or liability, if the Director determines that such action is consistent with the safe and sound operation of the enterprise or with the purposes of this Act or any of the authorizing statutes.”

SEC. 114. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

“SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

“(a) BOARD OF DIRECTORS.—

“(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

“(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

“(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

“(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

“(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

“(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

“(b) COMMITTEES OF BOARDS OF DIRECTORS.—

“(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

“(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

“(A) Audit committee.

“(B) Compensation committee.

“(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

“(c) COMPENSATION.—

“(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

“(A) shall not be in excess of that which is reasonable and appropriate;

“(B) shall be commensurate with the duties and responsibilities of such persons;

“(C) shall be consistent with the long-term goals of the enterprise;

“(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

“(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

“(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

“(d) CODE OF CONDUCT AND ETHICS.—

“(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

“(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

“(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

“(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

“(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

“(3) Compensation programs of the enterprise.

“(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

“(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

“(6) Extensions of credit to board members and executive officers.

“(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

“(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

“(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

“(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

“(i) COMPLIANCE PROGRAM.—

“(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

“(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

“(j) RISK MANAGEMENT PROGRAM.—

“(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

“(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

“(k) COMPLIANCE WITH OTHER LAWS.—

“(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

“(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

“(1) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

“(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 U.S.C. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.”

SEC. 115. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following new section:

“SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

“(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

“(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.”

SEC. 116. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

The Federal Financial Institutions Examination Council Act of 1978 is amended—

(1) in section 1003 (12 U.S.C. 3302)—

(A) in paragraph (1), by inserting “Director of the Federal Housing Finance Agency,” after “Supervision,”; and

(B) in paragraph (3), by striking “or a credit union;” and inserting “a credit union, or a regulated entity (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502));”;

(2) in section 1004 (12 U.S.C. 3303)—

(A) in paragraph (4), by inserting a semicolon at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

“(5) the Director of the Federal Housing Finance Agency; and”; and

(3) in section 1006(d) (12 U.S.C. 3305(d)), by striking “and employees of the Federal Housing Finance Board”.

SEC. 117. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States, in consultation with the heads of the federal banking agencies and the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, shall, not later than one year after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Government Accounting Office, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 118. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking “an enterprise” each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(i)(I), and 1316(b)(3)) and inserting “a regulated entity”;

(2) by striking “the enterprise” each place such term appears in such part (except in section 1316(b)(3)) and inserting “the regulated entity”;

(3) by striking “the enterprises” each place such term appears in such part (except in sections 1312(c)(2), 1312(e)(2), and 1319B(a)(4)(D)) and inserting “the regulated entities”;

(4) by striking “each enterprise” each place such term appears in such part and inserting “each regulated entity”;

(5) by striking “Office” each place such term appears in such part (except in sections 1312(b)(5), 1315(b), and 1316(g), and section 1317(c)) and inserting “Agency”;

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking “Office Personnel” and inserting “In General”; and

(ii) by striking “The” and inserting “Subject to titles III and IV of the Federal Housing Finance Reform Act of 2005, the”;

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319A (12 U.S.C. 4520)—

(A) by striking “(a) In General.—Each enterprise” and inserting “Each regulated entity”; and

(B) by striking subsection (b);

(8) in section 1319B (12 U.S.C. 4521), by striking “Committee on Banking, Finance and Urban Affairs” each place such term appears and inserting “Committee on Financial Services”; and

(9) in section 1319F (12 U.S.C. 4525), striking all that follows “United States Code” and inserting “; the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.”

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking “Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development” each place such term appears, and inserting “Director of the Federal Housing Finance Agency”, in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));
(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and
(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking “Banking, Finance and Urban Affairs” each place such term appears and inserting “Financial Services”; and

(B) in subsection (m)—
(i) in paragraph (1), by striking “Secretary” the second place such term appears and inserting “Director”; and

(ii) in paragraph (2), by striking “Secretary” the second place such term appears and inserting “Director”; and

(iii) by striking “Secretary” each other place such term appears and inserting “Director of the Federal Housing Finance Agency”; and

(C) in subsection (n), by striking “Secretary” each place such term appears and inserting “Director of the Federal Housing Finance Agency”.

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking “Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development” each place such term appears, and inserting “Director of the Federal Housing Finance Agency”, in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));
(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));
(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking “Banking, Finance and Urban Affairs” each place such term appears and inserting “Financial Services”;

(3) in section 306(i) (12 U.S.C. 1455(i))—
(A) by striking “1316(c)” and inserting “306(c)”; and

(B) by striking “section 106” and inserting “section 1316”; and

(4) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking “Secretary” the second place such term appears and inserting “Director”; and

(ii) in paragraph (2), by striking “Secretary” the second place such term appears and inserting “Director”; and

(iii) by striking “Secretary” each other place such term appears and inserting “Director of the Federal Housing Finance Agency”; and

(B) in subsection (f), by striking “Secretary” each place such term appears and inserting “Director of the Federal Housing Finance Agency”.

Subtitle B—Improvement of Mission Supervision

SEC. 121. TRANSFER OF PROGRAM AND ACTIVITIES APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

“PART 2—PROGRAM AND ACTIVITIES APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS”;

and

(2) by striking sections 1321 and 1322.

SEC. 122. REVIEW BY DIRECTOR OF NEW PROGRAMS AND ACTIVITIES OF ENTERPRISES.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

“SEC. 1321. REVIEW AND APPROVAL BY DIRECTOR OF NEW PROGRAMS AND BUSINESS ACTIVITIES OF ENTERPRISES.

“(a) LIMITATION ON AUTHORITY TO UNDERTAKE PROGRAMS AND ACTIVITIES.—An enterprise may not undertake any new program, including a pilot program, or any new business activity except in accordance with the procedures set forth in this section and orders and regulations issued under this section.

“(b) NEW PROGRAMS.—

“(1) PRIOR APPROVAL REQUIREMENT.—An enterprise may not commence any new program before it has obtained the approval of the Director, pursuant to this subsection, for the new program.

“(2) APPLICATION.—The Director shall, by order or regulation, require that an enterprise shall, to obtain a determination by the Director regarding approval of a new program by the enterprise, submit to the Director a written application for the new program in a format as prescribed by the Director.

“(3) NOTICE.—Immediately upon receipt of a complete application for a new program, the Director shall cause to be published in the Federal Register notice of the receipt of such application and of the period for public comment pursuant to paragraph (4) regarding such new program, and a description of the new program proposed by the application.

“(4) PUBLIC COMMENT PERIOD.—During the 30-day period beginning upon publication pursuant to paragraph (3) of a notice regarding such an application, the Director shall receive public comments regarding the new program.

“(5) DETERMINATION.—Not less than 15 days after the conclusion of the public comment period pursuant to paragraph (4) regarding an application but not more than 30 days after the conclusion of such comment period, the Director shall approve, conditionally approve, or reject such program, in writing.

“(6) STANDARD FOR APPROVAL.—The Director may approve, or conditionally approve, a new program of an enterprise only if the Director determines, taking into consideration any relevant information and comments received during the public comment period, that such new program—

“(A) does not contravene and is not inconsistent with the purposes of this title, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act, as such purposes are determined taking into consideration the definitions of the terms ‘mortgage loan origination’ and ‘secondary mortgage market’ pursuant to section 1303;

“(B) is not otherwise inconsistent with the safety and soundness of the enterprise; and

“(C) is in the public interest.

“(7) LIMITATION.—The Director, in implementing this subsection, may not prevent an enterprise from continuing to offer the automated loan underwriting system in existence on the date of the enactment of the Federal Housing Finance Reform Act of 2005 or continuing to engage in counseling and education activities.

“(c) NEW BUSINESS ACTIVITIES.—

“(1) AUTHORITY OF DIRECTOR TO PROHIBIT NEW BUSINESS ACTIVITIES.—The Director shall have authority to prohibit any new business activity by an enterprise if the Director determines, in writing, that such activity—

“(A) contravenes or is inconsistent with the purposes of this title, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act;

“(B) is otherwise inconsistent with the safety and soundness of the enterprise; or

“(C) is not in the public interest.

“(2) NOTIFICATION OF NEW BUSINESS ACTIVITIES.—An enterprise that undertakes any new business activity shall provide written notice of the activity to the Director and may commence the new business activity only in accordance with paragraph (4).

“(3) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—

“(A) TIMING.—Immediately upon receipt of any notice under paragraph (2) regarding a new business activity, the Director shall undertake a determination under subparagraph (B) of this paragraph regarding the new business activity.

“(B) DETERMINATION AND TREATMENT AS NEW PROGRAM.—If the Director determines that any new business activity consists of, relates to, or involves any new program—

“(i) the Director shall notify the enterprise of the determination;

“(ii) the new business activity described in the notice shall be considered a new program for purposes of this section; and

“(iii) the Director shall prohibit the enterprise from carrying out the activity except to the extent that approval for the activity is obtained pursuant to subsection (b).

“(4) COMMENCEMENT.—An enterprise may commence a new business activity—

“(A) if the Director issues a written approval regarding such new business activity, immediately upon such issuance or at such other time as provided by the Director in such letter; or

“(B) if, during the 30-day period beginning upon receipt by the Director of notice pursuant to paragraph (2) regarding a new business activity, the Director has not issued to the enterprise a written approval or denial of the new business activity, upon the expiration of such 30-day period.

“(d) APPROVAL AND CONDITIONAL APPROVAL.—The Director may at any time conditionally approve the undertaking of a particular new program or new business activity by an enterprise and set forth the terms and conditions that apply to the program or activity with which the enterprise shall comply if it undertakes the new program or activity. Such approval may, in the discretion of the Director, be in the form of a written agreement between the enterprise and the Director and shall be subject to such terms and conditions therein. Such a written agreement or conditional approval shall be enforceable under subtitle C.

“(e) DETERMINATION AND TREATMENT OF ACTIVITY AS NEW BUSINESS ACTIVITY.—If the Director determines that any activity of an enterprise consists of, relates to, or involves any new business activity—

“(1) the Director shall notify the enterprise of the determination;

“(2) such activity shall be considered a new business activity for purposes of this section; and

“(3) the Director shall prohibit the enterprise from carrying out the activity except to the extent that approval for the activity is obtained pursuant to subsection (c).

“(f) EFFECT ON OTHER AUTHORITIES.—

“(1) EXAMINATIONS.—Nothing in this section may be construed to limit, in any manner, any other authority or right the Director may have under other provisions of law to conduct an examination of an enterprise.

“(2) REQUESTS FOR INFORMATION.—Nothing in this section may be construed to limit the right of the Director at any time to request additional information from an enterprise concerning any business activity.

“(3) NO IMPLIED RIGHT OF ACTION.—This section shall not create any private right of action against an enterprise or any director or executive officer of an enterprise, or impair any private right of action under other applicable law.

“(4) NO LIMITATION.—Nothing in this section may be construed to restrict the general supervisory and regulatory authority of the Director over all programs, products, activities, or business operations of any kind.

“(g) REPORT ON PROGRAMS AND BUSINESS ACTIVITIES.—Not later than the expiration of the 180-day period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, each enterprise shall submit to the Director a report identifying and describing each program and business activity of the enterprise engaged in or existing as of the submission of the report.

“(h) REGULATIONS.—The Director shall by order or regulation issue rules and procedures to implement this section, including in the discretion of the Director, such definitions, interpretations, forms, and other guidances as the Director considers appropriate.”.

(b) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(1) by redesignating paragraphs (17) through (23) as paragraphs (20) through (26), respectively;

(2) by inserting after paragraph (16) the following new paragraph:

“(19) NEW BUSINESS ACTIVITY.—The term ‘new business activity’ means, with respect to an enterprise, a business activity that—

“(A) is materially changed or materially different from any of the business activities that the enterprise was engaging in on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005; and

“(B) the enterprise has not previously obtained authorization, pursuant to the provisions of section 1321(c), to offer, undertake, transact, conduct, or engage in.”;

(3) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively;

(4) by inserting after paragraph (14) the following new paragraph:

“(16) MORTGAGE MARKETS.—The terms ‘mortgage loan origination’ and ‘secondary mortgage market’ shall have such meanings as the Director shall, by regulation, prescribe consistent with the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act. The Director shall issue such regulations not later than the expiration of the 12-month period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, and the Director shall review such regulations on a periodic basis.”;

(5) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(6) by inserting after paragraph (4) the following new paragraph:

“(5) BUSINESS ACTIVITY.—The term ‘business activity’ means, with respect to an enterprise, any offering, undertaking, transacting, conducting, or engaging in any conduct, activity, or product by the enterprise, as the Director shall provide.”.

(c) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking “new program (as such term is)” and inserting “new program or new business activity (as such terms are)”;

(B) by striking “before obtaining the approval of the Secretary under section 1322” and inserting “except in accordance with section 1321”.

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking “new program (as such term is)” and inserting “new program or new business activity (as such terms are)”;

(B) by striking “before obtaining the approval of the Secretary under section 1322” and inserting “except in accordance with section 1321”.

SEC. 123. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: “Such limitations shall not exceed \$359,650 for a mortgage secured by a single-family residence, \$460,400 for a mortgage secured by a 2-family residence, \$556,500 for a mortgage secured by a 3-family residence, and \$691,600 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).”.

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: “Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 123(d)(3) of the Federal Housing Finance Reform Act of 2005, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation.”.

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: “Such limitations shall not exceed \$359,650 for a mortgage secured by a single-family residence, \$460,400 for a mortgage secured by a 2-family residence, \$556,500 for a mortgage secured by a 3-family residence, and \$691,600 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to

section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).”.

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: “Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 123(d)(3) of the Federal Housing Finance Reform Act of 2005, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation.”.

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Act) is amended by inserting after section 1321 (as added by section 122 of this Act) the following new section:

“SEC. 1322. HOUSING PRICE INDEX.

“(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

“(b) GAO AUDIT.—

“(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

“(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

“(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

“(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

“(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Act.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.— If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.— Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term “conforming loan limits for high-cost areas” means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

(e) REGULAR ADJUSTMENT OF CONFORMING LOAN LIMITS.—

(1) ADJUSTMENT FOR YEAR INTERVENING BEFORE EFFECTIVE DATE.—Notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, as amended by this section, the maximum dollar amount limitations in such sections shall be adjusted on the effective date under section 185 of this Act, and the limitations as so adjusted shall be immediately effective, so that the limitations under such sections applicable to the

year in which such effective date occurs are equal to the limitations in effect under such sections immediately before such effective date.

(2) FURTHER ADJUSTMENTS.—After such effective date, the dollar amount limitations as adjusted pursuant to paragraph (1) shall be considered “such amount (as it may have been previously adjusted” for purposes of section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

SEC. 124. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

“SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

“(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

“(b) CONTENTS.—The report shall—

“(1) discuss the extent to which—

“(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

“(B) each enterprise is complying with section 1337;

“(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

“(D) each regulated entity is achieving the purposes of the regulated entity established by law;

“(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

“(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

“(4) examine actions that—

“(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

“(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

“(5) examine the primary and secondary multifamily housing mortgage markets and describe—

“(A) the availability and liquidity of mortgage credit;

“(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

“(C) any factors inhibiting such standardization and securitization;

“(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

“(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

“(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

“(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 124(b) of the Federal Housing Finance Reform Act of 2005) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

“(c) DATA COLLECTION AND REPORTING.—

“(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

“(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

“(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

“(i) the price of the house that secures the mortgage;

“(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

“(iii) the terms of the mortgage;

“(iv) the creditworthiness of the borrower or borrowers; and

“(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

“(B) such other matters as the Director determines to be appropriate.

“(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

“(4) DEFINITION.—For purposes of this subsection, the term ‘identifiable form’ means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.”

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 125. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561-4) and inserting the following new sections:

“SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

“(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

“(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

“(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

“(b) ELIMINATING INTEREST RATE DISPARITIES.—

“(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

“(2) REPORT AND REMEDY.—Upon a finding by the Director, pursuant to the information provided by an enterprise in paragraph (1), that a pattern of disparities in interest rates exists, the Director shall—

“(A) submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report detailing the disparities; and

“(B) require the enterprise to take such action as the Director deems appropriate pursuant to this Act to remedy the interest rate disparities identified.

“(3) PROTECTION OF IDENTITY.—In carrying out this subsection, the Director shall ensure that no information is made public that would reasonably allow identification, directly or indirectly, of an individual borrower.

“(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

“SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

“(a) IN GENERAL.—The Director shall establish an annual goal for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following categories of families:

“(1) Low-income families.

“(2) Families that reside in low-income areas.

“(3) Very low-income families.

“(b) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goal under this section is in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goal established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if—

“(1) for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds

“(2) the target for the year for such type of family that is established under subsection (c).

“(c) ANNUAL TARGETS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages originated in such year that serves such type of family, as deter-

mined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

“(2) AUTHORITY TO INCREASE TARGETS.—

“(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

“(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

“(i) National housing needs.

“(ii) Economic, housing, and demographic conditions.

“(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

“(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

“(v) The need to maintain the sound financial condition of the enterprises.

“(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied, purchase money mortgages originated and purchased for the previous year.

“(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

“(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

“(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding a compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

“(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

“(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

“SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE GOAL.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

“(A) Mortgages that finance dwelling units for low-income families.

“(B) Mortgages that finance dwelling units for very low-income families.

“(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

“(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall es-

tablish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

“(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise, the Director shall consider—

“(A) national multifamily mortgage credit needs;

“(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

“(C) the size of the multifamily mortgage market;

“(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

“(E) the need to maintain the sound financial condition of the enterprise.

“(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give full credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if—

“(1) such bonds are secured by a guarantee of the enterprise; or

“(2) are not investment grade and are purchased by the enterprise.

“(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

“(1) the income of the prospective or actual tenants of the property, where such data are available; or

“(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

“(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

“SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

“(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

“(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

“(1) market and economic conditions or the financial condition of the enterprise require such action; or

“(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other

consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

“(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.”.

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking “low- and moderate-income housing goal” and all that follows through “section 1334” and inserting “housing goals established under this subpart”; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking “sections 1332, 1333, and 1334,” and inserting “this subpart”.

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (26), by striking “60 percent” each place such term appears and inserting “50 percent”;

(2) by redesignating paragraphs (23) through (26) as paragraphs (27) through (30), respectively;

(3) by inserting after paragraph (22) the following new paragraph:

“(26) RURAL AREA.—The term ‘rural area’ has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.”.

(4) by redesignating paragraphs (14) through (22) as paragraphs (17) through (25), respectively; and

(5) by inserting after paragraph (13) the following new paragraph:

“(16) LOW-INCOME AREA.—The term ‘low income area’ means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.”;

(6) by redesignating paragraphs (12) and (13) as paragraphs (14) and (15), respectively;

(7) by inserting after paragraph (11) the following new paragraph:

“(13) EXTREMELY LOW-INCOME.—The term ‘extremely low-income’ means—

“(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

“(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.”;

(8) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

“(8) CONFORMING MORTGAGE.—The term ‘conforming mortgage’ means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in ef-

fect at the time of such origination, under, as applicable—

“(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

“(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.”.

SEC. 126. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting “duty to serve underserved markets and” before “other”;

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “and to carry out the duty under subsection (a) of this section” before “, each enterprise shall”;

(B) in paragraph (3), by inserting “and” after the semicolon at the end;

(C) in paragraph (4), by striking “; and” and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

“(a) DUTY TO SERVE UNDERSERVED MARKETS.—

“(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

“(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

“(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

“(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

“(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

“(ii) the program under section 236 of the National Housing Act;

“(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

“(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

“(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

“(vi) the rural rental housing program under section 515 of the Housing Act of 1949.

“(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the in-

dustry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.”; and

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

“(c) EVALUATION AND REPORTING OF COMPLIANCE.—

“(1) IN GENERAL.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

“(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

“(A) the development of loan products and more flexible underwriting guidelines;

“(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

“(C) the volume of loans purchased in each of such underserved markets.

“(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.”.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting “and with the duty under section 1335A of each enterprise with respect to underserved markets,” before “as provided in this section.”; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

“(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.”.

SEC. 127. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "Preliminary" before "Determination";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

(ii) shorten the period under subparagraph (A) for good cause.";

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "contents.—Each housing plan" and inserting "housing plan.—If the Director requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not

later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary.";

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

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from entering into new programs and new business activities and to order the enterprise to suspend programs and business activities pending its achievement of the goal.".

SEC. 128. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

(a) ESTABLISHMENT AND PURPOSE.—Each enterprise shall establish and manage an affordable housing fund in accordance with this section. The purpose of the affordable housing fund shall be—

"(1) to increase homeownership for extremely low- and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

"(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

"(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

"(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (k) and subject to paragraphs (2) and (3) of this subsection and subsection (f)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a) by the enterprise—

"(A) in the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs, 3.5 percent of the after-tax income of the enterprise for the preceding year;

"(B) in the year after the year referred to in subparagraph (A), 3.5 percent of the after-tax income of the enterprise for the preceding year; and

"(C) in each of the first three years after the year referred to in subparagraph (B), 5 percent of the after-tax income of the enterprise for the preceding year.

"(2) LIMITATION.—An enterprise shall not be required to make an allocation for a year to the affordable housing fund of the enterprise established under subsection (a) unless the enterprise generated after-tax income for the preceding year.

"(3) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund of the enterprise upon a finding by the Director that such allocations—

"(A) are contributing, or would contribute, to the financial instability of the enterprise;

"(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(4) 5-YEAR SUNSET AND REPORT.—

"(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing funds in the 5th year after the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs or in any year thereafter.

"(B) REPORT ON PROGRAM CONTINUANCE.—Not later than 6 months before the end of the last year in which the allocations are required under paragraph (1), the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing funds, should be extended and on any modifications for the program.

"(5) DETERMINATION OF AFTER-TAX INCOME.—For purposes of this section, the term 'after-tax income' means, with respect to an enterprise for a year, the amount reported by the enterprise for such year in the enterprise's annual report for such year that is filed with the Securities and Exchange Commission, except that for any year in which no such filing is made by an enterprise or such filing is not timely made, such term means the amount determined by the Director based on the income tax return filings of the enterprise.

(c) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND AMOUNTS.—Amounts from the affordable housing fund of the enterprise may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (d) for such use; and

"(2) are selected for funding by the enterprise in accordance with the process and criteria for such selection established pursuant to subsection (k)(2)(C).

(d) ELIGIBLE ACTIVITIES.—Amounts from the affordable housing fund of an enterprise shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that amounts provided from the Fund may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from the affordable housing fund of the enterprise;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of

the Cranston-Gonzalez National Affordable Housing Act; and

“(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

“(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

“(e) ELIGIBLE RECIPIENTS.—

“(1) IN GENERAL.—Amounts from the affordable housing fund of an enterprise may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a federally recognized tribe, an Alaskan Native village, and a faith-based organization) that—

“(A) has a demonstrated capacity for carrying out activities of the type that are to be funded with such affordable housing fund amounts; and

“(B) makes such assurances to the enterprise as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section (including, in the case of any organization, agency, or entity subject to paragraph (2), all of the requirements specified under such paragraph) during the entire period that begins upon selection of the recipient to receive amounts from the affordable housing fund of the enterprise and ending upon the conclusion of all activities under subsection (d) that are engaged in by the recipient and funded with such affordable housing fund amounts; and

“(C) in the case of any recipient who is not a for-profit entity or a government agency or authority, complies with all of the requirements under paragraph (2).

“(2) ADDITIONAL REQUIREMENTS FOR RECIPIENTS OTHER THAN FOR-PROFIT ENTITIES.—The requirements under this paragraph with respect to any organization, agency, or entity that is not a for-profit entity or a government agency or authority are that the organization, agency, or entity—

“(A) shall have as its primary purpose the provision of affordable housing, as defined by the Director;

“(B) shall make such assurances to the enterprise as the Director shall, by regulation, require to ensure that such affordable housing fund amounts—

“(i) are used only to supplement, and to the extent practical, to increase the level of funds that would, in the absence of amounts made available from the affordable housing fund, be made available from other sources for the recipient to carry out activities of the type that are eligible under subsection (d) for funding with affordable housing fund amounts; and

“(ii) are not in any case used so as to supplant any funds from other sources that are made available for such activities of the recipient; and

“(C) does not, at the time during the period that begins 12 months before submission of an application for funding from the affordable housing fund of the enterprise and ending upon the expiration of the period referred to in paragraph (1)(B)—

“(i) engage in any Federal election activity, as such term is defined in paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), except that, notwithstanding the 120-day limitation in subparagraph (A)(i) of such paragraph, such term shall include voter registration activity during any period;

“(ii) make any expenditure for any electioneering communication (as such term is defined in section 304(f)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3)));

“(iii) make any lobbying expenditure, (as such term is defined in such section 501(h)(2)), except that this clause shall not apply to any such expenditure by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under subsection (a) of such section 501, to the extent that such expenditure does not exceed the amount under such Code for which such exemption may be denied; or

“(iv) maintain any affiliation with any organization, agency, or other entity that does not comply with clauses (i), (ii), and (iii) of this subparagraph.

“(3) AFFILIATION.—

“(A) IN GENERAL.—A recipient organization, agency, or entity shall be considered to be affiliated with another entity, for purposes of paragraph (2), if such recipient entity controls, is controlled by, or is under common control with such other entity.

“(B) CONTROL.—The existence of any of the following relationships between a recipient entity and another entity shall indicate that control exists for purposes of subparagraph (A):

“(i) OVERLAPPING BOARD MEMBERSHIP.—Individuals serve in a similar capacity as officers, executives, or staff of both the recipient entity and the other entity.

“(ii) SHARED RESOURCES.—The recipient entity and the other entity share office space, staff members, supplies, resources, or marketing materials, including Internet and other forms of public communication.

“(iii) FUNDING.—The recipient entity receives more than 20 percent of its total funding from such other entity or provides more than 20 percent of the total funding of such other entity.

“(iv) OTHER.—The recipient entity or such other entity exhibits any other indicia of substantial overlap or common control as may be set forth in regulation by the Director.

“(4) FOR PROFIT.—For purposes of this subsection, the term ‘for-profit entity’ means any entity any part of the net earnings of which inure to the benefit of any private shareholder, member, founder, contributor, or individual.

“(f) LIMITATIONS ON USE.—

“(1) REQUIRED AMOUNT FOR REFCORP.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

“(2) REQUIRED AMOUNT FOR HOMEOWNER-SHIP ACTIVITIES.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not less than 10 percent shall be used for activities under paragraph (2) of subsection (d).

“(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (d).

“(4) DEADLINE FOR COMMITMENT OR USE.—Any amounts allocated to the affordable housing fund of an enterprise shall be used or committed for use within two years of the date of such allocation.

“(5) USE OF RETURNS.—The Director shall, by regulation—

“(A) provide that any return on a loan or other investment of any amounts allocated pursuant to subsection (b) to the affordable housing fund of an enterprise shall count against the allocation required under subsection (b) to be made by the enterprise for the year following such return; and

“(B) establish such limitations as may be necessary to ensure that the amount or likelihood of return is not the primary consideration of awarding of allocated amounts to recipients.

“(6) PROHIBITED USES.—The Director shall—

“(A) by regulation, set forth prohibited uses of amounts from the affordable housing funds of the enterprises, which shall include use for—

“(i) political activities;

“(ii) advocacy;

“(iii) lobbying, whether directly or through other parties;

“(iv) counseling services;

“(v) travel expenses; and

“(vi) preparing or providing advice on tax returns;

“(B) by regulation, provide that, except as provided in subparagraph (C), amounts allocated to the affordable housing fund of an enterprise may not be used for administrative, outreach, or other costs of—

“(i) the enterprise; or

“(ii) any recipient of amounts from the affordable housing fund; and

“(C) by regulation, limit the amount of any such contributions that may be used for administrative costs of the enterprise of maintaining the affordable housing fund and carrying out the program under this section.

“(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS.—In determining compliance with the housing goals under this subpart, the Director may not consider amounts used under this section for eligible activities under subsection (d). The Director shall give credit toward the achievement of such housing goals to purchases of mortgages for housing that receives funding under this section, but only to the extent that such purchases are funded other than under this section.

“(8) PROHIBITION ON CERTAIN REDISTRIBUTION OF AMOUNTS.—The Director shall, by regulation, ensure that amounts from the affordable housing fund of an enterprise awarded under this section to a national nonprofit housing intermediary are not redistributed to other nonprofit entities.

“(g) ACCOUNTABILITY OF RECIPIENTS AND ENTERPRISES.—

“(1) RECIPIENTS.—

“(A) TRACKING OF FUNDS.—The Director shall—

“(i) require each enterprise to develop and maintain a system to ensure that each recipient of amounts from the affordable housing fund of the enterprise uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

“(ii) establish minimum requirements for agreements, between the enterprises and recipients, regarding grants from the affordable housing funds of the enterprises, which shall include—

“(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to ensure compliance with the limitations and requirements of this section and the regulation under this section; and

“(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

“(B) MISUSE OF FUNDS.—If an enterprise determines that any recipient of amounts from the affordable housing fund of the enterprise has used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided—

“(i) the enterprise shall notify the Director of such misuse of amounts and the actions taken under this subparagraph with respect to the recipient;

“(ii) such recipient shall be ineligible in perpetuity to receive of any further amounts from the affordable housing fund of such enterprise; and

“(iii) the enterprise shall require the recipient to reimburse the enterprise for such misused amounts and return to the enterprise any amounts from the affordable housing fund of the enterprise that remain unused or uncommitted for use.

The remedies under this subparagraph are in addition to any other remedies that may be available under law.

“(2) ENTERPRISES.—

“(A) QUARTERLY REPORTS.—The Director shall require each enterprise to submit a report, on a quarterly basis, to the Director and the affordable housing board established under subsection (j) describing the activities funded under this section during such quarter with amounts from the affordable housing fund of the enterprise established under this section. The Director shall make such reports publicly available. The affordable housing board shall review each report by an enterprise to determine the consistency of such activities funded with the criteria for selection of such activities established pursuant to subsection (k)(2)(C).

“(B) REPLENISHMENT.—If the Director determines that an activity funded by an enterprise with amounts from the affordable housing fund of the enterprise is not consistent with the criteria established pursuant to subsection (k)(2)(C), the Director shall require the enterprise to allocate to such affordable housing fund (in addition to amounts allocated in compliance with subsection (b)) an amount equal to the sum of the amounts from the affordable housing fund used and further committed for use for such activity.

“(h) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund of an enterprise shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

“(i) REPORTING REQUIREMENT.—Each enterprise shall include, in the report required under section 309(m) of the Federal National Mortgage Association Charter Act or section 307(f) of the Federal Home Loan Mortgage Corporation Act, as applicable, a description of the actions taken by the enterprise to utilize or commit amounts allocated under this section to the affordable housing fund of the enterprise established under this section.

“(j) AFFORDABLE HOUSING BOARD.—

“(1) APPOINTMENT.—The Director shall appoint an affordable housing board of 7, 9, or 11 persons, who shall include—

“(A) the Director, or the Director’s designee;

“(B) the Secretary of Housing and Urban Development, or the Secretary’s designee;

“(C) the Secretary of Agriculture, or the Secretary’s designee;

“(D) 2 persons from for-profit organizations or businesses actively involved in providing or promoting affordable housing for extremely low- and very low-income households; and

“(E) 2 persons from nonprofit organizations actively involved in providing or promoting affordable housing for extremely low- and very low-income households.

“(2) TERMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term of each member of the affordable housing board appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C)) shall be 3 years.

“(B) INITIAL APPOINTEES.—The Director shall appoint the initial members of the affordable housing board not later than the expiration of the 60-day period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005. As designated by the Director at the time of appointment, of the members of the affordable housing board first appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C))—

“(i) in the case of a board having 7 members—

“(I) one shall be appointed for a term of one year; and

“(II) one shall be appointed for a term of two years;

“(ii) in the case of a board having 9 members—

“(I) two shall be appointed for a term of one year; and

“(II) two shall be appointed for a term of two years; and

“(iii) in the case of a board having 11 members—

“(I) two shall be appointed for a term of one year; and

“(II) three shall be appointed for a term of two years;

“(3) DUTIES.—The duties of the affordable housing board shall be—

“(A) to determine extremely low- and very low-income housing needs;

“(B) to advise the Director with respect to—

“(i) establishment of the selection criteria under subsection (k)(2)(C) that provide for appropriate use of amounts from the affordable housing funds of the enterprises to meet such needs; and

“(ii) operation of, and changes to, the program under this section appropriate to meet such needs; and

“(C) to review the reports submitted by the enterprises pursuant to subsection (g)(1) to determine whether the activities funded using amounts from the affordable housing funds of the enterprises comply with the regulations issued pursuant to subsection (k)(2)(C) and inform the Director of such determinations, for purposes of subsection (g)(2).

“(4) MEETINGS.—The board shall meet not less than quarterly, except that during the 2-year period referred to in paragraph (7), the board shall meet only as the Director determines necessary.

“(5) EXPENSES AND PER DIEM.—Members of the board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(6) ADVISORY COMMITTEE.—The board shall be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

“(7) TERMINATION.—The board shall terminate upon the expiration of the 2-year period that begins upon the conclusion of the last year referred to in subsection (b)(1)(C).

“(k) REGULATIONS.—

“(1) IN GENERAL.—The Director shall issue regulations to carry out this section.

“(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

“(A) authority for the Director to audit, provide for an audit, or otherwise verify an enterprise’s activities, to ensure compliance with this section;

“(B) a requirement that the Director ensure that the affordable housing fund of each enterprise is audited not less than annually to ensure compliance with this section;

“(C) requirements for a process for application to, and selection by, an enterprise for activities to be funded with amounts from

the affordable housing fund, which shall provide that—

“(i) selection shall be based upon specific criteria, which shall provide that—

“(I) in any selection of activities occurring during the 2-year period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, additional weight shall be given to applications for eligible activities under subsection (d) that—

“(aa) are to be carried out in any area that was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as result of Hurricane Katrina or Hurricane Rita in 2005; or

“(bb) the enterprise determines, in accordance with regulations issued by the Director, serve persons significantly affected by the occurrence of Hurricane Katrina or Hurricane Rita in 2005 (including persons displaced as a result of such hurricanes and persons whose affordable housing opportunities are significantly affected by the presence of persons displaced as a result of such hurricanes); and

“(II) taking into consideration any additional weight afforded applications pursuant to subclause (I), priority in funding shall be based upon—

“(aa) whether activities are to be carried out in any area that, not more than 2 years before such selection, was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

“(bb) greatest impact;

“(cc) geographic diversity;

“(dd) ability to obligate amounts and undertake activities so funded in a timely manner;

“(ee) in the case of rental housing projects under subsection (d)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families; and

“(ff) in the case of rental housing projects under subsection (d)(1), the extent of the duration for which such rents will remain affordable; and

“(ii) an enterprise may not require for such selection that an activity involve financing or underwriting of any kind by the enterprise (other than funding through the affordable housing fund of the enterprise) and may not give preference in such selection to activities that involve such financing;

“(D) requirements to ensure that amounts from the affordable housing funds of the enterprises used for rental housing under subsection (d)(1) are used only for the benefit of extremely low- and very-low income families; and

“(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (d)(3) for funding with amounts from the affordable housing funds of the enterprises and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (d).

“(1) ENFORCEMENT.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.”.

(b) CONTRIBUTIONS FOR TRANSITION PERIOD.—

(1) RESERVATION AND CONTRIBUTION; PROHIBITION OF DOUBLE CONTRIBUTIONS.—If the date of the enactment of this Act does not occur in the same calendar year as the effective date under section 185 of this Act, each enterprise (as such term is defined in section

1303 of the Housing and Community Development Act of 1992) shall, in the year that such date of enactment occurs, reserve for contribution to the affordable housing fund to be established by the enterprise pursuant to section 1337 of such Act (as amended by subsection (a) of this section) an amount equal to 3.5 percent of the after-tax income of the enterprise for the preceding year. Upon the establishment of such affordable housing fund, each enterprise shall allocate to such fund the amounts reserved under this paragraph by the enterprise.

(2) **EXCEPTION TO DEADLINE FOR COMMITMENT.**—Section 1337(f)(4) of the Housing and Community Development Act of 1992 (as amended by subsection (a) of this section) shall not apply to any amounts allocated to the affordable housing fund of an enterprise pursuant to paragraph (1) of this subsection.

(3) **AFTER-TAX INCOME.**—For purposes of this subsection, the term “after-tax income” has the meaning provided in subsection (b)(5) of the new section 1337 to be inserted by the amendment made by subsection (a) of this section.

(4) **EFFECTIVE DATE.**—This subsection shall take effect on the date of the enactment of this Act.

(c) **REFCORP PAYMENTS.**—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking “and (D)” and inserting “(D), and (E)”;

(2) by redesignating subparagraph (E) as subparagraph (F); and

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

“(E) **PAYMENTS BY FANNIE MAE AND FREDDIE MAC.**—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(f)(1) of such Act.”

SEC. 129. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 127 of this Act, the following new section:

“SEC. 1338. CONSISTENCY WITH MISSION.

“This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.”

SEC. 130. ENFORCEMENT.

(a) **CEASE-AND-DESIST PROCEEDINGS.**—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **GROUNDS FOR ISSUANCE.**—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

“(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

“(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal Na-

tional Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

“(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

“(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

“(6) the enterprise has failed to comply with a housing plan under section 1336(c).”;

(2) in subsection (b)(2), by striking “requiring the enterprise to” and all that follows through the end of the paragraph and inserting the following: “requiring the enterprise to—

“(A) comply with the goal or goals;

“(B) submit a report under section 1314;

“(C) comply with any provision of this part or any order, rule or regulation under such part;

“(D) submit a housing plan in compliance with section 1336(c);

“(E) comply with a housing plan submitted under section 1336(c); or

“(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.”;

(3) in subsection (c), by inserting “date of the” before “service of the order”; and

(4) by striking subsection (d).

(b) **AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.**—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

“(a) **ENFORCEMENT.**—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.”

(c) **CIVIL MONEY PENALTIES.**—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) **AUTHORITY.**—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

“(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

“(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

“(4) comply with any provision of this part or any order, rule or regulation under this part;

“(5) submit a housing plan pursuant to section 1336(c) within the required period; or

“(6) comply with a housing plan for the enterprise under section 1336(c).

“(b) **AMOUNT OF PENALTY.**—The amount of the penalty, as determined by the Director, may not exceed—

“(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), \$50,000 for each day that the failure occurs; and

“(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), \$20,000 for each day that the failure occurs.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “and” after the semicolon at the end;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: “In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.”;

(3) in the first sentence of subsection (d)—

(A) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director.”; and

(B) by inserting “, or request that the Attorney General of the United States bring such an action” before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) **ENFORCEMENT OF SUBPOENAS.**—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director.”; and

(2) by inserting “or request that the Attorney General of the United States bring such an action,” after “District of Columbia.”

(e) **CONFORMING AMENDMENT.**—The heading for subpart C of part 2 of subtitle A of the Housing and Community Development Act of 1992 is amended to read as follows:

“Subpart C—Enforcement”.

SEC. 131. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking “Secretary” each place such term appears in such part and inserting “Director”;

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting “of enterprises” before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) in sections 1345(c)(1)(A) and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(b)), by striking “Secretary’s” each place such term appears and inserting “Director’s”; and

(6) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 141. CAPITAL CLASSIFICATIONS.

(a) **IN GENERAL.**—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking “In General” and inserting “Enterprises”;

(2) in subsection (c)—

(A) by striking “subsection (b)” and inserting “subsection (c)”;

(B) by striking “enterprises” and inserting “regulated entities”; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

“(b) **FEDERAL HOME LOAN BANKS.**—

“(1) **ESTABLISHMENT AND CRITERIA.**—For purposes of this subtitle, the Director shall, by regulation—

“(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

“(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

“(C) shall classify the Federal home loan banks according to such capital classifications.

“(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

“(A) adequately capitalized;

“(B) undercapitalized;

“(C) significantly undercapitalized; and

“(D) critically undercapitalized.

“(C) DISCRETIONARY CLASSIFICATION.—

“(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

“(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

“(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

“(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

“(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

“(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

“(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

“(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.”; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

“(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

“(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

“(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

“(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.”.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to cap-

ital classifications for the Federal home loan banks.

SEC. 142. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking “enterprises” and inserting “regulated entities”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) the following paragraph:

“(1) REQUIRED MONITORING.—The Director shall—

“(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

“(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

“(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.”; and

(C) by inserting at the end the following new paragraphs:

“(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

“(A) the Director has accepted the capital restoration plan of the regulated entity;

“(B) any increase in total assets is consistent with the plan; and

“(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

“(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PROGRAMS, AND NEW BUSINESS ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or engage in any new program or new business activity unless—

“(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

“(B) the Director determines that the proposed action will further the purpose of this section.”;

(3) in the subsection heading for subsection (b), by striking “FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED”; and

(4) by striking subsection (c) and inserting the following new subsection:

“(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.”.

SEC. 143. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking “enterprises” and inserting “entities”;

(2) in subsection (a)(2)(A), by striking “enterprise” the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking “Discretionary Supervisory Actions” and inserting “Specific Actions”;

(B) in the matter preceding paragraph (1), by striking “may, at any time, take any” and inserting “shall carry out this section by taking, at any time, one or more”;

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

“(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

“(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

“(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director’s enforcement powers provided in section 1377.

“(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).”; and

(E) by inserting at the end the following new paragraph:

“(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.”;

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

(5) by inserting after subsection (b) the following new subsection:

“(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

“(1) pay any bonus to any executive officer; or

“(2) provide compensation to any executive officer at a rate exceeding that officer’s average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.”.

SEC. 144. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

“SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

“(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

“(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

“(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

“(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

“(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

“(i) any violation of any provision of Federal or State law; or

“(ii) any unsafe or unsound practice.

“(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

“(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

“(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

“(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

“(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

“(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

“(i) cause insolvency or substantial dissipation of assets or earnings; or

“(ii) weaken the condition of the regulated entity.

“(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

“(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

“(i) has no reasonable prospect of becoming adequately capitalized;

“(ii) fails to become adequately capitalized, as required by—

“(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

“(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

“(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

“(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

“(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

“(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

“(4) JUDICIAL REVIEW.—

“(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

“(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

“(5) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

“(6) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

“(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

“(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

“(2) GENERAL POWERS.—

“(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

“(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

“(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

“(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

“(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

“(ii) collect all obligations and money due the regulated entity;

“(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

“(iv) preserve and conserve the assets and property of such regulated entity.

“(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

“(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

“(i) necessary to put the regulated entity in a sound and solvent condition; and

“(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

“(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

“(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

“(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

“(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

“(I) SUBPOENA AUTHORITY.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

“(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

“(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

“(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

“(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

“(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

“(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

“(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

“(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

“(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

“(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

“(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

“(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

“(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

“(i) at the last address of the creditor appearing in such books; or

“(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

“(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing

for administrative determination of claims and review of such determination.

“(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

“(A) DETERMINATION PERIOD.—

“(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

“(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

“(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

“(I) on the books of the regulated entity;

“(II) in the claim filed by the claimant;

or

“(III) in documents submitted in proof of the claim.

“(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

“(I) a statement of each reason for the disallowance; and

“(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

“(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

“(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

“(D) AUTHORITY TO DISALLOW CLAIMS.—

“(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

“(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

“(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

“(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

“(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

“(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not effect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

“(F) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver

shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

“(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

“(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

“(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

“(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

“(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

“(7) REVIEW OF CLAIMS.—

“(A) OTHER REVIEW PROCEDURES.—

“(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

“(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

“(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

“(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

“(8) EXPEDITED DETERMINATION OF CLAIMS.—

“(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

“(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

“(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

“(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

“(i) determine—

“(I) whether to allow or disallow such claim; or

“(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

“(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

“(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

“(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

“(ii) the date the Agency denies the claim.

“(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

“(E) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

“(9) PAYMENT OF CLAIMS.—

“(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

“(i) allowed by the receiver;

“(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

“(iii) determined by the final judgment of any court of competent jurisdiction.

“(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

“(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

“(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

“(10) SUSPENSION OF LEGAL ACTIONS.—

“(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

“(i) 45 days, in the case of any conservator; and

“(ii) 90 days, in the case of any receiver.

“(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

“(11) ADDITIONAL RIGHTS AND DUTIES.—

“(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

“(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

“(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

“(ii) not be required to post any bond in order to pursue such remedies.

“(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

“(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

“(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

“(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

“(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

“(i) maximizes the net present value return from the sale or disposition of such assets;

“(ii) minimizes the amount of any loss realized in the resolution of cases; and

“(iii) ensures adequate competition and fair and consistent treatment of offerors.

“(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

“(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

“(i) in the case of any contract claim, the longer of—

“(I) the 6-year period beginning on the date the claim accrues; or

“(II) the period applicable under State law; and

“(ii) in the case of any tort claim, the longer of—

“(I) the 3-year period beginning on the date the claim accrues; or

“(II) the period applicable under State law.

“(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of

subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

“(i) the date of the appointment of the Agency as conservator or receiver; or

“(ii) the date on which the cause of action accrues.

“(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

“(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

“(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

“(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

“(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

“(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

“(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

“(15) FRAUDULENT TRANSFERS.—

“(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

“(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

“(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

“(ii) any immediate or mediate transferee of any such initial transferee.

“(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

“(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

“(ii) any immediate or mediate good faith transferee of such transferee.

“(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

“(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

“(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

“(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

“(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

“(19) GENERAL EXCEPTIONS.—

“(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

“(B) MORTGAGES HELD IN TRUST.—

“(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

“(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

“(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

“(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

“(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver,

that are proven to the satisfaction of the receiver shall have priority in the following order:

“(A) Administrative expenses of the receiver.

“(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

“(C) Any obligation subordinated to general creditors.

“(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

“(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity’s assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

“(3) DEFINITION.—The term ‘administrative expenses of the receiver’ shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

“(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

“(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

“(A) to which such regulated entity is a party;

“(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

“(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

“(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

“(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

“(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

“(i) limited to actual direct compensatory damages; and

“(ii) determined as of—

“(I) the date of the appointment of the conservator or receiver; or

“(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

“(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term ‘actual direct compensatory damages’ shall not include—

“(i) punitive or exemplary damages;

“(ii) damages for lost profits or opportunity; or

“(iii) damages for pain and suffering.

“(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

“(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

“(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

“(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

“(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

“(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

“(i) be entitled to the contractual rent accruing before the later of the date—

“(I) the notice of disaffirmance or repudiation is mailed; or

“(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

“(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

“(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

“(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

“(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

“(i) treat the lease as terminated by such repudiation; or

“(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

“(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

“(i) the lessee—

“(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

“(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

“(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

“(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

“(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such re-

pu diation, in default, such purchaser may either—

“(i) treat the contract as terminated by such repudiation; or

“(ii) remain in possession of such real property.

“(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

“(i) the purchaser—

“(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

“(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

“(ii) the conservator or receiver shall—

“(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

“(II) deliver title to the purchaser in accordance with the provisions of the contract; and

“(III) have no obligation under the contract other than the performance required under subclause (II).

“(C) ASSIGNMENT AND SALE ALLOWED.—

“(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

“(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

“(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

“(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

“(i) a claim to be paid in accordance with subsections (b) and (e); and

“(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

“(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

“(i) the other party shall be paid under the terms of the contract for the services performed; and

“(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

“(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

“(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

“(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

“(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

“(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

“(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

“(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

“(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

“(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

“(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

“(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

“(i) QUALIFIED FINANCIAL CONTRACT.—The term ‘qualified financial contract’ means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

“(ii) SECURITIES CONTRACT.—The term ‘securities contract’—

“(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

“(III) means any option entered into on a national securities exchange relating to foreign currencies;

“(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(V) means any margin loan;

“(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

“(VII) means any combination of the agreements or transactions referred to in this clause;

“(VIII) means any option to enter into any agreement or transaction referred to in this clause;

“(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

“(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

“(iii) COMMODITY CONTRACT.—The term ‘commodity contract’ means—

“(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

“(II) with respect to a foreign futures commission merchant, a foreign future;

“(III) with respect to a leverage transaction merchant, a leverage transaction;

“(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

“(V) with respect to a commodity options dealer, a commodity option;

“(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

“(VII) any combination of the agreements or transactions referred to in this clause;

“(VIII) any option to enter into any agreement or transaction referred to in this clause;

“(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to

each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

“(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

“(iv) FORWARD CONTRACT.—The term ‘forward contract’ means—

“(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

“(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

“(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

“(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

“(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

“(v) REPURCHASE AGREEMENT.—The term ‘repurchase agreement’ (which definition also applies to a reverse repurchase agreement)—

“(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers’ acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers’ acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers’ acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

“(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

“(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

“(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

“(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

“(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term ‘qualified foreign government security’ means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

“(vi) SWAP AGREEMENT.—The term ‘swap agreement’ means—

“(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

“(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

“(III) any combination of agreements or transactions referred to in this clause;

“(IV) any option to enter into any agreement or transaction referred to in this clause;

“(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction

under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

“(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

“(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

“(viii) TRANSFER.—The term ‘transfer’ means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity’s equity of redemption.

“(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

“(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable non-insolvency law;

“(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

“(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

“(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

“(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

“(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable

in a qualified financial contract of a regulated entity in default.

“(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term ‘walkaway clause’ means a provision in a qualified financial contract that, after calculation of a value of a party’s position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party’s status as a nondefaulting party.

“(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

“(A) transfer to 1 person—

“(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

“(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

“(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

“(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

“(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

“(10) NOTIFICATION OF TRANSFER.—

“(A) IN GENERAL.—If—

“(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

“(ii) the transfer includes any qualified financial contract, the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

“(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

“(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

“(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

“(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

“(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated

entity for which the conservator has been appointed).

“(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

“(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term ‘business day’ means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

“(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

“(A) disaffirm or repudiate all qualified financial contracts between—

“(i) any person or any affiliate of such person; and

“(ii) the regulated entity in default; or

“(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

“(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

“(13) AUTHORITY TO ENFORCE CONTRACTS.—

“(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

“(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director’s or officer’s liability insurance contract or surety bond under other applicable law.

“(C) CONSENT REQUIREMENT.—

“(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

“(I) 45 days after the date of appointment of a conservator; or

“(II) 90 days after the date of appointment of a receiver.

“(ii) EXCEPTIONS.—This paragraph shall—

“(I) not apply to a director’s or officer’s liability insurance contract;

“(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

“(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

“(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

“(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

“(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

“(B) any security interest in the assets of the regulated entity securing any such extension of credit.

“(e) VALUATION OF CLAIMS IN DEFAULT.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

“(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

“(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

“(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

“(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

“(g) LIABILITY OF DIRECTORS AND OFFICERS.—

“(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

“(A) acting as conservator or receiver of such regulated entity, or

“(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

“(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

“(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

“(i) LIMITED-LIFE REGULATED ENTITIES.—

“(1) ORGANIZATION.—

“(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

“(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

“(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

“(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

“(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

“(2) CHARTER.—

“(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

“(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

“(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

“(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

“(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

“(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

“(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

“(6) WINDING UP.—

“(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

“(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

“(7) TRANSFER OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—

“(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

“(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

“(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

“(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

“(9) POWERS.—

“(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

“(i) the Agency may—

“(I) remove the directors of a limited-life regulated entity; and

“(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

“(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

“(iii) the board of directors of a limited-life regulated entity—

“(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

“(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

“(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

“(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

“(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

“(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

“(i) with priority over any or all administrative expenses;

“(ii) secured by a lien on property that is not otherwise subject to a lien; or

“(iii) secured by a junior lien on property that is subject to a lien.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

“(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

“(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

“(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

“(D) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

“(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

“(12) NO FEDERAL STATUS.—

“(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

“(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

“(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

“(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

“(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

“(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

“(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

“(C) take any other action not inconsistent with this section.

“(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

“(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any

State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

“(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

“(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

“(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.”

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended by striking “Board under this Act” and inserting “Director under section 1367 of the Housing and Community Development Act of 1992”.

SEC. 145. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Act, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as added by section 144 of this Act—

(A) by striking “An enterprise” each place such term appears and inserting “A regulated entity”;

(B) by striking “an enterprise” each place such term appears and inserting “a regulated entity”;

(C) by striking “the enterprise” each place such term appears and inserting “the regulated entity”;

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking “section 1369 (excluding subsection (a)(1) and (2))” and inserting “section 1367”; and

(B) in subsection (d), by striking “the enterprises” and inserting “the regulated entities”;

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking “Committee on Banking, Finance and Urban Affairs” and inserting “Committee on Financial Services”;

(4) in section 1369C(c) (12 U.S.C. 4622(c)), by striking “any enterprise” and inserting “any regulated entity”; and

(5) in subsections (a) and (d) of section 1369D, by striking “section 1366 or 1367 or action under section 1369” each place such phrase appears and inserting “section 1367”.

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a

regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

“(b) **ISSUANCE FOR UNSATISFACTORY RATING.**—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.”;

(2) in subsection (c)(2), by striking “enterprise, executive officer, or director” and inserting “regulated entity or regulated entity-affiliated party”; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “enterprise, executive officer, or director” and inserting “regulated entity or regulated entity-affiliated party”;

(B) in paragraph (1)—

(i) by striking “an executive officer or director” and inserting “a regulated entity affiliated party”; and

(ii) by inserting “(including reimbursement of compensation under section 1318)” after “reimbursement”;

(C) in paragraph (6), by striking “and” at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

“(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and”.

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **GROUNDS FOR ISSUANCE.**—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such

party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).”;

(2) in subsection (b), by striking “enterprise, executive officer, or director” and inserting “regulated entity or regulated entity-affiliated party”;

(3) in subsection (d)—

(A) by striking “An enterprise, executive officer, or director” and inserting “A regulated entity or regulated entity-affiliated party”; and

(B) by striking “the enterprise, executive officer, or director” and inserting “the regulated entity or regulated entity-affiliated party”; and

(4) by striking subsection (e) and in inserting the following new subsection:

“(e) **ENFORCEMENT.**—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.”.

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

“SEC. 1375A. PREJUDGMENT ATTACHMENT.

“(a) **IN GENERAL.**—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

“(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

“(2) appoints a person on a temporary basis to administer the restraining order.

“(b) **STANDARD.**—

“(1) **SHOWING.**—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

“(2) **STATE PROCEEDING.**—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party’s right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.”.

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **ENFORCEMENT.**—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective

and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.”; and

(2) in subsection (b), by striking “or 1376” and inserting “1376, or 1377”.

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “or any executive officer or” and inserting “any executive officer of a regulated entity, any regulated entity-affiliated party, or any”; and

(B) in paragraph (1)—

(i) by striking “the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act” and inserting “any provision of any of the authorizing statutes”;

(ii) by striking “or Act” and inserting “or statute”;

(iii) by striking “or subsection” and inserting “, subsection”; and

(iv) by inserting “, or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act” before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

“(b) **AMOUNT OF PENALTY.**—

“(1) **FIRST TIER.**—Any regulated entity which, or any regulated entity-affiliated party who—

“(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

“(B) violates any final or temporary order or notice issued pursuant to this title;

“(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

“(D) violates any written agreement between the regulated entity and the Director, shall forfeit and pay a civil money penalty of not more than \$10,000 for each day during which such violation continues.

“(2) **SECOND TIER.**—Notwithstanding paragraph (1)—

“(A) if a regulated entity, or a regulated entity-affiliated party—

“(i) commits any violation described in any subparagraph of paragraph (1);

“(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

“(iii) breaches any fiduciary duty; and

“(B) the violation, practice, or breach—

“(i) is part of a pattern of misconduct;

“(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

“(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil money penalty of not more than \$50,000 for each day during which such violation, practice, or breach continues.

“(3) **THIRD TIER.**—Notwithstanding paragraphs (1) and (2), any regulated entity

which, or any regulated entity-affiliated party who—

“(A) knowingly—

“(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

“(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

“(iii) breaches any fiduciary duty; and

“(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

“(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

“(A) in the case of any person other than a regulated entity, an amount not to exceed \$2,000,000; and

“(B) in the case of any regulated entity, \$2,000,000.”;

(3) in subsection (c)(1)(B), by striking “enterprise, executive officer, or director” and inserting “regulated entity or regulated entity-affiliated party”;

(4) in subsection (d), by striking the first sentence and inserting the following: “If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action.”; and

(5) in subsection (g), by striking “subsection (b)(3)” and inserting “this section, unless authorized by the Director by rule, regulation, or order”.

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

“SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

“(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

“(1) any regulated entity-affiliated party has, directly or indirectly—

“(A) violated—

“(i) any law or regulation;

“(ii) any cease-and-desist order which has become final;

“(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

“(iv) any written agreement between such regulated entity and the Director;

“(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

“(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party’s fiduciary duty;

“(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

“(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

“(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

“(3) such violation, practice, or breach—

“(A) involves personal dishonesty on the part of such party; or

“(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director’s intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

“(b) SUSPENSION ORDER.—

“(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director’s intention to issue an order under such subsection, the Director may—

“(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

“(i) determines that such action is necessary for the protection of the regulated entity; and

“(ii) serves such party with written notice of the suspension order; and

“(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

“(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

“(A) shall become effective upon service; and

“(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

“(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

“(ii) the effective date of an order issued by the Director to such party under subsection (a).

“(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

“(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such

consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

“(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

“(1) participate in any manner in the conduct of the affairs of any regulated entity;

“(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

“(3) violate any voting agreement previously approved by the Director; or

“(4) vote for a director, or serve or act as a regulated entity-affiliated party.

“(e) INDUSTRY-WIDE PROHIBITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

“(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

“(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

“(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

“(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

“(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

“(1) SUSPENSION OR PROHIBITION.—

“(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

“(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

“(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

“(2) REMOVAL OR PROHIBITION.—

“(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

“(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

“(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

“(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

“(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

“(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

“(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

“(i) HEARINGS AND JUDICIAL REVIEW.—

“(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, ter-

minate, or set aside any such order with permission of the court.

“(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

“(3) PROCEEDINGS NOT TREATED AS STAY.—

The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.”

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking “section 1379B” and inserting “section 1379D”.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking “The” and inserting “Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the”.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking “The” and inserting “Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the”.

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Act) the following new section:

“SEC. 1378. CRIMINAL PENALTY.

“Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than \$1,000,000, imprisoned for not more than 5 years, or both.”

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C.

4641(c)), as so redesignated by section 165(a)(1) of this Act, is further amended—

(1) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director.”;

(2) by inserting “or request that the Attorney General of the United States bring such an action,” after “District of Columbia.”; and

(3) by striking “or may, under the direction and control of the Attorney General, bring such an action”.

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking “that enterprise” and inserting “that regulated entity”;

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 165(a)(1) of this Act—

(A) by inserting “, or of a regulated entity-affiliated party,” before “shall not affect”; and

(B) by striking “such director or executive officer” each place such term appears and inserting “such director, executive officer, or regulated entity-affiliated party”;

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 165(a)(1) of this Act, by inserting “or against a regulated entity-affiliated party,” before “or impair”;

(4) by striking “An enterprise” each place such term appears in such subtitle and inserting “A regulated entity”;

(5) by striking “an enterprise” each place such term appears in such subtitle and inserting “a regulated entity”;

(6) by striking “the enterprise” each place such term appears in such subtitle and inserting “the regulated entity”; and

(7) by striking “any enterprise” each place such term appears in such subtitle and inserting “any regulated entity”.

Subtitle E—General Provisions

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking “eighteen persons,” and inserting “not less than 7 and not more than 15 persons.”.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 185 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended in subparagraph (A) by striking “eighteen persons,” and inserting “not less than 7 and not more than 15 persons.”.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the Board of Directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MIS- SION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking “Office of Federal Housing Enterprise Oversight” and inserting “Federal Housing Finance Agency”.

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking “Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development” and inserting “Director of the Federal Housing Finance Agency”.

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR’S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

“Director of the Federal Housing Finance Agency.”.

(2) DEPUTY DIRECTORS’ PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Deputy Directors, Federal Housing Finance Agency (3).”.

(3) PAY RATE FOR MEMBERS OF HOUSING FINANCE OVERSIGHT BOARD.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Members, Housing Finance Oversight Board.”.

(4) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended by striking “the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development” and inserting “the Federal Housing Finance Agency”.

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Federal Housing Finance Board” and inserting “Federal Housing Finance Agency”.

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following new clause:

“(vii) The Federal Housing Finance Agency.”.

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking “the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight” and inserting “and the Government National Mortgage Association”; and

(2) by striking “, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight” and inserting “or the Government National Mortgage Association”.

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking “the chairperson of the Federal Housing Finance Board” and inserting “the Director of the Federal Housing Finance Agency”.

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purpose mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 12-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on

and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

“(11) DIRECTOR.—The term ‘Director’ means the Director of the Federal Housing Finance Agency.

“(12) AGENCY.—The term ‘Agency’ means the Federal Housing Finance Agency.”.

SEC. 202. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent members pursuant to paragraph (3) shall be elected by the members.

“(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

“(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended made by the Housing Finance Oversight Board, and shall meet the following criteria:

“(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

“(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

“(C) OTHER DIRECTORS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

“(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director’s term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.”;

(2) in the first sentence of subsection (b), by striking “directorship” and inserting “member directorship pursuant to subsection (a)(2)”;

(3) in subsection (c), by striking the second, third, and fifth sentences; and

(4) by striking “elective” each place such term appears (except in subsections (e) and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended—

(A) in the first sentence, by striking “3 years” and inserting “4 years”; and

(B) in the second sentence—

(i) by striking “Federal Home Loan Bank System Modernization Act of 1999” and inserting “Federal Housing Finance Reform Act of 2005”; and

(ii) by striking “1/3” and inserting “1/4”.

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this Act under section 211, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking “or the term of such office expires, whichever comes first”; and

(2) by adding at the end the following new sentence: “An appointive Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.”.

(d) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

“(i) DIRECTORS’ COMPENSATION.—

“(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

“(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.”.

(e) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “Finance Board approval” and inserting “approval by the Director”; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking “Finance Board regulations” each place that term appears and inserting “regulations of the Director”;

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking “BY THE BOARD”;

(4) in section 10(b) (12 U.S.C. 1430), by striking “by formal resolution”;

(5) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking “The Board” and inserting “The Office of Finance, as agent for the Banks.”; and

(II) by striking “the Board” and inserting “such Office”; and

(ii) in the second and fourth sentences, by striking “the Board” each place such term appears and inserting “the Office of Finance”;

(B) in subsection (c)—

(i) by striking “the Board” the first place such term appears and inserting “the Office of Finance, as agent for the Banks.”; and

(ii) by striking “the Board” the second place such term appears and inserting “such Office”; and

(C) in subsection (f)—

(i) by striking the two commas after “permit” and inserting “or”; and

(ii) by striking the comma after “require”;

(6) in section 15 (12 U.S.C. 1435), by inserting “or the Director” after “the Board”;

(7) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(8) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking “Chairperson of the Federal Housing Finance Board” and inserting “Director”; and

(ii) in the heading for paragraph (8), by striking “FEDERAL HOUSING FINANCE BOARD” and inserting “DIRECTOR”; and

(B) in subsection (i), in the heading for paragraph (2), by striking “FEDERAL HOUSING FINANCE BOARD” and inserting “DIRECTOR”;

(9) in section 23 (12 U.S.C. 1443), by striking “Board of Directors of the Federal Housing Finance Board” and inserting “Director”;

(10) by striking “the Board” each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (e)(7), (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting “the Director”;

(11) by striking “The Board” each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting “The Director”;

(12) by striking “the Board’s” each place such term appears in such Act and inserting “the Director’s”;

(13) by striking “The Board’s” each place such term appears in such Act and inserting “The Director’s”;

(14) by striking “The Finance Board” each place such term appears in such Act and inserting “The Director”;

(15) by striking “the Finance Board” each place such term appears in such Act and inserting “the Director”;

(16) by striking “Federal Housing Finance Board” each place such term appears and inserting “Director”;

(17) in section 11(i) (12 U.S.C. 1431(i)), by striking “the Chairperson of”; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking “Chairperson of the”.

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

“(1) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if

the Banks are otherwise authorized to perform such functions or services individually.”.

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

“SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

“(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

“(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.”.

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Act.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting “(a) REORGANIZATION.—” before “Whenever”; and

(2) by striking “liquidated or” each place such phrase appears;

(3) by striking “liquidation or”; and

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

“(b) VOLUNTARY MERGERS.—Any Bank may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge with another Bank. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.”.

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) “exempted securities” within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) “government securities” within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of “government securities broker” within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of “government securities dealer” within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) “government securities” within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission’s rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking “\$500,000,000” each place such term appears and inserting “\$1,000,000,000”.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking “and”; and

(B) by inserting “, and community development activities” before the period at the end;

(2) in paragraph (3)(E), by inserting “or community development activities” after “agriculture.”; and

(3) in paragraph (6)—

(A) by striking “and”; and

(B) by inserting “, and ‘community development activities’” before “shall”.

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking “Federal Housing Finance Board” and inserting “Federal Housing Finance Agency”; and

(2) by striking “Federal Housing Finance Board’s” and inserting “Federal Housing Finance Agency’s”.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking “Federal Housing Finance Board” and

inserting “Federal Housing Finance Agency”.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking “Federal Housing Finance Board” each place such term appears in each of sections 212, 657, 1006, 1014, and inserting “Federal Housing Finance Agency”.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Federal Housing Finance Board” and inserting “Federal Housing Finance Agency”.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking “Federal Housing Finance Board” and inserting “Federal Housing Finance Agency”.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities’ Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking “Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board” and inserting “Federal Housing Finance Agency”.

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 128 of this Act. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee

which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) **STATUS OF EMPLOYEES BEFORE TRANSFER.**—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) **USE OF PROPERTY AND SERVICES.**—

(1) **PROPERTY.**—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) **AGENCY SERVICES.**—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) **SAVINGS PROVISIONS.**—

(1) **EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.**—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) **CONTINUATION OF SUITS.**—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Act, shall remain in effect according to the terms of such regulations, orders, determinations,

and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) **TRANSFER.**—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Act and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) **GUARANTEED POSITIONS.**—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) **APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.**—

(1) **IN GENERAL.**—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) **DECLINE OF TRANSFER.**—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) **REORGANIZATION.**—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 301(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) **EMPLOYEE BENEFIT PROGRAMS.**—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 301(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice,

without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) **IN GENERAL.**—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the “Board”) is abolished.

(b) **DISPOSITION OF AFFAIRS.**—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) **STATUS OF EMPLOYEES BEFORE TRANSFER.**—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) **USE OF PROPERTY AND SERVICES.**—

(1) **PROPERTY.**—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) **AGENCY SERVICES.**—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) **SAVINGS PROVISIONS.**—

(1) **EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.**—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) **CONTINUATION OF SUITS.**—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee

belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development**SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.**

(a) TERMINATION DATE.—For purposes of this subtitle, the term “termination date” means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term “enterprise-related functions of the Department” means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term “enterprise-related employees of the Department” means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the “Secretary”), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the “Department”) and in addition to carrying out the Secretary’s other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and bene-

fits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES.

(a) **TRANSFER.—**

(1) **IN GENERAL.—**Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) **AUTHORITY TO DECLINE.—**An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) **GUARANTEED POSITIONS.—**Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) **APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—**

(1) **IN GENERAL.—**In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) **DECLINE OF TRANSFER.—**The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) **REORGANIZATION.—**If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) **EMPLOYEE BENEFIT PROGRAMS.—**

(1) **IN GENERAL.—**Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insur-

ance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) **COST DIFFERENTIAL.—**The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. FRANK of Massachusetts moved to recommend the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendments:

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(A) of the Housing and Community Development Act of 1992, strike “as its primary purpose” and insert “among its primary purposes”.

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(C)(i) of the Housing and Community Development Act of 1992, strike “except that” and all that follows through “period” and insert the following:

“except that such term shall not include any voter registration or get-out-the-vote activity conducted on a non-partisan basis;”.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. HOYER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 200
negative } Nays 220

¶113.26 [Roll No. 546]

AYES—200

Abercrombie	Grijalva	Napolitano
Ackerman	Gutierrez	Neal (MA)
Allen	Harman	Oberstar
Andrews	Hastings (FL)	Obey
Baca	Hersteth	Oliver
Baird	Higgins	Ortiz
Baldwin	Hinchee	Owens
Barrow	Hinojosa	Pallone
Bean	Holden	Pascrell
Becerra	Holt	Pastor
Berkley	Honda	Payne
Berman	Hooley	Pelosi
Berry	Hoyer	Peterson (MN)
Bishop (NY)	Inslee	Pomeroy
Blumenauer	Israel	Price (NC)
Boren	Jackson (IL)	Rahall
Boucher	Jackson-Lee	Ramstad
Boyd	(TX)	Rangel
Brady (PA)	Jefferson	Ross
Brown (OH)	Johnson, E. B.	Rothman
Brown, Corrine	Jones (OH)	Ruppersberger
Butterfield	Kanjorski	Rush
Capps	Kaptur	Ryan (OH)
Capuano	Kennedy (RI)	Sabo
Cardin	Kildee	Salazar
Cardoza	Kilpatrick (MI)	Sánchez, Linda
Carnahan	Kind	T.
Carson	Kucinich	Sanchez, Loretta
Case	Langevin	Sanders
Chandler	Lantos	Schakowsky
Clay	Larsen (WA)	Schiff
Cleaver	Larson (CT)	Schwartz (PA)
Clyburn	Leach	Scott (GA)
Conyers	Lee	Scott (VA)
Cooper	Levin	Serrano
Costa	Lewis (GA)	Shays
Costello	Lipinski	Sherman
Cramer	Lofgren, Zoe	Skelton
Crowley	Lowe	Slaughter
Cuellar	Lynch	Smith (WA)
Cummings	Maloney	Snyder
Davis (AL)	Markey	Solis
Davis (CA)	Marshall	Spratt
Davis (FL)	Matheson	Stark
Davis (IL)	Matsui	Strickland
Davis (TN)	McCarthy	Stupak
DeFazio	McCollum (MN)	Tanner
DeGette	McDermott	Tauscher
DeLahunt	McGovern	Taylor (MS)
DeLauro	McIntyre	Thompson (CA)
Dicks	McKinney	Thompson (MS)
Dingell	McNulty	Tierney
Doggett	Meehan	Towns
Doyle	Meek (FL)	Udall (CO)
Edwards	Meeks (NY)	Udall (NM)
Engel	Melancon	Van Hollen
Eshoo	Menendez	Velázquez
Etheridge	Michaud	Visclosky
Evans	Millender	Wasserman
Farr	McDonald	Schultz
Fattah	Miller (NC)	Waters
Filner	Miller, George	Watson
Ford	Mollohan	Watt
Frank (MA)	Moore (KS)	Waxman
Gonzalez	Moore (WI)	Weiner
Gordon	Moran (VA)	Woolsey
Green, Al	Murtha	Wu
Green, Gene	Nadler	Wynn

NOES—220

Aderholt	Brady (TX)	Davis, Tom
Akin	Brown (SC)	Deal (GA)
Alexander	Burgess	DeLay
Bachus	Burton (IN)	Dent
Baker	Buyer	Doolittle
Barrett (SC)	Calvert	Drake
Bartlett (MD)	Camp	Dreier
Barton (TX)	Cannon	Duncan
Bass	Cantor	Ehlers
Beauprez	Capito	Emerson
Biggert	Carter	English (PA)
Bilirakis	Castle	Everett
Bishop (UT)	Chabot	Feeney
Blackburn	Chocola	Ferguson
Blunt	Coble	Fitzpatrick (PA)
Boehlert	Cole (OK)	Flake
Boehner	Conaway	Forbes
Bonilla	Crenshaw	Fortenberry
Bonner	Cubin	Fossella
Bono	Culberson	Fox
Boozman	Cunningham	Franks (AZ)
Boustany	Davis (KY)	Frelinghuysen
Bradley (NH)	Davis, Jo Ann	Gallagher

or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX, and on H.R. 3945, until Thursday, October 27, 2005.

¶113.31 CONTACT LENSES AS MEDICAL DEVICES

Mr. DEAL of Georgia moved to suspend the rules and pass the bill of the Senate (S. 172) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The SPEAKER pro tempore, Mr. GINGREY, recognized Mr. DEAL of Georgia and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GINGREY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶113.32 RETURN OF ENROLLMENT OF H.R. 3765

Mr. KUHL of New York, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 276):

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the enrollment of H.R. 3765. When the bill is returned by the President, the actions of the presiding officers of the two Houses in signing the bill shall be rescinded, and the Clerk of the House shall reenroll the bill in accordance with the action of the two Houses.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶113.33 ROSA PARKS FEDERAL BUILDING

Mr. KUHL of New York moved to suspend the rules and pass the bill (H.R. 2967) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The SPEAKER pro tempore, Mr. GINGREY, recognized Mr. KUHL of New York and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

By unanimous consent, the time for debate was extended by 10 minutes to

be equally controlled and divided by Mr. KUHL of New York and Ms. NORTON.

The SPEAKER pro tempore, Mr. POE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.34 ELECTION OF AMBASSADOR DAN GILLERMAN

Mr. CHABOT moved to suspend the rules and agree to the following resolution (H. Res. 368):

Whereas the 60th General Assembly of the United Nations will be held in New York City from September through December 2005;

Whereas the United Nations General Assembly is presided over by a President and 21 Vice-Presidents, who are nominated by the General Assembly's five regional groupings;

Whereas prior to 2000, Israel was the only member of the United Nations to be excluded from a United Nations regional grouping;

Whereas this exclusion was the result of the refusal by Arab states to permit Israel to join the Asian group;

Whereas this exclusion prevented Israel from serving as the President of the United Nations General Assembly, or as a member of any bureau in the General Assembly and its main committees;

Whereas in 2000, Israel was accepted as a temporary member of the Western European and Others Group (WEOG), which includes Canada, the United States, Australia, and New Zealand, in addition to the countries of Western Europe, and its temporary membership was extended in 2004;

Whereas on April 21, 2005, the Western European and Others Group nominated Israel as a candidate for Vice-President of the 60th United Nations General Assembly;

Whereas on June 13, 2005, the 191 member United Nations General Assembly elected Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, as one of 21 Vice-Presidents of the 60th General Assembly;

Whereas Israeli Ambassador Gillerman called the election "a historic moment for Israel", which had last served as United Nations General Assembly Vice-President in 1952;

Whereas Ambassador Gillerman also said that the election confirms that Israel is "becoming a more active and normal member of the [United Nations]"; and

Whereas United Nations Secretary-General Kofi Annan welcomed Israel's election to the Vice-Presidency of the General Assembly: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, and the Government and people of the State of Israel on Israel's election as Vice-President of the 60th General Assembly of the United Nations;

(2) welcomes the nomination by the Western European and Others Group (WEOG) of Israel for the position of Vice-President of the 60th United Nations General Assembly;

(3) welcomes the election by the United Nations General Assembly of Israel as Vice-President of the 60th General Assembly;

(4) supports continued expansion of Israel's role at the United Nations;

(5) notes with concern that Israel remains the object of extreme vilification by many members of the United Nations;

(6) further notes that Israel remains excluded from the Asian regional grouping within the organization; and

(7) calls upon United Nations Secretary-General Kofi Annan to work to end the vilification of Israel at the United Nations and to use his good offices to support Israel's bid to join the Asian regional grouping.

The SPEAKER pro tempore, Mr. POE, recognized Mr. CHABOT and Mr. LANTOS, each for 20 minutes

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POE, pursuant to clause 8, rule XX, and the previous order of the House, announced that further proceedings on the question were postponed until Thursday, October 27, 2005.

¶113.35 SUBMISSION OF CONFERENCE REPORT—H.R. 2744

Mr. LAHOOD submitted a conference report (Rept. No. 109-255) on the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶113.36 IRAN NONPROLIFERATION AMENDMENTS

Mr. ROHRBACHER moved to suspend the rules and pass the bill of the Senate (S. 1713) to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; as amended.

The SPEAKER pro tempore, Mr. POE, recognized Mr. ROHRBACHER and Mr. PAUL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and

said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶113.37 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 443. An Act to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

¶113.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Georgia, for today;
To Mr. FOLEY, for today and balance of the week;

To Mr. MEEK of Florida, for today before 4:40 p.m.; and

To Ms. WASSERMAN SCHULTZ, for today before 1:30 p.m.

And then,

¶113.39 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 11 o'clock and 16 minutes p.m., the House adjourned.

¶113.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee of Conference. Conference report on H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. (Rept. 109-255). Ordered to be printed.

¶113.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HOLDEN, Ms. HART, and Mr. PLATTS):

H.R. 4144. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois (for himself, Mr. ROGERS of Alabama, Mr. CONYERS, Mr. WATT, Mr. SHIMKUS, Mr. CARDIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LANTOS, Mr. SCHWARZ of Michigan, Mr. WATERS, Mr. HULSHOF, Ms. KILPATRICK of Michigan, Mr. PORTER, Mr. DAVIS of Illinois, Ms. LEE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. FORD, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Ms. NORTON, Mr.

OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. WYNN, Mr. LYNCH, Mr. LEVIN, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. STARK, Mr. EVANS, Mr. ISRAEL, Mr. BOYD, Mr. HONDA, Mr. MCGOVERN, Mrs. MCCARTHY, Mr. NADLER, Mr. KUCINICH, Mr. BERMAN, Mrs. NAPOLITANO, Mr. HOYER, Mr. WAXMAN, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. MENENDEZ, Mr. DOYLE, Mr. EMANUEL, Mrs. DAVIS of California, Mr. DINGELL, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Mr. McNULTY, Mr. VISCLOSKEY, Mr. COSTELLO, Mr. GUTIERREZ, Mr. ROTHMAN, Mr. DELAHUNT, Mr. ABERCROMBIE, Ms. MCCOLLUM of Minnesota, Ms. DELAURO, Mr. ROSS, and Mr. MEEHAN):

H.R. 4145. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on House Administration.

By Mr. BAKER (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 4146. A bill to facilitate recovery from the effects of Hurricane Rita and Hurricane Wilma by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. MANZULLO, Ms. VELÁZQUEZ, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. FARR):

H.R. 4147. A bill to amend the Immigration and Nationality Act to increase the period of authorized stay under the Guam visa waiver program to be the same as the period of authorized stay under the United States visa waiver program; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. EMANUEL, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HINCHEY, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. MCDERMOTT, Mrs. MALONEY, and Mr. SANDERS):

H.R. 4148. A bill to amend title 18, United States Code, to prohibit profiteering and fraud relating to relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency, and for other purposes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Ms. HERSETH):

H.R. 4149. A bill to require the prompt issuance by the Secretary of Agriculture of regulations to restore integrity to the payment limitation requirements applicable to commodity payments and benefits, to reduce waste, fraud, and abuse related to the receipt of commodity payments and benefits, and for other purposes; to the Committee on Agriculture.

By Mr. INSLEE (for himself, Mr. REICHERT, Mr. SMITH of Washington, Ms. DELAURO, Mr. DICKS, Mr. GORDON, Mr. HASTINGS of Washington, Miss McMORRIS, Mr. FORD, Mr. VAN HOLLEN, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Mr. SANDERS, and Mr. LARSEN of Washington):

H.R. 4150. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance

program for any fiscal year for certain Medicaid expenditures; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. CHANDLER, Mr. WHITFIELD, and Mr. DAVIS of Kentucky):

H.R. 4151. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. MARKEY, Mr. DELAHUNT, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. TIERNEY, and Mr. LYNCH):

H.R. 4152. A bill to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office"; to the Committee on Government Reform.

By Mr. STEARNS:

H.R. 4153. A bill to amend title XIX of the Social Security Act to permit Medicaid beneficiaries the choice of self-directed personal assistance services through a cash and counseling program under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico:

H.R. 4154. A bill to require the Consumer Product Safety Commission to issue safety standards for lead-containing dishware; to the Committee on Energy and Commerce.

By Mr. DAVIS of Florida (for himself,

Mr. KING of New York, Ms. ROSLEHTINEN, Mr. ACKERMAN, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. BERMAN, Mr. ENGEL, Mr. WEXLER, Mr. DELAHUNT, Mr. BROWN of Ohio, Mrs. JO ANN DAVIS of Virginia, Mr. MEEKS of New York, Mr. TANCREDO, Mr. CROWLEY, Ms. WATSON, Ms. BERKLEY, Mr. CHANDLER, Mr. SHAYS, Mr. SAXTON, Mrs. TAUSCHER, Ms. SLAUGHTER, Ms. HARMAN, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. KIND, Mr. WAMP, Mrs. MALONEY, Mrs. MCCARTHY, Mr. HINCHEY, Mr. CRAMER, Ms. ESHOO, Mr. SKELTON, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. NADLER, Mr. MARKEY, Mrs. LOWEY, Mr. BOYD, and Mr. McNULTY):

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on International Relations.

By Mr. KUHLMAN of New York:

H. Con. Res. 276. Concurrent resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses; considered and agreed to.

By Mr. CLEAVER:

H. Con. Res. 277. Concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum; to the Committee on Resources.

By Mr. MOORE of Kansas (for himself, Mr. BAIRD, Ms. MILLENDER-MCDONALD, Mr. BERMAN, Mrs. NAPOLITANO, Mr. BACA, Mr. HINCHEY, Mr. SCHIFF, Mr. HONDA, Mr. FILNER, Ms. MATSUI, Mr. DICKS, Mr. PAYNE, Mr. DAVIS of Tennessee, Ms. LEE, Mr. RADANOVICH, Mr. LANTOS, Mr. COSTA, and Mrs. DAVIS of California):

H. Con. Res. 278. Concurrent resolution expressing the sense of Congress that Congress

should raise awareness about the importance of social worker and case worker safety; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN:

H. Con. Res. 279. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mr. NEY:

H. Res. 511. A resolution honoring and thanking United States Capitol Police Assistant Chief of Police James Patrick Rohan on the occasion of his retirement; to the Committee on House Administration.

By Ms. KILPATRICK of Michigan (for herself, Mr. CONYERS, Mr. COOPER, Mr. MCDERMOTT, Mr. CLEAVER, Mr. SERRANO, Ms. LEE, Mr. SHIMKUS, Mr. MURPHY, Mr. HOLT, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. VAN HOLLEN, Ms. HARMAN, Ms. WATSON, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. SANDERS, Mr. HIGGINS, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. HONDA, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. PALLONE, Mr. BLUMENAUER, Mr. ROTHMAN, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, Ms. ROYBAL-ALLARD, Mr. CASE, Mr. DOGGETT, Mr. NADLER, Mr. SCOTT of Georgia, Mr. DINGELL, Mr. FARR, and Ms. CARSON):

H. Res. 512. A resolution honoring the life and accomplishments of Rosa Parks and expressing condolences on her passing; to the Committee on Government Reform.

By Mr. OXLEY:

H. Res. 513. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. GILCHREST, Mrs. CHRISTENSEN, Mr. SNYDER, and Mr. SCHWARZ of Michigan):

H. Res. 514. A resolution supporting the observance of a Month of Global Health; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. MURTHA, Mr. GORDON, Mr. EMANUEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. DELAHUNT, Mr. HOYER, Mr. HOLT, Mr. CLAY, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of

Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WEXLER, Mr. WEINER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Res. 515. A resolution of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States; to the Committee on Science.

By Mr. MELANCON:

H. Res. 516. A resolution providing for consideration of the bill (H.R.3763) to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Rules.

By Mr. PASCRELL (for himself, Mrs. LOWEY, Mrs. MCCARTHY, Mr. PALLONE, Mr. SERRANO, and Mr. FERGUSON):

H. Res. 517. A resolution recognizing the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States; to the Committee on Government Reform.

By Mr. PUTNAM (for himself and Mr. THOMPSON of Mississippi):

H. Res. 518. A resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on Government Reform.

¶113.42 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

182. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 05-015 concerning opposition to the "Federal Lands Recreation Enhancement Act"; to the Committee on Agriculture.

183. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 33 memorializing the Congress of the United States to review the sale of violent video games to children; to the Committee on Energy and Commerce.

184. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-007 memorializing the Congress of the United States to propose an amendment to the United States Constitution requiring that the total

amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenue for that fiscal year; to the Committee on the Judiciary.

185. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-004 memorializing the Congress of the United States to reauthorize the Federal Temporary Assistance to Needy Families Program; to the Committee on Ways and Means.

186. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-006 memorializing the Congress of the United States to oppose the privatization of Social Security; to the Committee on Ways and Means.

¶113.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. REGULA, Mr. CAMP, Mr. WELDON of Pennsylvania, and Mr. THOMPSON of Mississippi.

H.R. 269: Mr. CONAWAY.

H.R. 313: Mr. CLEAVER.

H.R. 314: Mr. CLEAVER and Mrs. MUSGRAVE.

H.R. 475: Ms. BALDWIN, Ms. ZOE LOFGREN of California, and Mrs. DAVIS of California.

H.R. 503: Mr. CLEAVER.

H.R. 558: Mr. BISHOP of New York.

H.R. 567: Mrs. NAPOLITANO.

H.R. 654: Ms. SCHAKOWSKY.

H.R. 688: Mr. BOOZMAN.

H.R. 772: Mr. BUTTERFIELD, Mr. WAMP, Mr. RUPPERSBERGER, and Mr. DINGELL.

H.R. 864: Mr. SIMMONS and Ms. MCCOLLUM of Minnesota.

H.R. 923: Mr. KUHLMAN of New York, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, Mr. HAYWORTH, and Mr. SCHIFF.

H.R. 987: Ms. MATSUI, Mr. ORTIZ, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, and Mr. HINOJOSA.

H.R. 1018: Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. SERRANO, and Mr. MEEKS of New York.

H.R. 1124: Mr. LYNCH.

H.R. 1141: Mr. CROWLEY and Mr. TANCREDO.

H.R. 1246: Mr. BOEHNER.

H.R. 1259: Mr. COOPER, Mr. WELDON of Pennsylvania, Mr. MCCOTTER, Mr. CRAMER, and Mr. FORTUÑO.

H.R. 1322: Mr. ABERCROMBIE, Ms. KAPTUR, Mr. OBERSTAR, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. STRICKLAND, Mrs. CHRISTENSEN, and Mr. ENGEL.

H.R. 1357: Mr. FEENEY.

H.R. 1498: Mr. ROTHMAN, Mr. OLVER, Ms. MCCOLLUM of Minnesota, and Mr. PITTS.

H.R. 1548: Mr. GRAVES, Mr. MENENDEZ, Ms. BALDWIN, Mr. NORWOOD, Mr. RAHALL, and Mr. ENGEL.

H.R. 1588: Mr. HINCHEY and Mr. CLEAVER.

H.R. 1595: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. COSTA, Ms. JACKSON-LEE of Texas, and Mr. STUPAK.

H.R. 1671: Mr. MCHUGH.

H.R. 1704: Mr. BRADY of Pennsylvania and Mr. WATT.

H.R. 1714: Ms. LINDA T. SANCHEZ of California.

H.R. 1736: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 1741: Mr. MCHUGH.

H.R. 1849: Mr. CLEAVER.

H.R. 1951: Mr. RUPPERSBERGER, Mr. DAVIS of Tennessee, and Ms. JACKSON-LEE of Texas.

H.R. 1973: Ms. WATSON, Mr. SHIMKUS, Mr. LAHOOD, Mr. GUTIERREZ, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, and Mr. WAMP.

H.R. 1994: Mr. CLAY, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas.

H.R. 2121: Mr. MCKEON, Mr. NEY, Mr. HAYWORTH, Ms. VELÁZQUEZ, Mr. ISRAEL, Mr. FEENEY, Mr. LINDER, and Ms. PRYCE of Ohio.

H.R. 2211: Mr. BARRETT of South Carolina.
 H.R. 2409: Mr. BERMAN.
 H.R. 2682: Mr. JINDAL.
 H.R. 2684: Mr. BOUCHER.
 H.R. 2739: Mr. BROWN of Ohio.
 H.R. 2803: Mr. NUSSLE and Mr. TIBERI.
 H.R. 2933: Mr. MILLER of Florida.
 H.R. 2939: Mr. ANDREWS.
 H.R. 2943: Ms. ESHOO.
 H.R. 2952: Mr. EDWARDS.
 H.R. 2990: Mr. CASTLE.
 H.R. 3050: Ms. LORETTA SANCHEZ of California.
 H.R. 3098: Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. CAMP, Mr. HERGER, Mr. PICKERING, Mr. LEVIN, Mr. DEAL of Georgia, Ms. BEAN, Mr. OTTER, and Mr. BARROW.
 H.R. 3127: Mr. MICHAUD, Mr. PETERSON of Minnesota, Mr. COSTA, Mr. HEFLEY, Mr. INGLES of South Carolina, Mr. FARR, Mrs. MALONEY, Mr. SNYDER, Mr. MARKEY, Mr. MORAN of Virginia, and Mr. CLAY.
 H.R. 3135: Mr. GENE GREEN of Texas and Mr. MURPHY.
 H.R. 3137: Mr. REHBERG and Mr. WHITFIELD.
 H.R. 3145: Mr. PLATTS, Mr. RUPPERSBERGER, and Ms. WOOLSEY.
 H.R. 3151: Mr. ABERCROMBIE.
 H.R. 3255: Mr. HOLDEN and Mr. STUPAK.
 H.R. 3304: Mr. WILSON of South Carolina.
 H.R. 3307: Mr. MCINTYRE.
 H.R. 3334: Mr. NEAL of Massachusetts, Mr. JINDAL, Ms. VELÁZQUEZ, and Mr. WOLF.
 H.R. 3337: Mr. SANDERS.
 H.R. 3367: Mr. MCCOTTER and Mr. ENGLISH of Pennsylvania.
 H.R. 3476: Mr. MCGOVERN.
 H.R. 3479: Mr. RUPPERSBERGER.
 H.R. 3547: Mr. PRICE of Georgia, Mr. MCDERMOTT, and Mr. WU.
 H.R. 3612: Mr. CASTLE.
 H.R. 3616: Mrs. MALONEY, Mr. HONDA, and Mr. MARSHALL.
 H.R. 3630: Mr. CULBERSON and Mr. GERLACH.
 H.R. 3639: Mr. HOLT.
 H.R. 3684: Mr. PAUL.
 H.R. 3813: Mr. GARY G. MILLER of California, Mr. RUPPERSBERGER, Ms. HART, and Mr. SOUDER.
 H.R. 3817: Mr. DEFAZIO.
 H.R. 3870: Mr. FEENEY and Mr. BARRETT of South Carolina.
 H.R. 3883: Mr. OTTER, Mrs. CUBIN, Mr. SIMPSON, Mrs. CAPITO, Mr. BAKER, Mr. ROGERS of Kentucky, and Mr. BOREN.
 H.R. 3900: Mr. CALVERT.
 H.R. 3909: Mr. FOLEY.
 H.R. 3923: Mr. MCHUGH.
 H.R. 3924: Mr. MCHUGH.
 H.R. 3948: Mr. BARROW, Mrs. CAPPS, and Mr. GRIJALVA.
 H.R. 3969: Mr. BOUSTANY, Ms. BORDALLO, and Mr. MILLER of Florida.
 H.R. 3974: Mr. ROSS.
 H.R. 3984: Mr. TERRY.
 H.R. 3997: Mr. KENNEDY of Minnesota, Ms. HARRIS, Mr. JONES of North Carolina, Mr. GILLMOR, and Mr. TIBERI.
 H.R. 4008: Mr. MORAN of Virginia, Mr. SANDERS, and Mr. WAXMAN.
 H.R. 4015: Mr. GRIJALVA.
 H.R. 4032: Mr. SAM JOHNSON of Texas, Mr. MICA, and Mr. BURTON of Indiana.
 H.R. 4044: Mr. CUELLAR.
 H.R. 4045: Mr. MCHUGH.
 H.R. 4047: Mr. HENSARLING.
 H.R. 4073: Mr. NADLER, Mr. MCCAUL of Texas, Mr. SODREL, and Mr. BURGESS.
 H.R. 4086: Mr. TAYLOR of Mississippi.
 H.R. 4089: Mr. PAUL and Mrs. SCHMIDT.
 H.R. 4090: Mr. BROWN of Ohio.
 H.R. 4110: Mr. CUMMINGS, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY, Mr. SANDERS, Mr. REYES, Mr. RANGEL, and Ms. WOOLSEY.
 H.R. 4121: Mr. FILNER.
 H.R. 4133: Ms. WASSERMAN SCHULTZ and Ms. HARRIS.

H. Con. Res. 138: Mr. ENGEL.
 H. Con. Res. 190: Mr. DEAL of Georgia.
 H. Con. Res. 228: Ms. HERSETH, Mr. MOORE of Kansas, Mr. DAVIS of Illinois, Mr. FITZPATRICK of Pennsylvania, Mr. FARR, Mr. EMANUEL, Ms. HARMAN, Mr. DOGGETT, Mr. HIGGINS, Mr. STARK, Mr. ROTHMAN, Mr. MCCAUL of Texas, Mrs. CAPITO, Ms. NORTON, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. INSLEE, Ms. CARSON, Mrs. LOWEY, and Mr. PASCRELL.
 H. Con. Res. 268: Mr. STEARNS, Mr. KENNEDY of Minnesota, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. FORTUÑO, Mr. SODREL, Mr. MANZULLO, Mr. WELDON of Florida, Mr. SHADEGG, Mr. KINGSTON, Mr. GINGREY, and Mr. RAHALL.
 H. Con. Res. 273: Ms. CARSON, Mr. MURPHY, Mr. KING of New York, Mr. YOUNG of Alaska, Mr. CLAY, Mr. DAVIS of Florida, and Mr. CALVERT.
 H. Res. 97: Mr. WAMP and Mr. JINDAL.
 H. Res. 196: Mr. HONDA, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. WATSON, Mr. SERRANO, and Mrs. MALONEY.
 H. Res. 438: Mr. GARRETT of New Jersey and Mr. CHANDLER.
 H. Res. 449: Mr. HOLT.
 H. Res. 458: Ms. MCKINNEY.
 H. Res. 466: Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, and Mr. KIND.
 H. Res. 477: Mr. FRANK of Massachusetts, Mr. McNULTY, Mr. CLEAVER, Mr. EVANS, and Mr. WAXMAN.
 H. Res. 483: Mr. RANGEL, Mr. GRIJALVA, and Mr. McNULTY.

¶113.44 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Cook County Board of Commissioners, Illinois, relative to a resolution dated September 8, 2005 supporting the Community Reinvestment Act; to the Committee on Financial Services.
 76. Also, a petition of the Board of Chosen Freeholders of the County of Atlantic, New Jersey, relative to Resolution No. 481, supporting House Bill H.R. 3052 (The Southern New Jersey Veterans Comprehensive Health Care Act); to the Committee on Veterans' Affairs.

THURSDAY, OCTOBER 27, 2005 (114)

The House was called to order by the SPEAKER.

¶114.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, October 26, 2005.

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

¶114.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4807. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
 4808. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — 2004 Dairy Disaster Assistance Pay-

ment Program (RIN: 0560-AH28) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4809. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4810. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Review, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment (RIN: 1904-AB54) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Residential Central Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-97-440] (RIN: 1904-AA46) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Acting Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Appropriate Framework for Broadband Access to the Internet over Wireline Facilities [CC Dkt 02-33]; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements [CC Dkt 95-20, 98-10]; Conditional Petition of the Verizon Telephone Companies for Forbearance with Regard to Broadband Services Provided Via Fiber to the Premises; Petition of the Verizon Telephone Companies for Declaratory Ruling or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided Via Fiber to the Premises to the Committee on Energy and Commerce.

4814. A letter from the Regulations Coordinator, Food and Drug Administration, transmitting the Administration's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0276] (formerly Docket No. 02N-0276) (RIN: 0910-AC40) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4815. A letter from the General Counsel, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the Office's final rule — Capitalization of Tangible Assets; Correction—received July 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4816. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Revisions to the State Program Amendment Process (RIN: 1029-AC06) Received October

17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4817. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover (RIN: 1018-AT89) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4818. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bull Trout (RIN: 1018-AJ12; 1018-AU31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4819. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Shiner (*Notropis girardi*) (RIN: 1018-AT84) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4820. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwestern Willow Flycatcher (*Empidonax traillii extimus*) (RIN: 1018-AT88) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4821. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 092105D] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4822. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 092105A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4823. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 091205A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4824. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 091605F] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone

Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 091505A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hana, HI [Docket No. FAA-2005-21166; Airspace Docket No. 05-AWP-4] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sheldon Municipal Airport, IA [Docket No. FAA-2005-22006; Airspace Docket No. 05-ACE-30] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington Municipal Airport, KS [Docket No. FAA-2005-22005; Airspace Docket No. 05-ACE-29] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Area R-3004; Fort Gordon, GA [Docket No. FAA-2005-22397; Airspace Docket No. 05-ASO-9] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2005-20643; Airspace Docket No. 05-AAL-13] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes [Docket No. FAA-2005-21189; Directorate Identifier 2005-NM-055-AD; Amendment 39-14279; AD 2005-19-14] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -400, -500, -600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2005-20347; Directorate Identifier 2004-NM-226-AD; Amendment 39-14284; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2005-21087; Directorate Identifier 2005-NM-019-AD; Amendment 39-14280; AD 2005-19-15] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes [Docket No. FAA-2005-21861; Directorate Identifier 2005-NM-093-AD; Amendment 39-14281; AD 2005-19-16] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22453; Directorate Identifier 2002-NM-139-AD; Amendment 39-14278; AD 2005-19-13] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22452; Directorate Identifier 2001-NM-336-AD; Amendment 39-14277; AD 2005-19-12] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-21344; Directorate Identifier 2004-NM-190-AD; Amendment 39-14283; AD 2005-19-18] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-160, PA-28-161, PA-28-180, and PA-28-181 Airplanes [Docket No. FAA-2005-21174; Directorate Identifier 2005-CE-23-AD; Amendment 39-14285; AD 2005-19-20] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. FAA-2005-21864; Directorate Identifier 2005-NE-29-AD; Amendment 39-14276; AD 2005-19-11] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2 F Turbohaft Engines [Docket No. FAA-2005-22430; Directorate Identifier 2005-NE-34-AD; Amendment 39-14275; AD 2005-19-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Department of Transportation, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL-Swidnik S.A. Models PW-5 "Smyk" and PW-6U Gliders [Docket No. FAA-2005-20802; Directorate Identifier 2005-CE-18-AD; Amendment 39-14282; AD 2005-19-17] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Regulations Coordinator, OFM, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (CHIP) Payment Error Rate Measurement [CMS-6026-IFC] (RIN: 0938-AN77) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4847. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Condition of Participation: Immunization Standard for Long Term Care Facilities [CMS-3198-F] (RIN: 0938-AN95) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶114.3 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. MILLER of Michigan, laid before the House the following communication from Julie Merz, District Director, office of the Honorable Dennis Moore:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 20, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court of Johnson County, Kansas, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JULIE MERZ,
District Director.

¶114.4 PROVIDING FOR THE CONSIDERATION OF H.R. 420

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 508):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.5 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. HUNTER, pursuant to section 2908(d) of Public Law 101-510, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The question being put, *viva voce*,

Will the House agree to said motion?
The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

So the motion was agreed to.

Accordingly,

The House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of said joint resolution.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, by unanimous consent, designated Mr. GINGREY as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. HEFLEY, assumed the Chair.

¶114.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3057. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3057) "Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. MCCONNELL, SPECTER, GREGG, SHELBY, BENNETT, BOND, DEWINE, BROWNBACK, COCHRAN, LEAHY, INOUE, HARKIN, Ms. MIKULSKI, Messrs. DURBIN, JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1285. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Committee resumed its sitting; and after some further time spent therein,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. BISHOP of Utah, Acting Chairman, pursuant to section 2908(d) of Public Law 101-510 reported the bill back to the House.

Pursuant to section 2908(d) of Public Law 101-510, the question is on passage of the joint resolution.

The question being put, *viva voce*,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. LAHOOD demanded a recorded vote on passage of said joint resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative
 Yeas 85
 Nays 324
 Answered present 1

¶114.7

[Roll No. 548]

AYES—85

- Abercrombie
- Akin
- Allen
- Andrews
- Barrow
- Brady (PA)
- Brown (OH)
- Brown (SC)
- Brown, Corrine
- Capps
- Cardoza
- Carnahan
- Clay
- Cooper
- Crowley
- Davis (IL)
- Davis, Jo Ann
- Davis, Tom
- DeGette
- Delahunt
- DeLauro
- DeLay
- Dent
- Doolittle
- Drake
- Edwards
- Emanuel
- Emerson
- Evans
- Fattah
- Fitzpatrick (PA)
- Forbes
- Ford
- Gallegly
- Gerlach
- Gingrey
- Gordon
- Green, Al
- Green, Gene
- Hinojosa
- Hobson
- Holt
- Hostettler
- Hulshof
- Jackson (IL)
- Jenkins
- Jindal
- Johnson (IL)
- Johnson, E. B.
- LaHood
- Larson (CT)
- Leach
- Lewis (GA)
- Lynch
- Manzullo
- McCaul (TX)
- Menendez
- Miller (FL)
- Mollohan
- Moore (WI)
- Moran (VA)
- Murtha
- Nussle
- Ortiz
- Oxley
- Pallone
- Pascrell
- Paul
- Pickering
- Poe
- Rothman
- Rush
- Schakowsky
- Schwartz (PA)
- Scott (GA)
- Scott (VA)
- Sherman
- Smith (NJ)
- Stupak
- Taylor (MS)
- Udall (NM)
- Watson
- Weller
- Wicker
- Wilson (NM)

NOES—324

- Ackerman
- Aderholt
- Alexander
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Beauprez
- Becerra
- Berkley
- Berman
- Berry
- Biggett
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blackburn
- Blumenauer
- Blunt
- Boehlert
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (TX)
- Burgess
- Burton (IN)
- Butterfield
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capuano
- Cardin
- Carson
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Cleaver
- Clyburn
- Coble
- Cole (OK)
- Conaway
- Conyers
- Costa
- Costello
- Cramer
- Crenshaw
- Cubin
- Culberson
- Cummings
- Davis (AL)
- Davis (CA)
- Davis (FL)
- Davis (KY)
- Davis (TN)
- Deal (GA)
- DeFazio
- Dicks
- Dingell
- Doggett
- Doyle
- Dreier
- Duncan
- Ehlers
- Engel
- English (PA)
- Eshoo
- Etheridge
- Everett
- Farr
- Feeney
- Ferguson
- Filner
- Flake
- Fortenberry
- Fossella
- Fox
- Frank (MA)
- Franks (AZ)
- Frelinghuysen
- Garrett (NJ)
- Gibbons
- Gilchrest
- Gillmor
- Gonzalez
- Goode
- Goodlatte
- Granger
- Graves
- Green (WI)
- Grijalva
- Gutierrez
- Harman
- Hart
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Higgins
- Hinchee
- Hoekstra
- Holden
- Honda
- Hooley
- Hoyer
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Israel
- Issa
- Istook
- Jackson-Lee (TX)
- Jefferson
- Johnson (CT)
- Johnson, Sam
- Jones (NC)
- Jones (OH)
- Kanjorski
- Kaptur
- Keller
- Kennedy (MN)
- Kennedy (RI)
- Kildee
- Kilpatrick (MI)
- King (IA)
- King (NY)
- Kingston
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- Langevin
- Lantos
- Larsen (WA)
- Latham
- LaTourette
- Lee
- Levin
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowey
- Lucas
- Lungren, Daniel E.
- Maloney
- Marchant
- Markey

- Marshall
- Matheson
- Matsui
- McCarthy
- McCollum (MN)
- McCotter
- McCrery
- McDermott
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McKinney
- McMorris
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Melancon
- Mica
- Michaud
- Millender-McDonald
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Moore (KS)
- Moran (KS)
- Murphy
- Musgrave
- Myrick
- Nadler
- Napolitano
- Neal (MA)
- Neugebauer
- Ney
- Northup
- Norwood
- Nunes
- Oberstar
- Oliver
- Osborne
- Otter
- Owens
- Pastor
- Pearce
- Pelosi
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Pitts
- Platts
- Pombo
- Pomeroy
- Porter
- Price (CA)
- Price (NC)
- Pryce (OH)
- Putnam
- Radanovich
- Rahall
- Ramstad
- Regula
- Rehberg
- Reichert
- Renzi
- Reynolds
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ross
- Royce
- Ruppersberger
- Ryan (OH)
- Ryan (WI)
- Ryun (KS)
- Sabo
- Salazar
- Sánchez, Linda T.
- Sanchez, Loretta
- Sanders
- Saxton
- Schiff
- Schmidt
- Schwarz (MI)
- Serrano
- Sessions
- Shadegg
- Shays
- Sherwood
- Shimkus
- Shuster
- Simpson
- Skelton
- Slaughter
- Smith (TX)
- Smith (WA)
- Snyder
- Sodrel
- Solis
- Souder
- Spratt
- Stark
- Stearns
- Strickland
- Sullivan
- Sweeney
- Tancredo
- Tanner
- Taylor (NC)
- Terry
- Thomas
- Thompson (MS)
- Thornberry
- Tiahrt
- Tiberi
- Tierney
- Towns
- Turner
- Udall (CO)
- Upton
- Van Hollen
- Velázquez
- Visclosky
- Walden (OR)
- Walsh
- Wamp
- Wasserman
- Schultz
- Waters
- Watt
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Westmoreland
- Whitfield
- Wilson (SC)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

ANSWERED "PRESENT"—1

Cuellar

NOT VOTING—23

- Boswell
- Brown-Waite, Ginny
- Cunningham
- Diaz-Balart, L.
- Diaz-Balart, M.
- Foley
- Gohmert
- Hall
- Harris
- Hastings (FL)
- Mack
- Obey
- Payne
- Rangel
- Reyes
- Ros-Lehtinen
- Roybal-Allard
- Sensenbrenner
- Shaw
- Simmons
- Tauscher
- Thompson (CA)
- Wexler

So the joint resolution was not passed.

¶114.8 H.R. 3945—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3945) to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and Federal regulatory agencies, and for other purposes; as amended.

The question being put,
 Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative
 Yeas 411
 Nays 0

¶114.9

[Roll No. 549]

YEAS—411

- Abercrombie
- Ackerman
- Aderholt
- Akin
- Alexander
- Allen

- Andrews
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Beauprez
- Becerra
- Berkley
- Berman
- Berry
- Biggett
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blackburn
- Blumenauer
- Blunt
- Boehlert
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boucher
- Boustany
- Boyd
- Bradley (NH)
- Brady (TX)
- Burgess
- Burton (IN)
- Butterfield
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capuano
- Cardin
- Carson
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Cleaver
- Clyburn
- Coble
- Cole (OK)
- Conaway
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Crowley
- Cubin
- Cuellar
- Culberson
- Cummings
- Davis (AL)
- Davis (CA)
- Davis (FL)
- Davis (IL)
- Davis (KY)
- Davis (TN)
- Davis, Jo Ann
- Davis, Tom
- Deal (GA)
- DeFazio
- DeGette
- Delahunt
- DeLauro
- DeLay
- Dent
- Dicks
- Dingell
- Doggett
- Doolittle
- Doyle
- Drake
- Dreier
- Duncan
- Edwards
- Ehlers
- Emanuel
- Emerson
- Engel
- English (PA)
- Eshoo
- Etheridge
- Evans
- Everett
- Farr
- Fattah
- Feeney
- Ferguson
- Filner
- Fitzpatrick (PA)
- Flake
- Forbes
- Ford
- Fortenberry
- Fossella
- Fox
- Frank (MA)
- Franks (AZ)
- Frelinghuysen
- Gallegly
- Garrett (NJ)
- Gibbons
- Gilchrest
- Gillmor
- Gonzalez
- Goode
- Goodlatte
- Granger
- Graves
- Green (WI)
- Grijalva
- Gutierrez
- Harman
- Hart
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Higgins
- Hinchee
- Hoekstra
- Holden
- Holt
- Honda
- Hooley
- Hostettler
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Israel
- Issa
- Istook
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- Jenkins
- Jindal
- Johnson (CT)
- Johnson (IL)
- Johnson, E. B.
- Johnson, Sam
- Jones (NC)
- Jones (OH)
- Kanjorski
- Kaptur
- Keller
- Kelly
- Kennedy (MN)
- Kennedy (RI)
- Kildee
- Kilpatrick (MI)
- Kind
- King (IA)
- King (NY)
- Kingston
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- LaHood
- Langevin
- Lantos
- Larsen (WA)
- Latham
- LaTourette
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowey
- Lucas
- Lungren, Daniel E.
- Maloney
- Marchant
- Markey
- Maloney
- Malone
- Manzullo
- Marchant
- Markey
- Marshall
- Matheson
- Matsui
- McCarthy
- McCollum (MN)
- McCotter
- McCrery
- McDermott
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McKinney
- McMorris
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Melancon
- Menendez
- Mica
- Michaud
- Millender-McDonald
- Miller (FL)
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Mollohan
- Moore (KS)
- Moore (WI)
- Moran (KS)
- Moran (VA)
- Murphy
- Murtha
- Musgrave
- Myrick
- Nadler
- Napolitano
- Neal (MA)
- Neugebauer
- Ney
- Northup
- Norwood
- Nunes
- Nussle
- Oberstar
- Oliver
- Ortiz
- Osborne
- Otter
- Owens
- Oxley
- Pallone
- Pascrell
- Pastor
- Paul
- Pearce
- Pelosi
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Pickering
- Pitts
- Platts
- Poe

Pombo	Schmidt	Thompson (MS)
Pomeroy	Schwartz (PA)	Thornberry
Porter	Schwarz (MI)	Tiahrt
Price (GA)	Scott (VA)	Tiberi
Price (NC)	Scott (VA)	Tierney
Pryce (OH)	Serrano	Towns
Putnam	Sessions	Turner
Radanovich	Shadegg	Udall (CO)
Rahall	Shays	Udall (NM)
Ramstad	Sherman	Upton
Rangel	Sherwood	Van Hollen
Regula	Shimkus	Velázquez
Rehberg	Shuster	Visclosky
Reichert	Simpson	Walden (OR)
Renzi	Skelton	Walsh
Reynolds	Slaughter	Wamp
Rogers (AL)	Smith (NJ)	Wasserman
Rogers (KY)	Smith (TX)	Schultz
Rogers (MI)	Smith (WA)	Waters
Rohrabacher	Snyder	Barrett (SC)
Ross	Sodrel	Barrow
Rothman	Solis	Bartlett (MD)
Royce	Souder	Barton (TX)
Ruppersberger	Spratt	Bass
Rush	Stark	Bean
Ryan (OH)	Stearns	Beauprez
Ryan (WI)	Strickland	Becerra
Ryun (KS)	Stupak	Berkley
Sabo	Sullivan	Berman
Salazar	Sweeney	Berry
Sánchez, Linda	Tancredo	Biggart
T.	Tanner	Bilirakis
Sanchez, Loretta	Taylor (MS)	Bishop (GA)
Sanders	Taylor (NC)	Bishop (NY)
Saxton	Terry	Bishop (UT)
Schakowsky	Thomas	Blackburn
Schiff	Thompson (CA)	Blumenauer

It was decided in the { Yeas 407
affirmative } Nays 0

¶114.11 [Roll No. 550]

YEAS—407

Abercrombie	DeGette	Jones (OH)
Ackerman	Delahunt	Kanjorski
Aderholt	DeLauro	Kaptur
Akin	DeLay	Keller
Alexander	Dent	Kelly
Allen	Dingell	Kennedy (MN)
Andrews	Doggett	Kennedy (RI)
Baca	Doolittle	Kildee
Bachus	Doyle	Kilpatrick (MI)
Baird	Drake	Kind
Baker	Dreier	King (IA)
Baldwin	Duncan	King (NY)
Barrett (SC)	Edwards	Kingston
Barrow	Ehlers	Kirk
Bartlett (MD)	Emanuel	Kline
Barton (TX)	Emerson	Knollenberg
Bass	Engel	Kolbe
Bean	English (PA)	Kucinich
Beauprez	Eshoo	Kuhl (NY)
Becerra	Etheridge	LaHood
Berkley	Evans	Langevin
Berman	Everett	Lantos
Berry	Farr	Larsen (WA)
Biggart	Fattah	Larson (CT)
Bilirakis	Feeney	Latham
Bishop (GA)	Ferguson	LaTourette
Bishop (NY)	Finler	Leach
Bishop (UT)	Fitzpatrick (PA)	Lee
Blackburn	Flake	Levin
Blumenauer	Forbes	Lewis (CA)
Blunt	Ford	Lewis (GA)
Boehler	Fortenberry	Lewis (KY)
Boehner	Fossella	Linder
Bonilla	Fox	Lipinski
Bonner	Frank (MA)	LoBiondo
Bono	Franks (AZ)	Lofgren, Zoe
Boozman	Frelinghuysen	Lowey
Boren	Galleghy	Lucas
Boucher	Gerlach	Lungren, Daniel
Boustany	Gibbons	E.
Boyd	Gilchrest	Lynch
Bradley (NH)	Gillmor	Maloney
Brady (PA)	Gingrey	Manzullo
Brady (TX)	Gonzalez	Marchant
Brown (OH)	Goode	Markey
Brown (SC)	Goodlatte	Marshall
Brown, Corrine	Gordon	Matheson
Burgess	Granger	Matsui
Burton (IN)	Graves	McCarthy
Butterfield	Green (WI)	McCaul (TX)
Buyer	Green, Al	McCollum (MN)
Calvert	Green, Gene	McCotter
Camp	Grijalva	McCrery
Cannon	Gutierrez	McDermott
Cantor	Gutknecht	McGovern
Capito	Harman	McHenry
Capps	Hart	McHugh
Capuano	Hastings (WA)	McIntyre
Cardin	Hayes	McKeon
Cardoza	Hayworth	McKinney
Carnahan	Hefley	McMorris
Carson	Hensarling	McNulty
Carter	Herger	Meehan
Case	Herseth	Meek (NY)
Castle	Higgins	Meeks (NY)
Chabot	Hinche	Melancon
Chandler	Hinojosa	Menendez
Chocola	Hobson	Mica
Clay	Hoekstra	Michaud
Cleaver	Holden	Millender-
Clyburn	Holt	McDonald
Coble	Honda	Miller (FL)
Cole (OK)	Hooley	Miller (MI)
Conaway	Hostettler	Miller (NC)
Conyers	Hoyer	Miller, Gary
Cooper	Hulshof	Miller, George
Costa	Hunter	Mollohan
Costello	Hyde	Moore (KS)
Cramer	Inglis (SC)	Moore (WI)
Crenshaw	Inslee	Moran (KS)
Crowley	Israel	Moran (VA)
Cubin	Issa	Murphy
Cuellar	Istook	Murtha
Cummings	Jackson (IL)	Musgrave
Davis (AL)	Jackson-Lee	Myrick
Davis (CA)	(TX)	Nadler
Davis (FL)	Jefferson	Napolitano
Davis (IL)	Jenkins	Neugebauer
Davis (KY)	Jindal	Ney
Davis (TN)	Johnson (CT)	Northup
Davis, Jo Ann	Johnson (IL)	Norwood
Davis, Tom	Johnson, E. B.	Nunes
Deal (GA)	Johnson, Sam	Nussle
DeFazio	Jones (NC)	Oberstar

Oliver	Ruppersberger	Sweeney
Ortiz	Rush	Tancredo
Osborne	Ryan (OH)	Tanner
Otter	Ryan (WI)	Taylor (MS)
Owens	Ryun (KS)	Taylor (NC)
Oxley	Sabo	Terry
Pallone	Salazar	Thomas
Pascrell	Sánchez, Linda	Thompson (CA)
Pastor	T.	Thompson (MS)
Paul	Sanchez, Loretta	Thornberry
Pearce	Sanders	Tiahrt
Pelosi	Saxton	Tiberi
Pence	Schakowsky	Tierney
Peterson (MN)	Schiff	Towns
Peterson (PA)	Schmidt	Turner
Petri	Schwartz (PA)	Udall (CO)
Pickering	Schwarz (MI)	Udall (NM)
Pitts	Scott (GA)	Upton
Platts	Scott (VA)	Van Hollen
Poe	Serrano	Velázquez
Pombo	Sessions	Visclosky
Pomeroy	Shadegg	Walden (OR)
Porter	Shays	Walsh
Price (GA)	Sherman	Wamp
Price (NC)	Sherwood	Waters
Pryce (OH)	Shimkus	Watson
Putnam	Shuster	Watt
Radanovich	Simpson	Waxman
Rahall	Skelton	Weiner
Ramstad	Slaughter	Weldon (FL)
Rangel	Smith (NJ)	Weldon (PA)
Regula	Smith (TX)	Weller
Rehberg	Smith (WA)	Westmoreland
Reichert	Snyder	Whitfield
Renzi	Sodrel	Wicker
Reynolds	Solis	Wilson (NM)
Rogers (AL)	Souder	Wilson (SC)
Rogers (KY)	Spratt	Wolf
Rogers (MI)	Stark	Woolsey
Rohrabacher	Stearns	Wu
Ross	Strickland	Wynn
Rothman	Stupak	Young (AK)
Royce	Sullivan	Young (FL)

NOT VOTING—22

Boswell	Hall	Roybal-Allard
Brown-Waite,	Harris	Sensenbrenner
Ginny	Hastings (FL)	Shaw
Cunningham	Mack	Simmons
Diaz-Balart, L.	Obey	Tauscher
Diaz-Balart, M.	Payne	Wexler
Foley	Reyes	Whitfield
Gohmert	Ros-Lehtinen	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.10 H. RES. 368—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 368) congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

NOT VOTING—26

Boswell	Gohmert	Roybal-Allard
Brown-Waite,	Hall	Sensenbrenner
Ginny	Harris	Shaw
Culberson	Hastings (FL)	Simmons
Cunningham	Mack	Tauscher
Diaz-Balart, L.	Neal (MA)	Wasserman
Diaz-Balart, M.	Obey	Schultz
Dicks	Payne	Wexler
Foley	Reyes	
Garrett (NJ)	Ros-Lehtinen	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.12 FOREIGN OPERATIONS APPROPRIATIONS FY 2006

On motion of Mr. KOLBE, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 3057) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. KOLBE, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶114.13 MOTION TO INSTRUCT CONFEREES—H.R. 3057

Mrs. LOWEY moved that the managers on the part of the House at the

conference on the disagreeing votes of the two Houses on H.R. 3057 be instructed to insist on the provisions of the Senate bill providing a total of \$2,971,000,000 to combat HIV/AIDS, Tuberculosis and Malaria, including a total of \$500,000,000 for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. PUTNAM, announced that the yeas had it.

Mrs. LOWEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶114.14 LAWSUIT ABUSE REDUCTION

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to House Resolution 508 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

The SPEAKER pro tempore, Mr. PUTNAM, by unanimous consent, designated Mr. LATHAM as Chairman of the Committee of the Whole; and after some time spent therein,

¶114.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 2, printed in House Report 109-253, submitted by Mr. SCHIFF:

Strike all after the enacting clause and insert the following:

SECTION 1. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO FILE FRIVOLOUS LAWSUITS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD AND SUBSEQUENT VIOLATIONS.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings (including suspension of that attorney from the practice of law for one year or disbarment), require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney, or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) APPEAL; STAY.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(5) NOT APPLICABLE TO CIVIL RIGHTS CLAIMS.—Notwithstanding subsection (d), this subsection does not apply to an action or claim arising out of Federal, State, or local civil rights law or any other Federal, State, or local law providing protection from discrimination.

(d) APPLICABILITY.—Except as provided in subsection (c)(5), this section applies to any paper filed on or after the date of the enactment of this Act in—

(1) any action in Federal court; and

(2) any action in State court, if the court, upon motion or upon its own initiative, de-

termines that the action affects interstate commerce.

SEC. 2. "THREE STRIKES AND YOU'RE OUT" FOR ATTORNEYS WHO ENGAGE IN FRIVOLOUS CONDUCT DURING DISCOVERY.

(a) SIGNATURES REQUIRED ON DISCLOSURES.—Every disclosure made pursuant to subdivision (a)(1) or subdivision (a)(3) of Rule 26 of the Federal Rules of Civil Procedure or any comparable State rule shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the disclosure and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(b) SIGNATURES REQUIRED ON DISCOVERY.—

(1) IN GENERAL.—Every discovery request, response, or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection is:

(A) consistent with the applicable rules of civil procedure and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(B) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(2) STRICKEN.—If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party shall not be obligated to take any action with respect to it until it is signed.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If without substantial justification a certification is made in violation of this section, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional sanctions, such as imposing sanctions plus interest or imposing a fine upon the person in violation, or upon such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If without substantial justification a certification is made in violation of this section and that the attorney or party with respect to which the determination is made has committed one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD AND SUBSEQUENT VIOLATIONS.—If without substantial justification a certification is made in violation of this section

and that the attorney or party with respect to which the determination is made has committed more than one previous violation of this section before this or any other court, the court, upon motion or upon its own initiative, shall find each attorney or party in contempt of court, shall require the payment of costs and attorneys fees, require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine, and refer such attorney to one or more appropriate State bar associations for disciplinary proceedings (including the suspension of that attorney from the practice of law for one year or disbarment). The court may also impose additional sanctions upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(4) APPEAL; STAY.—An attorney has the right to appeal a sanction under this subsection. While such an appeal is pending, the sanction shall be stayed.

(d) APPLICABILITY.—This section applies to any paper filed on or after the date of the enactment of this Act in—

- (1) any action in Federal court; and
(2) any action in State court, if the court, upon motion or upon its own initiative, determines that the action affects interstate commerce.

SEC. 3. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that the interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

- (1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or
(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

SEC. 4. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

- (1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and
(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 5. ABILITY TO SUE CORPORATE FINANCIAL TRAITORS AND FOREIGN CORPORATIONS.

(a) GENERAL RULE.—In any civil action for injury that was sustained in the United States and that relates to the acts of a foreign business, the Federal court or State court in which such action is brought shall have jurisdiction over the foreign business if—

- (1) the business purposefully availed itself of the privilege of doing business in the United States or that State;

(2) the cause of action arises from the business's activities in the United States or that State; and

(3) the exercise of jurisdiction would be fair and reasonable.

(b) ADMISSION.—If in any civil action a foreign business involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign business is located, has an agent, or transacts business.

(d) DEFINITION.—In this section, the term "foreign business" means a business that has its principal place of business, and substantial business operations, outside the United States and its Territories.

SEC. 6. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

(a) IN GENERAL.—Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

(b) EXCEPTION.—Subsection (a) does not apply to a claim arising under the Constitution of the United States.

It was decided in the { Yeas 184
negative Nays 226

114.16 [Roll No. 551]
AYES—184

- Abercrombie Edwards Lowey
Ackerman Emanuel Lynch
Baca Engel Maloney
Baird Eshoo Markey
Baldwin Etheridge Marshall
Barrow Evans Matheson
Bean Farr Matsui
Becerra Fattah McCarthy
Berkley Filner McCollum (MN)
Berman Ford McDermott
Berry Frank (MA) McGovern
Bishop (GA) Gonzalez McIntyre
Bishop (NY) Gordon McKinney
Blumenauer Green, Al McNulty
Boren Green, Gene Meehan
Boucher Grijalva Meek (FL)
Boyd Gutierrez Melancon
Brady (PA) Harman Menendez
Brown (OH) Hersth Michaud
Brown, Corrine Higgins Millender-
Butterfield Hinchey McDonald
Capps Hinojosa Miller (NC)
Capuano Holden Miller, George
Cardin Holt Mollohan
Cardoza Honda Moore (KS)
Carnahan Hooley Moore (WI)
Carson Hoyer Moran (VA)
Case Insee Murtha
Chandler Israel Napolitano
Clay Jackson (IL) Neal (MA)
Cleaver Jackson-Lee Oberstar
Conyers (TX) Oliver
Cooper Jefferson Ortiz
Costa Johnson (IL) Owens
Cramer Johnson, E. B. Pallone
Crowley Kanjorski Pascrell
Cuellar Kaptur Pastor
Cummings Kennedy (RI) Payne
Davis (AL) Kildee Pelosi
Davis (CA) Kilpatrick (MI) Pomeroy
Davis (FL) Kind Price (NC)
Davis (IL) Langevin Rahall
Davis (TN) Lantos Rangel
DeFazio Larsen (WA) Ross
Delahunt Larson (CT) Rothman
DeLauro Lee Ruppertsberger
Dicks Levin Rush
Dingell Lewis (GA) Ryan (OH)
Doyle Lipinski Sabo

- Salazar Smith (WA) Van Hollen
Sanchez, Linda Solis Velazquez
T. Spratt Visclosky
Sanchez, Loretta Stark Wasserman
Sanders Strickland Schultz
Schakowsky Stupak Waters
Schiff Tanner Watson
Schwartz (PA) Taylor (MS) Watt
Scott (GA) Thompson (CA) Waxman
Scott (VA) Thompson (MS) Weiner
Serrano Tierney Woolsey
Sherman Towns Wu
Skelton Udall (CO) Wynne
Slaughter Udall (NM)

NOES—226

- Aderholt Gilchrest Nunes
Akin Gillmor Nussle
Alexander Gohmert Osborne
Allen Goode Otter
Andrews Goodlatte Oxley
Bachus Granger Paul
Baker Graves Pearce
Barrett (SC) Green (WI) Pence
Bartlett (MD) Gutknecht Peterson (MN)
Barton (TX) Hart Peterson (PA)
Bass Hastings (WA) Petri
Beauprez Hayes Pickering
Biggart Hayworth Pitts
Bilirakis Hefley Platts
Bishop (UT) Hensarling Poe
Blackburn Herger Pombo
Boehlert Hobson Porter
Boehner Hoekstra Price (GA)
Bonilla Hostettler Pryce (OH)
Bonner Hulshof Putnam
Bono Hunter Radanovich
Boozman Hyde Ramstad
Boustany Inglis (SC) Regula
Bradley (NH) Issa Rehberg
Brady (TX) Istook Reichert
Brown (SC) Jenkins Renzi
Burgess Jindal Reynolds
Burton (IN) Johnson (CT) Rogers (AL)
Buyer Johnson, Sam Rogers (KY)
Calvert Jones (NC) Rogers (MI)
Camp Jones (OH) Rohrabacher
Cannon Keller Royce
Cantor Kelly Ryan (WI)
Capito Kennedy (MN) Ryun (KS)
Carter King (IA) Saxton
Castle King (NY) Schmidt
Chabot Kingston Schwarz (MI)
Chocola Kirk Sessions
Coble Kline Shadegg
Cole (OK) Knollenberg Shays
Conaway Kolbe Sherwood
Costello Kucinich Shimkus
Crenshaw Kuhl (NY) Shuster
Cubin LaHood Simpson
Culberson Latham Smith (NJ)
Cunningham LaTourette Smith (TX)
Davis (KY) Leach Snyder
Davis, Jo Ann Lewis (CA) Soderl
Davis, Tom Lewis (KY) Souder
Deal (GA) Linder Stearns
DeGette LoBiondo Sullivan
DeLay Lofgren, Zoe Sweeney
Dent Lucas Tancred
Doggett Lungren, Daniel Taylor (NC)
Doolittle E. Terry
Drake Manzullo Thomas
Dreier McCaul (TX) Thornberry
Duncan McCotter Tiahrt
Ehlers McCrery Tiberi
Emerson McHenry Turner
English (PA) McHugh Upton
Everett McKeon Walden (OR)
Feeney McMorris Walsh
Ferguson Mica Wamp
Fitzpatrick (PA) Miller (FL) Weldon (FL)
Flake Miller (MI) Weldon (PA)
Forbes Miller, Gary Weller
Fortenberry Moran (KS) Westmoreland
Fossella Murphy Whitfield
Foxy Musgrave Wicker
Franks (AZ) Myrick Wilson (NM)
Frelinghuysen Nadler Wilson (SC)
Gallegly Neugebauer Wolf
Garrett (NJ) Ney Young (AK)
Gerlach Northup Young (FL)
Gibbons Norwood

NOT VOTING—23

- Blunt Diaz-Balart, M. Mack
Boswell Foley Marchant
Brown-Waite, Gingrey Meeks (NY)
Ginny Hall Obey
Clyburn Harris Reyes
Diaz-Balart, L. Hastings (FL) Ros-Lehtinen

Royal-Allard Shaw Tauscher
Sensenbrenner Simmons Wexler

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. LATHAM, Chairman, pursuant to House Resolution 508, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2005".

SEC. 2. ATTORNEY ACCOUNTABILITY.

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) by amending the first sentence to read as follows: "If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the attorney, law firm, or parties that have violated this subdivision or are responsible for the violation, an appropriate sanction, which may include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper, that is the subject of the violation, including a reasonable attorney's fee.";

(2) in paragraph (1)(A)—

(A) by striking "Rule 5" and all that follows through "corrected." and inserting "Rule 5."; and

(B) by striking "the court may award" and inserting "the court shall award"; and

(3) in paragraph (2), by striking "shall be limited to what is sufficient" and all that follows through the end of the paragraph (including subparagraphs (A) and (B)) and inserting "shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. The sanction may consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee.".

SEC. 3. APPLICABILITY OF RULE 11 TO STATE CASES AFFECTING INTERSTATE COMMERCE.

In any civil action in State court, the court, upon motion, shall determine within 30 days after the filing of such motion whether the action substantially affects interstate commerce. Such court shall make such determination based on an assessment of the costs to the interstate economy, including the loss of jobs, were the relief requested granted. If the court determines such action substantially affects interstate commerce, the provisions of Rule 11 of the Federal Rules of Civil Procedure shall apply to such action.

SEC. 4. PREVENTION OF FORUM-SHOPPING.

(a) IN GENERAL.—Subject to subsection (b), a personal injury claim filed in State or Federal court may be filed only in the State and, within that State, in the county (or if there is no State court in the county, the nearest county where a court of general jurisdiction is located) or Federal district in which—

(1) the person bringing the claim, including an estate in the case of a decedent and a parent or guardian in the case of a minor or incompetent—

(A) resides at the time of filing; or

(B) resided at the time of the alleged injury;

(2) the alleged injury or circumstances giving rise to the personal injury claim allegedly occurred;

(3) the defendant's principal place of business is located, if the defendant is a corporation; or

(4) the defendant resides, if the defendant is an individual.

(b) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the injury or circumstances giving rise to the personal injury claim occurred in more than one county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subsection.

(c) DEFINITIONS.—In this section:

(1) The term "personal injury claim"—

(A) means a civil action brought under State law by any person to recover for a person's personal injury, illness, disease, death, mental or emotional injury, risk of disease, or other injury, or the costs of medical monitoring or surveillance (to the extent such claims are recognized under State law), including any derivative action brought on behalf of any person on whose injury or risk of injury the action is based by any representative party, including a spouse, parent, child, or other relative of such person, a guardian, or an estate;

(B) does not include a claim brought as a class action; and

(C) does not include a claim against a debtor in a case pending under title 11 of the United States Code that is a personal injury tort or wrongful death claim within the meaning of section 157(b)(5) of title 28, United States Code.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, but not any governmental entity.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and any other territory or possession of the United States.

(d) APPLICABILITY.—This section applies to any personal injury claim filed in Federal or State court on or after the date of the enactment of this Act.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in section 3 or in the amendments made by section 2 shall be construed to bar or impede the assertion or development of new claims or remedies under Federal, State, or local civil rights law.

SEC. 6. THREE-STRIKES RULE FOR SUSPENDING ATTORNEYS WHO COMMIT MULTIPLE RULE 11 VIOLATIONS.

(a) MANDATORY SUSPENSION.—Whenever a Federal district court determines that an attorney has violated Rule 11 of the Federal Rules of Civil Procedure, the court shall determine the number of times that the attorney has violated that rule in that Federal district court during that attorney's career. If the court determines that the number is 3 or more, the Federal district court—

(1) shall suspend that attorney from the practice of law in that Federal district court for 1 year; and

(2) may suspend that attorney from the practice of law in that Federal district court for any additional period that the court considers appropriate.

(b) APPEAL; STAY.—An attorney has the right to appeal a suspension under subsection (a). While such an appeal is pending, the suspension shall be stayed.

(c) REINSTATEMENT.—To be reinstated to the practice of law in a Federal district court after completion of a suspension under subsection (a), the attorney must first petition the court for reinstatement under such procedures and conditions as the court may prescribe.

SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR REPEATEDLY RELITIGATING SAME ISSUE.

Whenever a party presents to a Federal court a pleading, written motion, or other paper, that includes a claim or defense that the party has already litigated and lost on the merits in any forum in final decisions not subject to appeal on 3 consecutive occasions, and the claim or defense involves the same plaintiff and the same defendant, there shall be a rebuttable presumption that the presentation of such paper is in violation of Rule 11 of the Federal Rules of Civil Procedure.

SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUCTION IN PENDING FEDERAL COURT PROCEEDINGS.

Whoever willfully and intentionally influences, obstructs, or impedes, or attempts to influence, or obstruct, or impede, a pending Federal court proceeding through the willful and intentional destruction of documents sought pursuant to the rules of such Federal court proceeding and highly relevant to that proceeding—

(1) shall be punished with mandatory civil sanctions of a degree commensurate with the civil sanctions available under Rule 11 of the Federal Rules of Civil Procedure, in addition to any other civil sanctions that otherwise apply; and

(2) shall be held in contempt of court and, if an attorney, referred to one or more appropriate State bar associations for disciplinary proceedings.

SEC. 9. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.

(a) IN GENERAL.—In any Rule 11 of the Federal Rules of Civil Procedure proceeding, a court may not order that a court record not be disclosed unless the court makes a finding of fact that identifies the interest that justifies the order and determines that that interest outweighs any interest in the public health and safety that the court determines would be served by disclosing the court record.

(b) APPLICABILITY.—This section applies to any record formally filed with the court, but shall not include any records subject to—

(1) the attorney-client privilege or any other privilege recognized under Federal or State law that grants the right to prevent disclosure of certain information unless the privilege has been waived; or

(2) applicable State or Federal laws that protect the confidentiality of crime victims, including victims of sexual abuse.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BARROW moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. __. NOT APPLICABLE TO CLAIMS AGAINST DISASTER PROFITEERING BUSINESSES.

(a) IN GENERAL.—A claim against a disaster profiteering business may be filed in

any court that has jurisdiction over the corporation, notwithstanding section 4.

(b) DEFINITIONS.—In this section— (1) the term “business” includes a corporation, company, association, firm, partnership, society, and joint stock company, as well as an individual; and

(2) the term “disaster profiteering business” means any business engaged in a contract with the Federal Government for the provision of goods or services, directly or indirectly, in connection with relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency that, knowingly and willfully—

(A) executes or attempts to execute a scheme or artifice to defraud the United States;

(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

(D) materially overvalues any good or service with the specific intent to excessively profit from the disaster or emergency.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. BARROW demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 196 negative } Nays 217

¶114.17 [Roll No. 552]

AYES—196

Abercrombie Crowley Holden
Ackerman Cuellar Holt
Allen Cummings Honda
Andrews Davis (AL) Hooley
Baca Davis (CA) Hoyer
Baird Davis (FL) Inslee
Baldwin Davis (IL) Israel
Barrow Davis (TN) Jackson (IL)
Bean DeFazio Jackson-Lee
Becerra DeGette (TX)
Berkley Delahunt Jefferson
Berman DeLauro Johnson (IL)
Berry Dicks Johnson, E. B.
Bishop (GA) Dingell Jones (OH)
Bishop (NY) Doggett Kanjorski
Blumenauer Doyle Kaptur
Boren Edwards Kennedy (RI)
Boucher Emanuel Kildee
Boyd Engel Kilpatrick (MI)
Brady (PA) Eshoo Kind
Brown (OH) Etheridge Kucinich
Brown, Corrine Evans Langevin
Butterfield Farr Lantos
Capps Fattah Larsen (WA)
Capuano Filner Larson (CT)
Cardin Ford Lee
Cardoza Frank (MA) Lewis
Carnahan Gonzalez Lewis (GA)
Carson Gordon Lipinski
Case Green, Al Lofgren, Zoe
Chandler Green, Gene Lowey
Clay Grijalva Lynch
Cleaver Gutierrez Maloney
Conyers Harman Markey
Cooper Hersth Marshall
Costa Higgins Matheson
Costello Hinchey Matsui
Cramer Hinojosa McCarthy

McCollum (MN) Pascrell Smith (WA)
McDermott Pastor Snyder
McGovern Solis
McIntyre Pelosi Spratt
McKinney Peterson (MN) Stark
McNulty Pomeroy Strickland
Meehan Price (NC) Stupak
Meek (FL) Rahall Tanner
Meeks (NY) Rangel Taylor (MS)
Melancon Ross
Menendez Rothman
Michaud Roppersberger
Millender-Rush
McDonald Ryan (OH)
Miller (NC) Sabo
Miller, George Salazar
Mollohan Sanchez, Linda
Moore (KS) T.
Moore (WI) Sanchez, Loretta
Moran (VA) Sanders
Murtha Schakowsky
Nadler Schiff
Napolitano Nadler Schwartz (PA)
Neal (MA) Scott (GA)
Oberstar Scott (VA)
Oliver Serrano
Ortiz Sherman
Owens Skelton
Pallone Slaughter

NOES—217

Aderholt Gerlach Murphy
Akin Gibbons Musgrave
Alexander Gilchrest Myrick
Bachus Bachus Neugebauer
Baker Gingrey Ney
Barrett (SC) Gohmert Northup
Bartlett (MD) Goode Norwood
Barton (TX) Goodlatte Nunes
Bass Granger Nussle
Beauprez Graves Osborne
Biggart Green (WI) Otter
Bilirakis Gutknecht Oxley
Bishop (UT) Hart Paul
Blackburn Hastings (WA) Pearce
Boehlert Hayes Pence
Boehner Hayworth Peterson (PA)
Bonilla Hefley Petri
Bonner Hensarling Pickering
Bono Pitts Pitts
Boozman Hobson Platts
Boustany Hoekstra Poe
Bradley (NH) Hostettler Pombo
Brady (TX) Hulshof Porter
Brown (SC) Hunter Price (GA)
Burgess Hyde Pryce (OH)
Burton (IN) Inglis (SC) Putnam
Buyer Issa Radanovich
Calvert Istook Ramstad
Camp Jenkins Regula
Cannon Jindal Rehberg
Cantor Johnson (CT) Reichert
Capito Johnson, Sam Renzi
Carter Jones (NC) Reynolds
Castle Keller Rogers (AL)
Chabot Kelly Rogers (KY)
Choccola Kennedy (MN) Rogers (MI)
Coble King (IA) Rohrabacher
Cole (OK) King (NY) Royce
Conaway Kingston Ryan (WI)
Crenshaw Kirk Ryun (KS)
Cubin Kline Saxton
Culberson Knollenberg Schmidt
Cunningham Kolbe Schwarz (MI)
Davis (KY) Kuhl (NY) Sessions
Davis, Jo Ann LaHood Shadegg
Davis, Tom Latham Shays
Deal (GA) LaTourette Sherwood
DeLay Leach Shimkus
Dent Lewis (CA) Shuster
Doolittle Lewis (KY) Simpson
Drake Linder Smith (NJ)
Dreier LoBiondo Smith (TX)
Duncan Lucas Sodrel
Ehlers Lungren, Daniel Souder
Emerson E. Stearns
English (PA) Manzullo Sullivan
Everett Marchant Sweeney
Feeney McCaul (TX) Tancredo
Ferguson McCotter Taylor (NC)
Fitzpatrick (PA) McCrery Terry
Flake McHenry Thomas
Forbes McHugh Thornberry
Fortenberry McKeon Tiahrt
Fossella McMorris Tiberti
Foxy Mica Turner
Franks (AZ) Miller (FL) Upton
Frelinghuysen Miller (MI) Walden (OR)
Gallegly Miller, Gary G. Walsh
Garrett (NJ) Moran (KS) Wamp

Weldon (FL) Whitfield Wolf
Weldon (PA) Wicker Young (AK)
Weller Wilson (NM) Young (FL)
Westmoreland Wilson (SC)

NOT VOTING—20

Blunt Foley Ros-Lehtinen
Boswell Hall Roybal-Allard
Brown-Waite, Harris Sensenbrenner
Ginny Hastings (FL) Shaw
Clyburn Mack Simmons
Diaz-Balart, L. Obey Tauscher
Diaz-Balart, M. Reyes Wexler

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. SMITH of Texas demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 228 affirmative } Nays 184

¶114.18 [Roll No. 553]

AYES—228

Aderholt English (PA) Lewis (CA)
Akin Everett Lewis (KY)
Alexander Feeney Linder
Bachus Ferguson LoBiondo
Baker Flake Lucas
Barrett (SC) Forbes Lungren, Daniel
Bartlett (MD) Fortenberry E.
Barton (TX) Fossella Marchant
Bass Foxx Marshall
Beauprez Franks (AZ) Matheson
Biggart Frelinghuysen McCaul (TX)
Bilirakis Gallegly McCotter
Bishop (UT) Garrett (NJ) McCrery
Blackburn Gerlach McHenry
Boehlert Gibbons McHugh
Boehner Gilchrest McKeon
Bohner Gillmor McMorris
Bonilla Gohmert Mica
Bonner Gingrey Miller (FL)
Bono Gohmert Miller (MI)
Boozman Goode Miller (MI)
Boren Goodlatte Miller, Gary
Boustany Gordon Moran (KS)
Boyd Granger Murphy
Bradley (NH) Green (WI) Musgrave
Brady (TX) Gutknecht Myrick
Brown (SC) Hart Neugebauer
Burgess Hastings (WA) Ney
Burton (IN) Hayes Northup
Buyer Hayworth Norwood
Calvert Hefley Nunes
Camp Hensarling Nussle
Cannon Herger Osborne
Cantor Hobson Otter
Capito Hoekstra Oxley
Cardoza Holden Paul
Carter Hostettler Pearce
Case Hulshof Pence
Castle Hunter Peterson (MN)
Chabot Hyde Peterson (PA)
Choccola Inglis (SC) Petri
Coble Issa Pickering
Cole (OK) Istook Pitts
Conaway Jenkins Platts
Cramer Jindal Poe
Crenshaw Johnson (CT) Pombo
Cubin Johnson (IL) Porter
Cuellar Johnson, Sam Price (GA)
Culberson Jones (NC) Pryce (OH)
Cunningham Keller Putnam
Davis (KY) Kelly Radanovich
Davis (TN) Kennedy (MN) Ramstad
Davis, Jo Ann King (IA) Regula
Davis, Tom Kingston Rehberg
Deal (GA) Kirk Reichert
DeLay Kline Renzi
Dent Knollenberg Reynolds
Drake Kolbe Rogers (AL)
Dreier Kuhl (NY) Rogers (KY)
Cooper Hersth Marshall Rogers (MI)
Costa Higgins Matheson Rohrabacher
Costello Hinchey Matsui Royce
Cramer Hinojosa McCarthy Ryan (WI)

Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel

Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Turner
Walden (OR)

Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva

Gutierrez
Harman
Herseth
Higgins
Hinchev
Hinojosa
Holt
Honda
Hooley
Hoyer
Insee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy
McColum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
Schultz
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Sherwood
Shimkus

NOT VOTING—21

Blunt
Boswell
Brown-Waite,
Ginny
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley

Graves
Hall
Harris
Hastings (FL)
Mack
Obey
Reyes
Ros-Lehtinen

Roybal-Allard
Sensenbrenner
Shaw
Simmons
Tauscher
Wexler

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

114.19 MOTION TO INSTRUCT CONFEREES TO H.R. 3057—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mrs. LOWEY, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,
Will the House agree to said motion?
The vote was taken by electronic device.

It was decided in the { Yeas 259
affirmative } Nays 147

114.20 [Roll No. 554]

YEAS—259

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Caroza
Carnahan
Carson
Case
Chandler
Chocola
Clay
Cleaver
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel

English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herger
Herseth
Higgins
Hinchev
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Insee
Israel
Napolitano
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski

LoBiondo
Lofgren, Zoe
Lowey
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McColum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Rogers (AL)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)

Ryan (WI)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus

Skelton
Slaughton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton

Van Hollen
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—147

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Billakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Everett
Feeney
Flake
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen

Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas
Lungren, Daniel
E.
Marchant
McCauley (TX)
McCrery
McHenry
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer

Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—27

Blunt
Boswell
Brown-Waite,
Ginny
Castle
Clyburn
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Ford

Gallegly
Granger
Hall
Harris
Hastings (FL)
Lynch
Mack
Obey
Reyes
Ros-Lehtinen

Roybal-Allard
Sensenbrenner
Shaw
Simmons
Smith (NJ)
Tauscher
Velazquez
Wexler

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

114.21 APPOINTMENT OF CONFEREES—H.R. 3057

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, appointed

Messrs. KOLBE, KNOLLENBERG, KIRK, CRENSHAW, SHERWOOD, SWEENEY, REHBERG, CARTER, LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Messrs. ROTHMAN, FATTAH, and OBEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶114.22 FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 276. A concurrent resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 939. An Act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

¶114.23 POSTAGE STAMP FOR BREAST CANCER RESEARCH

On motion of Ms. FOXX, by unanimous consent, the Committee on Government Reform, the Committee on Energy and Commerce, and the Committee on Armed Services were discharged from further consideration of the bill of the Senate (S. 37) to extend the special postage stamp for breast cancer research for 2 years.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶114.24 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2744

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-257) the resolution (H. Res. 520) waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶114.25 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 939. An Act to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; to the Committee on Transportation and Infrastructure.

¶114.26 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1409. An Act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

¶114.27 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 172. An Act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

¶114.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MACK, for today;

To Mr. OBEY, for today;

To Mr. REYES, for today; and

To Mr. SENSENBRENNER, for today and October 28.

And then,

¶114.29 ADJOURNMENT

On motion of Mr. PETERSON of Pennsylvania, at 8 o'clock and 43 minutes p.m., the House adjourned.

¶114.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes (Rept. 109-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 520. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-257). Referred to the House Calendar.

¶114.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. BAKER, Mr. ALEXANDER,

Mr. JINDAL, Mr. MELANCON, and Mr. PICKERING);

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane Rita, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. RANGEL, Mr. CARDIN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. McNULTY, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. EMANUEL, Mrs. TAUSCHER, Mr. KIND, Mr. DAVIS of Alabama, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOREN, Mr. BOUCHER, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASE, Mr. COSTELLO, Mr. CROWLEY, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. ENGEL, Mr. ETHERIDGE, Ms. ESHOO, Mr. FORD, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLDEN, Ms. HOOLEY, Mr. HOLT, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. LARSEN of Washington, Ms. LEE, Mr. LYNCH, Mrs. MALONEY, Mr. MATHE-SON, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OWENS, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. VAN HOLLEN, Mr. WEXLER, Ms. SCHWARTZ of Pennsylvania, and Mr. ROSS);

H.R. 4156. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DEAL of Georgia, Mr. BLUNT, Mr. CANTOR, Mr. MCCRERY, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. RYAN of Wisconsin, Mr. BEAUPREZ, Mr. UPTON, Mrs. WILSON of New Mexico, Mr. BASS, Mr. TERRY, Mr. MURPHY, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. CASTLE, Mrs. EMERSON, Mr. GERLACH, Mr. HOBSON, Mrs. KELLY, Mr. JINDAL, Mr. SCHWARZ of Michigan, Mr. SHAYS, and Mr. SIMMONS);

H.R. 4157. A bill to amend the Social Security Act to encourage the dissemination, security, confidentiality, and usefulness of health information technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. BECERRA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ORTIZ, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. ISRAEL, Mr. FORD, Mr. CARDOZA, Mr.

CUELLAR, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. MICHAUD, Mr. HIGGINS, and Mrs. JONES of Ohio):

H.R. 4158. A bill to authorize the Secretary of Energy to establish a program of energy assistance grants to local educational agencies; to the Committee on Education and the Workforce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. NEAL of Massachusetts, and Ms. JACKSON-LEE of Texas):

H.R. 4159. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself and Mr. GILCREST):

H.R. 4160. A bill to authorize the Secretary of the Army to evaluate, construct, operate, and maintain capital improvements to the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal) for public recreation; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4161. A bill to reiterate the responsibilities of FEMA with regard to the creation of an appeals process and the establishment of minimum training and education requirements under the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004; to the Committee on Financial Services.

By Mr. GALLEGLEY:

H.R. 4162. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. JINDAL (for himself, Mr. MCCRERY, and Mr. MELANCON):

H.R. 4163. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 4164. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Resources.

By Mrs. MCCARTHY (for herself and Mr. SCHWARZ of Michigan):

H.R. 4166. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. TOWNS, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ANDREWS, Mr. BARROW, Mr. BASS, Mr. BEAUPREZ, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mr. BOREN, Mr. BOUCHER, Mr. BOUSTANY, Mr. BOYD, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER, Mr. CHANDLER, Mr. CHOCOLA, Mr. COBLE, Mr. CONAWAY, Mr. CRAMER, Mr. CRENSHAW, Mr. CROWLEY, Mrs. CUBIN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. FERGUSON, Mr. FOLEY, Mr. GALLEGLEY, Mr. GERLACH, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Ms. HART, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. HIGGINS, Mr. HOEKSTRA, Mr. HULSHOF, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. KIRK, Mr. KLINE, Mr. KOLBE, Mr. KUHL of New York, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCOTTER, Mr. MCINTYRE, Miss McMORRIS, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUNES, Mr. ORTIZ, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. ROHRBACHER, Mr. ROSS, Mr. ROYCE, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SCHWARZ of Michigan, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SODREL, Mr. SOUDER, Mr. STRICKLAND, Mr. SULLIVAN, Mr. SWEENEY, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. TIBERI, Mr. UPTON, Mr. WAMP, Mr. WELLER, Mr. WESTMORELAND, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WYNN, Mr. WHITFIELD, Mr. SHERWOOD, Mr. JEFFERSON, Mr. DAVIS of Alabama, and Mr. MANZULLO):

H.R. 4167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself,

Mr. WILSON of South Carolina, Mr. TANCREDO, Mr. NEUGEBAUER, Mr. DANIEL E. LUNGREN of California, and Mr. FORBES):

H.R. 4168. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and alle-

giance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. RANGEL, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. PAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 4169. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, grants, and licenses to victims of Hurricane Katrina or Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BOOZMAN, Mr. KUHL of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 4170. A bill to provide administrative subpoena authority to apprehend fugitives; to the Committee on the Judiciary.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. MCHENRY, Ms. FOXX, and Mrs. MYRICK):

H.R. 4171. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. BLUMENAUER, Ms. LEE, Mr. WEXLER, Mr. WELLER, Mr. GONZALEZ, Mr. MACK, Ms. HARRIS, and Mr. FORTUÑO):

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. HASTERT, Mr. RUSH, Mrs. BIGGERT, Mr. EMANUEL, Mr. WELLER, Mr. GUTIERREZ, Mr. KIRK, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. EVANS, Mr. MANZULLO, Ms. BEAN, Mr. LAHOOD, Mr. JACKSON of Illinois, and Mr. HYDE):

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series; to the Committee on Government Reform.

By Ms. LEE:

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress that the tax give away since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Mr. TURNER):

H. Con. Res. 283. Concurrent resolution honoring the heroic service and sacrifice of

the 6,500 glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mrs. SCHMIDT:

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that the States of Louisiana, Mississippi, and Alabama should adopt comprehensive, modern, and uniform statewide building codes; to the Committee on Transportation and Infrastructure.

By Mr. WILSON of South Carolina:

H. Res. 519. A resolution recognizing and saluting the Carolinas Independent Automobile Dealers Association; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. BILIRAKIS):

H. Res. 521. A resolution expressing the sense of the House of Representatives that the Former Yugoslav Republic of Macedonia (FYROM) should cease its distribution of negative and nationalist propaganda and should work with the United Nations and Greece to find a mutually acceptable official name for the FYROM; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Res. 522. A resolution honoring the 600th anniversary of the birth of Gjergj Kastrioti (Scanderbeg), statesman, diplomat, and military genius, for his role in saving Western Europe from Ottoman occupation; to the Committee on International Relations.

¶114.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 25: Mr. POE.
 H. R. 65: Mr. MILLER of Florida.
 H. R. 398: Mr. BLUMENAUER, Mr. DEFAZIO, Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, and Mr. DICKS.
 H. R. 445: Mr. HAYES.
 H. R. 586: Mr. MCKEON and Mr. ROGERS of Kentucky.
 H. R. 690: Mr. RUPPERSBERGER.
 H. R. 735: Ms. ESHOO.
 H. R. 752: Mr. BERMAN.
 H. R. 791: Ms. BERKLEY and Mr. SHERMAN.
 H. R. 910: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.
 H. R. 949: Mrs. DAVIS of California and Mrs. MCCARTHY.
 H. R. 986: Ms. WOOLSEY.
 H. R. 1002: Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, and Mr. THOMPSON of Mississippi.
 H. R. 1108: Mr. ENGEL, Mr. ANDREWS, Mr. LANTOS, Mr. BACA, and Mr. GORDON.
 H. R. 1153: Mr. MEEHAN.
 H. R. 1155: Mr. CLEAVER.
 H. R. 1288: Mr. ROHRABACHER and Mr. LATHAM.
 H. R. 1306: Miss MCMORRIS and Mrs. KELLY.
 H. R. 1322: Mr. ISRAEL and Mr. LANTOS.
 H. R. 1415: Mr. SERRANO and Mrs. TAUSCHER.
 H. R. 1508: Ms. BEAN.
 H. R. 1514: Mr. WALSH.
 H. R. 1534: Mr. DEAL of Georgia.
 H. R. 1535: Mr. DEAL of Georgia.
 H. R. 1536: Mr. DEAL of Georgia.
 H. R. 1565: Mr. SANDERS.
 H. R. 1578: Mr. MARCHANT, Ms. HART, and Ms. Bean.
 H. R. 1602: Ms. KAPTUR.
 H. R. 1603: Mr. PAUL.
 H. R. 1691: Ms. BERKLEY.
 H. R. 1736: Mr. GINGREY.

H. R. 1823: Mr. LANTOS.
 H. R. 1849: Mr. STARK.
 H. R. 1951: Mr. BISHOP of Utah and Mrs. EMERSON.

H. R. 1973: Mr. UDALL of New Mexico, Mr. WU, Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. MANZULLO, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. TURNER, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. KIRK, Mr. DENT, Mr. PICKERING, Mr. PETRI, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mrs. EMERSON, Mr. GERLACH, Mr. WATT, Mr. CARDIN, Ms. HOOLEY, Mr. EHLERS, Mr. DEFAZIO, Mr. UPTON, Mr. BOOZMAN, Mr. MCHUGH, Mr. VISCLOSKEY, and Mr. MORAN of Kansas.

H. R. 2014: Mr. BERRY.
 H. R. 2134: Mr. SCHIFF.
 H. R. 2218: Mr. ABERCROMBIE.
 H. R. 2669: Mr. WAXMAN, Mr. CROWLEY, and Mr. FERGUSON.

H. R. 2682: Mr. VAN HOLLEN.
 H. R. 2803: Mr. UDALL of New Mexico.
 H. R. 2808: Mr. MCDERMOTT, Mr. NEY, Mr. KANJORSKI, Ms. WASSERMAN SCHULTZ, and Mr. CLAY.

H. R. 2822: Mr. MILLER of Florida.
 H. R. 2828: Mr. EVANS.
 H. R. 3042: Mr. STRICKLAND.
 H. R. 3049: Mr. KENNEDY of Minnesota.
 H. R. 3142: Mr. PASTOR.
 H. R. 3147: Mr. NEUGEBAUER.
 H. R. 3267: Mr. VAN HOLLEN and Mr. BLUMENAUER.

H. R. 3301: Mr. CHOCOLA and Mr. DENT.
 H. R. 3449: Ms. SCHAKOWSKY.
 H. R. 3505: Mr. WELLER and Mr. SODREL.
 H. R. 3506: Mr. SANDERS.
 H. R. 3630: Mr. SHIMKUS.
 H. R. 3698: Mr. HOYER.
 H. R. 3702: Mr. CLAY and Mr. PETERSON of Minnesota.

H. R. 3721: Mr. HINCHEY.
 H. R. 3743: Mr. FITZPATRICK of Pennsylvania.

H. R. 3804: Mr. LANTOS.
 H. R. 3852: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. CASE, Mr. BAIRD, and Mr. MOORE of Kansas.

H. R. 3857: Mr. BROWN of South Carolina.
 H. R. 3861: Mr. JONES of North Carolina.
 H. R. 3889: Mr. GIBBONS.
 H. R. 3909: Ms. WASSERMAN SCHULTZ.
 H. R. 3953: Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Mr. PUTNAM.
 H. R. 3957: Mr. MCHUGH.

H. R. 4009: Ms. LORETTA SANCHEZ of California.

H. R. 4025: Mr. SCHIFF, Mr. MATHESON, Mr. SALAZAR, Mr. HOLDEN, Mr. CASE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. MCCOTTER, Mr. GUTIERREZ, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RUPPERSBERGER.

H. R. 4042: Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. SOUDER.

H. R. 4045: Mr. WEXLER.
 H. R. 4061: Ms. BERKLEY, Mr. MICHAUD, and Ms. HOOLEY.

H. R. 4079: Mr. BARTLETT of Maryland.
 H. R. 4093: Mr. FEENEY, Mr. OTTER, Mr. KELLER, Mr. COBLE, and Mr. BACHUS.
 H. R. 4098: Mr. FORD, Mr. BARROW, Mr. TAYLOR of North Carolina, and Mr. BOREN.
 H. R. 4145: Mr. SERRANO, Mr. ORTIZ, Mr. LEWIS of California, Ms. ESHOO, Mr. GONZALEZ, and Mr. SNYDER.

H. R. 4146: Mr. FRANK of Massachusetts.
 H. Con. Res. 90: Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. WOLF, and Mr. BURTON of Indiana.

H. Con. Res. 234: Mr. CROWLEY.
 H. Con. Res. 235: Ms. CORRINE BROWN of Florida and Ms. HERSETH.

H. Con. Res. 251: Ms. WOOLSEY.

H. Con. Res. 260: Mr. FRANK of Massachusetts, Ms. SCHWARTZ of Pennsylvania, Ms. DELAURO, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. EVANS, and Mr. MCGOVERN.

H. Res. 302: Mr. FRANKS of Arizona.
 H. Res. 335: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.

H. Res. 415: Ms. ZOE LOFGREN of California.
 H. Res. 458: Ms. BERKLEY and Mr. HONDA.
 H. Res. 466: Mr. BUTTERFIELD.

H. Res. 483: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, and Mr. SHAYS.

H. Res. 515: Mr. JEFFERSON and Mr. AL GREEN of Texas.

H. Res. 517: Mr. BISHOP of New York, Mr. FOSSELLA, Mr. KING of New York, and Mr. ROTHMAN.

FRIDAY, OCTOBER 28, 2005 (115)

The House was called to order by the SPEAKER.

¶115.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, October 27, 2005.

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

¶115.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4848. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Schedules of Controlled Substances: Placement of Pregabalin Into Schedule V [Docket No. DEA-267F] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; New York Super Boat Race, Hudson River, New York [CGD01-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Townsend Waterway, Puget Sound, Washington, Naval Exercise [CGD13-05-034] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, California [COTP San Francisco Bay 05-008] (RIN: 1625-AA87) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Improved Seats in Air Carrier Transport Category Airplanes [Docket No. FAA-2002-13464-2; Amendment No. 121-315] (RIN: 2120-AC84) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477; Amendment Nos. 121-312; 135-98] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments) [Docket No. FAA-2004-17681; Amendment No. 91-283; 121-305, 125-46, 129-39] (RIN: 2120-AI20) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Use of Certain Portable Oxygen Concentrator Devices Onboard Aircraft [Docket No.: FAA-2004-18596; SFAR No. 106;] (RIN: 2120-AI30) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of VOR Federal Airways V-9, V-50, V-67, V-69, V-129, V-173 and V-223; and Jet Routes J-35, J-80, J-101 and J-137; Springfield, IL [Docket No. FAA-2005-21908; Airspace Docket No. 05-AGL-6] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Pascagoula, MS [Docket No. FAA-2005-20895; Airspace Docket No. 05-ASO-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Stage 4 Aircraft Noise Standards; Correction [Docket No. FAA-2003-16523] (RIN: 2120-AH99) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R-7104; Vieques Island, PR [Docket No. FAA-2005-21958; Airspace Docket No. 05-ASO-5] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to VOR Federal Airway V-536; MT [Docket No. FAA-2005-20387; Airspace Docket No. 05-ANM-2] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Second-in-Command Pilot Type Rating [Docket No. FAA-2004-19630; Amendment No. 05-113] (RIN: 2120-AI38) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport

[Docket No. FAA-2004-19411; SFAR No. 105] (RIN: 2120-AI47) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation by Reference; Correction [Docket No. 29334; Amendment No. 71-37] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—FAA-Approved Child Restraint Systems [Docket No. FAA-2005-22045; Amendment Nos. 91-289, 121-314, 125-48, and 135-100] (RIN: 2120-AI36) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—False and Misleading Statements Regarding Aircraft Products, Parts, Appliances and Materials [Docket No.: FAA-2003-15062; Amendment No. 3-1] (RIN: 2120-AG08) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule—Country of Origin of Textile and Apparel Products [CBP Dec. 05-32] (RIN: 1505-AB60) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4867. A letter from the Assistant Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations [Docket No. TSA-2005-21866; Amendment Nos. 1520-3, 1540-6, 1562-1] (RIN: 1652-AA49) received August 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

¶115.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 61. A concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

¶115.4 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO H.R. 2744

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 520):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the reso-

lution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶115.5 ORDER OF BUSINESS—

CONSIDERATION OF H. RES. 523

On motion of Mr. HYDE, by unanimous consent,

Ordered, That it shall be in order at any time without intervention of any point of order to consider in the House, the resolution (H. Res. 523) condemning Iranian President Mahmoud Ahmadinejad's threat against Israel; the resolution shall be considered as read; and the previous question shall be considered as ordered on the resolution and preamble to its adoption without intervening motion or demand for division of the question except: (1) 40 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit.

¶115.6 CONDEMNING IRANIAN PRESIDENT MAHMOUD AHMADINEJAD'S THREATS

Mr. HYDE, pursuant to the previous order of the House, called up the following resolution (H. Res. 523):

Whereas on October 26, 2005, Mahmoud Ahmadinejad, President of the Islamic Republic of Iran, declared that "Israel must be wiped off the map", described Israel as "a disgraceful blot [on] the face of the Islamic world", and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas Iran funds, trains, and openly supports terrorist groups that are determined to destroy Israel;

Whereas on December 14, 2001, the President of Iran's highly influential Expediency Council, Ali Akbar Hashemi-Rafsanjani, threatened Israel with nuclear attack, saying, "[i]f one day, the Islamic world is also equipped with weapons like those that Israel possesses now, then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything [in Israel], while it will merely harm the Islamic world";

Whereas Iran has aggressively pursued a clandestine effort to arm itself with nuclear weapons; and

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic state of Israel, highlighted by statements such as those by Ahmadinejad and Rafsanjani, underscores the danger of an Iran armed with nuclear weapons: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns, in the strongest terms, Ahmadinejad's outrageous and despicable threats and demands that he repudiate them;

(2) calls on the United Nations Security Council and all civilized nations to condemn and reject these statements and to censure Iran for its statements and for its policies aimed at destroying Israel;

(3) further calls on the United Nations Security Council and all civilized nations to consider measures to deny Iran the means to carry out its threats and to prevent Iran from acquiring nuclear weapons; and

(4) reaffirms the unwavering alliance between the United States and Israel and reasserts the commitment of the United States

to defend the right of Israel to exist as a free and democratic state.

When said resolution was considered. After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution and preamble.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

115.7 AGRICULTURE APPROPRIATIONS FY 2006

Mr. BONILLA, pursuant to House Resolution 109-252, called up the following conference report (Rept. No. 109-257):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, \$934,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$16,462,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, \$110,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer: Provided further, That of the funds provided under this section, the Secretary shall acquire one meter natural color digital ortho-imagery of the entire state of Utah.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,874,000: Provided, That hereafter the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$821,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$676,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$187,734,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, \$147,734,000, and for buildings operations and maintenance, \$40,000,000: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42

U.S.C. 6901 et seq.), \$12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,821,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,509,000: Provided, That not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$80,336,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$39,351,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, \$75,931,000: Provided, That none of the funds made available by this Act or any

other Act may be used by the Department of Agriculture to publish, disseminate, or distribute, internally or externally, Agriculture Information Bulletin Number 787: Provided further, That of the funds provided to the Economic Research Service, the Secretary of Agriculture shall use \$350,000 to enter into an agreement for a comprehensive report on the economic development and current status of the sheep industry in the United States to be prepared by the National Academy of Sciences.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, \$140,700,000, of which up to \$29,115,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,135,004,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: Provided further, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Govern-

ment at the Shortgrass Steppe Biological Field Station: Provided further, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service: Provided further, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$131,195,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$676,849,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-), \$178,757,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$22,230,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$37,591,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$128,223,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(e)), \$14,798,000; for competitive research grants (7 U.S.C. 450i(b)), \$183,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,039,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,738,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), \$500,000; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,478,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$6,000,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106-78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,250,000; for a secondary agriculture education program and 2-year post-

secondary education (7 U.S.C. 3152(j)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University and West Virginia State University, \$12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$500,000; and for necessary expenses of Research and Education Activities, \$50,471,000, of which \$2,587,000 for the Research, Education, and Economics Information System and \$2,051,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$12,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$455,955,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$275,730,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$62,634,000; payments for the pest management program under section 3(d) of the Act, \$9,960,000; payments for the farm safety program under section 3(d) of the Act, \$4,563,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, \$1,500,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,728,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University and West Virginia State University, \$33,868,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, \$2,000,000; and for necessary expenses of Extension Activities, \$25,390,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$55,792,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$45,792,000, including \$12,867,000 for the water quality program, \$14,847,000 for the food safety program, \$4,167,000 for the regional pest management centers program, \$4,464,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,389,000 for the crops affected by Food Quality Protection Act implementation, \$3,106,000 for the methyl bromide transition program, and \$1,874,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$744,000, to remain available until September 30, 2007 for the critical issues program, and \$1,334,000 for the regional rural development centers program; and \$10,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$6,000,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$815,461,000, of which \$4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$39,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$33,340,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7

U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$75,376,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$3,847,000, of which not

less than \$2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$602,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$837,756,000, of which no less than \$753,252,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2006 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act \$4,000,000, available until September 30, 2007, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$635,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,030,000,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$4,250,000.

GRASSROOTS SOURCE WATER PROTECTION
PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839b-2), \$3,750,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,608,000,000, of which \$1,400,000,000 shall be for guaranteed loans and \$208,000,000 shall be for direct loans; operating loans, \$2,074,632,000, of which \$1,150,000,000 shall be for unsubsidized guaranteed loans, \$274,632,000 shall be for subsidized guaranteed loans and \$650,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,020,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$17,370,000, of which \$6,720,000 shall be for guar-

anteed loans, and \$10,650,000 shall be for direct loans; operating loans, \$133,849,000, of which \$34,845,000 shall be for unsubsidized guaranteed loans, \$34,329,000 shall be for subsidized guaranteed loans, and \$64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, \$81,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$312,591,000, of which \$304,591,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$77,048,000: Provided, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL
RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$744,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$839,519,000, to remain available until May 31, 2007, of which not less than \$10,650,000 is for snow survey and water forecasting, and not less than \$10,547,000 is for operation and establishment of the plant materials centers, and of which not less than \$27,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), \$6,083,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$75,000,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed \$30,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$31,561,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$51,300,000, to remain available until expended: Provided, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: Provided further, That not to exceed \$3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, \$635,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H and 381N of the Consolidated Farm and Rural Development Act, \$701,941,000, to remain available until expended, of which \$82,620,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$530,100,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$89,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$25,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,464,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,350,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an

amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; \$25,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which \$100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed \$35,000 per community, for the completion of comprehensive community safe water plans; not to exceed \$18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be for Rural Community Assistance Programs and not less than \$850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed \$13,750,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, \$18,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, \$26,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements;

\$164,625,000: Provided, That of the funds appropriated under this title for salaries and expenses, \$11,147,000, to remain available until September 30, 2007, shall be used to complete the consolidation of Rural Development activities in St. Louis, Missouri: Provided further, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,140,799,000 shall be for direct loans, and of which \$3,681,033,000 shall be for unsubsidized guaranteed loans; \$35,000,000 for section 504 housing repair loans; \$100,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,500,000 for credit sales of acquired property, of which up to \$1,500,000 may be for multi-family credit sales; and \$5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$170,837,000, of which \$129,937,000 shall be for direct loans, and of which \$40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,238,000; repair, rehabilitation, and new construction of section 515 rental housing, \$45,880,000; section 538 multi-family housing guaranteed loans, \$5,420,000; multi-family credit sales of acquired property, \$681,000; and section 523 self-help housing and development loans, \$52,000: Provided, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2006, shall be carried over until September 30, 2007, and made available for such housing projects only in the State of Alaska.

For additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, \$9,000,000: Provided, That funding made available under this heading shall be used to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$454,809,000, which shall be

transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which not less than \$1,000,000 shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$653,102,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to \$8,000,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended.

RURAL HOUSING VOUCHER PROGRAM

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), \$16,000,000, to remain available until expended: Provided, That such vouchers shall be available to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of the voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds).

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$43,976,000, to remain available until expended:

Provided, That \$2,976,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$31,168,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$34,212,000.

For the cost of direct loans, \$14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2006, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That of such amount made available, the Secretary may provide up to \$1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,793,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$170,000,000 shall not be obligated and \$170,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$29,488,000, of which \$500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,500,000

shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,488,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which \$20,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$11,200,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): Provided, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND

TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,700,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$6,160,000, and the cost of telecommunications loans, \$212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$38,784,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, \$2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Of the unobligated balances from the Rural Telephone Bank Liquidating Account, \$2,500,000 shall not be obligated and \$2,500,000 are rescinded.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, \$25,000,000; and for the principal amount of broadband telecommunication loans, \$500,000,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$30,375,000, to remain available until expended, of which \$375,000 shall be for direct loans: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That \$5,000,000 shall be made available to convert analog to digital operation those non-commercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$10,750,000, to remain available until September 30, 2007: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$12,660,829,000, to remain available through September 30, 2007, of which \$7,473,208,000 is hereby appropriated and \$5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to \$5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$5,257,000,000, to remain available through September 30, 2007, of which such sums as are necessary to restore the contingency reserve to \$125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided,

That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2006; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and \$20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$40,711,395,000, of which \$3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not less than \$3,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$179,366,000, to remain available through September 30, 2007: Pro-

vided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$140,761,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$147,901,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than \$5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$3,385,000, of which \$168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$11,940,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,150,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,838,567,000: Provided, That of the amount provided under this heading, \$305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; \$40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$443,153,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$520,564,000 shall be for the

Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$178,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$245,770,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,152,000 shall be for the National Center for Toxicological Research; (7) \$58,515,000 shall be for Rent and Related activities, of which \$21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) \$134,853,000 shall be for payments to the General Services Administration for rent; and (9) \$116,059,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$8,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$98,386,000, including not to exceed \$3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to \$33,340,000 in animal health monitoring and surveillance for the animal identification system, up to \$1,500,000 in the scrapie program for indemnities, up to \$3,000,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Hereafter, not to exceed \$50,000 in each fiscal year of the funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded

competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Appropriations Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 716. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities;

or

- (6) contracts out or privatizes any functions or activities presently performed by Federal em-

ployees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

SEC. 720. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 722. Hereafter, notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 723. There is hereby appropriated \$1,250,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 724. The Secretary of Agriculture shall—

- (1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of

any impacts of the court decision in *Harvey v. Veneman*, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

SEC. 725. Hereafter, of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) from funds available for the Watershed and Flood Prevention Operations program—

(A) to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, in an amount not to exceed \$1,000,000;

(B) for the Muskingum River Watershed, Mochican River, Jerome and Muddy Fork, Ohio, obstruction removal projects, in an amount not to exceed \$1,800,000;

(C) to the Hickory Creek Special Drainage District, Bureau County, Illinois, in an amount not to exceed \$50,000; and

(D) to the Little Red River Irrigation project, Arkansas, in an amount not to exceed \$210,000;

(2) through the Watershed and Flood Prevention Operations program for—

(A) the Matanuska River erosion control project in Alaska;

(B) the Little Otter Creek project in Missouri;

(C) the Manoa Watershed project in Hawaii;

(D) the West Tarkio project in Iowa;

(E) the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois; and

(F) the Coal Creek project in Utah;

(3) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1; and

(4) through funds of the Conservation Operations program provided for the Utah Conservation Initiative for completion of the American Fork water quality and habitat restoration project in Utah.

SEC. 727. Hereafter, none of the funds made available in this Act may be transferred to any

department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 730. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 731. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 732. Hereafter, agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 733. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,017,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$80,000,000 made available by section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation

shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$120,000,000 made available by section 6401(a) of Public Law 107-171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guaranties under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of \$259,000,000.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$43,000,000.

SEC. 743. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, \$32,000,000 is hereby rescinded.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107-171 in excess of \$73,500,000.

SEC. 745. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107-171.

SEC. 746. Hereafter, none of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105-264.

SEC. 747. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$51,000,000.

SEC. 748. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 749. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426-426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) Serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 750. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171 in excess of \$60,000,000.

SEC. 751. Hereafter, agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs

of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 752. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year, and are not available for new obligations.

SEC. 753. There is hereby appropriated \$750,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 754. Notwithstanding any other provision of law—

(1) the City of Palmer, Alaska shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State; and

(4) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 755. There is hereby appropriated \$1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

SEC. 756. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 757. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of \$6,000,000 (7 U.S.C. 1524).

SEC. 758. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 759. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of \$12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

SEC. 760. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 761. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

SEC. 762. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 763. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 764. There is hereby appropriated \$650,000, to remain available until expended, to carry out provisions of section 751 of division A of Public Law 108-7.

SEC. 765. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

(2) the Township of Bloomington, Illinois (including individuals and entities with projects within Township) shall be eligible for Rural Housing Service Community Facilities Programs loans and grants;

(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) shall be eligible for Rural Housing Service Community Facilities Program loans and grants;

(4) the City of Butte/Silverbow, Montana, rural areas for purposes of eligibility for Rural Utilities Service water and waste water loans and grants and Rural Housing Service Community Facilities Program loans and grants;

(5) Cleburne County, Arkansas, rural areas for purposes of eligibility of Rural Utilities Service water and waste water loans and grants;

(6) the designated Census tract areas for the Upper Kanawha Valley Enterprise Community, West Virginia, rural areas for purposes of eligibility for rural empowerment zones and enterprise community programs in the rural development mission area;

(7) the Municipality of Carolina, Puerto Rico, as meeting the eligibility requirements for Rural Utilities Service water and waste water loans and grants;

(8) the Municipalities of Vega Baja, Manatí, Guayama, Fajardo, Humacao, and Naguabo, Puerto Rico, (including individuals and entities with projects within the Municipalities) shall be

eligible for Rural Community Advancement Program loans and grants and intermediate re-lending programs;

(9) the City of Hidalgo, Texas as a rural area for the purpose of the Rural Business-Cooperative Service Rural Business Enterprise Grant Program;

(10) the City of Elgin, Oklahoma (including individuals and entities with projects within the city) shall be eligible for Rural Utilities Service water and waste water loans and grants; and

(11) the City of Lodi, California, the City of Atchison, Kansas, and the City of Belle Glade, Florida as rural areas for the purposes of the Rural Utilities Service water and waste water loans and grants.

SEC. 766. There is hereby appropriated \$200,000 for a grant to Alaska Village Initiatives for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 767. There is hereby appropriated \$2,250,000, to remain available until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 768. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108-324 (188 Stat. 1236).

SEC. 769. Hereafter, notwithstanding any other provision of law, funds made available to States administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That States may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 770. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas.

SEC. 771. There is hereby appropriated \$2,500,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108-148 (16 U.S.C. 6571-6578).

SEC. 772. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 773. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture \$7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

SEC. 774. The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE. (a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final matu-

rity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

"(b) LIMITATIONS.—

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OR COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

"(c) FEES.—

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee."

SEC. 775. (a) IN GENERAL.—The Secretary of Health and Human Services, on behalf of the United States may, whenever the Secretary deems desirable, relinquish to the State of Arkansas all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary.

(b) TERMS.—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable.

(1) by filing with the Governor of the State of Arkansas a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of such State may otherwise provide.

(c) DEFINITION.—In this section, the term "Jefferson Labs campus" means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

SEC. 776. Section 204(b)(3)(A) of the Child Nutrition and WIC Reauthorization Act of 2004 (118 Stat. 781; 42 U.S.C. 1751 note) is amended by striking "July 1, 2006" and inserting "October 1, 2005".

SEC. 777. (a) Section 18(f)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)(B)) is amended—

(1) by striking "April 2004" and inserting "June 2005"; and

(2) in clause (ii), by striking "66.67" and inserting "75".

(b) The amendments made by subsection (a) take effect on January 1, 2006.

SEC. 778. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank, except in the event of liquidation or dissolution of the telephone bank during fiscal year 2006, pursuant to section 411 of the Rural Electrification Act of 1936, as amended, or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 779. There is hereby appropriated \$6,000,000 to carry out Section 120 of Public Law 108-265 in Utah, Wisconsin, New Mexico, Texas, Connecticut, and Idaho.

SEC. 780. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

SEC. 781. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

SEC. 782. The Federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the "Southern Horticultural Laboratory", shall be known and designated as the "Thad Cochran Southern Horticultural Laboratory": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the "Thad Cochran Southern Horticultural Laboratory".

SEC. 783. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture shall convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

SEC. 784. (a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses and deer within the definition of "livestock" covered by the program.

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting "horses, deer," after "bison,;" and

(B) by striking "equine animals used for food or in the production of food,."

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51) is amended by inserting "(including losses to elk, reindeer, bison, horses, and deer)" after "livestock losses".

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking "and bison" and inserting "bison, horses, and deer".

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking "and bison" and inserting "bison, horses, and deer".

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

SEC. 785. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2823) shall remain available until expended.

SEC. 786. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 787. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 788. Of the unobligated balances under section 32 of the Act of August 24, 1935, \$37,601,000 are hereby rescinded.

SEC. 789. None of the funds provided in this Act may be obligated or expended for any activity the purpose of which is to require a recipient of any grant that was funded in Public Law 102-368 and Public Law 103-50 for "Rural Housing for Domestic Farm Labor" in response to Hurricane Andrew to pay the United States any portion of any interest earned with respect to such grants: Provided, That such funds are expended by the grantee within 18 months of the date of enactment of this section for the purposes of providing farm labor housing consistent with the purpose authorized in Title V of the Housing Act of 1949, as determined by the Secretary.

SEC. 790. There is hereby appropriated \$140,000 to remain available until expended, for a grant to the University of Nevada at Reno; \$400,000 to remain available until expended for a grant to the Ohio Center for Farmland Policy Innovation at Ohio State University, Columbus, Ohio; \$200,000 to remain available until expended, for a grant to Utah State University for a farming and dairy training initiative; \$500,000, to remain available until expended, for a grant to the Nueces County, Texas Regional Fair-

ground; and \$350,000 to provide administrative support for a world hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

SEC. 791. There is hereby appropriated \$1,000,000 to establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Indians: Provided, That the interest rate for direct loans shall be 1 percent: Provided further, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.

SEC. 792. Section 285 of the Agriculture Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking "2006" and inserting "2008".

SEC. 793. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer Section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy or agency guidance issued pursuant to Section 508(e)(3) of such Act for the 2007 reinsurance year.

SEC. 794. Effective 120 days after the date of enactment of this Act, none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

SEC. 795. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a quarterly report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate on the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

SEC. 796. Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the

United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year."

SEC. 797. (a) Section 2111(a)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6510(a)(1)) is amended by inserting "not appearing on the National List" after "ingredient".

(b) Section 2118 of the Organic Foods Production Act of 1990 (7 U.S.C. 6517) is amended—

(1) in subsection (c)(1)—
 (A) in the paragraph heading, by inserting "IN ORGANIC PRODUCTION AND HANDLING OPERATIONS" after "SUBSTANCES";
 (B) in subparagraph (B)—
 (i) in clause (i), by inserting "or" at the end;

(ii) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by striking clause (iii); and
 (2) in subsection (d), by adding at the end the following:

"(6) EXPEDITED PETITIONS FOR COMMERCIALY UNAVAILABLE ORGANIC AGRICULTURAL PRODUCTS CONSTITUTING LESS THAN 5 PERCENT OF AN ORGANIC PROCESSED PRODUCT.—The Secretary may develop emergency procedures for designating agricultural products that are commercially unavailable in organic form for placement on the National List for a period of time not to exceed 12 months."

(c) Section 2110(e)(2) of the Organic Foods Production Act of 1990 (7 U.S.C. 6509(e)(2)) is amended—

(1) by striking "A dairy" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), a dairy"; and

(2) by adding at the end the following:

"(B) TRANSITION GUIDELINE.—Crops and forage from land included in the organic system plan of a dairy farm that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products."

SEC. 798. (a) AMENABLE SPECIES.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) by striking "cattle, sheep, swine, goats, horses, mules, and other equines" each place it appears and inserting "amenable species";

(2) in section 1, by adding at the end the following new subsection:

"(w) The term 'amenable species' means—
 "(1) those species subject to the provisions of the Act on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006; and
 "(2) any additional species of livestock that the Secretary considers appropriate."; and

(3) in section 19—
 (A) by striking "horses, mules, or other equines" and inserting "species designated by regulations in effect on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2006"; and

(B) by striking "cattle, sheep, swine, or goats" and inserting "other amenable species".
 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect of the day after the effective date of section 794 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

SEC. 799. Public Law 109-54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 is amended as follows:

(a) Under the heading National Park Service, Construction by:

(1) Striking "of which" after "\$301,291,000, to remain available until expended," and inserting in lieu thereof "and";

(2) In the sixth proviso, striking "hereinafter" and inserting in lieu thereof "hereafter" and, after "Annex", inserting "and the Blue Ridge Parkway Regional Destination Visitor Center"; and

(3) In the seventh proviso, striking "solicitation and contract" and inserting in lieu thereof "solicitations and contracts";

(b) Under the heading National Park Service, Land Acquisition and State Assistance by striking "\$74,824,000" and inserting in lieu thereof "\$64,909,000";

(c) Under the heading Departmental Management, Salaries and Expenses by striking "\$127,183,000" and inserting in lieu thereof "\$117,183,000";

(d) Under the heading Title II—Environmental Protection Agency, State and Tribal Assistance Grants by:

(1) Before the period at the end of the first paragraph, inserting "": Provided further, That of the funds made available under this heading in Division I of Public Law 108-447, \$300,000 is for the Haleyville, AL, North Industrial Area Water Storage Tank project: Provided further, That the referenced statement of the managers under the heading Environmental Protection Agency, State and Tribal Assistance Grants in Public Law 107-73, in reference to item 184, is deemed to be amended by striking "\$2,000,000" and inserting in lieu thereof "\$29,945" and by inserting after "improvements": "\$500,000 to the City of Sheridan for water system improvements, \$500,000 to Meagher County/Martinsdale Water and Sewer District for Martinsdale Water System Improvements, and \$970,055 to the City of Bozeman for Hyalite Waterline and Intake"; and

(2) In the second paragraph, striking the word "original";

(e) Under the heading Forest Service, Land Acquisition by striking "land that are encumbered" and all that follows through "under this section," and inserting in lieu thereof "lands that are encumbered by unpatented claims acquired under this section, or with previously appropriated funds,"; and

(f) At the end of Title IV—General Provisions, insert the following:

"SEC. 440. REDESIGNATION OF WILDERNESS.

(a) REDESIGNATION.—Section 140(c)(4) of Division E of Public Law 108-447 is amended by striking "National".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Gaylord A. Nelson National Wilderness" shall be deemed to be a reference to the "Gaylord A. Nelson Wilderness".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

- HENRY BONILLA,
- JACK KINGSTON,
- TOM LATHAM,
- JO ANN EMERSON,
- VIRGIL GOODE, JR.,
- RAY LAHOOD,
- JOHN T. DOOLITTLE,
- RODNEY ALEXANDER,
- JERRY LEWIS,
- R. F. BENNETT,
- THAD COCHRAN,
- ARLEN SPECTER,
- CHRIS BOND,
- MITCH MCCONNELL,
- TED STEVENS,
- HERB KOHL,

Managers on the part of the House.

- DIANNE FEINSTEIN,
- RICHARD DURBIN,
- MARY LANDRIEU,
- ROBERT C. BYRD,

Managers on the part of the Senate.

When said conference report was considered.

After debate,
 By unanimous consent, the previous question was ordered on the conference report.

The question being put,
 Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. GILLMOR, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 318
 affirmative } Nays 63

¶115.8 [Roll No. 555]

YEAS—318

Abercrombie	Deal (GA)	Johnson (CT)
Ackerman	DeGette	Johnson (IL)
Aderholt	Delahunt	Johnson, E. B.
Akin	DeLauro	Johnson, Sam
Alexander	DeLay	Jones (OH)
Allen	Dent	Kanjorski
Bachus	Dicks	Kaptur
Baird	Dingell	Keller
Baldwin	Doggett	Kelly
Barrow	Doolittle	Kennedy (MN)
Bartlett (MD)	Doyle	Kennedy (RI)
Barton (TX)	Dreier	Kildee
Beauprez	Edwards	Kilpatrick (MI)
Berkley	Ehlers	King (IA)
Berry	Emanuel	King (NY)
Bishop (GA)	Emerson	Kline
Bishop (NY)	English (PA)	Knollenberg
Bishop (UT)	Etheridge	Kolbe
Boehner	Evans	Kuhl (NY)
Bonilla	Everett	LaHood
Bonner	Farr	Langevin
Boozman	Fattah	Lantos
Boren	Filner	Larsen (WA)
Boucher	Fitzpatrick (PA)	Larson (CT)
Boustany	Forbes	Latham
Boyd	Fortenberry	Leach
Brady (PA)	Fox	Levin
Brady (TX)	Frank (MA)	Lewis (CA)
Brown (OH)	Frelinghuysen	Lewis (KY)
Brown (SC)	Gerlach	Lipinski
Brown, Corrine	Gilchrest	LoBiondo
Burgess	Gillmor	Lofgren, Zoe
Burton (IN)	Gingrey	Lowe
Butterfield	Gohmert	Lucas
Buyer	Gonzalez	Lungren, Daniel
Camp	Goode	E.
Cannon	Goodlatte	Mack
Cantor	Gordon	Maloney
Capito	Granger	Manzullo
Capps	Graves	Markey
Cardin	Green, Al	Marshall
Cardoza	Green, Gene	Matheson
Carnahan	Grijalva	Matsui
Carson	Gutknecht	McCarthy
Carter	Hall	McCaul (TX)
Case	Harman	McCotter
Castle	Hart	McCrary
Chabot	Hastings (FL)	McGovern
Chandler	Hastings (WA)	McHenry
Clay	Hayes	McHugh
Cleaver	Herger	McIntyre
Coble	Higgins	McKinney
Cole (OK)	Hinche	McMorris
Conaway	Hinojosa	McNulty
Costa	Hobson	Meehan
Costello	Hoekstra	Meeks (NY)
Cramer	Holden	Melancon
Crenshaw	Holt	Menendez
Crowley	Hooley	Mica
Cubin	Hoyer	Michaud
Cuellar	Hulshof	Millender-
Culberson	Hunter	McDonald
Cummings	Hyde	Miller (FL)
Cunningham	Inglis (SC)	Miller (MI)
Davis (AL)	Issa	Miller (NC)
Davis (CA)	Istook	Miller, George
Davis (IL)	Jackson (IL)	Mollohan
Davis (KY)	Jenkins	Moore (KS)
Davis (TN)	Jindal	Moore (WI)

Moran (KS) Rogers (MI) Tanner
 Moran (VA) Ros-Lehtinen Taylor (MS)
 Murphy Ross Taylor (NC)
 Murtha Rothman Terry
 Musgrave Ruppertsberger Thomas
 Myrick Rush Thompson (CA)
 Neal (MA) Ryan (OH) Thompson (MS)
 Neugebauer Ryun (KS) Thornberry
 Northup Sabo Tiberi
 Norwood Salazar Tierney
 Nussle Sánchez, Linda Turner
 Oberstar T. Udall (CO)
 Oliver Sanchez, Loretta Udall (NM)
 Osborne Sanders Upton
 Oxley Saxton Van Hollen
 Pallone Schiff Visclosky
 Pascrell Schmidt Walden (OR)
 Pastor Schwartz (PA) Walsh
 Pearce Schwarz (MI) Wamp
 Peterson (MN) Scott (GA) Wasserman
 Peterson (PA) Scott (VA) Schultz
 Pickering Serrano Waters
 Platts Sessions Sherman
 Poe Sherman Sherwood
 Pombo Sherwood Shimkus
 Pomeroy Shimkus Shuster
 Porter Shuster Weiner
 Price (NC) Simpson Weldon (FL)
 Pryce (OH) Skelton Weldon (PA)
 Putnam Smith (NJ) Weller
 Radanovich Smith (WA) Wicker
 Rahall Snyder Wilson (NM)
 Rangel Sodrel Wilson (SC)
 Regula Solis Wolf
 Reichert Souder Woolsey
 Renzi Spratt Wynn
 Reynolds Strickland Young (AK)
 Rogers (AL) Stupak Sullivan Young (FL)
 Rogers (KY)

NAYS—63

Andrews Franks (AZ) Owens
 Barrett (SC) Garrett (NJ) Paul
 Bass Gibbons Payne
 Bean Green (WI) Pence
 Biggert Hayworth Petri
 Bilirakis Hefley Pitts
 Blackburn Hensarling Price (GA)
 Blumenauer Herstedt Ramstad
 Bono Honda Rehberg
 Bradley (NH) Hostettler Rohrabacher
 Capuano Inslee Royce
 Chocola Israel Ryan (WI)
 Conyers Jackson-Lee Schakowsky
 Cooper (TX) Kirk Shays
 Davis, Tom Kirk Kucinich
 DeFazio Kucinich Simmons
 Duncan Lee Stearns
 Engel Lewis (GA) Sweeney
 Feeney Marchant Tancredo
 Ferguson McCollum (MN) Wexler
 Flake Nadler Whitfield
 Fossella Otter

NOT VOTING—52

Baca Ford Obey
 Baker Gallegly Ortiz
 Becerra Gutierrez Pelosi
 Berman Harris Reyes
 Blunt Jefferson Roybal-Allard
 Boehlert Jones (NC) Sensenbrenner
 Boswell Kind Shadegg
 Brown-Waite, Kingston Shaw
 Ginny LaTourette Slaughter
 Calvert Linder Smith (TX)
 Clyburn Lynch Stark
 Davis (FL) McDermott Tauscher
 Davis, Jo Ann McKeon Tiahrt
 Diaz-Balart, L. Meek (FL) Towns
 Diaz-Balart, M. Miller, Gary Velázquez
 Drake Napolitano Westmoreland
 Eshoo Ney Wu
 Foley Nunes

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶115.9 H. RES. 523—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced the unfinished business

to be on agreeing to the resolution (H. Res. 523) condemning Iranian President Mahmoud Ahmadinejad's threats against Israel.

The question being put,
 Will the House agree to said resolution?

It was decided in the affirmative
 Yeas 383
 Nays 0
 Answered present 1

¶115.10 [Roll No. 556] YEAS—383

Abercrombie Davis (KY) Hunter
 Ackerman Davis (TN) Hyde
 Aderholt Davis, Tom Inglis (SC)
 Akin Deal (GA) Inslee
 Alexander DeFazio Israel
 Allen DeGette Issa
 Andrews Delahunt Istook
 Bachus DeLauro Jackson (IL)
 Baird DeLay Jackson-Lee
 Baldwin Dent (TX)
 Barrett (SC) Dicks Jenkins
 Barrow Dingell Jindal
 Bartlett (MD) Doggett Johnson (CT)
 Barton (TX) Doolittle Johnson (IL)
 Bass Doyle Johnson, E. B.
 Bean Dreier Johnson, Sam
 Beauprez Duncan Jones (OH)
 Berkley Edwards Kanjorski
 Berman Ehlers Kaptur
 Berry Emanuel Keller
 Biggert Emerson Kelly
 Bilirakis English (PA) Kennedy (MN)
 Bishop (GA) English (PA) Kennedy (RI)
 Bishop (NY) Etheridge Kildee
 Bishop (UT) Evans Kilpatrick (MI)
 Blackburn Everett King (IA)
 Blumenauer Farr King (NY)
 Boehner Fattah Kirk
 Bonilla Feeney Kline
 Bonner Ferguson Knollenberg
 Bono Filner Kolbe
 Boozman Fitzpatrick (PA) Kucinich
 Boren Flake Kuhl (NY)
 Boucher Forbes LaHood
 Boustany Fortenberry Langevin
 Boyd Fossella Lantos
 Bradley (NH) Foxx Larsen (WA)
 Brady (PA) Frank (MA) Larson (CT)
 Brady (TX) Franks (AZ) Latham
 Brown (OH) Frelinghuysen LaTourette
 Brown (SC) Garrett (NJ) Leach
 Brown, Corrine Gerlach Lee
 Burgess Gibbons Levin
 Burton (IN) Gilchrist Lewis (CA)
 Butterfield Gillmor Lewis (GA)
 Buyer Gingrey Lewis (KY)
 Camp Gohmert Lipinski
 Cannon Gonzalez LoBiondo
 Cantor Goode Lofgren, Zoe
 Capito Goodlatte Lowey
 Capps Gordon Lucas
 Capuano Granger Lungren, Daniel
 Cardin Graves E.
 Cardoza Green (WI) Lynch
 Carnahan Green, Al Mack
 Carson Green, Gene Maloney
 Carter Grijalva Manzullo
 Case Gutknecht Marchant
 Castle Hall Markey
 Chabot Harman Marshall
 Chandler Harris Matheson
 Chocola Hart Matsui
 Clay Hastings (FL) McCarthy
 Hastings (WA) McCaul (TX) McCollum (MN)
 Hayes Hayworth McCotter
 Hayworth Hefley McCreery
 Hensarling McGovern
 Herger McHenry
 Herstedt McHugh
 Higgins McIntyre
 Hinchey McMorris
 Hinojosa McNulty
 Hobson Meehan
 Hoeckstra Meeks (NY)
 Holden Melancon
 Holt Menendez
 Honda Hooley Mica
 Hooley Hoostettler Michaud
 Davis (AL) Davis (CA) Millender
 Davis (IL) Hoyer McDonald
 Hulshof Miller (FL)

Miller (MI) Regula Spratt
 Miller (NC) Rehberg Stearns
 Miller, George Reichert Strickland
 Mollohan Renzi Stupak
 Moore (KS) Reynolds Sullivan
 Moore (WI) Rogers (AL) Sweeney
 Moran (KS) Rogers (KY) Tancredo
 Moran (VA) Rogers (MI) Tanner
 Murphy Rohrabacher Taylor (MS)
 Murtha Ros-Lehtinen Taylor (NC)
 Musgrave Ross Terry
 Myrick Rothman Thomas
 Nadler Royce Thompson (CA)
 Neal (MA) Ruppertsberger Thompson (MS)
 Neugebauer Rush
 Northup Ryan (OH) Thornberry
 Norwood Ryan (WI) Tiberi
 Nussle Ryun (KS) Tierney
 Oberstar Sabo Turner
 Oliver Salazar Udall (CO)
 Osborne Sánchez, Linda Udall (NM)
 Otter T. Upton
 Owens Sanchez, Loretta Van Hollen
 Oxley Sanders Visclosky
 Pallone Saxton Walden (OR)
 Pascrell Schakowsky Walsh
 Pastor Schiff Wamp
 Payne Schmidt Wasserman
 Pearce Schwartz (PA) Schultz
 Pence Schwarz (MI) Waters
 Peterson (MN) Scott (GA) Watson
 Peterson (PA) Scott (VA) Watt
 Petri Serrano Waxman
 Pickering Sessions Weiner
 Pitts Shays Weldon (FL)
 Platts Sherman Weldon (PA)
 Poe Sherwood Weller
 Pombo Shimkus Wexler
 Pomeroy Shuster Whitfield
 Porter Simmons Wilson (NM)
 Price (GA) Simpson Wilson (SC)
 Price (NC) Skelton Wolf
 Pryce (OH) Smith (NJ) Woolsey
 Putnam Smith (WA) Wu
 Radanovich Snyder Wynn
 Rahall Sodrel Young (AK)
 Ramstad Solis Young (FL)
 Rangel Souder

ANSWERED "PRESENT"—1

Paul

NOT VOTING—49

Baca Ford Ortiz
 Baker Gallegly Pelosi
 Becerra Gutierrez Reyes
 Blunt Jefferson Roybal-Allard
 Boehlert Jones (NC) Sensenbrenner
 Boswell Kind Shadegg
 Brown-Waite, Kingston Shaw
 Ginny Linder Slaughter
 Calvert McDermott Smith (TX)
 Clyburn McKeon Stark
 Davis (FL) McKinney Tauscher
 Davis, Jo Ann Meek (FL) Tiahrt
 Diaz-Balart, L. Miller, Gary Towns
 Diaz-Balart, M. Napolitano Velázquez
 Drake Ney Westmoreland
 Eshoo Nunes Wicker
 Foley Obey

So, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶115.11 ADVERSE REPORT ON H. RES. 467

Mr. BOEHNER, by direction of the Committee on Education and the Workforce, adversely reported (Rept. No. 109-258) the privileged resolution (H. Res. 467) requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers; referred to the House Calendar and ordered printed.

¶115.12 ADVERSE REPORT ON H. RES. 463

Mr. MCCAUL of Texas, by direction of the Committee on Homeland Security, adversely reported (Rept. No. 109-259) the privileged resolution (H. Res. 463) of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners; referred to the House Calendar and ordered printed.

¶115.13 ROSA PARKS LYING IN HONOR

On motion of Mr. EHLERS, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 61):

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶115.14 FURTHER MESSAGE FROM THE SENATE

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

H.R. 889. An Act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 889) "An Act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Ms. SNOWE, Messrs. LOTT, SMITH, INOUE, Ms. CANTWELL, and Mr. LAUTENBERG, to be the conferees on the part of the Senate.

¶115.15 HOUR OF MEETING

On motion of Mrs. BLACKBURN, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 3 p.m. on Monday, October 31, 2005, and further, when the House adjourns on Monday, October 31, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, November 1, 2005, for morning-hour debate.

¶115.16 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mrs. BLACKBURN, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, November 2, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶115.17 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

THE SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 1, 2005.

DENNIS HASTER, *Speaker of the House of Representatives.*

By unanimous consent, the appointment was approved.

¶115.18 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 61. A concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; to the Committee on House Administration.

¶115.19 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 37. An Act to extend the special postage stamp for breast cancer research for 2 years.

¶115.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today;
To Mr. BECERRA, for today;
To Mr. CLYBURN, for today;
To Ms. ESHOO, for today;
To Mr. LINDER, for today;
To Mr. MEEK of Florida, for today;
To Mr. Gary G. MILLER of California, for today;
To Mr. OBEY, for today;
To Mr. ORTIZ, for today; and
To Mr. REYES, for today.

¶115.21 ADJOURNMENT

On motion of Mr. POE, pursuant to the previous order of the House, at 4 o'clock and 3 minutes p.m., the House adjourned until 3 p.m. on Monday, October 31, 2005.

¶115.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. House Resolution 467. Resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to

wages and benefits to be paid to workers; adversely (Rept. 109-258). Referred to the House Calendar.

Mr. KING of New York: Committee on Homeland Security. House Resolution 463. Resolution of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners; adversely (Rept. 109-259). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 1973. A bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes; with an amendment (Rept. 109-260). Referred to the Committee of the Whole House on the State of the Union.

¶115.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY:

H.R. 4172. A bill to provide for enhanced enforcement of the Federal immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 4173. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax to subsidize the cost of COBRA continuation coverage for certain individuals; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. ISRAEL, Mrs. MCCARTHY, and Mr. ACKERMAN):

H.R. 4174. A bill to require the Federal Aviation Administration to issue a final regulation to mitigate center wing fuel tank flammability in transport category aircraft; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Tennessee:

H.R. 4175. A bill to insert certain counties as part of the Appalachian Region; to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE (for himself and Mr. GIBBONS):

H.R. 4176. A bill to provide for the release of certain Wilderness Study Areas involving public lands administered by the Bureau of Land Management in Lassen and Modoc Counties, California, and Washoe County, Nevada; to the Committee on Resources.

By Ms. HARRIS:

H.R. 4177. A bill to establish a commission to review Federal Government administration and spending practices; to the Committee on Government Reform.

By Mr. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 4178. A bill to amend the Small Business Act to establish an energy emergency disaster loan program; to the Committee on Small Business.

By Mr. SALAZAR (for himself, Mr. REHBERG, Mr. PETERSON of Minnesota, Mr. COSTA, Mr. CASE, Ms. HERSETH, Mr. ROSS, Mr. MELANCON, Mr. CARDOZA, and Mr. LIPINSKI):

H.R. 4179. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Ways and Means.

By Mrs. SCHMIDT (for herself and Mr. SHAYS):

H.R. 4180. A bill to amend the Federal Election Campaign Act of 1971 to require communications which consist of prerecorded telephone calls to meet the disclosure and disclaimer requirements applicable to general public campaign communications transmitted through radio, and for other purposes; to the Committee on House Administration.

By Mr. UDALL of Colorado:

H.R. 4181. A bill to authorize the acquisition of certain mineral rights in Colorado, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. JACKSON of Illinois, Ms. CARSON, Mr. OBERSTAR, Mr. DAVIS of Alabama, Mr. WATT, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 286. Concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; to the Committee on House Administration.

By Mr. EMANUEL (for himself, Mr. EVANS, Mr. BISHOP of New York, Mr. DAVIS of Tennessee, Ms. MATSUI, Mr. COSTELLO, Mr. MARKEY, Mrs. MALONEY, Mr. RAHALL, Mr. CHANDLER, Mr. OWENS, Mr. MCGOVERN, Mr. CASE, Ms. KILPATRICK of Michigan, Mr. LYNCH, Mr. SERRANO, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. MILLER of North Carolina, Mr. FILNER, Mr. DOYLE, Ms. WATSON, Mr. ORTIZ, Mr. CUMMINGS, Ms. MCCOLLUM of Minnesota, Mr. MEEK of Florida, Mr. PETERSON of Minnesota, Mr. VISCLOSKEY, Mr. KILDEE, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. MEEHAN, Mr. THOMPSON of California, Mr. DOGGETT, Mr. CUELLAR, Mr. SPRATT, Mr. HOLT, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. BISHOP of Georgia, Ms. BERKLEY, Mr. HIGGINS, Ms. CARSON, Mr. PAYNE, Mr. HONDA, Mr. ISRAEL, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. PALLONE, Mr. SANDERS, Mr. REYES, Mr. BAIRD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. SCOTT of Virginia, and Mr. CONYERS):

H. Con. Res. 287. Concurrent resolution honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. PENCE, Mr. WAXMAN, Ms. ROSLEHTINEN, Ms. SCHWARTZ of Pennsylvania, Mr. NEY, Mr. SHERMAN, Mr. ISSA, Mr. EMANUEL, Mr. KIRK, Mr. DELAY, Mr. ROHRBACHER, Mr. ACKERMAN, Mr. LEWIS of Kentucky, Mrs. MALONEY, Mr. TERRY, Ms. HARMAN, Mr. ROGERS of Michigan, Mr. HIGGINS, Mr. GREEN of Wisconsin, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. BERMAN, Mr. FLAKE, Mr. BROWN of Ohio, Mr. FOSSELLA, Mr. CHANDLER, Mr. CHABOT, Mr. CARDOZA, Mr. BRADY of Texas, Mr. HONDA, Mr. ENGLISH of Pennsylvania, Ms. MATSUI, Mr. CANTOR, Mr. ROTHMAN, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. HOYER, Mr. ROYCE, Mr. FALEOMAVAEGA, Mr. DOOLITTLE, Mr. WEXLER, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. KING of Iowa, Ms. BERKLEY, Mr. POE, Mrs. MILLER of Michigan, Mr. MANZULLO, Mr. COSTA, Mr. FORTENBERRY, Ms. SCHAKOWSKY,

Mr. FITZPATRICK of Pennsylvania, Mr. AL GREEN of Texas, Mr. DENT, Mr. NADLER, Mr. WELLER, Mr. BISHOP of Georgia, Mr. COSTELLO, Mr. FILNER, Mr. WHITFIELD, Mr. MENENDEZ, Mr. LEACH, Mr. MICHAUD, Mr. DANIEL E. LUNGREN of California, and Mrs. TAUSCHER):

H. Res. 523. A resolution condemning Iranian President Mahmoud Ahmadinejad's threats against Israel; to the Committee on International Relations. considered and agreed to.

By Mr. BROWN of Ohio (for himself, Mr. EVANS, Ms. KAPTUR, Mr. CONYERS, Mr. ROTHMAN, Mrs. MALONEY, and Mr. GRIJALVA):

H. Res. 524. A resolution amending the Rules of the House of Representatives to impose limitations respecting certain legislation that affects the economy, and for other purposes; to the Committee on Rules.

By Mr. WICKER (for himself and Mr. LANTOS):

H. Res. 525. A resolution expressing the sense of the House of Representatives with respect to the trial and sentencing of Mikhail B. Khodorkovsky and the seizing of assets and state-directed takeover of the Yukos Oil Company by the Government of the Russian Federation; to the Committee on International Relations.

115.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. CARSON.
 H.R. 25: Mrs. JO ANN DAVIS of Virginia.
 H.R. 282: Mr. FATTAH.
 H.R. 383: Mr. WALDEN of Oregon.
 H.R. 475: Mr. EMANUEL.
 H.R. 615: Mr. CROWLEY.
 H.R. 698: Mr. KLINE.
 H.R. 745: Mrs. BLACKBURN.
 H.R. 839: Ms. SOLIS.
 H.R. 857: Mr. FOSSELLA.
 H.R. 899: Mr. ACKERMAN.
 H.R. 923: Mr. BLUMENAUER and Mr. FRANKS of Arizona.
 H.R. 998: Mr. CAMP.
 H.R. 1059: Mr. CLAY, Mr. MILLER of North Carolina, Mr. EMANUEL, and Mr. OWENS.
 H.R. 1141: Ms. HARRIS, Mr. MCCAUL of Texas, Mr. WELLER, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, and Mr. WEXLER.
 H.R. 1182: Mr. MCGOVERN.
 H.R. 1246: Mr. FATTAH.
 H.R. 1258: Mr. BOUCHER.
 H.R. 1402: Mr. DAVIS of Alabama.
 H.R. 1504: Mr. MCCOTTER and Ms. MCKINNEY.
 H.R. 1538: Mr. BISHOP of New York and Mrs. MCCARTHY.
 H.R. 1561: Ms. ZOE LOFGREN of California and Mr. FARR.
 H.R. 1634: Mr. RUPPERSBERGER.
 H.R. 1973: Mr. INGLIS of South Carolina, Ms. SCHAKOWSKY, and Mr. ACKERMAN.
 H.R. 2231: Mr. HOLDEN, Mr. WU, Mr. MEEHAN, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, and Ms. WATERS.
 H.R. 2238: Mr. BROWN of Ohio, Mr. ANDREWS, Ms. HARRIS, Ms. BEAN, and Ms. WATERS.
 H.R. 2409: Ms. LORETTA SANCHEZ of California.
 H.R. 2533: Ms. WOOLSEY, Mr. SNYDER, and Mr. PASCRELL.
 H.R. 2682: Mr. LOBIONDO.
 H.R. 3128: Mr. PAYNE and Mr. LARSON of Connecticut.
 H.R. 3137: Mr. TURNER.
 H.R. 3171: Mr. ANDREWS.
 H.R. 3296: Mr. PAYNE and Ms. MCKINNEY.
 H.R. 3334: Mrs. MYRICK.
 H.R. 3358: Mr. CLAY.
 H.R. 3373: Mr. BOOZMAN, Mr. CUELLAR, and Mr. MEEHAN.

H.R. 3420: Mr. CHANDLER.

H.R. 3430: Mr. GORDON.

H.R. 3463: Mr. FEENEY, Mr. CANTOR, Mr. Fortuño, Mr. NEUGEBAUER, Mr. LEWIS of Kentucky, Mr. PITTS, Mr. HOSTETTLER, Mr. GINGREY, and Mr. SHADEGG.

H.R. 3476: Mr. CAPUANO.

H.R. 3478: Mr. CARTER.

H.R. 3547: Mr. CULBERSON.

H.R. 3559: Mr. LYNCH, Mr. SANDERS, Mr. FORD, Ms. BERKLEY, Mr. BOEHLERT, Mr. RYAN of Ohio, and Mr. WALSH.

H.R. 3591: Mr. MCCOTTER.

H.R. 3622: Mr. BOOZMAN and Mr. REHBERG.

H.R. 3753: Mr. POE, Mr. WESTMORELAND, Mr. SESSIONS, and Mr. POMBO.

H.R. 3829: Mr. SULLIVAN and Mr. ISTOOK.

H.R. 3858: Mr. KING of New York, Mr. GRIJALVA, and Mr. BISHOP of New York.

H.R. 3876: Mr. SIMMONS and Mr. CUNNINGHAM.

H.R. 3883: Mr. RADANOVICH, Mr. BOEHNER, Mr. OBERSTAR, Mr. ALLEN, and Mr. MCHUGH.

H.R. 3907: Mr. BARRETT of South Carolina and Mr. FLAKE.

H.R. 3938: Mr. PRICE of Georgia.

H.R. 3949: Mr. ROSS and Mr. SANDERS.

H.R. 3966: Mr. FORD.

H.R. 4032: Mr. HUNTER, Mr. KLINE, and Mr. MILLER of Florida.

H.R. 4033: Mr. CRAMER.

H.R. 4047: Mr. MURPHY.

H.R. 4050: Mr. DOGGETT and Mr. CARTER.

H.R. 4062: Mr. PASCRELL and Mr. DAVIS of Alabama.

H.R. 4063: Mr. GRIJALVA, Mr. FITZPATRICK of Pennsylvania, Mr. JOHNSON of Illinois, Mrs. KELLY, Ms. DELAURIO, and Ms. BEAN.

H.R. 4072: Mr. SIMMONS and Mr. DENT.

H.R. 4073: Mr. DAVIS of Alabama, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLEAVER, Mr. FORTENBERRY, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. BECERRA, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. FILNER, and Mr. HONDA.

H.R. 4079: Mr. MILLER of Florida.

H.R. 4089: Mr. WESTMORELAND.

H.R. 4094: Mr. CARDOZA, Mr. COSTA, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. MATSUI, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. STARK, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Ms. WATSON, Mr. THOMPSON of California, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Ms. MILLENDER-MCDONALD, and Mr. FARR.

H.R. 4121: Mr. CONAWAY, Mr. BOUSTANY, Mr. KUHLMAN of New York, Mr. PRICE of Georgia, Mr. MCHENRY, Mr. REICHERT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GOHMERT, Mr. KING of Iowa, Miss McMORRIS, Mr. FORTENBERRY, Ms. FOX, Mr. DAVIS of Kentucky, Mr. POE, Mr. LEWIS of Kentucky, Mr. AL GREEN of Texas, Mr. DAVIS of Tennessee, Mr. FITZPATRICK of Pennsylvania, and Mr. SHERWOOD.

H.R. 4128: Mr. POMBO, Mr. ADERHOLT, Mr. BONNER, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GRAVES, Mr. POE, Mr. RYUN of Kansas, Ms. HARRIS, Mr. BOEHNER, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARROW, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. HERGER, Mr. WAMP, Mr. RAMSTAD, Mr. MCCAUL of Texas, Mr. PENCE, Mr. JENKINS, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. GIBBONS, Mr. DANIEL E. LUNGREN of California, Mr. LOBIONDO, Mr. SIMPSON, Mr. STEARNS, Ms. GINNY BROWN-WAITE of Florida, Mr. GENE GREEN of Texas, Mr. SODREL, Mr. CAMP, Mr. BRADLEY of New Hampshire, Mrs. CUBIN, Mr. KLINE, Mrs. MUSGRAVE, Mr. NORWOOD, Mr. OTTER, Mr. PITTS, Mr. WESTMORELAND, Mr. BRADY of

Texas, Mr. RYAN of Wisconsin, and Mr. SCOTT of Georgia.

H.R. 4146: Mr. PAUL, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H.R. 4155: Mr. WELLER and Mr. ENGLISH of Pennsylvania.

H.R. 4157: Mr. GILLMOR.

H.R. 4158: Mr. DAVIS of Illinois.

H.R. 4163: Mr. ALEXANDER.

H.R. 4167: Mr. BARRETT of South Carolina, Mr. OWENS, Mr. SCOTT of Georgia, Mr. SIMMONS, Mr. HEFLEY, and Mr. FORD.

H. Con. Res. 172: Mr. EHLERS.

H. Con. Res. 197: Mr. CLAY.

H. Con. Res. 218: Ms. SOLIS, Mrs. TAUSCHER, Mr. LANTOS, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. CARDOZA, Mrs. DAVIS of California, Ms. LEE, Ms. ESHOO, Mr. INSLEE, Mr. DANIEL E. LUNGREN of California, Mr. COSTA, Mrs. BONO, Mr. ROHRBACHER, Mr. MENENDEZ, Mr. BACA, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. HYDE, and Mr. PAYNE.

H. Con. Res. 260: Mr. SERRANO, Mr. FILNER, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. ROTHMAN, Ms. BERKLEY, Mrs. MCCARTHY, Mr. SMITH of Washington, and Mr. MENENDEZ.

H. Con. Res. 268: Mr. FOSSELLA, Mr. COLE of Oklahoma, Mr. BISHOP of Utah, and Mr. KLINE.

H. Con. Res. 273: Mr. LEWIS of California and Mr. MILLER of Florida.

H. Res. 196: Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. CROWLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 223: Mr. DOGGETT, Mr. COSTA, Ms. BERKLEY, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. WILSON of South Carolina, Mr. HASTINGS of Florida, and Mr. MATHESON.

H. Res. 367: Mr. STARK and Mr. ANDREWS.

H. Res. 438: Mr. ANDREWS Mr. LEWIS of Georgia, Mr. ETHERIDGE Mr. HASTINGS of Florida, Mr. WYNN, Ms. BEAN, and Mr. MICHAUD.

H. Res. 458: Mr. MARKEY, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. ANDREWS, Mr. ACKERMAN, and Mr. ROTHMAN.

H. Res. 477: Ms. HARMAN and Mr. LYNCH.

H. Res. 487: Mr. WEXLER, Mr. BERCERRA, Mr. MENENDEZ, and Mr. WOLF.

H. Res. 489: Mr. KIND, Mr. SERRANO, Mr. HINCHEY, Mr. DOGGETT, Mr. MENENDEZ, Mr. ISRAEL, Ms. SCHWARTZ of Pennsylvania, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WEXLER, Ms. CARSON, Mr. KILDEE, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Mrs. KELLY, Mr. KIRK, Mr. BISHOP of New York, and Mr. SAXTON.

H. Res. 507: Mr. MCHUGH.

H. Res. 510: Mr. BLUMENAUER, Mr. LYNCH, Mr. CASE, Mr. EMANUEL, Mr. SHIMKUS, Mr. DAVIS of Florida, Mr. MARKEY, Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. ROTHMAN, Mr. ISRAEL, and Ms. BERKLEY.

MONDAY, OCTOBER 31, 2005 (116)

¶116.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
October 31, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶116.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had ex-

amined and approved the Journal of the proceedings of Friday, October 28, 2005.

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

¶116.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4868. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Certification Program for Imported Articles of *Pelargonium* spp. and *Solanum* spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03-019-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4869. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Addition and Removal of Quarantined Areas in New Jersey [Docket No. 05-066-1] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4870. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis; Amend the Definition of Affected Herd [Docket No. 02-111-2] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4871. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No. 04-068-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4872. A communication from the President of the United States, transmitting a request of FY 2006 emergency proposals, totaling \$17.1 billion, that are reallocated from available funding in the Federal Emergency Management Agency (FEMA) Disaster Relief Fund (DRF); (H. Doc. No. 109-64); to the Committee on Appropriations and ordered to be printed.

4873. A communication from the President of the United States, transmitting a request of a proposal to rescind \$2.3 billion in funding from lower-priority federal programs and excess funds; (H. Doc. No. 109-65); to the Committee on Appropriations and ordered to be printed.

4874. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

4875. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 041126332-5040-05; I.D. 092805E] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive

Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-05; I.D. 092805A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4877. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Review and Report on Current Standards of Practice for Pharmacy Services Provided to Patients in Nursing Facilities" in response to Section 107(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Energy and Commerce and Ways and Means.

¶116.4 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, October 27, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on October 26, 2005 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2737

WRECK POND, MONMOUTH COUNTY, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on Sandy Hook to Barnegat Inlet, New Jersey, published as House Document 332, 85th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes, with special emphasis on Wreck Pond, Monmouth County, New Jersey, including Black Creek and associated waters.

RESOLUTION—DOCKET 2738

WEST FELICIANA PARISH, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River and Tributaries, published as House Document 308, 88th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, recreation, waterfront and riverine preservation, and enhancement along the Mississippi River in the area of West Feliciana Parish, Louisiana.

RESOLUTION—DOCKET 2739

NORTHAMPTON AND LEHIGH COUNTY STREAMS, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on the Delaware River

and its tributaries, Pennsylvania, New Jersey, and New York, published as House Document 179, 73rd Congress, 2nd Session, as it relates to the Northampton and Lehigh County Streams and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, floodplain management, flood damage reduction, water quality control, groundwater and subsidence management, comprehensive watershed management, recreation and related purposes.

RESOLUTION—DOCKET 2740

VERMILION RIVER, LOUISIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Bayou Teche, Teche-Vermilion Waterway, and Vermilion River, Louisiana, published as Senate Document Numbered 93, 77th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation along the Vermilion River from the Gulf Intracoastal Waterway to Lafayette, Louisiana.

RESOLUTION—DOCKET 2741

ELIZABETH RIVER, ELIZABETH, NEW JERSEY

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on the Elizabeth River, New Jersey, published as House Document No. 249, 89th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes in the area of Elizabeth River, Elizabeth, New Jersey.

RESOLUTION—DOCKET 2742

NORTH CENTRAL PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, is directed to review the report on the Susquehanna River, New York, Pennsylvania, and Maryland, published as House Document 702, 77th Congress; 2nd Session; the report on the Ohio River and Tributaries, Pennsylvania, Ohio, and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports that encompass Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin Counties, Pennsylvania, to determine whether modifications of the recommendations contained therein are advisable in the present time in the interest of environmental restoration and protection, water supply, floodplain management, and related purposes, with special emphasis on abandoned mine drainage abatement and re-establishment of stream and river channels.

RESOLUTION—DOCKET 2743

EASTCHESTER BAY, TURTLE COVE, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is directed to review the report of the Chief of Engineers on Eastchester Creek (Hutchinson River), New York, published as House Document 749, 80th Congress, 2nd Ses-

sion, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation improvements, flood damage reduction, environmental restoration and protection, and related purposes to areas of Eastchester Bay, Turtle Cove, New York.

RESOLUTION—DOCKET 2744

CEDAR RIVER WATERSHED, AUSTIN, MINNESOTA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, Iowa and Minnesota, published as House Document 166, 89th Congress, 1st Session, and other pertinent reports to determine whether any modification to the recommendations contained therein are advisable in the interest of flood damage reduction, environmental protection and restoration, recreation, and related purposes in the Cedar River watershed, Minnesota.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶116.5 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, October 26, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on October 26th, 2005, in accordance with 40 U.S.C. § 3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

NEW CONSTRUCTION AND RENOVATION—U.S. BORDER STATIONS—CALAIS, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives that pursuant to 40 U.S.C. § 3307, appropriations are authorized for construction of two U.S. border stations and renovation of one U.S. border station totaling 116,245 gross square feet and 12 inside and 121 outside parking spaces located in Calais, Maine, at an additional site cost of \$1,096,000 (site acquisition cost of \$332,000 was previously authorized), a new and additional design and review cost of \$1,617,000 (design and review cost of \$2,937,000 was previously authorized), management and inspection cost of \$3,589,000, and estimated construction cost of \$43,844,000 for a combined estimated total project cost of \$53,415,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—U.S. COAST GUARD CONSOLIDATION—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for design of a 1,000,000 gross square foot facility, located at the West Campus of St. Elizabeths Hospital in Washington, DC, at a design and review cost of \$24,900,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—CONSTRUCTION—U.S. BORDER STATION—JACKMAN, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for construction of a 61,581 gross square foot facility including 12 inside and 28 outside parking spaces located in Jackman, Maine, at an additional site cost of \$812,000 (site cost of \$500,000 was previously authorized), additional design and review cost of \$657,000 (design and review cost of \$1,595,000 was previously authorized), and an additional estimated construction cost of \$11,319,000 (management and inspection cost of \$1,445,000 and construction cost of \$14,234,000 were previously authorized) for a combined estimated total project cost of \$30,562,000 a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June 21, 2000, which authorized \$619,000 for design; July 18, 2001, which authorized \$249,000 for additional design; June 26, 2002, which authorized \$753,000 for management and inspection and \$8,441,000 for construction; and July 23, 2003, which authorized \$6,267,000 for construction and \$1,445,000 for site and design and management and inspection.

AMENDED PROSPECTUS—CONSTRUCTION—U.S. BORDER STATION—CHAMPLAIN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for construction of a 108,500 gross square foot facility including 381 outside parking spaces located in Champlain, New York, at an additional site cost of \$241,000 (site cost of \$409,000 was previously authorized), additional design and review cost of \$3,609,000 (design and review cost of \$3,391,000 was previously authorized), additional management and inspection cost of \$5,231,000 (management and inspection cost of \$2,519,000 was previously authorized), and an additional estimated construction cost of \$43,429,000 (construction cost of \$32,512,000 was previously authorized) for a combined estimated total project cost of \$91,341,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee resolution dated July 23, 2003, which authorized \$42,831,000 for additional site, design and review, management and inspection, and construction (including \$4,000,000 for site acquisition and design and review appropriated pursuant to P.L. 108-7 and \$3,800,000 for site acquisition and design and review authorized by Committee Resolution on November 7, 2001).

AMENDED PROSPECTUS—CONSTRUCTION U.S. BORDER STATION—MASSENA, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for construction of a 66,075 gross square foot facility including 10 inside and 162 outside parking spaces located in Massena, New York, at an additional site cost of \$458,000 (site cost of \$532,000 was previously authorized), additional design and review cost of \$1,450,000 (design and review cost of \$4,378,000 was previously authorized), additional management and inspection cost of \$1,881,000 (management and inspection cost of \$3,500,000 was previously authorized), and an additional estimated construction cost of \$45,994,000 (construction cost of \$8,236,000 was previously authorized) for a combined estimated total project cost of \$66,429,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June

26, 2002, which authorized \$100,000 for site acquisition and \$1,546,000 for design and review and July 21, 2004, which authorized \$432,000 for additional site, \$2,832,000 for additional design and review, \$5,040,000 for additional management and inspection, and \$48,938,000 for additional construction.

PROSPECTUS—SITE AND DESIGN PEACE ARCH
U.S. PORT OF ENTRY—BLAINE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 90,904 gross square foot facility including 156 outside parking spaces located in Blaine, Washington, at an additional design and review cost of \$1,038,000 (design and review cost of \$2,752,000 was previously authorized), management and inspection cost of \$2,999,000, and an estimated construction cost of \$42,497,000 for a combined estimated total project cost of \$56,346,000 (site acquisition cost of \$7,060,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution. This resolution is in addition to a Committee resolution dated July 23, 2003, which authorized \$7,060,000 for site acquisition and \$2,752,000 for design and review.

NEW CONSTRUCTION—MATERIAL PRICE
INCREASES—VARIOUS PROJECTS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for material price increases for the construction of projects located in New York City, New York; Houston, Texas; and Cape Girardeau, Missouri, at an estimated additional construction cost of \$48,634,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—VARIOUS LOCATIONS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of projects scheduled for the Peachtree Summit Federal Building, located in Atlanta, Georgia at a design cost of \$5,941,000; Birch Bayh Federal Building and U.S. Courthouse, located in Indianapolis, Indiana at a design cost of \$1,342,000; Minton-Capehart Federal Building, located in Indianapolis, Indiana at a design cost of \$1,923,000; IRS Customer Service Center, located in Andover, Massachusetts; Margaret Chase Smith Federal Building, Post Office and U.S. Courthouse, located in Bangor, Maine at a design cost of \$1,587,000; Dr. A.H. McCoy Federal Building, located in Jackson, Mississippi at a design cost of \$3,529,000; G.T. "Mickey" Leland Federal Building, located in Houston, Texas at a design cost of \$2,208,000; Post Office and U.S. Courthouse, located in San Antonio, Texas at a design cost of \$500,000 for a total design cost of \$21,915,000, for which a prospectus is attached to, and included in, this resolution.

ALTERATION—JAMES A. WALSH UNITED
STATES COURTHOUSE—TUCSON, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James A. Walsh United States Courthouse located at 38 South Scott Avenue, in Tucson, Arizona at an estimated construction cost of \$14,029,000, and management and inspection cost of \$2,107,000 for a combined estimated total project cost of \$17,724,000 (design and review cost of \$1,588,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION—EISEN-
HOWER EXECUTIVE OFFICE BUILDING—PHASE
I—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of the 17th Street portion of the Eisenhower Executive Office Building located at Pennsylvania Avenue and 17th Street, NW., in Washington, DC, at an additional design and review cost of \$500,000 (design and review cost of \$5,718,000 was previously authorized and \$515,000 was provided through a reprogramming), an additional estimated construction cost of \$14,650,000 (estimated construction cost of \$63,531,000 was previously authorized and \$5,718,000 was provided through a reprogramming), and an additional management and inspection cost of \$550,000 (management and inspection cost of \$5,686,000 was previously authorized and \$343,000 was provided through a reprogramming) for a total additional cost of \$15,700,000 and an estimated total project cost of \$97,211,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated June 26, 2002, authorizing \$7,500,000 for design and management and inspection and July 23, 2003, authorizing \$65,757,000 for management and inspection and construction.

AMENDED PROSPECTUS—ALTERATION—FED-
ERAL OFFICE BUILDING 8—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of Federal Office Building 8 located 2nd and C Streets, SW., in Washington, DC, at an additional design and review cost of \$663,000 (design and review cost of \$10,062,000 was previously authorized), an additional estimated construction cost of \$13,598,000 (estimated construction cost of \$126,080,000 was previously authorized), and an additional management and inspection cost of \$429,000 (management and inspection cost of \$6,491,000 was previously authorized) for an estimated total project cost of \$157,323,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 18, 2001, authorizing \$7,761,000 for design and July 23, 2003, authorizing \$134,872,000 for additional design, management and inspection, and construction.

ALTERATION—GSA—HEATING, OPERATION AND
TRANSMISSION DISTRICT—STEAM HEATING
SYSTEM—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the GSA Heating, Operations and Transmission District Steam Heating System, in Washington, DC, at a design and review cost of \$1,096,000, an estimated construction cost of \$16,200,000, and management and inspection cost of \$1,487,000 for a combined estimated total project cost of \$18,783,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—HERBERT C. HOOVER BUILDING—
WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Herbert C. Hoover Building located at 1401 Constitution Avenue, NW., in Washington, DC, at an additional design and review cost of \$11,100,000 (design and review cost of \$16,900,000 was previously authorized),

an estimated construction cost of \$422,901,000, and management and inspection cost of \$32,100,000 for a combined estimated total project cost of \$483,001,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—MARTIN LUTHER KING, JR.
FEDERAL BUILDING—ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for Phase II of the alteration of the Martin Luther King, Jr. Federal Building, in Atlanta, GA at an estimated construction cost of \$28,137,000 and management and inspection cost of \$1,992,000 for a combined estimated total project cost of \$47,280,000 (design and review, estimated construction and management and inspection cost for Phase I totaling \$17,151,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—JAMES L. WATSON—UNITED
STATES COURT OF INTERNATIONAL TRADE—
NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James L. Watson United States Court of International Building at a design and review cost of \$720,000, an estimated construction cost of \$8,892,000, and management and inspection cost of \$829,000 for a combined estimated total project cost of \$10,441,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION IN LEASED SPACE—JAMES L.
KING FEDERAL BUILDING—UNITED STATES
COURT OF APPEALS—MIAMI, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the James L. King Federal Building at a design and review cost of \$147,000, an estimated construction cost of \$2,064,000, and management and inspection cost of \$64,000 for a combined estimated total project cost of \$2,275,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION IN LEASED SPACE—WINCHESTER
CENTER—KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Winchester Center, located in Kansas City, Missouri, at a design and review cost of \$140,000, an estimated construction cost of \$2,278,000, and management and inspection cost of \$148,000 for a combined estimated total project cost of \$2,566,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—EISENHOWER EXECUTIVE OFFICE
BUILDING—PHASE II—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Eisenhower Executive Office Building, located in Washington, DC, at an additional design and review cost of \$3,118,000 (design and review cost of \$4,788,000 was previously authorized), an estimated construction cost of \$97,183,000, and management and inspection cost of \$17,416,000 for a combined estimated total project cost of \$122,505,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—RICHARD B. RUSSELL FEDERAL BUILDING—ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the alteration of the Richard B. Russell Federal Building, located in Atlanta, Georgia, at a design and review cost of \$375,000, an estimated construction cost of \$3,730,000, and management and inspection cost of \$142,000 for a combined estimated total project cost of \$4,247,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—SOCIAL SECURITY ADMINISTRATION—NATIONAL COMPUTER CENTER—WOODLAWN, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the alteration of the Social Security Administration's National Computer Center, located in Woodlawn, Maryland, at a design and review cost of \$407,000, an estimated construction cost of \$8,477,000, and management and inspection cost of \$848,000 for a combined estimated total project cost of \$9,732,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION—FEDERAL CENTER BUILDINGS 104/105—SAINT LOUIS, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the alteration of Federal Center Buildings 104/105, located in St. Louis, Missouri, at an additional design and review cost of \$374,000 (design and review cost of \$1,635,000 was previously authorized), an additional estimated construction cost of \$3,377,000 (estimated construction cost of \$17,991,000 was previously authorized), and an additional management and inspection cost of \$374,000 (management and inspection cost of \$1,794,000 was previously authorized) for a combined estimated total project cost of \$25,545,000, an amended prospectus for which is attached to, and included in, this resolution. This resolution amends Committee Resolution dated July 18, 2001, which authorized \$19,785,000 for additional design, construction, and management and inspection.

ALTERATION—SAMUEL M. GIBBONS UNITED STATES COURTHOUSE—TAMPA, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the alteration of the Samuel M. Gibbons United States Courthouse located at 801 N. Florida Avenue, Tampa, Florida at an estimated design cost of \$815,000, an estimated construction cost of \$7,558,000, and management and inspection cost of \$541,000, for a combined estimated total project cost of \$8,914,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—WARRREN E. BURGER FEDERAL BUILDING AND UNITED STATES COURTHOUSE—ST. PAUL, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the alteration of the Warren E. Burger United States Courthouse located at 316 Robert Street, St. Paul, Minnesota, at an additional estimated design cost of \$1,908,000 (design and review cost of \$2,591,000 was previously authorized), an additional estimated

construction cost of \$20,155,000 (estimated construction cost of \$33,745,000 was previously authorized), and management and inspection cost of \$3,971,000 (management and inspection cost of \$2,899,000 was previously authorized), for a combined estimated total project cost of \$65,269,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee Resolution dated July 21, 2004, which authorized \$36,664,000 for estimated construction and management and inspection.

LEASE—GENERAL SERVICES ADMINISTRATION, 1800 F STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to 492,000 rentable square feet of space for the General Services Administration currently located in government-owned space at 1800 F Street, NW., in Washington, DC, at a proposed total annual cost of \$22,140,000 for a lease term of 5 years, with 2 (two) additional one-year extensions, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—U.S. ARMY CORPS OF ENGINEERS, 333 MARKET STREET, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to 111,227 rentable square feet and 24 parking spaces for the U.S. Army Corps of Engineers, and other agencies, currently located in leased space at 333 Market Street, in San Francisco, California, at a proposed total annual cost of \$4,341,826 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF AGRICULTURE, 1800 M STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 205,388 rentable square feet of space for the Department of Agriculture currently located in leased space at 1800 M Street, NW., in Washington, DC, at a proposed total annual cost of \$9,447,848 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF COMMERCE—WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Rep-

resentatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 311,000 rentable square feet of space for the Department of Commerce currently located at the Herbert C. Hoover Building in Washington, DC, at a proposed total annual cost of \$14,306,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURITY, BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, 801 EYE STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 115,870 rentable square feet of space for the Department of Homeland Security currently located in leased space at 801 Eye St., NW., in Washington, DC, at a proposed total annual cost of \$5,330,020 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD, 2100 2ND STREET, SW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 577,000 rentable square feet and 40 parking spaces for the Department of Homeland Security, United States Coast Guard, currently located in leased space at 2100 2nd Street, SW., in Washington, DC, at a proposed total annual cost of \$17,310,000 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, 801 EYE STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 84,000 rentable square feet and 182 parking spaces for the Department of Justice, Drug Enforcement Administration, currently located in leased space at 801 Eye Street, NW., in Washington, DC, at a proposed total annual cost of \$3,864,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, 810 7TH STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 98,096 rentable square feet and 55 inside parking spaces for the Department of Justice, Office of Justice Programs, currently located in leased space at 810 7th Street, NW., in Washington, DC, at a proposed total annual cost of \$4,512,416 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF STATE, 515 22ND STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 122,496 rentable square feet and 17 parking spaces for the Department of State, currently located in leased space at 515 22nd Street, NW., in Washington, DC, at a proposed total annual cost of \$5,634,816 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF STATE, 2121 VIRGINIA AVENUE, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 165,302 rentable square feet and 129 parking spaces for the Department of State, currently located in leased space at 2121 Virginia Avenue, NW., in Washington, DC, at a proposed total annual cost of \$7,603,892 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF VETERANS AFFAIRS, ADMINISTRATIVE SERVICES DIVISION, 801 EYE STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 98,096 rentable square feet of space for the Department of Veterans Affairs, Administrative Services Division, currently located in leased space at 801 Eye Street, NW., in Washington, DC, at a pro-

posed total annual cost of \$4,512,416 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL ELECTION COMMISSION, 999 E STREET, NW., WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 149,526 rentable square feet and 34 parking spaces for the Federal Election Commission, currently located in leased space at 999 E Street, NW., in Washington, DC, at a proposed total annual cost of \$6,878,196 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FOOD AND DRUG ADMINISTRATION, 1401 ROCKVILLE PIKE, ROCKVILLE, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 104,892 rentable square feet for the Food and Drug Administration, currently located in leased space at 1401 Rockville Pike, in Rockville, Maryland, at a proposed total annual cost of \$3,356,544 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—ENVIRONMENTAL PROTECTION AGENCY, BOSTON, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 232,388 rentable square feet and 398 parking spaces for the Environmental Protection Agency, currently located in leased space at One Congress Street, in Boston, Massachusetts, at a proposed total annual cost of \$11,049,042 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—NATIONAL NUCLEAR SECURITY ADMINISTRATION—ALBUQUERQUE, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C.

§3307, appropriations are authorized to lease up to approximately 306,949 rentable square feet and 825 parking spaces for the National Nuclear Security Administration, currently located in multiple locations in Albuquerque, New Mexico, at a proposed total annual cost of \$8,594,572 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF AGRICULTURE, 3101 PARK CENTER DRIVE, ALEXANDRIA, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 186,599 rentable square feet and 12 inside parking spaces for the Department of Agriculture, currently located in leased space at 3101 Park Center Drive, in Alexandria, Virginia, at a proposed total annual cost of \$5,224,772 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 400 ARMY NAVY DRIVE, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 240,872 rentable square feet and 471 inside parking spaces for the Department of Defense, currently located in leased space at 400 Army Navy Drive, in Arlington, Virginia, at a proposed total annual cost of \$8,830,520 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 1500 WILSON BOULEVARD, ROSSLYN PLAZA NORTH, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 526,397 rentable square feet and 73 inside parking spaces for the Department of Defense, currently located in leased space at 1500 Wilson Boulevard and Rosslyn Plaza North, in Northern Virginia, at a proposed total annual cost of \$18,423,895 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

LEASE—DRUG ENFORCEMENT ADMINISTRATION, 600-700 ARMY NAVY DRIVE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C.

§3307, appropriations are authorized to lease up to approximately 593,100 rentable square feet and 268 parking spaces for the Drug Enforcement Administration, currently located in leased space at 600-700 Army Navy Drive, in Arlington, Virginia, at a proposed total annual cost of \$21,401,700 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—MULTIPLE AGENCIES—BALLSTON METRO CENTER, 901 NORTH STUART STREET, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 135,282 rentable square feet and no parking spaces for the multiple agencies currently located in leased space at the Ballston Metro Center, 901 North Stuart Street, in Arlington, Virginia, at a proposed total annual cost of \$4,734,870 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF COMMERCE—PATENT AND TRADEMARK OFFICE—NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 168,468 rentable square feet and no parking spaces for the Department of Commerce, Patent and Trademark Office, currently located in leased space at 2809 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of \$5,896,380 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—JACKSONVILLE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 129,672 rentable square feet and 129 parking spaces for the Federal Bureau of Investigation, currently located at 7820 Arlington Expressway, in Jacksonville, Florida, at a proposed total annual cost of \$4,668,192 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—INDIANAPOLIS, IN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 110,531 rentable square feet and 142 parking spaces for the Federal Bureau of Investigation, currently located in both government owned and leased space, in Indianapolis, Indiana, at a proposed total annual cost of \$4,200,178 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—LOUISVILLE, KY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 120,197 rentable square feet and 115 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Louisville, Kentucky, at a proposed total annual cost of \$4,327,092 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—DETROIT, MI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 266,200 rentable square feet and 271 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Detroit, Michigan, at a proposed total annual cost of \$10,914,200 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—JACKSON, MS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 109,819 rentable square feet and 85 parking spaces for the Federal Bureau of Investigation, currently located in multiple government owned and leased locations in Jackson, Mississippi, at a proposed total annual cost of \$3,733,846 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—OMAHA, NE

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 112,337 rentable square feet and 85 parking spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in Omaha, Nebraska, at a proposed total annual cost of \$4,044,132 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—CHARLOTTE, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 171,460 rentable square feet and 175 parking spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in Charlotte, North Carolina, at a proposed total annual cost of \$6,001,100 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 165,000 rentable square feet and 106 parking spaces for the Federal Bureau of Investigation, currently located in leased space in Merrifield and Arlington, Virginia, at a proposed total annual cost of \$5,775,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE—PHILADELPHIA CAMPUS CONSOLIDATION—PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 862,692 rentable square feet and 1,800 parking spaces for the Department of the Treasury, Internal Revenue Service, currently located in multiple leased locations in Philadelphia, Pennsylvania, at a proposed total annual cost of \$29,202,124 for a lease

term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—KNOXVILLE, TN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 99,130 rentable square feet and 95 parking spaces for the Federal Bureau of Investigation, currently located in government owned space in Knoxville, Tennessee, at a proposed total annual cost of \$3,097,813 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION—FREDERICK COUNTY, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of \$33,145,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—ENVIRONMENTAL PROTECTION AGENCY—CENTERS FOR DISEASE CONTROL AND PREVENTION—SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 172,322 rentable square feet and 18 parking spaces for the Environmental Protection Agency and Centers for Disease Control and Prevention, currently located at 1200 Sixth Avenue, in Seattle, Washington, at a proposed total annual cost of \$6,548,236 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶116.6 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 27, 2005, he pre-

sented to the President of the United States, for his approval, the following bill.

H.R. 1409. An Act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

¶116.7 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent and pursuant to the special order of the House agreed to on October 28, 2005, at 3 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, November 1, 2005.

¶116.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on Agriculture. H.R. 3405. A bill to prohibit the provision of Federal economic development assistance for any State or locality that uses the power of eminent domain power to obtain property for private commercial development or that fails to pay relocation costs to persons displaced by use of the power of eminent domain for economic development purposes, with an amendment (Rept. 109-261, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4128. A bill to protect private property rights, with an amendment (Rept. 109-262). Referred to the Committee of the Whole House on the State of the Union.

¶116.9 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on Transportation and Infrastructure, Financial Services, Resources, and Education and the Workforce discharged from further consideration. H.R. 3405 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶116.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. FALCONE introduced a bill (H.R. 4182) to remove the restriction that amendments of, or modifications to, the constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by an Act of Congress; which was referred to the Committee on Resources.

¶116.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1668: Mr. FATTAH.
H.R. 2257: Mr. GRIJALVA, Mr. WAXMAN, Mr. GENE GREEN of Texas, Mr. ROSS, Mr. CARTER, Mr. SESSIONS, Mr. FRANK of Massachusetts, and Mrs. MALONEY.
H.R. 2328: Ms. HARRIS.
H.R. 3042: Mr. VAN HOLLEN.
H.R. 3606: Mr. CAMP.
H.R. 3936: Mr. BARROW.
H.R. 4098: Mr. LEWIS of Georgia.
H.R. 4099: Mr. FORD, Mr. TANCREDO and Mr. SAM JOHNSON of Texas.

H.R. 4121: Mr. BURTON of Indiana.

H.R. 4128: Mr. HEFLEY, Mr. PRICE of Georgia, Mrs. WILSON of New Mexico, Ms. FOXX, Mr. SHIMKUS, Miss McMORRIS, Mr. WOLF, Mrs. MILLER of Michigan, Mr. HENSARLING, Mr. KENNEDY of Minnesota, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. BUYER, Mr. GILLMOR, Mr. HALL, Mrs. SCHMIDT, Mr. HOSTETTLER, Mr. HAYES, Mr. RENZI, Mr. SESSIONS, Mr. MACK, Mr. SULLIVAN, Mr. CALVERT, Mr. MARCHANT, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SALAZAR, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. SHUSTER, Mr. DAVIS of Tennessee, Mr. KOLBE, Mr. MURPHY, Mr. MANZULLO, Mr. MCCOTTER, Mr. DEFazio, Mr. WICKER, Mr. FLAKE, and Mr. MCHENRY.

H. Con. Res. 230: Mr. MCHUGH and Mr. KING of Iowa.

H. Con. Res. 287: Mr. FORD.

H. Res. 483: Ms. SOLIS and Mr. SIMMONS.

H. Res. 504: Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. SHAW, and Mr. MILLER of Florida.

TUESDAY, NOVEMBER 1, 2005 (117)

¶117.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PORTER, who laid before the House the following communication:

WASHINGTON, DC,

November 1, 2005.

I hereby appoint the Honorable JON C. PORTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶117.2 MESSAGE FROM THE SENATE

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

H.R. 3010. An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. SPECTER, COCHRAN, GREGG, CRAIG, Mrs. HUTCHISON, Messrs. STEVENS, DEWINE, SHELBY, DOMENICI, HARKIN, INOUE, REID, KOHL, Mrs. MURRAY, Ms. LANDRIEU, Messrs. DURBIN, and BYRD, to be the conferees on the part of the Senate.

¶117.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. PORTER, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶117.4 RECESS—12:55 P.M.

The SPEAKER pro tempore, Mr. PORTER, pursuant to clause 12(a) of

rule I, declared the House in recess at 12 o'clock and 55 minutes p.m., until 2 p.m.

¶117.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. GINGREY, called the House to order.

¶117.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GINGREY, announced he had examined and approved the Journal of the proceedings of Monday, October 31, 2005.

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

¶117.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4878. A communication from the President of the United States, transmitting requests for FY 2005 supplemental appropriations for the Departments of Health and Human Services, Agriculture, Defense, Homeland Security, the Interior, State, and Veterans Affairs, as well as for International Assistance Programs; (H. Doc. No. 109-67); to the Committee on Appropriations and ordered to be printed.

4879. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan by Executive Order 13067, is to continue in effect beyond November 3, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-66); to the Committee on International Relations and ordered to be printed.

4880. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Fort Point Channel, MA. [CGD01-05-088] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4881. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Trent River, NC [CGD05-05-117] (RIN: 1625-AA09) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4882. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Townsend Gut, ME. [CGD01-05-081] (RIN: 1625-AA09) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4883. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Inside Thorofare, Ventnor City, New Jersey [CGD05-05-108] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4884. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Newtown Creek, Dutch Kills, English Kills and their tributaries, New York City, NY [CGD01-05-082] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4885. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Revision of Class E Airspace; Cordova, AK [Docket No. FAA-2005-21447; Airspace Docket No. 05-AAL-17] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Prospect Creek, AK [Docket No. FAA-2005-21601; Airspace Docket No. 05-AAL-20] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chehalis, WA [Docket FAA 2005-21000; Airspace Docket 05-ANM-05] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Gardner, KS. [Docket No. FAA-2005-21607; Airspace Docket No. 05-ACE-17] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶117.8 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶117.9 HOUR OF MEETING

On motion of Mr. GUTKNECHT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, November 2, 2005.

¶117.10 HEINZ AHLMEYER, JR. POST OFFICE BUILDING

Mr. GUTKNECHT moved to suspend the rules and pass the bill (H.R. 3548) to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeier, Jr. Post Office Building".

The SPEAKER pro tempore, Mr. GINGREY, recognized Mr. GUTKNECHT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GINGREY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GUTKNECHT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 8, rule

XX, announced that further proceedings on the question were postponed.

¶117.11 LILLIAN MCKAY POST OFFICE BUILDING

Mr. GUTKNECHT moved to suspend the rules and pass the bill (H.R. 2413) to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

The SPEAKER pro tempore, Mr. GINGREY, recognized Mr. GUTKNECHT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GINGREY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.12 ALBERT HAROLD QUIE POST OFFICE

Mr. GUTKNECHT moved to suspend the rules and pass the bill (H.R. 3989) to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office"; as amended.

The SPEAKER pro tempore, Mr. GINGREY, recognized Mr. GUTKNECHT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GINGREY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GUTKNECHT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶117.13 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO SUDAN

The SPEAKER pro tempore, Mr. GINGREY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2005. The most recent notice continuing this emergency was published in the Federal Register on November 2, 2004 (69 FR 63915).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, November 1, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-66).

¶117.14 RECESS—2:50 P.M.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 50 minutes p.m., until approximately 6:30 p.m.

¶117.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, called the House to order.

¶117.16 MESSAGE FROM THE PRESIDENT—CORRECT ENROLLMENT OF H.R. 3765

The SPEAKER pro tempore, Mr. COLE of Oklahoma, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

Consistent with House Concurrent Resolution 276, I am hereby returning the enrolled bill H.R. 3765, "An Act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits," to the House of Representatives for the purposes of making necessary corrections.

GEORGE W. BUSH.

THE WHITE HOUSE, November 1, 2005.

¶117.17 FURTHER MESSAGE FROM THE SENATE

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

H.R. 2967. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

¶117.18 H.R. 3548—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. COLE of Oklahoma, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3548) to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 390 affirmative } Nays 0

¶117.19 [Roll No. 557]

YEAS—390

- Abercrombie Coble Gordon
Ackerman Cole (OK) Granger
Aderholt Conaway Graves
Akin Conyers Green (WI)
Alexander Cooper Green, Al
Allen Costa Green, Gene
Baca Cramer Grijalva
Bachus Crenshaw Gutknecht
Baird Crowley Harman
Baker Cuellar Harris
Baldwin Culberson Hart
Barrett (SC) Cunningham Hastings (WA)
Barrow Davis (AL) Hayes
Bartlett (MD) Davis (CA) Hayworth
Barton (TX) Davis (IL) Hefley
Bass Davis (KY) Hensarling
Bean Davis, Jo Ann Heger
Beauprez Davis, Tom Higgins
Becerra Deal (GA) Hinojosa
Berkley DeFazio Hobson
Berry DeGette Hoekstra
Biggett Delahunt Holden
Bilirakis DeLauro Holt
Bishop (GA) Dent Honda
Bishop (NY) Diaz-Balart, L. Hooley
Bishop (UT) Diaz-Balart, M. Hostettler
Blackburn Dicks Hulshof
Blumenauer Doggett Hunter
Blunt Doolittle Inglis (SC)
Boehlert Drake Inslee
Boehner Dreier Israel
Bonilla Duncan Issa
Bonner Edwards Jackson-Lee
Bono Ehlers (TX)
Boozman Emanuel Jefferson
Boren Emerson Jindal
Boucher Engel Johnson (CT)
Boustany English (PA) Johnson (IL)
Boyd Eshoo Johnson, E. B.
Bradley (NH) Etheridge Johnson, Sam
Brady (PA) Evans Jones (NC)
Brady (TX) Everett Jones (OH)
Brown (OH) Farr Kanjorski
Brown (SC) Fattah Kaptur
Burgess Feeney Keller
Burton (IN) Ferguson Kelly
Butterfield Filner Kennedy (MN)
Buyer Fitzpatrick (PA) Kennedy (RI)
Calvert Flake Kildee
Camp Foley Kilpatrick (MI)
Cannon Forbes Kind
Cantor Fortenberry King (IA)
Capito Fossella King (NY)
Capps Fox Kingston
Cardin Frank (MA) Kirk
Cardoza Franks (AZ) Kline
Carnahan Frelinghuysen Knollenberg
Carson Garrett (NJ) Kolbe
Carter Gerlach Kucinich
Case Gibbons Kuhl (NY)
Castle Gilchrist LaHood
Chabot Gillmor Langevin
Chandler Gingrey Lantos
Chocola Gohmert Larsen (WA)
Clay Gonzalez Larson (CT)
Cleaver Goode Latham
Clyburn Goodlatte LaTourette

- Leach Obey Shaw
Lee Oliver Sherman
Levin Ortiz Sherwood
Lewis (CA) Osborne Shimkus
Lewis (GA) Otter Shuster
Lewis (KY) Owens Simmons
Linder Pallone Simpson
Lipinski Pascrell Skelton
LoBiondo Pastor Slaughter
Lofgren, Zoe Paul Smith (NJ)
Lowey Payne Smith (TX)
Lucas Pelosi Smith (WA)
Lungren, Daniel Pence Snyder
E. Peterson (MN) Sodrel
Lynch Peterson (PA) Solis
Mack Petri Souder
Manzullo Pickering Stark
Marchant Pitts Stearns
Markey Platts Strickland
Marshall Poe Stupak
Matheson Pomeroy Sullivan
Matsui Porter Sweeney
McCarthy Price (GA) Tancredo
McCaul (TX) Price (NC) Tanner
McCotter Pryce (OH) Tauscher
McCrery Putnam Taylor (MS)
McDermott Radanovich Taylor (NC)
McGovern Rahall Thomas
McHenry Ramstad Thompson (CA)
McHugh Rangel Thornberry
McIntyre Regula Tiahrt
McKeon Rehberg Tiberi
McKinney Reichert Tierney
McMorris Renzi Towns
McNulty Reyes Turner
Meehan Reynolds Udall (NM)
Meek (FL) Rogers (AL) Upton
Meeks (NY) Rogers (KY) Van Hollen
Melancon Rogers (MI) Velazquez
Menendez Ros-Lehtinen Visclosky
Mica Ross Walden (OR)
Michaud Rothman Walsh
Millender Royce Wamp
McDonald Ruppertsberger Wasserman
Miller (FL) Ryan (OH) Schultz
Miller (MI) Ryan (WI) Waters
Miller (NC) Ryun (KS) Watson
Miller, George Sabo Watt
Mollohan Salazar Waxman
Moore (KS) Sanchez, Linda Weiner
Moore (WI) T. Weldon (FL)
Moran (KS) Sanchez, Loretta Weldon (PA)
Moran (VA) Sanders Weller
Murphy Saxton Westmoreland
Musgrave Schakowsky Wexler
Myrick Schiff Whitfield
Nadler Schmidt Wicker
Napolitano Schwartz (PA) Wilson (NM)
Neal (MA) Schwarz (MI) Wilson (SC)
Neugebauer Scott (GA) Wolf
Ney Scott (VA) Woolsey
Northup Sensenbrenner Wu
Nunes Serrano Young (AK)
Nussle Sessions Young (FL)
Oberstar Shadegg

NOT VOTING—43

- Andrews Ford Murtha
Berman Gallegly Norwood
Boswell Gutierrez Oxley
Brown, Corrine Hall Pearce
Brown-Waite, Hastings (FL) Pombo
Ginny Herseht Rohrabacher
Capuano Hinchey Roybal-Allard
Castello Hoyer Rush
Cubin Hyde Shays
Cummings Istook Spratt
Davis (FL) Jackson (IL) Terry
Davis (TN) Jenkins Thompson (MS)
DeLay Maloney Udall (CO)
Dingell McCollum (MN) Wynn
Doyle Miller, Gary

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.20 H.R. 3989—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. COLE of Oklahoma, pursuant to clause

8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3989) to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert Harold Quie Post Office"; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 391 affirmative } Nays 1

¶117.21 [Roll No. 558] YEAS—391

- Ackerman, Culberson, Hobson, Aderholt, Cunningham, Hoekstra, Akin, Davis (AL), Holden, Alexander, Davis (CA), Holt, Allen, Davis (IL), Honda, Baca, Davis (KY), Hooley, Bachus, Davis (TN), Hostettler, Baird, Davis, Jo Ann, Hulshof, Baker, Davis, Tom, Hunter, Baldwin, Deal (GA), Inglis (SC), Barrett (SC), DeFazio, Inslee, Barrow, DeGette, Israel, Bartlett (MD), Delahunt, Issa, Barton (TX), DeLauro, Jackson (IL), Bass, Dent, Jackson-Lee, Bean, Diaz-Balart, L., Jefferson, Beauprez, Diaz-Balart, M., Jindal, Becerra, Dicks, Johnson (CT), Berkeley, Doggett, Johnson (CA), Berman, Doolittle, Johnson (IL), Berry, Drake, Johnson, E. B., Biggert, Dreier, Johnson, Sam, Bilirakis, Duncan, Jones (NC), Bishop (GA), Edwards, Jones (OH), Bishop (NY), Ehlers, Kanjorski, Bishop (UT), Emanuel, Kaptur, Blackburn, Emerson, Keller, Blumenauer, Engel, Kelly, Blunt, English (PA), Kennedy (MN), Boehlert, Eshoo, Kennedy (RI), Boehner, Etheridge, Kildee, Bonilla, Evans, Kilpatrick (MI), Bonner, Everett, Kind, Bono, Farr, King (IA), Boozman, Fattah, King (NY), Boren, Feeney, Kingston, Boucher, Ferguson, Kirk, Boustany, Filner, Kline, Boyd, Fitzpatrick (PA), Kline, Knollenberg, Bradley (NH), Flake, Kolbe, Brady (PA), Fole, Kucinich, Brady (TX), Forbes, Kuhl (NY), Brown (OH), Fortenberry, LaHood, Brown (SC), Fossella, Langevin, Burgess, Foy, Lantos, Burton (IN), Frank (MA), Larsen (WA), Butterfield, Franks (AZ), Larson (CT), Buyer, Frelinghuysen, Latham, Calvert, Garrett (NJ), LaTourette, Camp, Gerlach, Leach, Cannon, Gibbons, Lee, Cantor, Gilchrest, Levin, Capito, Gillmor, Lewis (CA), Capps, Gingrey, Lewis (GA), Cardin, Gohmert, Lewis (KY), Cardoza, Gonzalez, Linder, Carnahan, Goode, Lipinski, Carson, Goodlatte, LoBiondo, Carter, Gordon, Lofgren, Zoe, Case, Granger, Lowey, Castle, Graves, Lucas, Chabot, Green (WI), Lungren, Daniel, Chandler, Green, Al, E., Choccola, Green, Gene, Lynch, Clay, Grijalva, Mack, Cleaver, Gutknecht, Manzullo, Clyburn, Harman, Marchant, Coble, Hart, Markey, Cole (OK), Hastings (WA), Marshall, Conaway, Hayes, Matheson, Conyers, Hayworth, Matsui, Cooper, Hefley, McCarthy, Costa, Hensarling, McCaul (TX), Cramer, Herger, McCotter, Crenshaw, Higgins, McCrery, Crowley, Hinchey, McDermott, Cuellar, Hinojosa, McGovern

- McHenry, Platts, Slaughter, McHugh, Poe, Smith (NJ), McIntyre, Pomeroy, Smith (TX), McKeon, Porter, Smith (WA), McKinney, Price (GA), Snyder, McMorris, Price (NC), Sodrel, McNulty, Pryce (OH), Solis, Meehan, Putnam, Souder, Meek (FL), Radanovich, Stark, Meeks (NY), Rahall, Stearns, Melancon, Ramstad, Stupak, Menendez, Rangel, Sullivan, Mica, Regula, Sweeney, Michaud, Rehberg, Tancredo, Millender, Reichert, Tanner, McDonald, Renzi, Tauscher, Miller (FL), Reyes, Taylor (MS), Miller (MI), Reynolds, Taylor (NC), Miller (NC), Rogers (AL), Thomas, Miller, George, Rogers (KY), Thompson (CA), Mollohan, Rogers (MI), Thornberry, Moore (KS), Ros-Lehtinen, Tiahrt, Moore (WI), Ross, Tiberi, Moran (KS), Rothman, Tierney, Moran (VA), Royce, Towns, Murphy, Rumpert, Turner, Musgrave, Ryan (OH), Udall (NM), Myrick, Ryan (WI), Upton, Nadler, Ryan (KS), Van Hollen, Napolitano, Sabo, Velazquez, Neal (MA), Salazar, Visclosky, Neugebauer, Sanchez, Linda T., Walden (OR), Ney, T. Walsh, Northup, Sanchez, Loretta, Wamp, Nunes, Sanders, Wasserman, Nussle, Saxton, Schultz, Oberstar, Schakowsky, Waters, Obey, Schiff, Watson, Oliver, Schmidt, Watt, Ortiz, Schwartz (PA), Waxman, Osborne, Schwarz (MD), Weiner, Otter, Scott (GA), Weldon (FL), Owens, Scott (VA), Weldon (PA), Sensenbrenner, Serrano, Weller, Pastor, Sessions, Westmoreland, Paul, Shadegg, Wexler, Payne, Shaw, Whitfield, Pelosi, Sherman, Wicker, Pence, Sherwood, Wilson (NM), Peterson (MN), Shimkus, Wilson (SC), Peterson (PA), Shuster, Wolf, Petri, Simmons, Woolsey, Pickering, Simpson, Wu, Pitts, Skelton, Young (AK), Young (FL)

NAYS—1

Abercrombie

NOT VOTING—41

- Andrews, Gallegly, Norwood, Boswell, Gutierrez, Oxley, Brown, Corrine, Hall, Pearce, Brown-Waite, Harris, Pombo, Ginny, Hastings (FL), Rohrabacher, Capuano, Hersheth, Roybal-Allard, Costello, Hoyer, Rush, Cuban, Hyde, Shaays, Cummings, Istook, Spratt, Davis (FL), Jenkins, Strickland, DeLay, Maloney, Terry, Dingell, McCollum (MN), Thompson (MS), Doyle, Miller, Gary, Udall (CO), Ford, Murtha, Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the 'Albert H. Quie Post Office'."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.22 FIRST SPONSOR—H.R. 2216

Ms. ROS-LEHTINEN, by unanimous consent, was authorized to be consid-

ered as the first sponsor of the bill (H.R. 2216) to develop and deploy technologies to defeat Internet jamming, a bill originally introduced by Representative Cox of California; for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

¶117.23 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

¶117.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HASTINGS of Florida, for today through November 10;

To Ms. HERSETH, for today;

To Ms. MCCOLLUM of Minnesota, for today and November 2;

To Mr. Gary G. MILLER of California, for today; and

To Ms. ROYBAL-ALLARD, for today and balance of the week.

And then,

¶117.25 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the previous order of the House, at 10 o'clock and 58 minutes p.m., the House adjourned until 2 p.m. on Wednesday, November 2, 2005.

¶117.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 3665. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; with amendments (Rept. 109-263). Referred to the Committee of the Whole House on the State of the Union.

¶117.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 4183. A bill to improve the availability of benefits for veterans and the surviving spouses of veterans who were exposed while in military service to ionizing radiation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4184. A bill to amend title 38, United States Code, to provide that veterans of service in the 1991 Persian Gulf War and subsequent conflicts shall be considered to be radiation-exposed veterans for purposes of the service-connection of certain diseases and disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 4185. A bill to direct the Consumer Product Safety Commission to strengthen regulations concerning the flammability of children's clothing; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. LEVIN):

H.R. 4186. A bill to amend the Trade Act of 1974 to create a Chief Trade Prosecutor to ensure compliance with trade agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:

H.R. 4187. A bill to amend the Internal Revenue Code of 1986 to limit the recognition of gain under section 355(e) of such Code to certain leveraged spin-merger transactions; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. SHAYS):

H.R. 4188. A bill to amend the Foreign Assistance Act of 1961 to improve voluntary family planning programs in developing countries, and for other purposes; to the Committee on International Relations.

By Mrs. CHRISTENSEN:

H.R. 4189. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Virgin Islands Military and Veterans Memorial, to be located in Fredericksted, St. Croix, U.S. Virgin Islands, as a unit of the National Park System; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mrs. MCCARTHY, Mr. EVANS, Mr. NADLER, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. OWENS, Ms. MATSUI, Mr. WEXLER, Mr. ALLEN, and Mr. HONDA):

H.R. 4190. A bill to amend the Fair Labor Standards Act of 1938 to prohibit agreements to provide notice of investigations or inspections; to the Committee on Education and the Workforce.

By Mr. HINCHEY:

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for charitable contributions of services by individuals; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. BOOZMAN, Mr. BERRY, Mr. SNYDER, and Mr. CARDOZA):

H.R. 4192. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Ohio:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to waive the 10-percent additional tax on early distributions from section 401(k) plans in the case of hardship of certain employees due to facility closures, employers in bankruptcy, or plan termination proceedings; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. MEHAN):

H.R. 4194. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from treatment as public communications for purposes of such Act; to the Committee on House Administration.

By Mr. WALDEN of Oregon:

H.R. 4195. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. CASE, and Ms. MCCOLLUM of Minnesota):

H. Res. 526. A resolution supporting the goals and ideals of observing the Year of Polio Awareness; to the Committee on Energy and Commerce.

¶117.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 131: Mr. MCGOVERN.
 H.R. 226: Mr. FORD.
 H.R. 282: Mr. WOLF.
 H.R. 302: Mr. HUNTER.
 H.R. 303: Ms. BEAN.
 H.R. 314: Mr. POMBO.
 H.R. 389: Mr. BOUSTANY.
 H.R. 547: Mr. HIGGINS.
 H.R. 552: Mr. DAVIS of Tennessee.
 H.R. 583: Mr. LOBIONDO.
 H.R. 601: Mr. RANGEL and Mr. BOREN.
 H.R. 697: Mr. LARSEN of Washington.
 H.R. 699: Mr. DOGGETT, Mr. ACKERMAN and Mr. PAYNE.
 H.R. 896: Mr. CARNAHAN.
 H.R. 923: Mr. DAVIS of Kentucky and Mr. DAVIS of Tennessee.
 H.R. 968: Mr. ENGLISH of Pennsylvania.
 H.R. 972: Mr. FILNER.
 H.R. 986: Mr. POMBO.
 H.R. 998: Mr. BROWN of South Carolina and Mr. JOHNSON of Illinois.
 H.R. 1000: Mr. BISHOP of New York.
 H.R. 1002: Mr. FERGUSON.
 H.R. 1020: Mr. WYNN.
 H.R. 1108: Mr. WILSON of South Carolina.
 H.R. 1141: Mr. MILLER of Florida, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. GARRETT of New Jersey and Mr. HIGGINS.
 H.R. 1259: Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. PASCRELL and Mr. SIMMONS.
 H.R. 1272: Mr. LINDER and Mr. LEWIS of Georgia.
 H.R. 1338: Mr. CUMMINGS.
 H.R. 1382: Mr. CULBERSON.
 H.R. 1424: Mr. DINGELL.
 H.R. 1506: Ms. WOOLSEY, Mr. CUMMINGS, Mr. HONDA and Mr. THOMPSON of Mississippi.
 H.R. 1510: Mr. LYNCH.
 H.R. 1518: Mr. PAYNE.
 H.R. 1607: Ms. BEAN.
 H.R. 1773: Mr. BOREN.
 H.R. 1849: Mr. SCOTT of Georgia, Mr. ORTIZ, Mrs. JONES of Ohio, Mr. HIGGINS and Mr. SKELTON.
 H.R. 1868: Mr. LIPINSKI, Mr. GONZALEZ, Mr. MARSHALL, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin and Ms. LINDA T. SANCHEZ of California.
 H.R. 1940: Mr. FATTAH, Ms. ROYBAL-ALLARD and Mr. BRADY of Pennsylvania.
 H.R. 1951: Mr. COSTELLO and Ms. ZOE LOPGREN of California.
 H.R. 1956: Mr. FLAKE.
 H.R. 2051: Mr. FATTAH, Mr. WEXLER and Mr. PAYNE.
 H.R. 2134: Mr. EMANUEL.
 H.R. 2327: Ms. MOORE of Wisconsin.
 H.R. 2337: Mr. HERGER.
 H.R. 2339: Mr. MCHUGH.
 H.R. 2389: Mr. GRAVES.
 H.R. 2533: Mr. CARNAHAN and Mr. SPRATT.
 H.R. 2567: Mrs. DAVIS of California.
 H.R. 2662: Ms. HARMAN and Ms. WASSERMAN SCHULTZ.
 H.R. 2717: Mr. FATTAH, Mr. BOEHLERT, Mr. TIERNEY and Mr. ROSS.

H.R. 2794: Mr. STUPAK.

H.R. 2803: Mr. RYUN of Kansas and Mr. LEACH.

H.R. 2828: Ms. LEE.

H.R. 2835: Mr. ACKERMAN.

H.R. 2931: Mr. JACKSON of Illinois.

H.R. 2963: Mr. TAYLOR of Mississippi and Mr. KUHLMAN of New York.

H.R. 2989: Mr. POMBO and Mr. MURPHY.

H.R. 3008: Mr. EMANUEL and Mr. JEFFERSON.

H.R. 3083: Mr. COSTELLO.

H.R. 3103: Mr. SHAYS and Mr. BERMAN.

H.R. 3137: Mrs. EMERSON.

H.R. 3151: Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas and Mr. WEXLER.

H.R. 3358: Mr. NADLER, Mr. SMITH of Washington and Mr. WYNN.

H.R. 3361: Mrs. NAPOLITANO, Mr. MARKEY and Mr. BRADLEY of New Hampshire.

H.R. 3373: Mr. CARNAHAN, Mr. DAVIS of Tennessee, Mr. JOHNSON of Illinois and Mr. BILLRAKIS.

H.R. 3385: Mr. LEVIN, Mr. SHADEGG, Mr. THOMPSON of California and Ms. HOOLEY.

H.R. 3441: Mrs. MUSGRAVE.

H.R. 3476: Mr. MARKEY and Ms. MCCOLLUM of Minnesota.

H.R. 3499: Ms. FOX.

H.R. 3561: Mr. WEXLER and Mr. MCINTYRE.

H.R. 3607: Mr. MCHUGH.

H.R. 3630: Mr. TOWNS.

H.R. 3665: Ms. BERKLEY.

H.R. 3709: Mr. FARR.

H.R. 3717: Mr. PORTER and Mr. MCCAUL of Texas.

H.R. 3757: Mrs. MYRICK.

H.R. 3861: Mr. LARSON of Connecticut.

H.R. 3883: Mr. BOOZMAN.

H.R. 3888: Mrs. CHRISTENSEN and Mr. STRICKLAND.

H.R. 3908: Mr. SHIMKUS.

H.R. 3931: Mr. MENENDEZ and Mr. ALLEN.

H.R. 3940: Mr. JONES of North Carolina.

H.R. 3950: Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. EMANUEL, Ms. WASSERMAN SCHULTZ, and Mr. STARK.

H.R. 3957: Mr. BACA, Mr. MICHAUD, and Mr. FORD.

H.R. 3973: Mr. GEORGE MILLER of California and Mr. INSLEE.

H.R. 3974: Mr. MARSHALL.

H.R. 3985: Mr. BERMAN, Ms. MCCOLLUM of Minnesota, and Mr. LEACH.

H.R. 3986: Mr. PAYNE.

H.R. 4015: Mr. SAM JOHNSON of Texas.

H.R. 4018: Mr. GOODLATTE.

H.R. 4029: Mr. LARSON of Connecticut, Mr. CONYERS, and Mr. FRANK of Massachusetts.

H.R. 4033: Mr. CASE.

H.R. 4048: Mr. WEXLER.

H.R. 4053: Mr. MANZULLO.

H.R. 4081: Mr. GREEN of Wisconsin and Mr. FORTUÑO.

H.R. 4089: Mr. GINGREY.

H.R. 4097: Mr. TIAHRT, Ms. HART, Mr. MILLER of Florida, and Mrs. BLACKBURN.

H.R. 4098: Mr. PRICE of Georgia.

H.R. 4124: Ms. HART, Mr. BACA, and Mr. FORD.

H.R. 4126: Mr. WOLF.

H.R. 4145: Mr. LAHOOD, Mr. OBEY, Mr. SWEENEY, Mr. KIRK, Ms. BEAN, Mr. LIPINSKI, Mr. HYDE, Mr. DANIEL E. LUNGREN of California, Mr. CROWLEY, Mr. HOLDEN, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. RENZI, Mr. HAYWORTH, Mr. COBLE, Mr. PETERSON of Pennsylvania, Mr. CASTLE, Mr. UPTON, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. PETRI, Mr. SENSENBRENNER, Mr. LEACH, and Mr. ALEXANDER.

H.R. 4148: Mr. VAN HOLLEN.

H.R. 4155: Mr. POE.

H.R. 4158: Mr. EVANS and Mr. CONYERS.

H.R. 4179: Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. SIMPSON and Mr. OTTER.

H. Con. Res. 10: Ms. BALDWIN.

H. Con. Res. 42: Mr. BURTON of Indiana and Mr. JENKINS.

H. Con. Res. 106: Mr. LYNCH.

H. Con. Res. 172: Mr. ROSS.

H. Con. Res. 173: Mrs. LOWEY, Mr. REICHERT, Ms. MCKINNEY, Mr. WOLF, Mr. CALVERT and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 174: Mr. SIMMONS, Ms. HOOLEY, Mr. BACHUS, Mr. CAPUANO, Mr. PETERSON of Minnesota, and Ms. DEGETTE.

H. Con. Res. 179: Mr. FARR.

H. Con. Res. 190: Ms. WASSERMAN SCHULTZ and Mr. GRIJALVA.

H. Con. Res. 231: Mr. HIGGINS and Mr. MENENDEZ.

H. Con. Res. 261: Mr. FATTAH.

H. Con. Res. 272: Mr. GARY G. MILLER of California, Mr. DAVIS of Florida, Mrs. CHRISTENSEN, Mrs. MCCARTHY, Mr. RUSH, Mr. CROWLEY, Mr. CHANDLER, Mr. LANTOS, Ms. WOOLSEY, Mr. SHERMAN, Mr. GORDON, Mr. SCOTT of Georgia and Mr. GREEN of Wisconsin.

H. Con. Res. 284: Mr. TANCREDO, Mr. CROWLEY, Mr. CHABOT, Mr. MCCOTTER, Mr. PENCE and Mr. SCHIFF.

H. Res. 76: Mr. CUMMINGS.

H. Res. 196: Mr. RANGEL, Mr. KUCINICH, Mr. FRANK of Massachusetts and Ms. MCCOLLUM of Minnesota.

H. Res. 215: Mr. CAMP.

H. Res. 223: Mr. MEEK of Florida, Mr. HONDA, Mr. ROYCE and Mr. HOLT.

H. Res. 302: Mr. FORD.

H. Res. 363: Mr. BOUCHER and Mr. SMITH of Washington.

H. Res. 438: Ms. LINDA T. SÁNCHEZ of California, Mr. MATHESON, Mr. SKELTON, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. LANGEVIN, Ms. DELAURO, Mr. DOOLITTLE, Mr. MILLER of North Carolina, and Mr. CARDOZA.

H. Res. 452: Mr. MARSHALL.

H. Res. 456: Mr. BERMAN, Mr. JACKSON of Illinois, Mr. EVANS, Mr. McNULTY, Mr. LYNCH and Mr. GRIJALVA.

H. Res. 458: Mr. WEXLER, Mr. WAXMAN, Mr. KILDEE, Mrs. MCCARTHY, Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. CLAY, Mr. UDALL of Colorado, Ms. SLAUGHTER and Ms. VELÁZQUEZ.

H. Res. 466: Mr. GRIJALVA.

H. Res. 471: Mr. MORAN of Virginia.

H. Res. 477: Mr. ENGEL.

H. Res. 498: Mr. PAYNE.

H. Res. 505: Ms. LEE, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. GRIJALVA, Ms. WATSON, Mr. CLAY, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. DEFAZIO, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. RANGEL and Mr. McNULTY.

H. Res. 517: Mr. RANGEL, Mr. WALSH, Mr. McNULTY, Mr. SHAYS, Mr. KOLBE and Mr. SWEENEY.

WEDNESDAY, NOVEMBER 2, 2005 (118)

The House was called to order by the SPEAKER.

¶118.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, November 1, 2005.

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

¶118.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4890. A letter from the Chief, Regulatory Review Group, Department of Agriculture,

transmitting the Department's final rule — Guaranteed Farm Ownership and Operating Loan Requirements (RIN: 0560-AG65) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4891. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations To Limit Shipments of Small Sizes of Red Seedless Grapefruit [Docket No. FV05-905-2 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4892. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term "Healthy" [Docket Nos. 1991N-0384H and 1996P-0500] (formerly 91N-384Hand 96P-0500) (RIN: 910-AC49) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4893. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Quality Control of Aviation Critical Safety Items and Related Services [DFARS Case 2003-D101] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4894. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael A. Hough, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4895. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Martin E. Dempsey, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4896. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Lowell E. Jacoby, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4897. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a cost estimate of a Future Combat Systems (FCS) by the Cost Analysis Improvement Group (CAIG); to the Committee on Armed Services.

4898. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4899. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7885] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4900. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7575] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4901. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4902. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7883] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4903. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4904. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4905. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4906. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project-Based Voucher Program [Docket No. FR-4636-F-02] (RIN: 2577-AC25) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4907. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Corrections — received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4908. A letter from the Acting Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Communications Assistance for Law Enforcement Act and Broadband Access and Services [ET Docket No. 04-295; RM-10865] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4909. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Laredo, Texas) [MB Docket No. 03-156; RM-10721] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4910. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hutchinson and Haven, Kansas) [MB Docket No. 04-376; RM-11039] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4911. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rule, Texas) [MM Docket No. 01-219; RM-10238] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4912. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of

State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4913. A letter from the Chairman and Co-Chairman, Congressional Executive Commission on China, transmitting the Commission's annual report for 2005, pursuant to Public Law 106-286; to the Committee on International Relations.

4914. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Canada and the Government of Australia (Transmittal No. DDTC 041-05); to the Committee on International Relations.

4915. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4916. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4917. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4918. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4919. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4920. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2006"; to the Committee on Government Reform.

4921. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4922. A letter from the Director, Federal Voting Assistance Program, Department of Defense, transmitting legislative proposals to simplify and streamline the absentee registration and voting process used by Uniformed Services members, overseas citizens, and their voting-age family members; to the Committee on House Administration.

4923. A letter from the Chairman, Flight 93 Advisory Commission, transmitting the Flight 93 National Memorial International Design Competition Summary Report, pursuant to Public Law 107-226 section 4(i)(1) (116 Stat. 1346); to the Committee on Resources.

4924. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 021212307-3037-02; I.D. 120303A] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4925. A letter from the Director, Regulatory Management Division, USCIS, Department of Homeland Security, transmitting

the Department's final rule — Adjustment of the Appeal and Motion Fees To Recover Full Costs [CIS No. 2245-02 and Docket No. DHS-2004-0021] (RIN: 1615-AA88) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4926. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2005, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

4927. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Arkansas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4928. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — HUBZone, Government Contracting, 8(a) Business Development and Small Business Size Standard Programs (RIN: 3245-AF31) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4929. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "New Freedom Initiative Medicaid Demonstrations Act of 2005"; jointly to the Committees on Energy and Commerce and Ways and Means.

4930. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-1, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office; jointly to the Committees on International Relations and Appropriations.

¶118.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 56. A concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center.

¶118.4 ONLINE FREEDOM OF SPEECH

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 1606) to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mrs. MILLER of Michigan and Mr. MEEHAN, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MEEHAN demanded that the vote be taken by the yeas and nays,

which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶118.5 VETERANS AFFAIRS INFORMATION TECHNOLOGY MANAGEMENT

Mr. BUYER moved to suspend the rules and pass the bill (H.R. 4061) to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resource, budget, and personnel related to the support function of information technology, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BUYER and Mr. REYES, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶118.6 JOHN H. BRADLEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. BUYER moved to suspend the rules and pass the bill (H.R. 1691) to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BUYER and Mr. REYES, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶118.7 ROSA PARKS FEDERAL BUILDING

Mr. DENT moved to suspend the rules and pass the bill of the Senate (S.

1285) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. DENT and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶118.8 SCIENCE, STATE, JUSTICE AND COMMERCE APPROPRIATIONS FY 2006

On motion of Mr. WOLF, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. WOLF, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶118.9 MOTION TO INSTRUCT CONFEREES—H.R. 2862

Ms. SCHWARTZ of Pennsylvania moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2862, be instructed to insist on the House level for the Small Business Administration's Business Loan Program Account and recede to the Senate on Section 525 of the amendment of the Senate.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. FOLEY, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶118.10 RECESS—4:35 P.M.

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶118.11 AFTER RECESS—7:41 P.M.

The SPEAKER pro tempore, Mr. BOUSTANY, called the House to order.

¶118.12 APPOINTMENT OF CONFEREES—H.R. 2862

Thereupon, the SPEAKER pro tempore, Mr. BOUSTANY, by unanimous consent, appointed Messrs. WOLF, TAYLOR of North Carolina, KIRK, WELDON of Florida, GOODE, LAHOOD, CULBERSON, ALEXANDER, LEWIS of California, MOLLOHAN, SERRANO, CRAMER, KENNEDY of Rhode Island, FATTAH, and OBEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶118.13 H.R. 1606—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOUSTANY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1606) to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 225
negative } Nays 182

¶118.14 [Roll No. 559] YEAS—225

Aderholt	Carter	Foxx
Akin	Chabot	Franks (AZ)
Alexander	Chandler	Garrett (NJ)
Baca	Chocola	Gerlach
Bachus	Clay	Gibbons
Baker	Cole (OK)	Gingrey
Barrett (SC)	Conaway	Gohmert
Barrow	Conyers	Goode
Bartlett (MD)	Costa	Goodlatte
Barton (TX)	Cramer	Granger
Beauprez	Crenshaw	Graves
Berman	Cuellar	Green (WI)
Biggert	Culberson	Gutknecht
Bilirakis	Cunningham	Harris
Bishop (GA)	Davis (KY)	Hart
Bishop (UT)	Davis (TN)	Hastings (WA)
Blackburn	Davis, Jo Ann	Hayes
Blumenauer	Davis, Tom	Hayworth
Blunt	Deal (GA)	Hensarling
Boehner	DeLay	Herger
Bonilla	Dent	Herseth
Bonner	Diaz-Balart, L.	Hoekstra
Bono	Diaz-Balart, M.	Honda
Boozman	Doolittle	Hostettler
Boren	Drake	Hoyer
Boucher	Dreier	Hulshof
Boustany	Duncan	Hunter
Brady (TX)	Ehlers	Inglis (SC)
Brown (OH)	English (PA)	Issa
Brown (SC)	Eshoo	Istook
Burgess	Everett	Jenkins
Burton (IN)	Fattah	Jindal
Buyer	Feney	Johnson, Sam
Calvert	Ferguson	Jones (NC)
Camp	Fitzpatrick (PA)	Keller
Cannon	Flake	Kelly
Cantor	Foley	Kennedy (MN)
Capito	Forbes	Kennedy (RI)
Capuano	Fortenberry	Kind
Cardoza	Fossella	King (IA)

Kingston	Ney	Shadegg
Kline	Northup	Shaw
Knollenberg	Nunes	Sherwood
Kolbe	Nussle	Shimkus
Kuhl (NY)	Otter	Shuster
Latham	Paul	Simpson
Lee	Pence	Smith (TX)
Lewis (CA)	Peterson (MN)	Smith (WA)
Lewis (KY)	Peterson (PA)	Sodrel
Linder	Pickering	Souder
Lofgren, Zoe	Pitts	Stearns
Lucas	Poe	Strickland
Lungren, Daniel E.	Porter	Sullivan
Mack	Price (GA)	Sweeney
Manzullo	Putnam	Tancredo
Marchant	Rahall	Taylor (NC)
Matheson	Rehberg	Terry
McCaul (TX)	Reichert	Thomas
McCotter	Renzi	Thompson (CA)
McCrery	Reynolds	Thornberry
McHenry	Rogers (AL)	Tiahrt
McHugh	Rogers (KY)	Tiberi
McKeon	Rogers (MI)	Udall (CO)
McKinney	Rohrabacher	Waters
McMorris	Ros-Lehtinen	Watson
Melancon	Ross	Weldon (FL)
Mica	Royce	Weller
Miller (MI)	Ryan (OH)	Westmoreland
Miller, Gary	Ryan (WI)	Whitfield
Moran (KS)	Ryun (KS)	Wicker
Murphy	Salazar	Wilson (SC)
Murtha	Sanchez, Loretta	Woolsey
Musgrave	Scott (GA)	Wynn
Myrick	Sensenbrenner	Young (FL)
Neugebauer	Serrano	
	Sessions	

NAYS—182

Abercrombie	Hinchey	Osborne
Allen	Hinojosa	Owens
Andrews	Hobson	Pallone
Baird	Holden	Pascrell
Baldwin	Holt	Pastor
Bass	Hooley	Payne
Bean	Inslee	Pelosi
Becerra	Israel	Petri
Berkley	Jackson (IL)	Platts
Berry	Jackson-Lee	Pomeroy
Bishop (NY)	(TX)	Price (NC)
Boehlert	Jefferson	Ramstad
Boyd	Johnson (CT)	Rangel
Bradley (NH)	Johnson (IL)	Regula
Brown, Corrine	Johnson, E. B.	Rothman
Butterfield	Jones (OH)	Ruppersberger
Capps	Kanjorski	Rush
Cardin	Kaptur	Sánchez, Linda T.
Carnahan	Kildee	Sanders
Carson	Kilpatrick (MI)	Saxton
Case	Kirk	Schakowsky
Castle	Kucinich	Schiff
Cleaver	LaHood	Schmitt
Clyburn	Langevin	Schwartz (PA)
Coble	Lantos	Schwartz (MI)
Cooper	Larsen (WA)	Scott (VA)
Costello	Larson (CT)	Shays
Crowley	LaTourette	Sherman
Cummings	Leach	Simmons
Davis (AL)	Levin	Skelton
Davis (CA)	Lewis (GA)	Slaughter
Davis (FL)	Lipinski	Smith (NJ)
Davis (IL)	LoBiondo	Snyder
DeFazio	Lowe	Solis
DeGette	Lynch	Spratt
Delahunt	Maloney	Stupak
DeLauro	Markey	Tanner
Dicks	Matsui	Tauscher
Dingell	McCarthy	Taylor (MS)
Doggett	McDermott	Thompson (MS)
Doyle	McGovern	Tierney
Edwards	McIntyre	Towns
Emanuel	McNulty	Turner
Emerson	Meehan	Udall (NM)
Engel	Meek (FL)	Upton
Evans	Meeks (NY)	Van Hollen
Farr	Michaud	Velázquez
Filner	Millender-	Viscozky
Ford	McDonald	Walden (OR)
Frank (MA)	Miller (NC)	Walsh
Frelinghuysen	Miller, George	Wamp
Gallegly	Mollohan	Wasserman
Gilchrest	Moore (KS)	Schultz
Gillmor	Moore (WI)	Watt
Gonzalez	Moran (VA)	Waxman
Gordon	Nadler	Weiner
Green, Al	Napolitano	Weldon (PA)
Green, Gene	Neal (MA)	Wexler
Grijalva	Oberstar	Wilson (NM)
Gutierrez	Obey	Wolf
Hefley	Olver	Wu
Higgins	Ortiz	

NOT VOTING—26

Table with 3 columns: Name, State, Name. Includes Ackerman, Boswell, Brady (PA), Brown-Waite, Ginny, Cubin, Etheridge, Hall, Harman, Hastings (FL), Hyde, King (NY), Marshall, McCollum (MN), Menendez, Miller (FL), Norwood, Oxley, Pearce, Pombo, Pryce (OH), Radanovich, Reyes, Roybal-Allard, Sabo, Stark, Young (AK).

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶118.15 H.R. 4061—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOUSTANY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4061) to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resource, budget, and personnel related to the support function of information technology, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 408 Nays 0

¶118.16 [Roll No. 560]

YEAS—408

Table with 3 columns: Name, Name, Name. Includes Abercrombie, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggart, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Carter, Case, Barrett (SC), Castle, Chabot, Chandler, Chocola, Clay, Cleaver, Clyburn, Coble, Conaway, Conyers, Cooper, Costa, Costello, Cramer, Crenshaw, Crowley, Cuellar, Culberson, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doyle, Drake, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Garret (NJ), Gerlach, Gibbons, Gilchrist, Gillmor, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Al, Green, Gene, Harman, Hastings (FL), Hyde, King (NY), Marshall, McCollum (MN), Menendez, Miller (FL), Norwood, Oxley, Pearce, Pombo, Radanovich, Reyes, Roybal-Allard, Sabo, Stark, Young (AK).

Table with 3 columns: Name, Name, Name. Includes Grijalva, Gutierrez, Gutknecht, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), Kind, King (IA), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Matheson, Matsui, McCarthy, McCaul (TX), McCotter, McCrery, McDermott, McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Mica, Michaud, Millender-McDonald, Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Murtha, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Nunes, Nussle, Oberstar, Obey, Oliver, Ortiz, Osborne, Otter, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Rahall, Ramstad, Rangel, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Royce, Ruppertsberger, Rush, Ryan (OH), Ryan (WI), Ryun (KS), Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Saxton, Schakowsky, Schiff, Schmidt, Schwartz (PA), Schwarz (MI), Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Solis, Souder, Spratt, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Turner, Udall (CO), Udall (NM), Upton, Van Hollen, Velazquez, Visclosky, Walden (OR), Walsh, Wamp, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Weldon (FL), Weldon (PA), Weller, Westmoreland, Wexler, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Wynn, Young (FL).

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.17 H.R. 1691—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOUSTANY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1691) to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 407 Nays 0

¶118.18 [Roll No. 561]

YEAS—407

Table with 3 columns: Name, Name, Name. Includes Abercrombie, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggart, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Carson, Carter, Case, Castle, Chabot, Chandler, Chocola, Clay, Cleaver, Clyburn, Coble, Conaway, Conyers, Cooper, Costa, Costello, Cramer, Crenshaw, Crowley, Cuellar, Culberson, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doyle, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Emerson, Engel, English (PA), Eshoo, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Garret (NJ), Gerlach, Gibbons, Gilchrist, Gillmor, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Al, Green, Gene, Grijalva, Gutierrez, Gutknecht, Harris, Hart, Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Inglis (SC), Inslee.

NOT VOTING—25

Table with 3 columns: Name, Name, Name. Includes Ackerman, Boswell, Brady (PA), Brown-Waite, Ginny, Cubin, Etheridge, Hall, Harman, Hastings (FL), Hyde, King (NY), Marshall, McCollum (MN), Menendez, Miller (FL), Norwood, Oxley, Pearce, Pombo, Radanovich, Reyes, Roybal-Allard, Sabo, Stark, Young (AK).

Israel	Michaud	Schiff
Issa	Millender-	Schmidt
Istook	McDonald	Schwartz (PA)
Jackson (IL)	Miller (MI)	Schwarz (MI)
Jackson-Lee	Miller (NC)	Scott (GA)
(TX)	Miller, Gary	Scott (VA)
Jefferson	Miller, George	Sensenbrenner
Jenkins	Mollohan	Serrano
Jindal	Moore (KS)	Sessions
Johnson (CT)	Moore (WI)	Shadegg
Johnson (IL)	Moran (KS)	Shaw
Johnson, E. B.	Moran (VA)	Shays
Johnson, Sam	Murphy	Sherman
Jones (NC)	Murtha	Sherwood
Jones (OH)	Musgrave	Shimkus
Kanjorski	Myrick	Shuster
Kaptur	Nadler	Simmons
Keller	Napolitano	Simpson
Kelly	Neal (MA)	Skelton
Kennedy (MN)	Neugebauer	Slaughter
Kennedy (RI)	Ney	Smith (NJ)
Kildee	Northup	Smith (TX)
Kilpatrick (MI)	Nunes	Smith (WA)
Kind	Nussle	Snyder
King (IA)	Oberstar	Sodrel
Kingston	Obey	Solis
Kirk	Olver	Souder
Kline	Ortiz	Spratt
Knollenberg	Osborne	Stearns
Kolbe	Otter	Strickland
Kucinich	Owens	Stupak
Kuhl (NY)	Pallone	Sullivan
LaHood	Pascrell	Pastor
Langevin	Pastor	Sweeney
Lantos	Paul	Tancredo
Larsen (WA)	Payne	Tanner
Larson (CT)	Pelosi	Tauscher
Latham	Pence	Taylor (MS)
LaTourette	Peterson (MN)	Taylor (NC)
Leach	Peterson (PA)	Terry
Lee	Petri	Thomas
Levin	Pickering	Thompson (CA)
Lewis (CA)	Pitts	Thompson (MS)
Lewis (GA)	Platts	Thornberry
Lewis (KY)	Poe	Tiahrt
Linder	Pomeroy	Tiberi
Lipinski	Porter	Tierney
LoBiondo	Price (GA)	Turner
Lofgren, Zoe	Price (NC)	Udall (CO)
Lowe	Pryce (OH)	Udall (NM)
Lucas	Putnam	Upton
Lungren, Daniel	Rahall	Van Hollen
E.	Ramstad	Velázquez
Lynch	Rangel	Visclosky
Mack	Regula	Walden (OR)
Maloney	Rehberg	Walsh
Manzullo	Reichert	Wamp
Marchant	Renzi	Wasserman
Markey	Reynolds	Schultz
Matheson	Rogers (AL)	Waters
Matsui	Rogers (KY)	Watson
McCarthy	Rogers (MI)	Watt
McCaul (TX)	Rohrabacher	Waxman
McCotter	Ros-Lehtinen	Weiner
McCrery	Ross	Weldon (FL)
McDermott	Rothman	Weldon (PA)
McGovern	Royce	Weller
McHenry	Ruppersberger	Westmoreland
McHugh	Rush	Wexler
McIntyre	Ryan (OH)	Whitfield
McKeon	Ryan (WI)	Wicker
McKinney	Ryun (KS)	Wilson (NM)
McMorris	Salazar	Wilson (SC)
McNulty	Sánchez, Linda	Wolf
Meehan	T.	Woolsey
Meek (FL)	Sanchez, Loretta	Wu
Meeks (NY)	Sanders	Wynn
Melancon	Saxton	Young (FL)
Mica	Schakowsky	

NOT VOTING—26

Ackerman	Hastings (FL)	Pearce
Boswell	Hyde	Pombo
Brady (PA)	King (NY)	Radanovich
Brown-Waite,	Marshall	Reyes
Ginny	McCollum (MN)	Roybal-Allard
Cubin	Menendez	Sabo
Etheridge	Miller (FL)	Stark
Hall	Norwood	Towns
Harman	Oxley	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.19 SUBMISSION OF CONFERENCE
REPORT—H.R. 3057

Mr. KOLBE submitted a conference report (Rept. No. 109-265) on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶118.20 ADVISORY COMMITTEE ON
STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore, Mr. BOUSTANY, announced that the Speaker, pursuant to section 491 of the Higher Education Act (20 United States Code 1098(c)), the order of the House of January 4, 2005, and upon the recommendation of the Majority Leader, reappointed the following member on the part of the House to the Advisory Committee on Student Financial Assistance, for a three-year term: Ms. Judith Flink, Morton Grove, Illinois.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶118.21 CHICAGO WHITE SOX 2005 WORLD
SERIES

Mr. DENT moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 281):

Whereas the Chicago White Sox won 99 games during the regular season and compiled the best record in the American League;

Whereas the White Sox, through great pitching, hitting, and superb defense dominated the playoffs with an impressive 11-1 record, beating the former world champion Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros;

Whereas the White Sox have the distinction of participating in the longest game during World Series history of 5 hours and 41 minutes;

Whereas the White Sox, formed in 1901, earn the distinction of being world champions for the first time since 1917, ending an 88 year drought;

Whereas the White Sox swept the Houston Astros by winning 4 straight games in the World Series;

Whereas Jerry Reinsdorf, Chairman of the Chicago White Sox, has become only the third owner to win championships in two major sports; and

Whereas the White Sox organization, from Jerry Reinsdorf, General Manager Ken Williams, manager Ozzie Guillen, and all the players have reinvigorated America's pastime and made Chicagoans proud: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress joins with all Americans in congratulating the 2005 World Series Champion Chicago White Sox.

The SPEAKER pro tempore, Mr. BOUSTANY, recognized Mr. DENT and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BOUSTANY, announced that two-

thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.22 PROVIDING FOR THE
CONSIDERATION OF H.R. 4128

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-266) the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4128) to protect private property rights.

When said resolution and report were referred to the House Calendar and ordered printed.

¶118.23 SENATE CONCURRENT
RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 56. A concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

¶118.24 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2967. An Act to designate the Federal building at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building."

¶118.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MENENDEZ, for today after 4 p.m.

And then,

¶118.26 ADJOURNMENT

On motion of Mr. HENSARLING, at 11 o'clock and 19 minutes p.m., the House adjourned.

¶118.27 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Sub-allocation of Budget Allocations for Fiscal Year 2006. (Rept. 109-264). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Conference. Conference report on H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the

fiscal year ending September 30, 2006, and for other purposes (Rept. 109-265). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 527. Resolution providing for consideration of the bill (H.R. 4128) to protect private property rights (Rept. 109-266). Referred to the House Calendar.

118.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAIRD:

H.R. 4196. A bill to establish a National Foreign Language Coordination Council; to the Committee on Education and the Workforce.

By Mr. WATT (for himself, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. SCOTT of Virginia, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. FATAH, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. LEE, Mrs. JONES of Ohio, Mr. CLAY, Ms. WATSON, Mr. DAVIS of Alabama, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Ms. MCKINNEY, Mr. CLEAVER, Mr. AL GREEN of Texas, and Ms. MOORE of Wisconsin):

H.R. 4197. A bill to provide for the recovery, reclamation, restoration and reconstruction of lives and communities and for the reunion of families devastated by Hurricane Katrina and to address the issues of poverty exposed by Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Financial Services, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, Small Business, Government Reform, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4198. A bill to amend the Safe Drinking Water Act with respect to developing additional methods for assessing the health effects of drinking water contaminants on infants, children, women, and pregnant women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOEHLERT:

H.R. 4199. A bill to amend the Internal Revenue Code of 1986 to extend the environmental tax on corporate income; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. BAIRD, Mr. GILCREST, Ms. HERSETH, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. PICKERING, Mr. OBERSTAR, Mr. SHADEGG, Mr. BERRY, Mr. WICKER, Mr. LEWIS of California, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. TERRY, Mr. POMBO, Mr. JINDAL, Mrs. DRAKE, Mr. OTTER, Mr. NORWOOD, Mr. DUNCAN, Mr. REHBERG, Mr. HAYWORTH, Mr. ROGERS of Michigan, Mr. PEARCE, Mr. GIBBONS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. CANNON, Mr. BROWN

of South Carolina, Miss MCMORRIS, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, Mr. SIMPSON, Mr. RENZI, Mr. YOUNG of Alaska, Mr. MCCREY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BONNER, Mr. TANCREDO, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BISHOP of Utah, Ms. FOXX, Mr. ISSA, Mr. HUNTER, Mr. MCKEON, Mr. BURGESS, Mr. CALVERT, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRBACHER, Mr. KNOLLENBERG, Mr. NUNES, Mr. SESSIONS, Mr. GINGREY, Mr. BARTON of Texas, Ms. GRANGER, Mr. REYNOLDS, Mr. TIAHRT, Mr. BLUNT, Mr. KINGSTON, Mr. CANTOR, Mr. BEAUPREZ, Mr. WHITFIELD, Mr. EVERETT, Mr. PLATTS, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. SOUDER, Mr. SAXTON, Mr. PUTNAM, Mr. LINDER, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. CULBERSON, Mr. BASS, Mr. JONES of North Carolina, Mr. ROGERS of Kentucky, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. DANIEL E. LUNGREN of California):

H.R. 4200. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO (for himself, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. FARR, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. NADLER, and Mr. TOWNS):

H.R. 4201. A bill to amend title 5, United States Code, to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. SCOTT of Virginia, Mr. RANGEL, and Ms. JACKSON-LEE of Texas):

H.R. 4202. A bill to encourage successful reentry of incarcerated persons into the community after release, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 4203. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 4204. A bill to direct the Secretary of the Interior to transfer ownership of the

American River Pump Station Project, and for other purposes; to the Committee on Resources.

By Mr. FORD:

H.R. 4205. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 4206. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to permit Puerto Rico to qualify for Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. FORTUÑO (for himself and Mr. MCCREY):

H.R. 4207. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 4208. A bill to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise in the informatics realm; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H.R. 4209. A bill to temporarily deny Federal assistance to the City of Gretna Police Department, the Jefferson Parish Sheriff's Office, and the Crescent City Connection Division Police Department in the State of Louisiana for their maltreatment of individuals seeking aid during the Hurricane Katrina crisis, and for other purposes; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H.R. 4210. A bill to provide for the expeditious disclosure of records relevant to the life and death of Tupac Amaru Shakur; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 4211. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. RAMSTAD):

H.R. 4212. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. RANGEL, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. PAUL, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, and Mr. HASTINGS of Florida):

H.R. 4213. A bill to suspend temporarily the application of laws which would deny certain federal benefits, entitlements, and grants to victims of Hurricane Katrina or Hurricane Rita due to convictions for certain drug crimes; to the Committee on Financial Services, and in addition to the Committees on

Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. WILSON of South Carolina, and Mrs. BLACKBURN):

H.R. 4214. A bill to provide for certain cost cutting measures for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. STRICKLAND (for himself, Mr. STUPAK, Mr. FORD, and Mr. DAVIS of Tennessee):

H.R. 4215. A bill to amend the matching grant program for bulletproof armor vests to eliminate the matching requirement for certain officers; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4216. A bill to improve the accountability provisions of the part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself, Ms. WOOLSEY, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. NORWOOD, Mr. KILDEE, Mrs. BIGGERT, Mr. OWENS, Mr. FORTUÑO, Mr. PAYNE, Mr. BOUSTANY, Mr. HINOJOSA, Mrs. JOHNSON of Connecticut, Mrs. MCCARTHY, Ms. ROS-LEHTINEN, Mr. KUCINICH, Mr. RAMSTAD, Mr. HOLT, Mr. BASS, Ms. MCCOLLUM of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. GRIJALVA, Mr. LOBIONDO, Mr. VAN HOLLEN, Mr. FOSSELLA, Mr. MOORE of Kansas, Mr. SESSIONS, Ms. MILLENDER-MCDONALD, Mr. SHIMKUS, Mr. FILNER, Mr. REYNOLDS, and Ms. SLAUGHTER):

H. Con. Res. 288. Concurrent resolution recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself and Mr. SHAYS):

H. Con. Res. 289. Concurrent resolution supporting the goal and mission of America Recycles Day; to the Committee on Government Reform.

By Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H. Res. 528. A resolution requesting the President to designate the Thursday before Thanksgiving Day as "Feed America Thursday"; to the Committee on Agriculture.

By Mr. GALLEGLY (for himself, Mr. RADANOVICH, and Mr. VISCLOSKEY):

H. Res. 529. A resolution recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization; to the Committee on International Relations.

By Ms. WATERS:

H. Res. 530. A resolution expressing the sense of the House of Representatives condemning the actions of the Gretna Police Department, the Jefferson Parish Sheriff's Department and all officers under their command who closed to foot traffic the Greater New Orleans Bridge in the aftermath of Hurricane Katrina and prevented hundreds of citizens from evacuating the City of New Orleans, and recognizing that at all times and especially during a time of national crisis, that all citizens should be treated in a lawful manner and with dignity and respect; to the Committee on the Judiciary.

118.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. CANTOR.
 H.R. 147: Ms. PRYCE of Ohio and Mrs. SCHMIDT.
 H.R. 224: Mr. THOMPSON of Mississippi, Mr. DAVIS of Tennessee, and Mrs. JONES of Ohio.
 H.R. 365: Mr. ENGLISH of Pennsylvania.
 H.R. 487: Mr. SCHIFF.
 H.R. 500: Mr. GILCREST and Mr. MILLER of Florida.
 H.R. 690: Mr. HOYER.
 H.R. 857: Mr. FILNER.
 H.R. 874: Mr. RYUN of Kansas and Mr. BONNER.
 H.R. 949: Ms. CARSON, Mr. HOLDEN, and Ms. SOLIS.
 H.R. 972: Mr. VAN HOLLEN.
 H.R. 1105: Mr. ABERCROMBIE and Mr. DOYLE.
 H.R. 1125: Mrs. LOWEY.
 H.R. 1259: Mr. ISSA, Mr. DAVIS of Kentucky, Mr. BAIRD, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 1281: Mr. SANDERS.
 H.R. 1337: Mr. BURTON of Indiana and Mrs. CAPITO.
 H.R. 1351: Mr. KENNEDY of Minnesota.
 H.R. 1390: Mr. STUPAK and Mr. DOGGETT.
 H.R. 1402: Ms. BEAN and Ms. ROS-LEHTINEN.
 H.R. 1471: Mr. WELLER.
 H.R. 1545: Mr. COLE of Oklahoma.
 H.R. 1577: Mr. COSTA.
 H.R. 1588: Mr. OBERSTAR.
 H.R. 1591: Mr. LANGEVIN.
 H.R. 1592: Mr. LANGEVIN.
 H.R. 1595: Mrs. BLACKBURN, Mr. GALLEGLY, and Mr. MELANCON.
 H.R. 1667: Mrs. MALONEY.
 H.R. 1704: Ms. MOORE of Wisconsin and Mr. PETERSON of Minnesota.
 H.R. 1849: Ms. CARSON.
 H.R. 1951: Mr. PLATTS.
 H.R. 1994: Ms. KAPTUR.
 H.R. 2012: Mr. RYUN of Kansas.
 H.R. 2045: Mr. PETRI and Mr. SODREL.
 H.R. 2048: Mr. CONAWAY, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. BOOZMAN, and Mr. GINGREY.
 H.R. 2134: Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN, Mr. WALSH, and Mr. MOORE of Kansas.
 H.R. 2217: Mr. PAYNE.
 H.R. 2238: Mr. GILCREST and Mr. BARROW.
 H.R. 2292: Mr. RAHALL.
 H.R. 2328: Mr. TIBERI.
 H.R. 2357: Mr. DOYLE.
 H.R. 2554: Mr. OWENS, Mr. GRIJALVA, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Mr. FALDOMAVAEGA, and Ms. KILPATRICK of Michigan.
 H.R. 2669: Mr. NEAL of Massachusetts and Mr. ACKERMAN.
 H.R. 2671: Mr. ALLEN, Mr. BOOZMAN, Mr. OWENS, Mr. ABERCROMBIE, and Mr. FITZPATRICK of Pennsylvania.
 H.R. 2682: Mr. MCINTYRE and Mrs. MALONEY.
 H.R. 2793: Ms. HERSETH, Mr. CONAWAY, and Mr. EHLERS.
 H.R. 2803: Mr. BOYD and Mr. BUTTERFIELD.
 H.R. 2830: Mr. GERLACH.
 H.R. 2892: Mr. CAPUANO.
 H.R. 2932: Mr. TANNER and Mr. DAVIS of Tennessee.
 H.R. 2943: Mr. RAMSTAD.
 H.R. 3074: Mr. PRICE of Georgia.
 H.R. 3151: Mr. MCDERMOTT.
 H.R. 3334: Mr. CROWLEY, Mr. PAYNE, and Mr. BARROW.
 H.R. 3352: Mr. MARSHALL.
 H.R. 3361: Mr. FITZPATRICK of Pennsylvania.
 H.R. 3401: Mr. BARRETT of South Carolina.
 H.R. 3436: Mr. MCHENRY.
 H.R. 3442: Ms. WOOLSEY.

H.R. 3476: Mr. JINDAL.
 H.R. 3478: Mr. SANDERS, Mr. WILSON of South Carolina, Mr. LYNCH, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. REYES, Mr. KUHL of New York, Mr. FORD, and Mr. TAYLOR of Mississippi.
 H.R. 3505: Ms. HARRIS.
 H.R. 3561: Ms. WOOLSEY and Mr. BARROW.
 H.R. 3579: Mr. SNYDER and Mr. PLATTS.
 H.R. 3607: Mr. MCNULTY.
 H.R. 3628: Mr. BARROW.
 H.R. 3630: Mr. GILCREST and Mr. SIMPSON.
 H.R. 3639: Mr. KLINE.
 H.R. 3640: Mr. WAXMAN, Mr. HONDA, Ms. SOLIS, Mrs. CHRISTENSEN, and Ms. SCHAKOWSKY.
 H.R. 3644: Mr. DAVIS of Kentucky and Mr. BOEHLERT.
 H.R. 3661: Mr. CARTER and Mr. HALL.
 H.R. 3781: Mr. MCDERMOTT.
 H.R. 3858: Mrs. NAPOLITANO, Mr. MENENDEZ, and Mr. ANDREWS.
 H.R. 3889: Mr. TOM DAVIS of Virginia and Mr. NEY.
 H.R. 3949: Mr. FORD, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. ALEXANDER, Mr. KUCINICH, Mr. REHBERG, and Mr. BOEHLERT.
 H.R. 3964: Mr. GRIJALVA and Ms. BALDWIN.
 H.R. 3969: Mr. CONAWAY, Mr. REHBERG, and Mr. KUHL of New York.
 H.R. 3975: Mr. MILLER of Florida and Mr. TIAHRT.
 H.R. 3985: Mr. SCHIFF and Mr. BISHOP of Georgia.
 H.R. 4008: Ms. DEGETTE.
 H.R. 4015: Mr. SCOTT of Georgia.
 H.R. 4025: Mrs. NAPOLITANO, Mr. COSTELLO, Mr. DAVIS of Tennessee, and Mr. GUTKNECHT.
 H.R. 4045: Mr. NADLER and Mr. WEINER.
 H.R. 4054: Mr. ISTOOK, Mr. COLE of Oklahoma, Mr. LUCAS, and Mr. BOREN.
 H.R. 4072: Mr. BASS.
 H.R. 4113: Mr. REHBERG.
 H.R. 4127: Mr. GILLMOR.
 H.R. 4145: Ms. KAPTUR, Mr. SHAYS, Mr. FALDOMAVAEGA, Mr. PRICE of North Carolina, Mr. CHABOT, Mr. LOBIONDO, Mr. KILDEE, Ms. PELOSI, Mr. STUPAK, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, Mr. FARR, Mrs. BIGGERT, Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. CAPUANO, Mr. WEINER, Ms. VELÁZQUEZ, Mr. MANZULLO, Ms. SLAUGHTER, and Mr. GRIJALVA.
 H.R. 4157: Ms. HART, Mr. ROGERS of Michigan, and Ms. JACKSON-LEE of Texas.
 H.R. 4174: Mr. WEINER and Mr. TOWNS.
 H. Con. Res. 42: Mrs. JO ANN DAVIS of Virginia.
 H. Con. Res. 235: Mr. SNYDER and Mr. HOLDEN.
 H. Con. Res. 260: Mr. MEEHAN and Mr. DAVIS of Alabama.
 H. Con. Res. 280: Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. CROWLEY, and Mr. GUTIERREZ.
 H. Con. Res. 282: Mr. STARK and Mr. MCGOVERN.
 H. Con. Res. 286: Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. OWENS, Mr. CUMMINGS, Mr. MEEKS of New York, and Mr. RANGEL.
 H. Res. 196: Mr. VISCLOSKEY.
 H. Res. 215: Mr. CHOCOLA, Mr. BROWN of South Carolina, and Mrs. CUBIN.
 H. Res. 223: Ms. ROS-LEHTINEN, Mr. FITZPATRICK of Pennsylvania, and Mr. ACKERMAN.
 H. Res. 286: Mr. SHERMAN.
 H. Res. 302: Mr. KLINE and Mr. FOSSELLA.
 H. Res. 458: Mr. LANGEVIN.
 H. Res. 477: Mr. MILLER of North Carolina.
 H. Res. 489: Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. SHAYS, Mr. PETRI, Mr. WOLF, Mr. LEVIN, Ms. KAPTUR, Mr. GEORGE MILLER of California, Mr. BARROW, Mr. COSTA, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. FILNER.

H. Res. 504: Mr. TANCREDO.

H. Res. 505: Mr. McDERMOTT, Mr. ABERCROMBIE, Mr. CONYERS, Mr. ACKERMAN, and Mrs. MALONEY.

H. Res. 510: Mr. BERMAN, Mr. UDALL of New Mexico, Mrs. MCCARTHY, Mrs. MALONEY, Mr. SAXTON, Mr. KING of New York, Mrs. NAPOLITANO, and Mr. KENNEDY of Minnesota.

H. Res. 517: Mr. NADLER, Mr. BRADY of Pennsylvania, Mr. OBERSTAR, and Mr. CAPUANO.

H. Res. 524: Mr. CLAY and Ms. SOLIS.

H. Res. 526: Mr. McDERMOTT and Mr. PAYNE.

THURSDAY, NOVEMBER 3, 2005 (119)

¶119.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

WASHINGTON, DC,
November 3, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶119.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Wednesday, November 2, 2005.

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

¶119.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cleveland Harbor, Cleveland, Ohio, change of location [CGD09-05-027] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-001] (RIN: 1625-AA11) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-018] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; New Jersey Intracoastal Waterway [CGD05-05-012] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the De-

partment's final rule—Special Local Regulations for Marine Event; Labor Day Fireworks Display, South Lake Tahoe, CA [CGD11-05-022] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Mill Creek, Fort Monroe, Hampton, Virginia [CGD05-05-078] (RIN: 1625-AA08) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston 05-037] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ [CGD05-05-097] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-075] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-05-076] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, North Carolina [CGD05-05-005] (RIN: 1625-AA08) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Sector New Orleans; barges [USCG-2005-22429] (RIN: 1625-AA11) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Transfer of M/V WILLIAM G. MATHER, Cleveland, Ohio [CGD09-05-126] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Blasting Operations, Demolition of Bridge Piers: Sikorsky Bridge over the Housatonic River between Stratford and Milford, CT [CGD01-05-085] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Milwaukee River Challenge, Milwaukee River, Milwaukee, WI [CGD09-05-123] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Manasquan Inlet [CGD05-05-113] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River (LMR), Greenville, MS [COTP Lower Mississippi River-05-008] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-05-027] (RIN: 1625-AA00) received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Northwest Harbor, Baltimore Harbor, MD. [CGD05-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Mathews, VA. [CGD05-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Potomac River, Washington, DC [CGD05-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; M/V Simco, St. Lawrence River, NY [CGD09-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security,

transmitting the Department's final rule—Safety Zone; Barge Recovery Operations in the Captain of the Port Portland Zone. [CGD13-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; LaQuinta Ship Channel, Corpus Christi, TX [COTP Corpus Christi-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Upper Galveston Bay, Galveston Bay, TX [COTP Houston-04-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 161.5 to Mile 203, Reedsville, OH [COTP Huntington-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Canaveral Jetties, Port Canaveral, FL [COTP Jacksonville 05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; St. Johns River, Clay County, FL [COTP Jacksonville 05-004] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4961. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 05-030] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Vincent Thomas Bridge, Los Angeles, CA [COTP Los Angeles-Long Beach, CA; 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—

Safety Zone; Ohio River miles 841.0 to 851.0, Uniontown, KY [COTP Louisville-05-001] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River mile 530.5 to mile 535.0, in vicinity of Markland Lock & Dam, Ghent, KY [COTP Louisville-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River miles 526.5 to 536.5, Ghent, Kentucky [COTP Louisville-05-003] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile marker 7.0 to mile marker 9.0, Spottsville, KY [COTP Louisville-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delta Farms, Bayou Perot, LA [COTP Morgan City-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 169.5 to Mile 170.5, Darrow, LA [COTP New Orleans-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua [CBP Dec. 05-33] (RIN: 1505-AB61) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶119.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4128

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 527):

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

consideration of the bill (H.R. 4128) to protect private property rights. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶119.5 MILITARY QUALITY OF LIFE AND VA APPROPRIATIONS FY 2006

On motion of Mr. WALSH, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other

purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. WALSH, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶119.6 MOTION TO INSTRUCT CONFEREES—H.R. 2528

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments of the Senate to H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion? The SPEAKER pro tempore, Mr. GINGREY, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶119.7 PRIVILEGES OF THE HOUSE

Ms. PELOSI, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people \$190 billion dollars;

Whereas the basis for going to war was Iraq's alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas the Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President's Chief of Staff Lewis Libby has been indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that disclosure was part of a pattern of Administration efforts to discredit critics of the Iraq war;

Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent \$20.9 billion dollars to rebuild Iraq with much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth \$7 billion to implement the

restoration of Iraq's oil infrastructure, and a senior Army Corps of Engineers official wrote that the sole-source contract was "coordinated with the Vice President's office";

Whereas despite these revelations, on July 22, 2004 the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President's office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantanamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue serious allegations, including how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other branches of government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative's name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal: Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and condemns their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent.

The SPEAKER pro tempore, Mr. GINGREY, spoke and said:

"Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House"?

Ms. PELOSI was recognized and said: "Mr. Speaker, I do not hear an objection to my motion."

The SPEAKER pro tempore, Mr. GINGREY, spoke and said:

"The gentlewoman is recognized to offer argument on whether the resolution is privileged."

Ms. PELOSI was recognized to speak to the question of privilege and said:

"Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

"For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our young people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over \$250 billion, a quarter of a trillion dollars, to the

taxpayer and just endless cost to our reputation in the world.

"I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?"

"The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why even the Republican Department of Defense has said—"

Mr. YOUNG of Alaska spoke and said:

"Mr. Speaker, regular order."

The SPEAKER pro tempore, Mr. GINGREY, spoke and said:

"The Chair must ask the distinguished minority leader to confine her comments to the rule IX question."

Ms. PELOSI spoke and said:

"Mr. Speaker, I thought there was no objection and that we were just speaking on the resolution. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion."

The SPEAKER pro tempore, Mr. GINGREY, spoke and said:

"The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House."

Ms. PELOSI was further recognized to speak on the question of privilege and said:

"Mr. Speaker, then I will just conclude by saying, can the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm's way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into war in the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?"

The SPEAKER pro tempore, Mr. GINGREY, ruled and said:

"The question is not whether such a debate is in order but whether the resolution is a question of privilege.

"Under rule IX, questions of the privileges of the House are those 'affecting the rights of the House collectively, its safety, its dignity [or] the integrity of its proceedings.' A question of the privileges of the House may not be invoked to effect an interpretation of the rules of the House, or to prescribe an order of business for the House, or to establish a norm for the conduct of business by the House or its committees.

"In some circumstances, the manner in which business is conducted might properly be arraigned by a question of the privileges of the House. But the Chair must maintain a distinction between, for example, an allegation of willful malfeasance by a Member, officer, employee, or committee of the House, on one hand, and an allegation that a Member, officer, employee, or committee of the House failed to follow a course of action that the proponent of the resolution or others consider advisable.

"As Speaker pro tempore Cox noted in the decision of September 20, 1888 (which is recorded in Hinds' Precedents at volume 3, section 2601), there need be an allegation of, at least, impropriety."

Ms. PELOSI appealed the ruling of the Chair.

The question being stated, viva voce, Will the decision of the Chair stand as the judgement of the House?

Mr. WALSH moved to lay the appeal on the table.

The question being put, viva voce, Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GINGREY, announced that the yeas had it.

Ms. PELOSI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 220 affirmative Nays 191

¶119.8 [Roll No. 562] YEAS—220

- Aderholt Davis (KY) Hart
Akin Davis, Jo Ann Hastings (WA)
Alexander Davis, Tom Hayes
Bachus Deal (GA) Hayworth
Baker DeLay Hefley
Barrett (SC) Dent Hensarling
Bartlett (MD) Diaz-Balart, L. Herger
Barton (TX) Diaz-Balart, M. Hobson
Bass Doolittle Hoekstra
Beauprez Drake Hostettler
Biggart Dreier Hulshof
Bilirakis Duncan Hunter
Blackburn Ehlers Hyde
Blunt Emerson Inglis (SC)
Boehlert English (PA) Issa
Boehner Everett Jenkins
Bonilla Feeney Jindal
Bonner Ferguson Johnson (CT)
Bono Fitzpatrick (PA) Johnson (IL)
Boozman Flake Johnson, Sam
Boustany Foley Jones (NC)
Bradley (NH) Forbes Keller
Brady (TX) Fortenberry Kelly
Brown (SC) Fossella Kennedy (MN)
Burgess Foxx King (IA)
Burton (IN) Franks (AZ) Kingston
Buyer Frelinghuysen Kirk
Calvert Gallegly Kline
Camp Garrett (NJ) Knollenberg
Cannon Gerlach Kolbe
Cantor Gibbons Kuhl (NY)
Capito Gilchrest LaHood
Carter Gillmor Latham
Castle Gingrey LaTourette
Choccola Gohmert Leach
Coble Goode Lewis (CA)
Cole (OK) Goodlatte Lewis (KY)
Conaway Granger Linder
Crenshaw Graves LoBiondo
Cubin Green (WI) Lucas
Culberson Gutknecht Lungren, Daniel
Cunningham Harris E.

- Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Simpson
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus

NAYS—191

- Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Caucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowe
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

- Bishop (UT)
Boswell
Boyd
Brady (PA)
Brown-Waite,
Ginny
Butterfield
Chabot
Cummings
Davis (FL)
Hall
Hastings (FL)
Istook
King (NY)
McMorris
Norwood
Pombo
Roybal-Allard
Schiff
Serrano
Tiahrt
Towns
Weldon (PA)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶119.9 H. RES. 527—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4128) to protect private property rights.

The question being put, viva voce, Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 401 affirmative Nays 11

¶119.10 [Roll No. 563] YEAS—401

- Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Choccola
Clay
Cleave
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Frank (MA)
Frank (AZ)
Franken
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof

Hunter	Mica	Saxton
Hyde	Michaud	Schakowsky
Inglis (SC)	Millender-	Schmidt
Inslee	McDonald	Schwartz (PA)
Israel	Miller (FL)	Schwarz (MI)
Issa	Miller (MI)	Scott (GA)
Jackson (IL)	Miller (NC)	Scott (VA)
Jackson-Lee	Miller, Gary	Sensenbrenner
(TX)	Miller, George	Serrano
Jefferson	Mollohan	Sessions
Jenkins	Moore (KS)	Shadegg
Jindal	Moore (WI)	Shaw
Johnson (CT)	Moran (KS)	Shays
Johnson (IL)	Moran (VA)	Sherman
Johnson, E. B.	Murphy	Sherwood
Johnson, Sam	Murtha	Shimkus
Jones (NC)	Musgrave	Shuster
Kanjorski	Myrick	Simpsons
Kaptur	Napolitano	Simpson
Keller	Neal (MA)	Skelton
Kelly	Neugebauer	Slaughter
Kennedy (MN)	Ney	Smith (NJ)
Kennedy (RI)	Northup	Smith (TX)
Kildee	Nunes	Smith (WA)
Kilpatrick (MI)	Nussle	Snyder
Kind	Oberstar	Sodrel
King (IA)	Obey	Solis
Kingston	Ortiz	Souder
Kirk	Osborne	Spratt
Kline	Otter	Stark
Knollenberg	Owens	Stearns
Kolbe	Oxley	Strickland
Kucinich	Pallone	Stupak
Kuhl (NY)	Pascarell	Sullivan
LaHood	Paul	Sweeney
Langevin	Payne	Tancredo
Lantos	Pearce	Tanner
Larsen (WA)	Pelosi	Tauscher
Larson (CT)	Pence	Taylor (NC)
Latham	Peterson (MN)	Terry
LaTourette	Peterson (PA)	Thomas
Leach	Petri	Thompson (CA)
Lee	Pickering	Thompson (MS)
Levin	Pitts	Thornberry
Lewis (CA)	Platts	Tiberi
Lewis (GA)	Poe	Tierney
Lewis (KY)	Pomeroy	Turner
Linder	Porter	Udall (CO)
Lipinski	Price (GA)	Udall (NM)
LoBiondo	Price (NC)	Upton
Lofgren, Zoe	Pryce (OH)	Van Hollen
Lowe	Putnam	Velázquez
Lucas	Radanovich	Visclosky
Lungren, Daniel	Rahall	Walden (OR)
E.	Ramstad	Walsh
Lynch	Rangel	Wamp
Mack	Regula	Wasserman
Maloney	Rehberg	Schultz
Manzullo	Reichert	Waters
Marchant	Renzi	Watson
Markey	Reyes	Watt
Marshall	Reynolds	Waxman
Matheson	Rogers (AL)	Weiner
Matsui	Rogers (KY)	Weldon (FL)
McCollum (MN)	Rogers (MI)	Weldon (PA)
McCotter	Rohrabacher	Weller
McCrery	Ros-Lehtinen	Westmoreland
McGovern	Ross	Wexler
McHenry	Royce	Whitfield
McHugh	Ruppersberger	Wicker
McIntyre	Rush	Wilson (NM)
McKeon	Ryan (OH)	Wilson (SC)
McKinney	Ryan (WI)	Wolf
McNulty	Ryun (KS)	Woolsey
Meehan	Salazar	Wynn
Meek (FL)	Sánchez, Linda	Young (AK)
Meeks (NY)	T.	Young (FL)
Melancon	Sanchez, Loretta	
Menendez	Sanders	

NAYS—11

Grijalva	Nadler	Sabo
Holt	Oliver	Taylor (MS)
Jones (OH)	Pastor	Wu
McDermott	Rothman	

NOT VOTING—21

Bishop (UT)	Davis (FL)	Norwood
Boswell	Hall	Pombo
Boyd	Hastings (FL)	Roybal-Allard
Brady (PA)	Istook	Schiff
Brown-Waite,	King (NY)	Tiahrt
Ginny	McCarthy	Towns
Butterfield	McCaul (TX)	
Chabot	McMorris	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to

was, by unanimous consent, laid on the table.

¶119.11 APPOINTMENT OF CONFEREES—
H.R. 2528

The SPEAKER pro tempore, Mr. FOSSELLA, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes: Messrs. WALSH, ADERHOLT, Mrs. NORTHUP, Messrs. SIMPSON, CRENSHAW, YOUNG of Florida, KIRK, REHBERG, CARTER, LEWIS of California, EDWARDS, FARR, BOYD, BISHOP of Georgia, PRICE of North Carolina, CRAMER, and OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶119.12 COAST GUARD AUTHORIZATION FY
2006

On motion of Mr. YOUNG of Alaska, by unanimous consent, the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Alaska, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶119.13 MOTION TO INSTRUCT
CONFEREES—H.R. 889

Mr. OBERSTAR moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 889, be instructed to insist on section 603 of the House bill.

After debate,
By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,
Will the House agree to said motion?
The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶119.14 RECESS—12:14 P.M.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 12(a) of rule I, declared the House in recess at

12 o'clock and 14 minutes p.m., subject to the call of the Chair.

¶119.15 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DOOLITTLE, called the House to order.

¶119.16 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

¶119.17 PERMISSION TO FILE REPORT

On motion of Mr. SENSENBRENNER, by unanimous consent, the Committee on the Judiciary was granted permission, prior to passage, to file a supplemental report (Rept. No. 109-262, pt. II) on the bill (H.R. 4128) to protect private property rights.

¶119.18 PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore, Mr. DOOLITTLE, pursuant to House Resolution 527 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4128) to protect private property rights.

The SPEAKER pro tempore, Mr. DOOLITTLE, by unanimous consent, designated Mr. KLINE as Chairman of the Committee of the Whole; and after some time spent therein,

¶119.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 109-266, submitted by Mr. NADLER:

Page 2, line 8, strike "(a) IN GENERAL.—".
Page 2, strike line 16 and all that follows through line 17 on page 3.

Page 4, beginning in line 1, strike "to enforce any provision of this Act" and insert "to obtain appropriate injunctive or declaratory relief."

Page 4, beginning in line 6, strike "Any" and all that follows through line 16.

Page 4, line 17, strike "(c)" and insert "(b)".

It was decided in the { Yeas 63
negative } Nays 355

¶119.20 [Roll No. 564]

AYES—63

Abercrombie	Dingell	Larson (CT)
Ackerman	Emanuel	Levin
Aderholt	Engel	Lowey
Bishop (NY)	Farr	Maloney
Blumenauer	Fattah	Markey
Brown (OH)	Hinchee	Matsui
Brown, Corrine	Holt	McCollum (MN)
Capuano	Hooley	McDermott
Case	Hoyer	McKinney
Cleaver	Kanjorski	Meeks (NY)
DeGette	Kaptur	Miller (NC)
Delahunt	Kennedy (RI)	Miller, George
Dicks	Kildee	Moran (VA)

Brady (TX) Gutierrez
Brown (OH) Gutknecht
Brown (SC) Hall
Brown, Corrine Harman
Burgess Hart
Burton (IN) Hastings (WA)
Butterfield Hayes
Calvert Hayworth
Camp Hefley
Cannon Hensarling
Cantor Henger
Capito Herseeth
Capps Higgins
Cardin Hinojosa
Caroza Hobson
Carnahan Hoekstra
Carter Holden
Castle Holt
Chabot Honda
Chandler Hooley
Chocola Hostettler
Clyburn Hoyer
Coble Hulshof
Cole (OK) Hunter
Conaway Hyde
Conyers Inglis (SC)
Cooper Inslee
Costa Israel
Costello Issa
Cramer Istook
Crenshaw Jackson-Lee
Crowley (TX)
Cubin Jefferson
Cuellar Jenkins
Culberson Jindal
Cummings Johnson (CT)
Cunningham Johnson (IL)
Davis (AL) Johnson, E. B.
Davis (CA) Johnson, Sam
Davis (IA) Jones (NC)
Davis (KY) Jones (OH)
Davis (TN) Kaptur
Davis, Jo Ann Keller
Davis, Tom Kelly
Deal (GA) Kennedy (MN)
DeFazio Kennedy (RI)
DeLauro Kildee
DeLay Kilpatrick (MI)
Dent Kind
Diaz-Balart, L. King (IA)
Diaz-Balart, M. King (NY)
Dicks Kingston
Doggett Kirk
Doolittle Kline
Doyle Knollenberg
Drake Kolbe
Dreier Kucinich
Duncan Kuhl (NY)
Edwards LaHood
Ehlers Langevin
Emerson Lantos
Engel Larsen (WA)
English (PA) Latham
Eshoo LaTourette
Etheridge Leach
Evans Lee
Everett Lewis (CA)
Farr Lewis (KY)
Feeney Linder
Ferguson Lipinski
Filner LoBiondo
Fitzpatrick (PA) Lucas
Flake Lungren, Daniel
Foley E.
Forbes Lynch
Ford Mack
Fortenberry Maloney
Fossella Manzullo
Foxy Marchant
Frank (MA) Marshall
Franks (AZ) Matheson
Frelinghuysen McCarthy
Gallegly McCaul (TX)
Garrett (NJ) McCollum (MN)
Gerlach McCotter
Gibbons McCrery
Gilchrist McGovern
Gillmor McHenry
Gingrey McHugh
Gohmert McIntyre
Gonzalez McKeon
Goode McKinney
Goodlatte McNulty
Gordon Meehan
Granger Meek (FL)
Graves Meeks (NY)
Green (WI) Melancon
Green, Al Menendez
Green, Gene Mica
Grijalva Michaud

Miller-Donald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda
T.
Sanders
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton

Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any owner of private property who suffers injury as a result of a violation of any provision of this Act may bring an action to enforce any provision of this Act in the appropriate Federal or State court, and a State shall not be immune under the eleventh amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. Any such property owner may also seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(b) LIMITATION ON BRINGING ACTION.—An action brought under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the private property of such property owner, but shall not be brought later than seven years following the conclusion of any such proceedings and the subsequent use of such condemned property for economic development.

(c) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. NOTIFICATION BY ATTORNEY GENERAL.

(a) NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) NOTIFICATION TO PROPERTY OWNERS.—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners under this Act.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development

NOT VOTING—18

Boswell
Boyd
Brown-Waite,
Ginny
Buyer
Davis (FL)
Harris
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz
Pombo
Roybal-Allard

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. DAVIS of Kentucky, Acting Chairman, pursuant to House Resolution 527, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Protection Act of 2005".

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is subsequently used for economic development, if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds;

(3) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

SEC. 7. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken “for public use, without just compensation”.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation’s agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court’s decision in *Kelo v. City of New London*, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation’s public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens. Americans should not have to fear the government’s taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—The term “economic development” means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

- (A) conveying private property—
 - (i) to public ownership, such as for a road, hospital, airport, or military base;
 - (ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll;

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title;

(F) taking private property for use by a public utility; and

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term “Federal economic development funds” means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 9. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 10. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 11. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

SEC. 12. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 13. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent

jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

SEC. 14. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

SEC. 15. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 376
affirmative } Nays 38

¶119.27 [Roll No. 568]

YEAS—376

Abercrombie	Bonner	Coble
Aderholt	Bono	Cole (OK)
Akin	Boozman	Conaway
Alexander	Boren	Conyers
Allen	Boustany	Cooper
Andrews	Bradley (NH)	Costa
Baca	Brady (TX)	Costello
Baird	Brown (OH)	Cramer
Baker	Brown (SC)	Crenshaw
Baldwin	Brown, Corrine	Crowley
Barrett (SC)	Burgess	Cubin
Barrow	Burton (IN)	Cuellar
Bartlett (MD)	Butterfield	Culberson
Barton (TX)	Calvert	Cummings
Bass	Camp	Cunningham
Bean	Cannon	Davis (AL)
Beauprez	Cantor	Davis (CA)
Becerra	Capito	Davis (IL)
Berkley	Capps	Davis (KY)
Berman	Cardin	Davis (TN)
Berry	Cardoza	Davis, Jo Ann
Biggert	Carnahan	Davis, Tom
Bilirakis	Carson	Deal (GA)
Bishop (GA)	Carter	DeFazio
Bishop (NY)	Castle	Delahunt
Bishop (UT)	Chabot	DeLay
Blackburn	Chandler	DeLay
Blunt	Chocola	Dent
Boehner	Clay	Diaz-Balart, L.
Bonilla	Clyburn	Diaz-Balart, M.

Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee

Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCreery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)

Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shaays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Townes
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NAYS—38

Ackerman
Blumenauer
Boehert
Brady (PA)
Capuano
Case
Cleaver
DeGette
Dingell
Emanuel
Fattah
Hinchey
Jackson (IL)

Larson (CT)
Levin
Lowey
McDermott
Meeks (NY)
Miller (NC)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Pastor
Pelosi

Rothman
Sabo
Schakowsky
Schwartz (PA)
Scott (VA)
Stark
Turner
Visclosky
Watt
Waxman
Woolsey
Wynn

NOT VOTING—19

Bachus
Boswell
Boucher
Boyd
Brown-Waite,
Ginny
Buyer

Davis (FL)
Ehlers
Hastings (FL)
Lewis (GA)
McMorris
Norwood
Ortiz

Pombo
Roybal-Allard
Schiff
Sullivan
Tiahrt
Wolf

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶119.28 REPORT ON H. RES. 488

Mr. YOUNG of Alaska, by direction of the Committee on Transportation and Infrastructure, reported (Rept. No. 109-269) the resolution (H. Res. 488) requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery; referred to the House Calendar and ordered printed.

¶119.29 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 3057

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-270) the resolution (H. Res. 532) waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶119.30 APPOINTMENT OF CONFEREES—H.R. 889

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, COBLE, HOEKSTRA, SIMMONS, Mario DIAZ-BALART of Flor-

ida, BOUSTANY, OBERSTAR, FILNER, TAYLOR of Mississippi, HIGGINS, and Ms. SCHWARTZ of Pennsylvania.

From the Committee on Energy and Commerce, for consideration of section 408 of the House bill, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Homeland Security, for consideration of sections 101, 404, 413, and 424 of the House bill, and sections 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. DANIEL E. LUNGREN of California, REICHERT, and THOMPSON of Mississippi.

From the Committee on Resources, for consideration of sections 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. POMBO, JONES of North Carolina, and PALLONE.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶119.31 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 1, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

¶119.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—
To Mr. ETHERIDGE, for November 2;
To Miss MCMORRIS, for today; and
To Mr. TIAHRT, for today.
And then,

¶119.33 ADJOURNMENT

On motion of Ms. WASSERMAN SCHULTZ, at 11 o'clock and 19 minutes p.m., the House adjourned.

¶119.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 4128. A bill to protect private property rights (Rept. 109-262 Pt. 2). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3508. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; with an amendment (Rept. 109-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Reform. H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; with amendments (Rept. 109-268). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 488. Resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery (Rept. 109-269). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 532. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-270). Referred to the House Calendar.

¶119.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself, Mr. BLUNT, Mr. MORAN of Virginia, Mr. CAMP, Mr. KIND, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. RAMSTAD, Mr. DREIER, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. MANZULLO, Mr. KIRK, Mr. UPTON, Mr. RYAN of Wisconsin, Mr. KENNEDY of Minnesota, and Mr. EHLERS):

H.R. 4217. A bill to amend the Tariff Act of 1930 to allow United States manufacturers that use products subject to countervailing or antidumping duty proceedings or use domestic like products to participate in those proceedings as interested parties, and for other purposes; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4218. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the exchange or installment sale of certain agricultural property; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. LEACH, Ms. DELAURO, Mr. BERMAN, Mr. PAYNE, Mr. GRIJALVA, Mr. McDERMOTT, Mr. SANDERS, Mr. HONDA, Mrs. MALONEY, Mr. CASE, Mr. McNULTY, Mrs. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H.R. 4222. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on International Relations.

By Mr. PASCARELL:

H.R. 4223. A bill to prohibit cuts in Federal funding under the Medicaid Program until

full consideration is given to recommendations of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mr. DAVIS of Tennessee:

H.R. 4224. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 4225. A bill to amend the Help America Vote Act of 2002 to require States to keep confidential the addresses of victims of domestic violence which are included in the State's computerized Statewide voter registration list, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4226. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 4227. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Miss MCMORRIS, Mr. STUPAK, Mr. LEVIN, Mr. DICKS, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. BASS, and Mr. OBERSTAR):

H.R. 4228. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. INSLEE, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of New York, Mr. FARR, Mrs. CAPPS, Ms. ESHOO, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. BALDWIN, Mr. DEFazio, Mr. ROTHMAN, Mr. HONDA, Mr. FILNER, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Ms. MATSUI, Mr. GRIJALVA, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. ENGEL, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. MCGOVERN, Mr. ACKERMAN, Mr. SABO, Mrs. MCCARTHY, Ms. DELAURO, Mr. EVANS, Mr. ISRAEL, Ms. WOOLSEY, Mr. KUCINICH, and Mr. WU):

H.R. 4229. A bill to require the Commissioner of Food and Drugs to determine whether to allow the marketing of Plan B as a prescription drug for women 15 years of age or younger and a nonprescription drug for women 16 years of age or older, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE (for himself and Mr. NEUGEBAUER):

H. Res. 531. A resolution honoring Abilene Christian University on its 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. REICHERT:

H. Res. 533. A resolution supporting the goals and ideals of Cambodian-American

Freedom Day; to the Committee on Government Reform.

¶119.36 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 4230) for the relief of Alejandro E. Gonzales; which was referred to the Committee on the Judiciary.

¶119.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. LEACH.
 H.R. 97: Mr. GENE GREEN of Texas.
 H.R. 128: Mr. CHANDLER.
 H.R. 224: Mr. PASCARELL and Mr. GRIJALVA.
 H.R. 297: Mrs. DAVIS of California.
 H.R. 369: Mr. BURTON of Indiana and Ms. KILPATRICK of Michigan.
 H.R. 475: Mr. CAPUANO.
 H.R. 503: Mr. GOODE.
 H.R. 616: Mr. WEXLER and Mr. HOLT.
 H.R. 650: Mr. FEENEY.
 H.R. 690: Mr. WALSH.
 H.R. 699: Mr. HOLDEN and Mr. BERMAN.
 H.R. 772: Ms. HERSETH, Mr. SANDERS, Mr. FATTAH, and Mr. BARROW.
 H.R. 791: Mr. ANDREWS and Mr. DOYLE.
 H.R. 838: Mr. DOYLE.
 H.R. 844: Mr. CARDOZA.
 H.R. 923: Mr. WEINER.
 H.R. 994: Ms. SLAUGHTER, Mr. WELDON of Pennsylvania, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. SHIMKUS, Ms. SOLIS, and Mr. JACKSON of Illinois.
 H.R. 997: Mr. BEAUPREZ and Mr. WOLF.
 H.R. 1156: Mr. KUHL of New York.
 H.R. 1227: Mr. JONES of North Carolina and Mr. KUHL of New York.
 H.R. 1290: Mr. MENENDEZ.
 H.R. 1366: Mr. KUHL of New York.
 H.R. 1431: Mr. HINCHEY.
 H.R. 1489: Mr. LEACH.
 H.R. 1500: Mr. TURNER.
 H.R. 1506: Mr. UDALL of Colorado.
 H.R. 1582: Ms. BALDWIN.
 H.R. 1591: Mr. LEACH.
 H.R. 1602: Mr. DOYLE.
 H.R. 1615: Mrs. MCCARTHY, Mr. HOLT, Mr. ROTHMAN, and Ms. LEE.
 H.R. 1668: Ms. WOOLSEY.
 H.R. 1736: Mr. KOLBE, Mr. LANGEVIN, and Mr. CHANDLER.
 H.R. 1772: Mrs. MUSGRAVE.
 H.R. 1801: Mr. BUTTERFIELD.
 H.R. 1870: Mr. MARIO DIAZ-BALART of Florida.
 H.R. 1898: Mr. RENZI, Mr. CARTER, and Mr. GENE GREEN of Texas.
 H.R. 2134: Mr. MARKEY and Mr. BRADY of Pennsylvania.
 H.R. 2317: Mr. CONYERS, Mr. ORTIZ, and Mr. MCCOTTER.
 H.R. 2350: Mr. GORDON.
 H.R. 2359: Mr. JACKSON of Illinois and Ms. KAPTUR.
 H.R. 2412: Mr. CHANDLER.
 H.R. 2531: Mr. TAYLOR of Mississippi, Mrs. MALONEY, and Mr. EVANS.
 H.R. 2682: Mr. SOUDER and Mrs. MCCARTHY.
 H.R. 2715: Mrs. MALONEY, Mr. GRIJALVA, Mr. SERRANO, Ms. MOORE of Wisconsin, Mr. JACKSON of Illinois, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. FARR, Mr. UDALL of New Mexico, Mr. MCGOVERN, and Ms. WOOLSEY.
 H.R. 2808: Mr. BRADY of Pennsylvania and Mr. HINCHEY.
 H.R. 2812: Mr. BRADY of Pennsylvania.
 H.R. 2861: Mr. JENKINS.
 H.R. 2989: Mr. MATHESON and Mr. BARROW.
 H.R. 3006: Ms. MCCOLLUM of Minnesota.
 H.R. 3095: Mr. GOODE.

H.R. 3096: Mr. LARSEN of Washington.
 H.R. 3101: Mr. MCHUGH.
 H.R. 3127: Mr. MEEHAN, Mr. DAVIS of Kentucky, Mr. DEFAZIO, Mr. ISSA, Mr. GORDON, Mr. KENNEDY of Rhode Island, and Mr. NADLER.
 H.R. 3137: Mr. SHAW and Mr. HUNTER.
 H.R. 3145: Mrs. JOHNSON of Connecticut, Mr. PAYNE, Mr. MCHUGH, and Mr. FRANK of Massachusetts.
 H.R. 3147: Mr. LAHOOD.
 H.R. 3189: Mr. PITTS.
 H.R. 3301: Mr. DOYLE, Mr. SODREL, and Ms. PRYCE of Ohio.
 H.R. 3317: Mrs. MUSGRAVE.
 H.R. 3385: Mr. TOM DAVIS of Virginia.
 H.R. 3476: Mr. RUPPERSBERGER and Mr. FRANK of Massachusetts.
 H.R. 3479: Mr. PAYNE.
 H.R. 3505: Mr. CARNAHAN.
 H.R. 3532: Mrs. MILLER of Michigan.
 H.R. 3552: Mr. LEACH.
 H.R. 3607: Mr. KUHL of New York.
 H.R. 3630: Mrs. MCCARTHY and Mr. RUPPERSBERGER.
 H.R. 3753: Mr. DAVIS of Kentucky.
 H.R. 3774: Mr. GEORGE MILLER of California.
 H.R. 3795: Mr. TAYLOR of Mississippi and Mr. STARK.
 H.R. 3852: Mrs. CHRISTENSEN, Ms. WATSON, and Mrs. MCCARTHY.
 H.R. 3931: Mr. CLEAVER and Mr. FRELINGHUYSEN.
 H.R. 3943: Mr. GOODLATTE and Mr. CALVERT.
 H.R. 3948: Ms. MCCOLLUM of Minnesota and Mr. TAYLOR of Mississippi.
 H.R. 3950: Mr. MCDERMOTT.
 H.R. 3957: Mr. MARSHALL and Mrs. NAPOLITANO.
 H.R. 3968: Mr. FRANK of Massachusetts.
 H.R. 3973: Mr. LEACH.
 H.R. 3987: Mr. SESSIONS.
 H.R. 3997: Mr. RENZI.
 H.R. 4005: Mr. HOLDEN, Mr. GORDON, and Mr. BISHOP of Georgia.
 H.R. 4030: Ms. BORDALLO.
 H.R. 4032: Mr. GINGREY, Mr. JONES of North Carolina, Mr. ALEXANDER, Mr. ROYCE, Mr. CALVERT, and Mr. MCKEON.
 H.R. 4033: Mr. SKELTON.
 H.R. 4036: Mr. STRICKLAND.
 H.R. 4049: Mr. FILNER.
 H.R. 4073: Mr. SIMMONS, Mr. CONYERS, Mr. VAN HOLLEN, and Mr. RUSH.
 H.R. 4078: Mrs. BONO, Mr. SHIMKUS, Mr. BURGESS, Mr. PICKERING, Mr. UPTON, Mr. FERGUSON, Mr. ROGERS of Michigan, and Mr. WALDEN of Oregon.
 H.R. 4083: Mr. WAMP, Mr. AKIN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FORBES, and Mr. MILLER of Florida.
 H.R. 4099: Mr. POE, and Mr. DUNCAN.
 H.R. 4126: Mr. LEACH.
 H.R. 4145: Mr. KOLBE, Mr. MOORE of Kansas, Mr. BACA, Mr. BECERRA, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. SOLIS, Mr. CARDOZA, Mr. COSTA, Ms. LORETTA SANCHEZ of California, and Mr. GORDON.
 H.R. 4157: Mr. EHLERS.
 H.R. 4158: Mr. BLUMENAUER.
 H.R. 4163: Mr. WICKER.
 H.R. 4167: Mr. COOPER, Mrs. JOHNSON of Connecticut, Mr. HASTINGS of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. LOBIONDO, Mr. SHAW, Mr. MURPHY, Mr. WALDEN of Oregon, Mr. MCHENRY, Mr. PLATTIS, Mr. RYAN of Wisconsin, and Mrs. MYRICK.
 H.R. 4179: Mr. CHANDLER and Mr. POMEROY.
 H.R. 4190: Mr. BACA, Mr. SANDERS, and Ms. SCHAKOWSKY.
 H.R. 4196: Mr. OBERSTAR, Mr. SERRANO, and Mr. LANTOS.
 H.J. Res. 38: Mr. SWEENEY.
 H.J. Res. 70: Mr. CROWLEY, Mr. FARR, Mr. LARSON of Connecticut, and Ms. DEGETTE.

H. Con. Res. 10: Mr. SMITH of Washington.
 H. Con. Res. 42: Mr. CANNON.
 H. Con. Res. 106: Mr. FEENEY.
 H. Con. Res. 137: Mr. SHERMAN.
 H. Con. Res. 190: Mr. SCOTT of Georgia.
 H. Con. Res. 230: Mrs. MALONEY, Mr. UPTON, Mr. WALSH, Ms. PRYCE of Ohio, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. REYNOLDS, Mr. OTTER, and Mr. TOM DAVIS of Virginia.
 H. Con. Res. 260: Mr. UDALL of Colorado and Mr. LIPINSKI.
 H. Con. Res. 278: Mr. CLAY, Ms. SCHWARTZ of Pennsylvania, Mr. CLEAVER, Mr. THOMPSON of California, Ms. JACKSON-LEE of Texas, Mr. ROSS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. EHLERS, Mr. CHANDLER, Mr. MCDERMOTT, Mr. OWENS, Mrs. MCCARTHY, and Mr. MANZULLO.
 H. Con. Res. 287: Mr. BERMAN, Mr. BACA, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. DAVIS of Alabama, Mr. CLEAVER, and Mr. TAYLOR of Mississippi.
 H. Con. Res. 289: Mr. MCDERMOTT, Mr. FARR, Ms. LEE, Mr. DOGGETT, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Mr. EVANS, Ms. BEAN, Mr. WOLF, Mr. CONYERS, Ms. HARMAN, Mr. BLUMENAUER, Mr. WEXLER, Mr. CASE, Ms. CARSON, Mr. MCINTYRE, Mr. HINCHEY, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H. Res. 123: Mrs. MCCARTHY.
 H. Res. 215: Mr. DOOLITTLE and Mrs. JO ANN DAVIS of Virginia.
 H. Res. 223: Mr. DAVIS of Florida, Mr. SCHIFF, Ms. LEE, Mr. PAYNE, and Ms. LINDA T. SANCHEZ of California.
 H. Res. 371: Mrs. MUSGRAVE.
 H. Res. 438: Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. HERSETH, and Mr. ACKERMAN.
 H. Res. 466: Mr. SCHIFF.
 H. Res. 472: Ms. PELOSI.
 H. Res. 477: Mr. ACKERMAN and Ms. WASSERMAN SCHULTZ.
 H. Res. 487: Mr. COSTA, Mr. NUNES, Mr. REICHERT, Mr. FOSSELLA, and Mr. SCHIFF.
 H. Res. 498: Mr. UDALL of Colorado.
 H. Res. 504: Mr. EHLERS, Mr. PITTS, and Mr. BURTON of Indiana.
 H. Res. 505: Mr. DAVIS of Illinois, Ms. MCKINNEY, Mr. FILNER, Mr. STARK, Ms. KAPTUR, Mr. MEEKS of New York, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Ms. SCHWARTZ of Pennsylvania, and Mr. BISHOP of New York.
 H. Res. 517: Mr. SMITH of Washington, Mr. MEEKS of New York, and Mr. BOEHLERT.
 H. Res. 526: Mr. MENENDEZ and Mr. GRIJALVA.

¶119.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. TOWNS.

FRIDAY, NOVEMBER 4, 2005 (120)

The House was called to order by the SPEAKER.

¶120.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, November 3, 2005.

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

¶120.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4971. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, Mile Marker 73 to Mile Marker 76, in the vicinity of the #2 John Overton Lock and Dam [COTP New Orleans-04-042] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 11.8 to Mile Marker 12, West of the Harvey Lock, in the vicinity of Crown Point, LA [COTP New Orleans-04-043] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4973. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 95.0 to Mile Marker 96.0, Above Head of Passes, in the vicinity of Algiers Point, New Orleans, LA [COTP New Orleans-04-044] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4974. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-04-045] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4975. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian Beach, Lake Pontchartrain, Bonabel, LA [COTP New Orleans-04-046] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4976. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 96.0, in the vicinity of Aquarium of America's, New Orleans, LA, [COTP New Orleans-04-047] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4977. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 11.8 to Mile Marker 12, West of Harvey Lock, in the vicinity of Crown Point, LA [COTP New Orleans-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4978. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigational Canal, 500 yards North and South of Mile Marker 1.7, in the vicinity of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4979. A letter from the Acting Chief, Office of Regulations and Administrative Law,

USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 0.0 to Mile Marker 5.0, in the vicinity of Cupits Gap, New Orleans, LA [COTP New Orleans-05-003] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4980. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; High Water, Lower Mississippi River Mile Marker 223 to Mile Marker 241, Baton Rouge, LA [COTP New Orleans-05-004] (RIN: 2115-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4981. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 115.0 to Mile Marker 119.0, in the vicinity of the Luling Bridge, New Orleans, LA [COTP New Orleans-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4982. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Head of Passes, Mile Marker 440 to Mile Marker 435, in the vicinity of the Highway 80 Bridge, Vicksburg, MS [COTP New Orleans-05-006] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4983. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-05-007] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 3.0 to Mile Marker 2.6 West of Harvey Lock, in the vicinity of the LaPalco Bridge, New Orleans, LA [COTP New Orleans-05-008] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 440 to Mile Marker 435, in the vicinity of the Highway 80 Bridge, Vicksburg, MS [COTP New Orleans-05-009] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 1.0 to Mile Marker 3.0, extending the entire width of the river, Pilottown, LA [COTP New Orleans-05-010] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Modification of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. [05-ACE-22] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Service of Process on Foreign Manufacturers and Importers [Docket No. NHTSA-2005-21972] (RIN: 2127-AJ69) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Seat Belt Assemblies [Docket No. NHTSA 2005-22052] (RIN: 2127-A138) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Golovin, AK [Docket No. FAA-2005-21448; Airspace Docket No. 05-AAL-16] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-500 Airplanes [Docket No. FAA-2005-20406; Directorate Identifier 2002-NM-242-AD; Amendment 39-14270; AD 2005-19-05] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-20475; Directorate Identifier 2004-NM-157-AD; Amendment 39-14250; AD 2005-18-10] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-110P1 and EMB-110P2 Airplanes [Docket No. FAA-2005-21302; Directorate Identifier 2004-NM-189-AD; Amendment 39-14267; AD 2005-19-02] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-21345; Directorate Identifier 2005-NM-005-AD; Amendment 39-14266; AD 2005-19-01] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-20405; Directorate Identifier 2002-NM-243-AD; Amendment 39-14269; AD 2005-19-04] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-19750; Directorate Identifier 2003-NM-192-AD; Amendment 39-14264; AD 2005-18-23] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAe Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-20404; Directorate Identifier 2005-NM-018-AD; Amendment 39-14268; AD 2005-19-03] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-17-AD; Amendment 39-14265; AD 2005-01-15R1] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Premier 1 Airplanes [Docket No. FAA-2005-21239; Directorate Identifier 2005-CE-27-AD; Amendment 39-14263; AD 2005-18-22] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. FAA-2005-22332; Directorate Identifier 2005-CE-46-AD; Amendment 39-14262; AD 2005-18-21] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2005-21410; Directorate Identifier 2005-CE-31-AD; Amendment 39-14272; AD 2005-19-07] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-22413; Directorate Identifier 2005-NM-167-AD; Amendment 39-14271; AD 2005-19-06] (RIN: 2120-AA64) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

120.3 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 3057

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 532):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

120.4 FOREIGN OPERATIONS APPROPRIATIONS FY 2006

Mr. KOLBE, pursuant to H. Res 532, called up the following conference report (Rept. No. 109-265):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3057) "making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$1,000,000, to remain available until September 30, 2007.

EXPORT-IMPORT BANK PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2006.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by

section 10 of the Export-Import Bank Act of 1945, as amended, \$100,000,000, to remain available until September 30, 2009: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$73,200,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2006.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$42,274,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: Provided further, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to

the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-Credit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,900,000, to remain available until September 30, 2007.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2006, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,585,000,000, to remain available until September 30, 2007: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed \$350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: \$360,000,000 for child survival and maternal health; \$30,000,000 for vulnerable children; \$350,000,000 for HIV/AIDS; \$220,000,000 for other infectious diseases; and \$375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than \$250,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the

Global Fund: Provided further, That of the funds appropriated under this heading, \$70,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, addi-

tionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,524,000,000, to remain available until September 30, 2007: Provided, That \$214,000,000 should be allocated for trade capacity building, of which at least \$20,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic: Provided further, That \$365,000,000 should be allocated for basic education: Provided further, That of the funds appropriated under this heading and managed by the United States Agency for International Development, Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than \$15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: Provided further, That such funds may not be made available for construction: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than \$2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, \$10,000,000 may be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That of the funds appropriated under this heading, \$2,000,000 shall be made available for reconstruction and development programs in South Asia: Provided further, That funds should be made available for activities to reduce the incidence of child marriage in developing countries: Provided further, That of the funds appropriated under this heading, up to \$20,000,000 should be made available to develop clean water treatment activities in developing countries: Provided further, That of the funds appropriated by this Act, not less than \$200,000,000 shall be made available for drinking water supply projects and related activities, of which not

less than \$50,000,000 should be made available for programs in Africa.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$365,000,000, to remain available until expended, of which \$20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$40,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2008.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$41,700,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$630,000,000, of which up to \$25,000,000 may remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2007: Provided further, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$70,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed \$48,100,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,634,000,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, not less than \$240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than \$495,000,000 shall be available only for

Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and political reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than \$135,000,000 shall be made available for project assistance, of which not less than \$50,000,000 shall be made available for democracy, human rights and governance programs and not less than \$50,000,000 shall be used for education programs, of which not less than \$5,000,000 shall be made available for scholarships for disadvantaged Egyptian students to attend American accredited institutions of higher education in Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt for economic reform activities, \$227,600,000 shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that Egypt has met the calendar year 2005 benchmarks accompanying the "Financial Sector Reform Memorandum of Understanding" dated March 20, 2005: Provided further, That \$20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than \$250,000,000 should be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading that are available for assistance for the West Bank and Gaza, not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That not more than \$225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and local level is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That the President may waive the previous proviso if he determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: Provided further, That such report shall include an analysis of the steps being taken by the Government of Afghanistan, at the national and local level, to cooperate fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That \$40,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than \$5,000,000 shall be transferred to and merged with funds appro-

priated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than \$56,000,000 shall be made available for democracy, governance and rule of law programs in Iraq: Provided further, That of the funds appropriated under this heading, not less than \$19,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste, of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading shall be made available for programs and activities for the Central Highlands of Vietnam: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of funds appropriated under this heading, \$13,000,000 should be made available for a United States contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$361,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading \$5,000,000 should be made available for rule of law programs for the training of judges and prosecutors.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to

carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF
THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$514,000,000, to remain available until September 30, 2007: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102-511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than \$50,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(c) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than \$5,000,000 should be made available for nuclear reactor safety initiatives, and not less than \$1,500,000 shall be made available for coal mine safety programs.

(d) Of the funds appropriated under this heading, \$2,500,000 shall be made available for the Business Information Service for the Newly Independent States.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$19,500,000, to remain available until September 30, 2007.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, \$23,000,000, to remain available until September 30, 2007: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$322,000,000, to remain available until September 30, 2007: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", \$1,770,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to \$75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2006: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further,

That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$1,995,000,000, to remain available until expended, of which \$200,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities.

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy, governance, human rights, independent media, and the rule of law globally, \$95,000,000, to remain available until September 30, 2008: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law, and of such funds \$63,200,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than \$15,250,000 shall be made available for the National Endowment for Democracy: Provided further, That funds appropriated under this heading are in addition to funds otherwise available for such purposes: Provided further, That funds made available by title II of this Act for purposes of this section for any contract, grant, or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of \$10,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Funds appropriated in subsection (a) should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government.

(c) Funds appropriated in subsection (a) shall be made available for programs and activities to foster democracy, governance, human rights, civic education, women's development, press freedom, and the rule of law in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That such funds should support new initiatives and activities in those countries: Provided further, That of the funds appropriated in subsection (a) \$5,000,000 shall be made available for continuing programs and activities that provide professional training for journalists.

(d) Notwithstanding any other provision of law, funds appropriated by this Act may be made available for democracy, governance, human rights, and rule of law programs for Syria and Iran: Provided, That not less than \$6,550,000 of the funds appropriated in subsection (a) shall be made available for programs and activities that support the advancement of democracy in Iran and Syria.

(e) Funds made available for purposes of this section that are made available to the National

Endowment for Democracy may be made available notwithstanding any other provision of law or regulation.

(f) Funds made available pursuant to the authority of subsections (b), (c) and (d) shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$477,200,000, to remain available until September 30, 2008: Provided, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than \$16,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That \$10,000,000 of the funds appropriated under this heading should be made available for demand reduction programs: Provided further, That of the funds appropriated under this heading, not more than \$33,484,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$734,500,000, to remain available until September 30, 2008: Provided, That in fiscal year 2006, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: Provided further, That section 482(b) of the Foreign As-

sistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are available for alternative development/institution building, not less than \$228,772,000 shall be apportioned directly to the United States Agency for International Development including \$131,232,000 for assistance for Colombia: Provided further, That with respect to funds apportioned to the United States Agency for International Development under the previous proviso, the responsibility for policy decisions for the use of such funds, including what activities will be funded and the amount of funds that will be provided for each of those activities, shall be the responsibility of the Administrator of the United States Agency for International Development in consultation with the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs: Provided further, That of the funds appropriated under this heading, in addition to funds made available for judicial reform programs in Colombia, not less than \$8,000,000 shall be made available to the United States Agency for International Development for organizations and programs to protect human rights: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, not less than \$2,000,000 should be made available for programs to protect biodiversity and indigenous reserves in Colombia: Provided further, That funds appropriated by this Act may be used for aerial fumigation in Colombia's national parks or reserves only if the Secretary of State determines that it is in accordance with Colombian laws and that there are no effective alternatives to reduce drug cultivation in these areas: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are made available for assistance for the Bolivian military may be made available for such purposes only if the Secretary of State certifies that the Bolivian military is respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the military's cooperation, military personnel who have been implicated in gross violations of human rights: Provided further, That of the funds appropriated under this heading, not more than \$19,015,000 may be

available for administrative expenses of the Department of State, and not more than \$7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$791,000,000, to remain available until expended: Provided, That not more than \$23,000,000 may be available for administrative expenses: Provided further, That not less than \$40,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: Provided further, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$410,100,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty

Preparatory Commission: Provided, That of this amount not to exceed \$37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed \$705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2007.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$20,000,000, to remain available until September 30, 2008, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$65,000,000, to remain available until September 30, 2008: Provided, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall con-

sult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$86,744,000, of which up to \$3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Haiti, the Democratic Republic of the Congo, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,500,000,000: Provided, That of the funds appropriated under this heading, not less than \$2,280,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, \$210,000,000 shall

be made available for assistance for Jordan: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through non-governmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$42,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$175,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$80,000,000 to the

International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$950,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$1,300,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital in an amount not to exceed \$8,126,527.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$1,741,515, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$1,741,515, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$3,638,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$88,333,855.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$135,700,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$1,015,677 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,249,888.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural De-

velopment, \$15,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$329,458,000: Provided, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES REPORT

SEC. 504. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$250,000 shall be available for representation and entertainment allowances, of which not to exceed \$2,500 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: Provided, That no such entertainment funds may be used for the purposes listed in section 548 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and

sales under the heading "Foreign Military Financing Program", not to exceed \$4,000 shall be available for entertainment expenses and not to exceed \$130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed \$115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) **IMPLEMENTATION.**—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) **DEFINITIONS.**—As used in this section—

(1) the terms “taxes” and “taxation” refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That for purposes of this section, the prohibition shall not include activities of the Overseas Private Investment Corporation in Libya: Provided further, That the prohibition shall not include direct loans, credits, insurance and guarantees made available by the Export-Import Bank or its agents for or in Libya.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisions shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) **LIMITATION ON TRANSFERS BETWEEN AGENCIES.**—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) **TRANSFERS BETWEEN ACCOUNTS.**—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) **AUDIT OF INTER-AGENCY TRANSFERS.**—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become

operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child Survival and Health Programs Fund”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative”, “Assistance for Eastern Europe and the Baltic States”, “Assistance for the Independent States of the Former Soviet Union”, “Economic Support Fund”, “Global HIV/AIDS Initiative”, “Democracy Fund”, “Peacekeeping Operations”, “Capital Investment Fund”, “Operating Expenses of the United States Agency for International Development”, “Operating Expenses of the United States Agency for International Development Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation” (by country only), “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the

Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or non-proliferation programs.

(c) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(e) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as

one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2006, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for assistance for Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to \$13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State govern-

ments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title II of this Act, not less than \$440,000,000 shall be made available for family planning/reproductive health: Provided further, That the Comptroller General of the United States shall conduct an audit on the use of funds appropriated for fiscal years 2004 and 2005 under the heading "Child Survival and Health Programs Fund", to include specific recommendations on improving the effectiveness of such funds.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than \$931,400,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than \$3,000,000 should be made available for reforestation activities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2006, not less than \$50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than \$7,500,000 shall be made available for grants to support training and equipment to improve the capacity of women-led Afghan non-governmental organizations and to support the activities of such organizations: Provided further, That of the funds made available pursuant to this section, not less than \$2,000,000 should be made available for the Afghan Independent Human Rights Commission and for other Afghan human rights organizations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also

be informed of the original acquisition cost of such defense articles.

HIV/AIDS

SEC. 525. (a) Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) has established clear progress indicators upon which to determine the release of incremental disbursements;

(2) is releasing such incremental disbursements only if progress is being made based on those indicators; and

(3) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

BURMA

SEC. 526. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than \$11,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than \$3,000,000 shall be made available for assistance for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) The President shall include amounts expended by the Global Fund to Fight AIDS, Tuberculosis and Malaria to the State Peace and Development Council in Burma, directly or through groups and organizations affiliated with the Global Fund, in making determinations regarding the amount to be withheld by the United States from its contribution to the Global Fund pursuant to section 202(d)(4)(A)(ii) of Public Law 108-25.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal

Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used

and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE IN TRANSITION COUNTRIES

SEC. 531. Of the funds appropriated by this Act under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", "Assistance for the Independent States of the Former Soviet Union", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Assistance for Eastern Europe and Baltic States", not less than \$40,000,000 should be made available for building capital markets and financial systems in countries in transition.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for

the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair oppor-

tunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-447; 118 Stat. 3038) is amended by striking “and 2005” and inserting “through 2007”.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) UNIVERSITY PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading “Development Assistance” in this Act, up to \$5,000,000 shall be made available to American educational institutions for programs and activities in the People’s Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) EXTENSION OF AUTHORITY.—

(1) With respect to funds appropriated by this Act that are available for assistance for Pakistan, the President may waive the prohibition on assistance contained in section 508 of this Act subject to the requirements contained in section 1(b) of Public Law 107-57, as amended, for a determination and certification, and consultation, by the President prior to the exercise of such waiver authority.

(2) Section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance for Pakistan from funds appropriated by this Act.

(3) Notwithstanding the date contained in section 6 of Public Law 107-57, as amended, the provisions of sections 2 and 4 of that Act shall remain in effect through the current fiscal year.

(k) MIDDLE EAST FOUNDATION.—Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for the Middle East Partnership Initiative, up to \$35,000,000 may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Foundation, or any other similar entity, whose purpose is to support democracy, governance, human rights, and the rule of law in the Middle East region: Provided, That such funds may be made available to the Foundation only to the extent that the Foundation has commitments from sources other than the United States Government to at least match the funds provided under the authority of this subsection: Provided further, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply to any such foundation or similar entity referred to under this subsection, and to funds made available to such entity, in order to enable it to provide assistance for purposes of this section: Provided further, That prior to the initial obligation of funds for any such foundation or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis, that any such funds made available pursuant to

such authorities are not provided to or through any individual or group that the management of the foundation or similar entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in terrorist activities: Provided further, That section 530 of this Act shall apply to any such foundation or similar entity established pursuant to this subsection: Provided further, That the authority of the Foundation, or any similar entity, to provide assistance shall cease to be effective on September 30, 2010.

(l) EXTENSION OF AUTHORITY.—(1) Section 21(h)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(A)) is amended by inserting after “North Atlantic Treaty Organization” the following: “or the Governments of Australia, New Zealand, Japan, or Israel”.

(2) Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking “or to any member government that Organization if that Organization or member government” and inserting the following: “, to any member of that Organization, or to the Governments of Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of Australia, New Zealand, Japan, or Israel”.

(3) Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(A) in the first sentence, by striking “The President” and inserting “(a) The President”; and

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

“(b) The President shall seek reimbursement for military education and training furnished under this chapter from countries using assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763, relating to the Foreign Military Financing Program) to purchase such military education and training at a rate comparable to the rate charged to countries receiving grant assistance for military education and training under this chapter.”

(m) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2005” and inserting “2005, and 2006”; and

(B) in subsection (e), by striking “2005” each place it appears and inserting “2006”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2005” and inserting “2006”.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”: Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for

the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term “appropriate congressional committees” means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term “fully adjudicated” includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2005.

(4) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 544. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 545. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia

by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 546. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 548. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 549. (a) Of the funds appropriated by this Act, the following amounts shall be made available for assistance for Haiti—

- (1) \$20,000,000 from "Child Survival and Health Programs Fund";
- (2) \$30,000,000 from "Development Assistance";
- (3) \$50,000,000 from "Economic Support Fund";
- (4) \$15,000,000 from "International Narcotics Control and Law Enforcement";
- (5) \$1,000,000 from "Foreign Military Financing Program"; and
- (6) \$215,000 from "International Military Education and Training".

(b) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(c) None of the funds made available in this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that: (1) the United Nations Mission in Haiti (MINUSTAH) has carried out the vetting of the senior levels of the Haitian National Police and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended; and (2) the Transitional Haitian National Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 550. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 551. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 552. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Overseas Private Investment Corporation", and "Global HIV/AIDS Initiative", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

CAMBODIA

SEC. 554. (a)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, development and implementation of legislation and implementation of procedures on inter-country adoptions consistent with international standards, rule of law programs, counternarcotics programs, programs to combat human trafficking that are provided through nongovernmental organizations, anti-corruption programs, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(b) Notwithstanding any provision of this or any other Act, of the funds appropriated by this Act under the heading "Economic Support Fund", \$15,000,000 shall be made available for activities to support democracy, the rule of law, and human rights, including assistance for democratic political parties in Cambodia.

(c) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (a).

PALESTINIAN STATEHOOD

SEC. 555. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect

for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) **WAIVER.**—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) **EXEMPTION.**—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 550 of this Act (“Limitation on Assistance to the Palestinian Authority”).

COLOMBIA

SEC. 556. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(F) The Colombian Government is taking effective steps to ensure that the Colombian Armed Forces are not violating the land and property rights of Colombia’s indigenous communities.

(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) **CONGRESSIONAL NOTIFICATION.**—Funds made available by this Act for the Colombian

Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) **CONSULTATIVE PROCESS.**—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **AIDED OR ABETTED.**—The term “aided or abetted” means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) **PARAMILITARY GROUPS.**—The term “paramilitary groups” means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) **WAIVER.**—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) **VETTING.**—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) **PROHIBITION.**—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) **AUDITS.**—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading “Economic Support Fund”. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs” and “Child Survival and Health Programs Fund” for fiscal year 2006, \$34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the “UNFPA”): Provided, That of this amount, not less than \$22,500,000 shall be derived from funds appropriated under the heading “International Organizations and Programs”.

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to “Child Survival and Health Programs Fund” and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) **PROHIBITION ON USE OF FUNDS IN CHINA.**—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(d) **CONDITIONS ON AVAILABILITY OF FUNDS.**—Amounts made available under “International Organizations and Programs” for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

WAR CRIMINALS

SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension

by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the

central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic, unless the Secretary of State determines and reports to the Committees on Appropriations that these individuals are no longer residing in Serbia;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to

such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall

make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

BASIC EDUCATION

SEC. 567. Of the funds appropriated by title II of this Act, not less than \$465,000,000 shall be made available for basic education, of which not less than \$250,000 shall be provided to the Comptroller General of the United States to prepare an analysis of United States funded international basic education programs, which should be submitted to the Committees on Appropriations by May 1, 2006.

RECONCILIATION PROGRAMS

SEC. 568. Of the funds appropriated under the heading “Economic Support Fund”, not less than \$15,000,000 should be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 569. (a) **AVAILABILITY OF FUNDS.**—Of the funds appropriated under the heading “Development Assistance” up to \$70,000,000 may be made available for assistance for Sudan, of which not to exceed \$6,000,000 may be made available for administrative expenses of the United States Agency for International Development associated with assistance programs for Sudan.

(b) **LIMITATION ON ASSISTANCE.**—Subject to subsection (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the cease-fire agreement of April 8, 2004; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(d) **EXCEPTIONS.**—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement.

(e) **DEFINITIONS.**—For the purposes of this Act and section 501 of Public Law 106–570, the terms “Government of Sudan”, “areas outside of control of the Government of Sudan”, and “area in Sudan outside of control of the Government of Sudan” shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei shall be deemed “areas outside of control of the Government of Sudan”.

TRADE CAPACITY BUILDING

SEC. 570. Of the funds appropriated by this Act, under the headings “Trade and Development Agency”, “Development Assistance”, “Transition Initiatives”, “Economic Support Fund”, “International Affairs Technical Assistance”, and “International Organizations and Programs”, not less than \$522,000,000 should be made available for trade capacity building assistance: Provided, That \$20,000,000 of the funds appropriated in this Act under the heading “Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

ZIMBABWE

SEC. 572. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

GENDER-BASED VIOLENCE

SEC. 573. Programs funded under titles II and III of this Act that provide training for foreign police, judicial, and military officials, shall include, where appropriate, programs and activities that address gender-based violence.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 574. (a) None of the funds made available in this Act in title II under the heading “Economic Support Fund” may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the

United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization (“NATO”) member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

(e) Funds appropriated for fiscal year 2005 under the heading “Economic Support Fund” may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

TIBET

SEC. 575. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law, not less than \$4,000,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than \$250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

CENTRAL AMERICA

SEC. 576. (a) Of the funds appropriated by this Act under the headings “Child Survival and Health Programs Fund” and “Development Assistance”, not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

(b) In addition to the amounts requested under the heading “Economic Support Fund” for assistance for Nicaragua and Guatemala in fiscal year 2006, not less than \$1,500,000 should be made available for electoral assistance, media and civil society programs, and activities to combat corruption and strengthen democracy in Nicaragua, and not less than \$1,500,000 should be made available for programs and activities to combat organized crime, crimes of violence specifically targeting women, and corruption in Guatemala.

(c) Funds made available pursuant to subsection (b) shall be subject to prior consultation with the Committees on Appropriations.

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 577. (a) **AUTHORITY.**—Up to \$75,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) **RESTRICTIONS.**—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2008.

(c) **CONDITIONS.**—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”, are eliminated.

(d) **PRIORITY SECTORS.**—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) **CONSULTATIONS.**—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual’s responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for “Operating Expenses of the United States Agency for International Development”.

(g) **MANAGEMENT REFORM PILOT.**—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to \$10,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID’s reliance on overseas personal services contractors or other nondirect-hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”.

(h) **DISASTER SURGE CAPACITY.**—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

HIPC DEBT REDUCTION

SEC. 578. Section 501(b) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (113 Stat. 1501A–311), is amended by adding at the end the following new paragraph:

“(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the ‘Lend-Lease Act’).”.

OPIC TRANSFER AUTHORITY
(INCLUDING TRANSFER OF FUNDS)

SEC. 579. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That funds earmarked by this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON FUNDS RELATING TO ATTENDANCE OF FEDERAL EMPLOYEES AT CONFERENCES OCCURRING OUTSIDE THE UNITED STATES

SEC. 580. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or non-governmental organizations.

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC. 581. None of the funds made available in this Act for the Department of State may be used to provide assistance to the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request, unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of the restriction to a country or countries is contrary to the national interest of the United States.

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. 582. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia: Provided, That the President may waive the prohibition of this section if he certifies to the Committees on Appropriations, 15 days prior to the obligation of funds for assistance for Saudi Arabia, that Saudi Arabia is cooperating with efforts to combat international terrorism and that the proposed assistance will help facilitate that effort.

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 583. None of the funds made available in this Act for the Department of State, other than funds provided under the heading “International Narcotics Control and Law Enforcement”, may be used to provide assistance to the central government of a country with which the United States has an extradition treaty and which government has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of this restriction to a country or countries is contrary to the national interest of the United States.

REPORTING REQUIREMENT

SEC. 584. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2006, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings “Foreign Military Financing Program”, “International Military Education and Training”, and “Peacekeeping Operations”: Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

ENVIRONMENT PROGRAMS

SEC. 585. (a) **FUNDING.**—Of the funds appropriated under the heading “Development Assistance”, not less than \$165,500,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than \$10,000,000 should be made available to implement the United States Agency for International Development’s biodiversity conservation strategy for the Amazon basin, which amount shall be in addition to the amounts requested for biodiversity activities in these countries in fiscal year 2006: Provided, That of the funds appropriated by this Act, not less than \$17,500,000 should be made available for the Congo Basin Forest Partnership of which not less than \$2,500,000 should be made available to the United States Fish and Wildlife Service for the protection of great apes in Central Africa: Provided further, That of the funds appropriated by this Act, not less than \$180,000,000 shall be made available to support clean energy and other climate change policies and programs in developing countries, of which \$100,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies, and of which the balance should be made available to directly: (1) measure, monitor, and reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) enhance climate change mitigation and adaptation programs.

(b) **CLIMATE CHANGE REPORT.**—Not later than 60 days after the date on which the President’s fiscal year 2007 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2006, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President’s Budget Appendix; and

(2) all fiscal year 2005 obligations and estimated expenditures, fiscal year 2006 estimated expenditures and estimated obligations, and fiscal year 2007 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries’ responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

(c) **EXTRACTION OF NATURAL RESOURCES.**—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless

the government of the country has in place or is taking the necessary steps to establish functioning systems for: (A) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (B) the independent auditing of such accounts and the widespread public dissemination of the audits; and (C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2005.

UZBEKISTAN

SEC. 586. Assistance may be provided to the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media, and that a credible international investigation of the May 31, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan: Provided, That for the purposes of this section "assistance" shall include excess defense articles.

CENTRAL ASIA

SEC. 587. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2006, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) Prior to the initial obligation of assistance for the Government of Kyrgyzstan, the Secretary of State shall submit a report to the Committees on Appropriations describing (1) whether the Government of Kyrgyzstan is forcibly returning Uzbeks who have fled violence and political persecution, in violation of the 1951 Geneva Convention relating to the status of refugees, and the Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment; (2) efforts made by the United States to prevent such returns; and (3) the response of the Government of Kyrgyzstan.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 588. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries.

(b) Funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 589. None of the funds appropriated for assistance under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

WAR CRIMES IN AFRICA

SEC. 590. (a) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(b) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(c) The prohibition in subsection (b) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to

the Committees on Appropriations, in classified form if necessary, on: (1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction; (2) a strategy, including a timeline, for bringing the indictee before such court; and (3) the justification for exercising the waiver authority.

(d) Notwithstanding subsections (b) and (c), assistance may be made available for the central Government of Nigeria after 120 days following enactment of this Act only if the President submits a report to the Committees on Appropriations, in classified form if necessary, on: (1) the steps taken in fiscal years 2003, 2004 and 2005 to obtain the cooperation of the Government of Nigeria in surrendering Charles Taylor to the SCSL; and (2) a strategy, including a timeline, for bringing Charles Taylor before the SCSL.

SECURITY IN ASIA

SEC. 591. (a) Of the funds appropriated under the heading "Foreign Military Financing Program", not less than the following amounts shall be made available to enhance security in Asia, consistent with democratic principles and the rule of law—

- (1) \$30,000,000 for assistance for the Philippines;
- (2) \$1,000,000 for assistance for Indonesia;
- (3) \$1,000,000 for assistance for Bangladesh;
- (4) \$3,000,000 for assistance for Mongolia;
- (5) \$1,500,000 for assistance for Thailand;
- (6) \$1,000,000 for assistance for Sri Lanka;
- (7) \$1,000,000 for assistance for Cambodia;
- (8) \$500,000 for assistance for Fiji; and
- (9) \$250,000 for assistance for Tonga.

(b) In addition to amounts appropriated elsewhere in this Act, \$10,000,000 is hereby appropriated for "Foreign Military Financing Program": Provided, That these funds shall be available only to assist the Philippines in addressing the critical deficiencies identified in the Joint Defense Assessment of 2003.

(c) Funds made available for assistance for Indonesia pursuant to subsection (a) may only be made available for the Indonesian Navy, notwithstanding section 599F of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available for assistance for Cambodia pursuant to subsection (a) shall be made available notwithstanding section 554 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

NEPAL

SEC. 592. (a) Funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces, has restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-party democratic government consistent with the 1990 Nepalese Constitution.

(b) The Secretary of State may waive the requirements of this section if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States.

NEGLECTED DISEASES

SEC. 593. Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than \$15,000,000 shall be made available to support an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development

shall consult with the Committees on Appropriations, representatives from the relevant international technical and nongovernmental organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization (1) on the most effective uses of such funds to demonstrate the health and economic benefits of such an approach, and (2) to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of other donors: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 594. Of the funds appropriated under title II of this Act, not less than \$3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: Provided, That funds made available under title II of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

ADVISOR FOR INDIGENOUS PEOPLES ISSUES

SEC. 595. (a) After consultation with the Committees on Appropriations and not later than 120 days after enactment of this Act, the Administrator of the United States Agency for International Development shall designate an "Advisor for Indigenous Peoples Issues" whose responsibilities shall include—

(1) consulting with representatives of indigenous peoples organizations;

(2) ensuring that the rights and needs of indigenous peoples are being respected and addressed in United States Agency for International Development policies, programs and activities;

(3) monitoring the design and implementation of United States Agency for International Development policies, programs and activities which affect indigenous peoples; and

(4) coordinating with other Federal agencies on relevant issues relating to indigenous peoples.

STATEMENT

SEC. 596. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Child Survival and Health Programs Fund".

"Economic Support Fund".

"Assistance for Eastern Europe and the Baltic States".

"Assistance for the Independent States of the Former Soviet Union".

"Global HIV/AIDS Initiative".

"Democracy Fund".

"International Narcotics Control and Law Enforcement".

"Andean Counterdrug Initiative".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Foreign Military Financing Program".

"International Organizations and Programs".

(b) Any proposed increases or decreases to the amounts contained in such tables in the accom-

panying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS

SEC. 597. (a) PROGRAM AUTHORIZED.—The Secretary of State may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(c) FUNDING.—Of the amount appropriated or otherwise made available under the heading "International Narcotics Control and Law Enforcement", \$5,000,000 may be made available in fiscal year 2006 for the program authorized by subsection (a).

MALARIA

SEC. 598. Of the funds appropriated under the heading "Child Survival and Health Programs Fund", not less than \$100,000,000 should be made available for programs and activities to combat malaria: Provided, That such funds should be made available in accordance with country strategic plans incorporating best public health practices, which should include considerable support for the purchase of commodities and equipment including: (1) insecticides for indoor residual spraying that are proven to reduce the transmission of malaria; (2) pharmaceuticals that are proven effective treatments to combat malaria; (3) long-lasting insecticide-treated nets used to combat malaria; and (4) other activities to strengthen the public health capacity of malaria-affected countries: Provided further, That no later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2006, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report describing in detail expenditures to combat malaria during fiscal year 2006.

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. 599. Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2081), is amended by striking "obligated" and inserting "expended".

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 599A. Funds appropriated under title II under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency and Proliferation Security Initiative activities.

PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS

SEC. 599B. Title XV of the International Financial Institutions Act (22 U.S.C. 2620, et seq.) is amended by adding at the end the following: "SEC. 1505. PROMOTION OF POLICY GOALS.

"(a) The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to inform each such bank and the executive directors of each such bank of the policy of the United States as set out in this section and to actively promote this policy and the goals set forth in section 1504 of this Act. It is the policy of the United States that each bank should—

"(1) require the bank's employees, officers and consultants to make an annual disclosure of their financial interests and income and of any other potential source of conflict of interest;

"(2) link project and program design and results to management and staff performance appraisals, salaries, and bonuses;

"(3) implement voluntary disclosure programs for firms and individuals participating in projects financed by such bank;

"(4) ensure that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection;

"(5) implement clear anti-corruption procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, guarantee or credit from such bank, make such procedures available to the public, and make the identity of such person available to the public;

"(6) coordinate policies across multilateral development banks on issues including debarment, cross-debarment, procurement guidelines, consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specific ineligibility period;

"(7) require each bank borrower and grantee and each bidder, supplier and contractor for MDB projects to comply with the highest standard of ethics prohibiting coercive, collusive, corrupt and fraudulent practices, such as are defined in the World Bank's Procurement Guidelines of May, 2004;

"(8) maintain a functionally independent Investigations Office, Auditor General Office and Evaluation Office that are free from interference in determining the scope of investigations (including forensic audits), internal auditing (including assessments of management controls for meeting operational objectives and complying with bank policies), performing work and communicating results, and that regularly report to such bank's board of directors and, as appropriate and in a manner consistent with such functional independence of the Investigations Office and the Auditor General Office, to the bank's President;

"(9) require that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including budget publication and public scrutiny prior to loan or grant approval;

"(10) require that for each project where compensation is to be provided to persons adversely affected by the project, such persons have recourse to an impartial and responsive mechanism to receive and resolve complaints. The mechanism should be easily accessible to all segments of the affected community without impeding access to other judicial or administrative remedies and without retribution;

“(1) implement best practices in domestic laws and international conventions against corruption for whistleblower and witness disclosures and protections against retaliation for internal and lawful public disclosures by the bank’s employees and others affected by such bank’s operations who challenge illegality or other misconduct that could threaten the bank’s mission, including (1) best practices for legal burdens of proof, (2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs, and (3) results that eliminate the effects of proven retaliation; and

“(12) require, to the maximum extent possible, that all draft country strategies are issued for public consideration no less than 45 days before the country strategy is considered by the multilateral development bank board of directors.

“(b) The Secretary of the Treasury shall, beginning thirty days after the enactment of this Act and within sixty calendar days of the meeting of the respective bank’s Board of Directors at which such decisions are made, publish on the Department of the Treasury website a statement or explanation of the United States position on decisions related to (1) operational policies; and (2) any proposal which would result or be likely to result in a significant effect on the environment.

“(c) In this section the term ‘multilateral development bank’ has the meaning given that term in section 1307 of the International Financial Institutions Act (22 U.S.C. 262m-7) and also includes the European Bank for Reconstruction and Development and the Global Environment Facility.”

AUTHORIZATIONS

SEC. 599C. (a) To authorize the United States participation in and appropriations for the United States contribution to the fourteenth replenishment of the resources of the International Development Association, the International Development Association Act, Public Law 86-565, as amended (22 U.S.C. 284, et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 23. FOURTEENTH REPLENISHMENT.

“(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$2,850,000,000 to the fourteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$2,850,000,000 for payment by the Secretary of the Treasury.”

(b) To authorize the United States participation in and appropriations for the United States contribution to the tenth replenishment of the resources of the African Development Fund, the African Development Fund Act, Public Law 94-302, as amended (22 U.S.C. 290g, et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 218. TENTH REPLENISHMENT.

“(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$407,000,000 to the tenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$407,000,000 for payment by the Secretary of the Treasury.”

(c) To authorize the United States participation in and appropriations for the United States contribution to the eighth replenishment of the resources of the Asian Development Fund, the Asian Development Fund Act, Public Law 92-245, as amended (22 U.S.C. 285, et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 32. EIGHTH REPLENISHMENT.

“(a) The United States Governor of the Bank is authorized to contribute on behalf of the

United States \$461,000,000 to the eighth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$461,000,000 for payment by the Secretary of the Treasury.”

ANTICORRUPTION PROVISIONS

SEC. 599D. Twenty percent of the funds appropriated by this Act under the heading “International Development Association”, shall be withheld from disbursement until the Secretary of the Treasury certifies to the appropriate congressional committees that—

(1) World Bank procurement guidelines are applied to all procurement financed in whole or in part by a loan from the International Bank for Reconstruction and Development (IBRD) or a credit agreement or grant from the International Development Association (IDA);

(2) the World Bank proposal “Increasing the Use of Country Systems in Procurement” dated March 2005 has been withdrawn;

(3) the World Bank is maintaining a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and IBRD projects;

(4) thresholds for international competitive bidding are established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

(5) all tenders under the World Bank’s national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding; and

(6) loan agreements are made public between the World Bank and the Borrowers.

ASSISTANCE FOR DEMOBILIZATION AND DISARMAMENT OF FORMER IRREGULAR COMBATANTS IN COLOMBIA

SEC. 599E. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act, up to \$20,000,000 may be made available in fiscal year 2006 for assistance for the demobilization and disarmament of former members of foreign terrorist organizations (FTOs) in Colombia, specifically the United Self-Defense Forces of Colombia (AUC), the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), if the Secretary of State makes a certification described in subsection (b) to the appropriate congressional committees prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have (A) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups, and (B) are meeting all the requirements of the Colombia Demobilization Program, including having disclosed their involvement in past crimes and their knowledge of the FTO’s structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared;

(2) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, and other violations of United States law;

(3) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations; and

(4) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training

and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

(2) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

INDONESIA

SEC. 599F. (a) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the Secretary of State certifies to the appropriate congressional committees that—

(1) the Indonesian Government is prosecuting and punishing, in a manner proportional to the crime, members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights;

(2) at the direction of the President of Indonesia, the Armed Forces are cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and

(3) at the direction of the President of Indonesia, the Government of Indonesia is implementing reforms to improve civilian control of the military.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

REPORT ON INDONESIAN COOPERATION

SEC. 599G. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations that describes—

(1) the status of the investigation of the murders of two United States citizens and one Indonesian citizen that occurred on August 31, 2002 in Timika, Indonesia, the status of any individuals indicted within the United States or Indonesia for crimes relating to those murders, and the status of judicial proceedings relating to those murders;

(2) the efforts by the Government of Indonesia to arrest individuals indicted for crimes relating to those murders and any other actions taken by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to bring the individuals responsible for those murders to justice; and

(3) the cooperation provided by the Government of Indonesia, including the Indonesian judiciary, police and Armed Forces, to requests related to those murders made by the Secretary of State or the Director of the Federal Bureau of Investigation.

This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006”.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JIM KOLBE,
JERRY LEWIS,
JOE KNOLLENBERG,
MARK STEVEN KIRK,
ANDER CRENSHAW,
DON SHERWOOD,
JOHN E. SWENEY,
DENNIS REHBERG,
JOHN CARTER,
NITA M. LOWEY,

DAVID R. OBEY,
JESSE L. JACKSON, JR.
CAROLYN C. KILPATRICK,
STEVEN R. ROTHMAN,
CHAKA FATTAH,

Managers on the Part of the House.

MITCH MCCONNELL,
ARLEN SPECTER,
JUDD GREGG,
RICHARD SHELBY,
ROBERT F. BENNETT,
CHRISTOPHER BOND,
MIKE DEWINE,
SAM BROWNBACK,
THAD COCHRAN,
PATRICK J. LEAHY,
DANIEL INOUE,
TOM HARKIN,
BARBARA A. MIKULSKI,
DICK DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. TERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 358
affirmative } Nays 39

¶120.5 [Roll No. 569]

YEAS—358

Abercrombie	Capuano	Dreier
Ackerman	Cardin	Edwards
Aderholt	Cardoza	Ehlers
Akin	Carnahan	Emanuel
Alexander	Carson	Engel
Allen	Carter	English (PA)
Andrews	Case	Eshoo
Baca	Castle	Etheridge
Bachus	Chabot	Evans
Baird	Chandler	Everett
Baldwin	Chocola	Farr
Barrett (SC)	Clay	Fattah
Barrow	Cleaver	Feeney
Barton (TX)	Clyburn	Ferguson
Bass	Coble	Fitzpatrick (PA)
Bean	Cole (OK)	Foley
Beauprez	Conaway	Forbes
Berkley	Conyers	Fortenberry
Berman	Cooper	Fossella
Biggett	Costa	Foxx
Bilirakis	Costello	Frank (MA)
Bishop (GA)	Cramer	Frelinghuysen
Bishop (NY)	Crenshaw	Garrett (NJ)
Bishop (UT)	Crowley	Gerlach
Blackburn	Cuellar	Gilchrest
Blumenauer	Culberson	Gillmor
Blunt	Cummings	Gingrey
Boehner	Cunningham	Gohmert
Bonilla	Davis (AL)	Gonzalez
Bonner	Davis (CA)	Gordon
Bono	Davis (IL)	Granger
Boozman	Davis (KY)	Green, Al
Boren	Davis (TN)	Green, Gene
Boucher	Davis, Tom	Grijalva
Boustany	Deal (GA)	Hall
Bradley (NH)	DeGette	Harman
Brown (OH)	Delahunt	Harris
Brown (SC)	DeLauro	Hart
Brown, Corrine	DeLay	Hastings (WA)
Burgess	Dent	Hayworth
Burton (IN)	Diaz-Balart, L.	Heger
Butterfield	Diaz-Balart, M.	Herse
Camp	Dingell	Higgins
Cannon	Doggett	Hinojosa
Cantor	Doolittle	Hobson
Capito	Doyle	Hoekstra
Capps	Drake	Holden

Holt
Honda
Hooley
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCreery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon

Bartlett (MD)
Berry
Cubin
Davis, Jo Ann
DeFazio
Duncan
Flake
Franks (AZ)
Gibbons
Goode
Goodlatte
Graves
Green (WI)

Baker
Becerra
Boehlert
Boswell
Boyd
Brady (PA)
Brady (TX)

McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Oliver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta

NAYS—39

Gutknecht
Hayes
Hefley
Hensarling
Hostettler
Hulshof
Jenkins
Jones (NC)
Keller
Lucas
Melancon
Miller (FL)
Moran (KS)

NOT VOTING—36

Brown-Waite,
Ginny
Buyer
Calvert
Davis (FL)
Dicks
Emerson
Filner

Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Viscousky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said conference report.

¶120.6 HOUR OF MEETING

On motion of Mr. DREIER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, November 7, 2005, for morning-hour debate.

¶120.7 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DREIER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, November 9, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶120.8 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 300

In the Senate of the United States, November 3, 2005.

Whereas Henry Ku'ualoha Giugni was born on January 11, 1925, in Honolulu, Hawai'i;

Whereas Henry Giugni served with distinction in the United States Army, after enlisting at the age of 16 after the attacks on Pearl Harbor, and served in combat at the Battle of Guadalcanal during World War II;

Whereas Henry Giugni began his service in the Senate in 1963 as Senior Executive Assistant and Chief of Staff to Senator Daniel K. Inouye;

Whereas Henry Giugni served as Sergeant-at-Arms from 1987 until 1990;

Whereas Henry Giugni was the first person of color and first Polynesian to be appointed to be the Sergeant-at-Arms;

Whereas Henry Giugni promoted minorities and women by appointing the first minority, an African American, to lead the Sergeant-at-Arms' Service Department, and was the first to assign women to the Capitol Police plain-clothes unit;

Whereas Henry Giugni's special interest in people with disabilities resulted in a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille;

Whereas in 2003, Henry Giugni received an Honorary Doctorate of Humane Letters for the University of Hawai'i at Hilo in recognition of his extraordinary contributions to Hawai'i and the Nation;

Whereas Henry Giugni carried Hawai'i's flag while marching with Dr. Martin Luther King for civil rights in Selma, Alabama;

Whereas Henry Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous foreign dignitaries, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel when they visited the United States Capitol; and

Whereas on November 3, 2005, Henry Giugni passed away at the age of 80; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Henry Giugni.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Henry Giugni.

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair on behalf of the Vice President, appoints the following Senators to the Senate Delegation to the Nato Parliamentary Assembly in Copenhagen, Denmark, November 11-14, 2005, during the One Hundred Ninth Congress: the Senator from Mississippi [Mr. LOTT], the Senator from Colorado [Mr. ALLARD], the Senator from Alabama [Mr. SESSIONS], the Senator from Kentucky [Mr. BUNNING], the Senator from Ohio [Mr. VOINOVICH].

The message also announced that pursuant to Public Law 107-273, the Chair, on behalf of the Majority Leader, announces the appointment of the following individual to serve as a member of the Antitrust Modernization Commission: Makan Delrahim of the District of Columbia.

¶120.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. DENT, laid before the House the following communication from Mr. NEY:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a grand jury subpoena, issued by the U.S. District Court for the District of Columbia and directed to the "Custodian of Records," for documents and testimony.

I will make the determinations required by Rule VIII.

Sincerely,

ROBERT W. NEY,
Member of Congress.

¶120.10 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2744. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

¶120.11 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECCERRA, for today;
To Mrs. EMERSON, for today;
To Mr. KIND, for today;

To Mr. Gary G. MILLER of California, for today;

To Mr. ORTIZ, for today;
To Mr. OSBORNE, for today;
To Mr. POE, for today; and
To Mr. RYAN of Wisconsin, for today; and
To Miss MCMORRIS for today.
And then,

¶120.12 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to the previous order of the House, at 2 o'clock and 28 minutes p.m., the House adjourned until 12:30 p.m. on Monday, November 7, 2005.

¶120.13 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than November 18, 2005.

¶120.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota (for himself and Ms. MCCOLLUM of Minnesota):

H.R. 4231. A bill to ensure that any affordable housing assistance program of Fannie Mae or Freddie Mac allows participation by nonprofit organizations that engage in voter registration activities required under State law; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. STARK, Ms. WATERS, Mr. KUCINICH, Ms. KILPATRICK of Michigan, and Ms. LEE):

H.R. 4232. A bill to prohibit the use of funds to deploy United States Armed Forces to Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota (for himself and Ms. MILLENDER-MCDONALD):

H.R. 4233. A bill to allow a custodial parent a refundable credit for unpaid child support payments and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ:

H.R. 4234. A bill to provide for the relief, recovery, and expansion of small business concerns affected by Hurricane Katrina through technical assistance, access to capital, and expanded Federal contracting opportunities, and for other purposes; to the Committee on Small Business.

By Mr. HEFLEY (for himself and Mr. BEAUPREZ):

H.R. 4235. A bill to designate certain National Forest System lands in the Pike and San Isabel National Forests and certain lands in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Resources.

By Mr. CHOCOLA (for himself, Mr. POMEROY, Mr. HERGER, Mr. RAMSTAD, Mr. NUSSLE, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BEAUPREZ, and Mr. LUCAS):

H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4237. A bill to ensure that local governments can function in the case of a declared emergency or major disaster; to the Committee on Transportation and Infrastructure.

By Mr. MCCAUL of Texas (for himself, Mr. REYES, Mr. CUELLAR, Mr. DANIEL E. LUNGREN of California, Ms. GRANGER, and Mr. PEARCE):

H.R. 4238. A bill to provide for enhanced border security enforcement and detention facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. ISSA, Mr. MCCOTTER, Mr. CANNON, Mr. BONILLA, Mr. CUNNINGHAM, Mr. CALVERT, Mr. OTTER, Mr. BOREN, Mrs. BLACKBURN, Mr. DOOLITTLE, and Mr. SENSENBRENNER):

H.R. 4239. A bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress; to the Committee on the Judiciary.

By Mr. BURGESS:

H. Con. Res. 290. Concurrent resolution honoring the goals and ideals of National Nurse Practitioners Week; to the Committee on Energy and Commerce.

By Mr. RENZI (for himself, Mr. UDALL of New Mexico, and Mr. COLE of Oklahoma):

H. Con. Res. 291. Concurrent resolution honoring the service of American Indians in the Armed Forces; to the Committee on Armed Services.

By Mr. BURGESS (for himself, Mr. KING of Iowa, Mr. AKIN, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CARTER, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. ISSA, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GINGREY, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. JINDAL, Mr. DANIEL E. LUNGREN of California, Mrs. MUSGRAVE, Mr. PITTS, Mr. RYAN of Wisconsin, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 534. A resolution recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, and Ms. ROS-LEHTINEN):

H. Res. 535. A resolution honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary

of his death; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. JEFFERSON, Mr. TANCREDO, Mr. RANGEL, Ms. KILPATRICK of Michigan, Mr. BISHOP of Georgia, Ms. CARSON, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mr. WYNN, Mr. BUTTERFIELD, Mr. LANTOS, Mr. BRADY of Pennsylvania, Mr. OWENS, and Ms. WATERS):

H. Res. 536. A resolution expressing condolences to the people and Government of Nigeria for the loss of life suffered in the crash of a Nigerian passenger jet on October 22 and the tragic death of Stella Obasanjo, wife of Nigerian President Olusegun Obasanjo, at a hospital in Spain on October 23, 2005; to the Committee on International Relations.

120.15 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mrs. TAUSCHER and Ms. ROYBAL-ALLARD.

H.R. 376: Mr. MORAN of Kansas.

H.R. 501: Ms. ZOE LOFGREN of California.

H.R. 602: Mr. GIBBONS.

H.R. 657: Ms. DEGETTE and Ms. SOLIS.

H.R. 690: Mr. CASTLE.

H.R. 703: Mr. PAUL.

H.R. 759: Mr. EMANUEL.

H.R. 944: Mr. SIMMONS.

H.R. 972: Mr. GEORGE MILLER of California and Mr. BISHOP of Georgia.

H.R. 998: Mr. GILLMOR and Mr. JACKSON of Illinois.

H.R. 1108: Mr. MCHUGH.

H.R. 1141: Mr. SAXTON.

H.R. 1227: Mr. MCCOTTER.

H.R. 1246: Mr. MARKEY.

H.R. 1333: Mr. PEARCE and Mr. ANDREWS.

H.R. 1337: Ms. HARRIS.

H.R. 1405: Mr. BROWN of Ohio.

H.R. 1415: Mr. VAN HOLLEN.

H.R. 1424: Mr. MCINTYRE.

H.R. 1578: Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. FEENEY, Ms. VELÁZQUEZ, Mr. FRANK of Massachusetts, Mrs. MCCARTHY, Ms. BERKLEY, and Mr. HENSARLING.

H.R. 1597: Mr. GRIJALVA, Mr. SANDERS, and Mr. CONYERS.

H.R. 1704: Ms. WATERS.

H.R. 1707: Mr. SERRANO, Mr. LEACH, Mr. ANDREWS, Mr. ENGLISH of Pennsylvania, Mr. PAYNE, Mr. OBERSTAR, Mr. NADLER, Mr. KIND, Mr. ABERCROMBIE, Mr. LEVIN, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. CHANDLER, Mr. MENENDEZ, and Mr. MCNULTY.

H.R. 2206: Mr. NEAL of Massachusetts, Mr. ALEXANDER, and Ms. SCHAKOWSKY.

H.R. 2328: Mr. WILSON of South Carolina and Mr. PASTOR.

H.R. 2335: Mr. BOOZMAN.

H.R. 2356: Mrs. MCCARTHY, Mr. HIGGINS, Mr. LOBIONDO, Mrs. MALONEY, and Mr. WYNN.

H.R. 2378: Mr. ROSS.

H.R. 2386: Mrs. WILSON of New Mexico and Mr. MARSHALL.

H.R. 2391: Mr. OLVER.

H.R. 2642: Mr. DICKS.

H.R. 2671: Mr. BARROW and Mr. ENGEL.

H.R. 2717: Mr. BLUMENAUER, Mr. BISHOP of Georgia, and Mr. LYNCH.

H.R. 2725: Mr. CALVERT.

H.R. 2792: Mr. FRANK of Massachusetts.

H.R. 2872: Mr. BOOZMAN, Mrs. Schmidt, Mr. MATHESON, Mr. BOUSTANY, Mr. RENZI, Mr. PITTS, Mr. DICKS, Mr. GOODE, Mr. MCHUGH, Ms. SLAUGHTER, Ms. WATSON, Mr. PLATTS, Mr. HOBSON, Mr. BAIRD, and Mr. SCOTT of Virginia.

H.R. 2962: Mr. LAHOOD.

H.R. 3095: Mr. MCCOTTER and Mr. DUNCAN.

H.R. 3111: Mr. ROYCE.

H.R. 3127: Mr. MILLER of North Carolina, Ms. DELAURO, and Mr. SHAW.

H.R. 3137: Mr. NEUGEBAUER and Mr. FORTENBERRY.

H.R. 3145: Mr. MURPHY, Mr. KUHL of New York, Mr. FITZPATRICK of Pennsylvania, Mr. FORTUÑO, and Mr. SCHWARZ of Michigan.

H.R. 3151: Mr. ALLEN.

H.R. 3248: Ms. HERSETH, Mrs. DAVIS of California, Mr. RENZI, and Mr. HOLT.

H.R. 3307: Ms. HOOLEY.

H.R. 3333: Mr. MARCHANT.

H.R. 3373: Ms. GINNY BROWN-WAITE of Florida, Mr. JENKINS, Mr. HONDA, Mr. GIBBONS, and Mr. REICHERT.

H.R. 3478: Mr. UDALL of Colorado, Mr. SMITH of Washington, Mr. BARROW, Mr. EMANUEL, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. BRADY of Pennsylvania, and Mr. EVANS.

H.R. 3492: Mr. WAXMAN, Mr. UDALL of New Mexico, and Mr. STARK.

H.R. 3559: Mr. MCGOVERN, Mr. GORDON, Mr. KENNEDY of Rhode Island, and Mr. LANGEVIN.

H.R. 3604: Ms. ROYBAL-ALLARD.

H.R. 3630: Mr. BILIRAKIS.

H.R. 3774: Mr. WYNN.

H.R. 3778: Ms. WOOLSEY.

H.R. 3804: Mr. BERMAN.

H.R. 3858: Mr. WOLF and Mr. OLVER.

H.R. 3882: Mr. RYAN of Ohio.

H.R. 3907: Mr. GARY G. MILLER of California.

H.R. 3917: Ms. SOLIS.

H.R. 3936: Mr. CARDOZA, Mr. BROWN of Ohio, Mr. HIGGINS, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. WEXLER, Mr. ROTHMAN, Ms. KAPTUR, Mr. ROSS, Mr. SERRANO, Mr. INSLEE, Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. LYNCH, Mr. OLVER, Mr. LANTOS, Ms. DELAURO, and Mr. CROWLEY.

H.R. 3960: Mr. MILLER of Florida, Mr. RADANOVICH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3979: Mr. ACKERMAN and Mr. GENE GREEN of Texas.

H.R. 3998: Mr. THOMPSON of Mississippi.

H.R. 4034: Mrs. MUSGRAVE.

H.R. 4047: Mr. FOLEY.

H.R. 4052: Mr. HOLDEN, Mr. MORAN of Virginia, Mr. OWENS, and Ms. DEGETTE.

H.R. 4081: Mrs. MUSGRAVE.

H.R. 4092: Ms. BALDWIN, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOREN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. CARNAHAN, Mr. CLEAVER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. EVANS, Mr. FARR, Mr. FORD, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Ms. HARMAN, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HONDA, Mr. HOYER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KIRK, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LIPINSKI, Mrs. MALONEY, Mr. MARSHALL, Ms. MATSUI, Mrs. MCCARTHY, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MURTHA, Mr. OBERSTAR, Mr. OLVER, Mr. PAYNE, Mr. POMEROY, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. SHERMAN, Mr. SKELTON, Ms. SLAUGHTER, Mr. SNYDER, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr.

VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WEXLER, and Ms. WOOLSEY.

H.R. 4096: Mr. WILSON of South Carolina, Ms. HARRIS, Mr. BOOZMAN, Mr. FORD, Mrs. MUSGRAVE, Mrs. MCCARTHY, and Mrs. DRAKE.

H.R. 4099: Mr. MARCHANT.

H.R. 4110: Mr. RAHALL.

H.R. 4145: Mr. COOPER, Mr. CUELLAR, Mr. REYES, and Ms. SCHWARTZ of Pennsylvania.

H.R. 4156: Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. BARROW, Mr. MORAN of Virginia, and Mr. HONDA.

H.R. 4179: Mr. WALDEN of Oregon.

H.R. 4188: Mr. GEORGE MILLER of California and Mr. EVANS.

H.R. 4214: Mr. HENSARLING.

H.R. 4222: Mr. GEORGE MILLER of California, Mr. CROWLEY, and Mr. MEEKS of New York.

H. Con. Res. 42: Mr. TIBERI and Mr. SHIMKUS.

H. Con. Res. 173: Mr. DAVIS of Tennessee, Ms. ROS-LEHTINEN, and Mr. LATOURETTE.

H. Con. Res. 190: Mr. JNDAL.

H. Con. Res. 197: Ms. MOORE of Wisconsin.

H. Con. Res. 210: Mrs. DRAKE, Mr. GUTIERREZ, Mr. SHUSTER, Mrs. DAVIS of California, Ms. MILLENDER-MCDONALD, Mr. MENENDEZ, Mr. GUTKNECHT, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. LATHAM, and Mr. GARY G. MILLER of California.

H. Con. Res. 260: Mr. FITZPATRICK of Pennsylvania, Mr. CARDIN, Mr. WEINER, and Mr. AL GREEN of Texas.

H. Con. Res. 273: Mr. HOLDEN, Mr. BARROW, Mr. SHAW, and Mr. JACKSON of Illinois.

H. Con. Res. 284: Mr. CARDOZA, Mr. SAXTON, Mr. BURTON of Indiana, Ms. HARRIS, Mr. BERMAN, and Ms. BERKLEY.

H. Con. Res. 285: Mr. PLATTS, Mr. GILLMOR, Mr. BLUMENAUER, Mr. FORTUÑO, Mr. BOEHRNER, and Mr. HYDE.

H. Con. Res. 289: Mr. ORTIZ, Mr. LARSEN of Washington, Mr. STRICKLAND, Mr. DICKS, Mr. BUTTERFIELD, Ms. BALDWIN, Ms. KAPTUR, Mr. DAVIS of Florida, Ms. DELAURO, Mr. BAIRD, Mr. SAXTON, Mr. MARKEY, Mr. CARDOZA, Mr. DELAHUNT, Mr. SKELTON, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. ENGEL, Mr. PALLONE, Mr. COSTA, Mr. MORAN of Virginia, Mr. LANGEVIN, Mr. CROWLEY, Mr. SERRANO, Ms. SCHWARTZ of Pennsylvania, Mr. ROSS, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. ISRAEL, Mr. SMITH of New Jersey, Mr. UDALL of Colorado, Mr. NADLER, Mr. FITZPATRICK of Pennsylvania, and Mr. KENNEDY of Rhode Island.

H. Res. 123: Mr. BISHOP of Georgia.

H. Res. 196: Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, and Ms. SCHAKOWSKY.

H. Res. 411: Mr. FILNER.

H. Res. 466: Ms. WATERS.

H. Res. 479: Mr. CHABOT, Mr. CROWLEY, Mr. GRIJALVA, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. RYAN of Ohio, Mr. SCHIFF, Ms. WATSON, and Mr. WEXLER.

H. Res. 487: Ms. HARRIS, Mr. GARY G. MILLER of California, and Mrs. DRAKE.

H. Res. 489: Mr. BAIRD, Mr. SALAZAR, Mrs. TAUSCHER, Mr. FARR, Mr. RUPPERSBERGER, and Mr. FERGUSON.

H. Res. 495: Mr. TOM DAVIS of Virginia, Mr. HOLT, and Mr. ROHRBACHER.

H. Res. 500: Mr. BISHOP of Georgia, Mr. EVANS, Mr. SHAYS, Mr. RUPPERSBERGER, Mr. BOUSTANY, Mr. SPRATT, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. WELDON of Florida, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. CROWLEY, and Mr. NEAL of Massachusetts.

H. Res. 504: Mr. BISHOP of Georgia and Mr. BOUSTANY.

H. Res. 505: Mr. BECERRA, Mr. CAPUANO, Mr. CUMMINGS, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. PAYNE, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Mr. RAHALL, Ms.

MOORE of Wisconsin, Mr. SANDERS, Ms. SLAUGHTER, Ms. SOLIS, Mr. INSLEE, Mr. DOGGETT, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Mr. FARR, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Mr. SABO, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, and Mr. OWENS.

¶120.16 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3304: Mr. KUHLMANN of New York.
H.R. 4011: Mr. BUTTERFIELD.

MONDAY, NOVEMBER 7, 2005 (121)

¶121.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
November 7, 2005.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Tuesday, January 4, 2005, Members were recognized for morning-hour debate.

¶121.2 RECESS—1:03 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 3 minutes p.m. until 2 p.m.

¶121.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. STEARNS, called the House to order.

¶121.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. STEARNS, announced he had examined and approved the Journal of the proceedings of Friday, November 4, 2005.

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

¶121.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5003. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fisher and Thief River Falls, Minnesota) [MB Docket No. 05-116; RM-11188] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5004. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cridersville, Ohio) [MB Docket No. 04-343; RM-10799] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5005. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Com-

munications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cheyenne and Thomas, Oklahoma) [MB Docket No. 05-130; RM-11216; RM-11265] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5006. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Big Pine Key, Florida) [MB Docket No. 04-248; RM-10990] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5007. A letter from the Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Scimitar-horned Oryx, Addax, and Dama Gazelle as Endangered (RIN: 1018-AI82) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5008. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905B] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5009. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905D], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5010. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; White River, Mile Marker 0.0 to 2.0, Henrico, AR [COTP Memphis-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5011. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; McClellan-Kerr Arkansas River, Mile Marker 113.0 to 115.0, Little Rock, AR [COTP Memphis-05-007] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5012. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for the Sara Paz Party, Miami Beach, FL. [COTP Miami 05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5013. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for Palm Beach Symphony, Palm Beach, FL. [COTP Miami 05-014] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5014. A letter from the Acting Chief, Office of Regulations and Administrative Law,

USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM60 to GICW NM115, Longbeach, MS to Bayou La Batre, AL. [COTP Mobile-04-035] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5015. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 115 to Mile 165, Bayou La Batre to Orange Beach, AL [COTP Mobile-04-036] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5016. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-coastal Waterway Mile 165 to Mile 215, Orange Beach, AL to Santa Rosa Island, FL [COTP Mobile-04-037] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5017. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 215 to Mile 260, Santa Rosa Island, FL to Santa Rosa Beach, FL [COTP Mobile-04-038] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5018. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 260 to Mile 350, Santa Rosa Beach to Apalachicola, FL [COTP Mobile-04-039] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5019. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 350 to Ochlockonee Shoal Red Number 24, Apalachicola to St Marks, FL [COTP Mobile-04-040] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5020. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 65 to 175, Mississippi and Alabama Gulf Coast [COTP Mobile-04-043] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5021. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 175 to 230, Alabama to Florida Gulf Coast. [COTP Mobile-04-044] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5022. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-coastal Waterway Mile 230 to 377, Florida Gulf Coast [COTP Mobile-04-045] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5023. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-04-053] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5024. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-04-059] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5025. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 04-007] (RIN: 1625-AA87) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5026. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Marion, KY [Docket No. FAA-2005-21226; Airspace Docket No. 05-ASO-8] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5027. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Worcester, MA [Docket No. FAA-2005-22069; Airspace Docket No. 05-AEA-15] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5028. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2005-20730; Directorate Identifier 2004-NM-68-AD; Amendment 39-14172; AD 2005-13-35] (RIN: 2120-AA64) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5029. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30454; Amdt. No. 3129] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5030. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5031. A letter from the Director, Regulations and Rulings Division, Department of the Treasury, transmitting the Department's final rule—Expansion of the Russian River Valley Viticultural Area (2003R-144T) [T.D. TTB-32; Re: Notice No. 30] (RIN: 1513-AA67) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5032. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Announcement of rules to be in-

cluded in regulations under section 367(a) regarding the effect of certain exchanges on gain recognition agreements and request for comments [Notice 2005-74] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶121.6 40TH ANNIVERSARY OF NOSTRA AETATE

Mr. POE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 260); as amended:

Whereas 2005 marks the 40th anniversary of the promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions:

Whereas on October 28, 1965, after the overwhelmingly affirmative vote of the Second Vatican Council of the Roman Catholic Church, Pope Paul VI issued Nostra Aetate, which means “in our time”;

Whereas Nostra Aetate affirmed the respect of the Roman Catholic Church for Hinduism, Buddhism, Islam, and Judaism, and exhorted Catholics to engage in “dialogue and collaboration with the followers of other religions”;

Whereas Nostra Aetate made possible a new relationship between Catholics and Jews worldwide and opened a chapter in Jewish-Christian relations that is unprecedented in its closeness and warmth;

Whereas Nostra Aetate states that the Roman Catholic Church “decries hatred, persecution, displays of anti-Semitism, directed against Jews at any time and by anyone”; and

Whereas Nostra Aetate clearly states that “No foundation therefore remains for any theory or practice that leads to discrimination between man and man or people and people, so far as their human dignity and the rights flowing from it are concerned.”: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions;

(2) appreciates the role of the Holy See in combating religious intolerance and religious discrimination;

(3) encourages the United States to continue to serve in a leading role in combating anti-Semitism and other forms of religious intolerance and religious discrimination worldwide;

(4) acknowledges the role of Nostra Aetate in fostering interreligious dialogue and mutual respect, including, in particular, new relationships of collaboration and dialogue between Jews and Catholics since the issuance of Nostra Aetate; and

(5) requests the President to issue a proclamation recognizing the 40th anniversary of Nostra Aetate and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. POE and Mr. BLUMENAUER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE demanded that the vote be taken by the yeas and nays, which de-

mand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶121.7 WATER FOR THE POOR

Mr. POE moved to suspend the rules and pass the bill (H.R. 1973) to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. POE and Mr. BLUMENAUER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶121.8 NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. UPTON moved to suspend the rules and agree to the resolution (H. Res. 444); as amended:

Resolved,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gynecological Resolution for Advancement of Ovarian Cancer Education”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) ovarian cancer is a serious and under-recognized threat to women's health;

(2) ovarian cancer is the fourth leading cause of cancer death among women living in the United States;

(3) ovarian cancer is very treatable when it is detected early, but the vast majority of cases are not diagnosed until the cancer has spread beyond the ovaries;

(4) only 19 percent of ovarian cancer cases in the United States are diagnosed in the early stages;

(5) in cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 94 percent of women will survive longer than five years;

(6) many people do not know that ovarian cancer often presents with persistent symptoms such as abdominal pressure, bloating, discomfort, nausea, indigestion, constipation, diarrhea, frequent urination, abnormal bleeding, unusual fatigue, unexplained weight loss or gain, and shortness of breath;

(7) many people do not know that certain women are at higher risk for developing ovarian cancer if they have risk factors, including increasing age, a personal or family history of ovarian, breast, or colon cancer, and not having had children;

(8) raising public awareness of ovarian cancer by educating doctors and women about the disease will save lives;

(9) ovarian cancer research is needed to develop early detection tools, prevention methods, enhanced therapies, and a cure;

(10) there are still large gaps in knowledge on key scientific aspects of the disease;

(11) there is still no reliable and easy-to-administer screening test for ovarian cancer;

(12) President George W. Bush proclaimed September 2005 as National Ovarian Cancer Awareness Month; and

(13) during the month of September, the Ovarian Cancer National Alliance and its 46 State and regional groups held hundreds of events across the country to increase public awareness of the disease.

SEC. 3. SENSE OF CONGRESS.

The House of Representatives supports the goals and ideals of National Ovarian Cancer Awareness Month, and it is the sense of the House of Representatives that—

(1) awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives; and

(2) ovarian cancer research should be well-funded so that a reliable screening test can be developed and a cure can be found.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. UPTON and Mr. DEFAZIO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. UPTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶121.9 RECESS—3:22 P.M.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 22 minutes p.m., until approximately 6:30 p.m.

¶121.10 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶121.11 SUBMISSION OF CONFERENCE REPORT—H.R. 2862

Mr. WOLF submitted a conference report (Rept. No. 109-272) on the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶121.12 NATIONAL EMERGENCY DECLARATION

Mr. George MILLER of California, moved that the Committee on Transportation and Infrastructure be discharged from further consideration of the joint resolution (H.J. Res. 69) relating to a national emergency declared by the President on September 8, 2005.

Mr. KILDEE moved to lay the motion to discharge the committee on the table, which was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶121.13 H. CON. RES. 260—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 260) recognizing the 40th anniversary of the Second Vatican Council's Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, and the continuing need for mutual interreligious respect and dialogue; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 349
affirmative } Nays 0

¶121.14 [Roll No. 570] YEAS—349

Abercrombie	Coble	Frank (MA)
Aderholt	Cole (OK)	Franks (AZ)
Akin	Conaway	Frelinghuysen
Alexander	Cooper	Gallely
Allen	Costa	Garrett (NJ)
Bachus	Costello	Gerlach
Baird	Cramer	Gilchrest
Baker	Crenshaw	Gillmor
Baldwin	Cubin	Gingrey
Barrett (SC)	Cuellar	Gohmert
Barrow	Culberson	Gonzalez
Bartlett (MD)	Cunningham	Goode
Barton (TX)	Davis (AL)	Goodlatte
Bass	Davis (CA)	Granger
Bean	Davis (FL)	Graves
Beauprez	Davis (IL)	Green (WI)
Berkley	Davis (KY)	Green, Al
Berry	Davis, Jo Ann	Green, Gene
Biggert	Davis, Tom	Grijalva
Bilirakis	Deal (GA)	Hall
Bishop (GA)	DeFazio	Harman
Bishop (UT)	DeGette	Hart
Blackburn	Delahunt	Hastings (WA)
Blumenauer	DeLauro	Hayes
Blunt	DeLay	Hayworth
Boehert	Dent	Hefley
Boehner	Diaz-Balart, L.	Hensarling
Bonilla	Diaz-Balart, M.	Herger
Bonner	Dicks	Hersteth
Bono	Dingell	Higgins
Boozman	Doggett	Hinojosa
Boren	Doolittle	Hobson
Boucher	Drake	Holt
Boyd	Dreier	Honda
Bradley (NH)	Duncan	Hooley
Brady (PA)	Edwards	Hostettler
Brady (TX)	Ehlers	Hoyer
Brown (SC)	Emanuel	Hunter
Burgess	Emerson	Hyde
Burton (IN)	Engel	Inglis (SC)
Butterfield	English (PA)	Inslee
Buyer	Eshoo	Issa
Calvert	Etheridge	Jackson (IL)
Camp	Evans	Jackson-Lee
Cannon	Everett	(TX)
Capito	Farr	Jefferson
Capps	Fattah	Jindal
Cardoza	Feeney	Johnson (IL)
Carnahan	Ferguson	Johnson, E. B.
Carson	Filner	Johnson, Sam
Carter	Fitzpatrick (PA)	Jones (NC)
Castle	Flake	Kanjorski
Chabot	Foley	Kaptur
Chandler	Forbes	Keller
Clay	Portenberry	Kelly
Cleaver	Fossella	Kennedy (MN)
Clyburn	Fox	Kennedy (RI)

Kildee	Murphy	Schmidt
Kind	Musgrave	Schwartz (PA)
King (IA)	Myrick	Scott (GA)
King (NY)	Nadler	Sensenbrenner
Kingston	Napolitano	Sessions
Kline	Neugebauer	Shadegg
Knollenberg	Ney	Shaw
Kolbe	Northup	Shays
Kucinich	Nunes	Sherwood
Kuhl (NY)	Nussle	Shuster
Langevin	Oberstar	Simmons
Larsen (WA)	Obey	Simpson
Larson (CT)	Oliver	Skelton
Latham	Ortiz	Smith (NJ)
LaTourette	Osborne	Smith (TX)
Levin	Otter	Smith (WA)
Lewis (CA)	Oxley	Snyder
Lewis (GA)	Pastor	Sodrel
Linder	Paul	Spratt
LoBiondo	Pearce	Stearns
Lofgren, Zoe	Pelosi	Sullivan
Lowey	Pence	Sweeney
Lucas	Peterson (MN)	Tancredo
Lungren, Daniel	Peterson (PA)	Tancredo
E.	Petri	Tanner
Lynch	Pickering	Tauscher
Mack	Pitts	Taylor (MS)
Maloney	Platts	Thomas
Manzullo	Poe	Thompson (CA)
Markey	Pombo	Thompson (MS)
Marshall	Porter	Thornberry
Matheson	Price (GA)	Tiahrt
Matsui	Pryce (OH)	Tiberi
McCaul (TX)	Putnam	Tierney
McCollum (MN)	Radanovich	Turner
McCotter	Rahall	Udall (CO)
McCrary	Ramstad	Udall (NM)
McDermott	Regula	Upton
McGovern	Rehberg	Van Hollen
McHenry	Reichert	Visclosky
McHugh	Renzi	Walden (OR)
McIntyre	Reynolds	Walsh
McKeon	Rogers (AL)	Wamp
McMorris	Rogers (KY)	Wasserman
McNulty	Rogers (MI)	Schultz
Meehan	Rohrabacher	Watson
Meek (FL)	Ros-Lehtinen	Watt
Melancon	Ross	Waxman
Menendez	Rothman	Weiner
Mica	Royal-Allard	Weller
Michaud	Royce	Westmoreland
Miller (FL)	Ruppersberger	Wexler
Miller (MI)	Ryan (OH)	Wicker
Miller (NC)	Ryun (KS)	Wilson (NM)
Miller, Gary	Sabo	Wilson (SC)
Miller, George	Salazar	Wolf
Mollohan	Sanchez, Loretta	Woolsey
Moore (KS)	Sanders	Wu
Moore (WI)	Saxton	Wynn
Moran (KS)	Schakowsky	Young (AK)
Moran (VA)	Schiff	

NOT VOTING—84

Ackerman	Hinchey	Payne
Andrews	Hoekstra	Pomeroy
Baca	Holden	Price (NC)
Becerra	Hulshof	Rangel
Berman	Israel	Reyes
Bishop (NY)	Istook	Rush
Boswell	Jenkins	Ryan (WI)
Boustany	Johnson (CT)	Sánchez, Linda
Brown (OH)	Jones (OH)	T.
Brown, Corrine	Kilpatrick (MI)	Schwarz (MI)
Brown-Waite,	Kirk	Scott (VA)
Ginny	LaHood	Serrano
Cantor	Lantos	Sherman
Capuano	Leach	Shimkus
Cardin	Lee	Slaughter
Case	Lewis (KY)	Solis
Chocola	Lipinski	Souder
Conyers	Marchant	Stark
Crowley	McCarthy	Strickland
Cummings	McKinney	Stupak
Davis (TN)	Meeks (NY)	Taylor (NC)
Doyle	Millender-	Terry
Ford	McDonald	Towns
Gibbons	Murtha	Velazquez
Gordon	Neal (MA)	Waters
Gutierrez	Norwood	Weldon (FL)
Gutknecht	Owens	Weldon (PA)
Harris	Pallone	Whitfield
Hastings (FL)	Pascrell	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions, and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue."

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

121.15 H.R. 1973—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1973) to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes; as amended.

The question being put, Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the Yeas 319 affirmative Nays 34

121.16 [Roll No. 571]

YEAS—319

- Abercrombie Carnahan Eshoo
Aderholt Carson Etheridge
Akin Carter Evans
Alexander Castle Everett
Allen Chabot Farr
Bachus Chandler Fattah
Baird Chocola Ferguson
Baker Clay Filner
Baldwin Cleaver Fitzpatrick (PA)
Barrett (SC) Clyburn Foley
Barrow Cole (OK) Forbes
Barton (TX) Cooper Fortenberry
Bass Costa Fossella
Bean Costello Frank (MA)
Beauprez Cramer Frelinghuysen
Berkley Crenshaw Gallegly
Berry Cubin Gerlach
Biggett Cuellar Gilchrest
Bilirakis Culberson Gillmor
Bishop (GA) Cummings Gingrey
Bishop (UT) Cunningham Gohmert
Blackburn Davis (AL) Gonzalez
Blumenauer Davis (CA) Goodlatte
Blunt Davis (FL) Granger
Boehlert Davis (IL) Graves
Boehner Davis, Jo Ann Green (WI)
Bonilla Davis, Tom Green, Al
Bonner DeFazio Green, Gene
Bono DeGette Grijalva
Boozman Delahunt Hall
Boren DeLauro Harman
Boucher DeLay Hart
Boyd Dent Hastings (WA)
Bradley (NH) Diaz-Balart, L. Hayworth
Brady (PA) Diaz-Balart, M. Hefley
Brady (TX) Dicks Herseth
Brown (SC) Dingell Higgins
Burgess Doggett Hinojosa
Burton (IN) Doolittle Hobson
Butterfield Drake Holt
Buyer Dreier Honda
Calvert Edwards Hooley
Camp Ehlers Hoyer
Cannon Emanuel Hunter
Capito Emerson Hyde
Capps Engel Inglis (SC)
Cardoza English (PA) Inslie

- Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—34

- Bartlett (MD)
Hayes
Coble
Hensarling
Conaway
Herger
Pence
Hostettler
Petri
Johnson, Sam
Price (GA)
Jones (NC)
Sensenbrenner
Duncan
King (IA)
Shadegg
Feeney
Flake
McHenry
Sodrel
Stearns
Westmoreland
Gutierrez
Meeks (NY)
Gutknecht
Millender-McDonald
Harris
Murtha
Hastings (FL)
Neal (MA)
Hinckey
Norwood
Hoekstra
Owens
Holden
Pallone
Hulshof
Israel
Pascarell
Brown (OH)
Istook
Payne
Brown, Corrine
Jenkins
Pomeroy
Brown-Waite, Ginny
Johnson (CT)
Price (NC)
Jones (OH)
Rangel
Kilpatrick (MI)
Reyes
Kirk
Rush
LaHood
Ryan (WI)
Leach
Sanchez, Linda T.
Lee
Schwarz (MI)
Lewis (KY)
Lipinski
Scott (VA)
Serrano
Marchant
Sherman
McCarthy
McKinney
Shimkus

NOT VOTING—80

- Ackerman
Andrews
Baca
Becerra
Berman
Bishop (NY)
Boswell
Boustany
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capuano
Cardin
Case
Conyers
Crowley
Davis (TN)
Doyle
Ford
Gibbons
Gordon
Gutierrez
Meeks (NY)
Millender-McDonald
Harris
Murtha
Hastings (FL)
Neal (MA)
Hinckey
Norwood
Hoekstra
Owens
Holden
Pallone
Hulshof
Israel
Pascarell
Brown (OH)
Istook
Payne
Brown, Corrine
Jenkins
Pomeroy
Brown-Waite, Ginny
Johnson (CT)
Price (NC)
Jones (OH)
Rangel
Kilpatrick (MI)
Reyes
Kirk
Rush
LaHood
Ryan (WI)
Leach
Sanchez, Linda T.
Lee
Schwarz (MI)
Lewis (KY)
Lipinski
Scott (VA)
Serrano
Marchant
Sherman
McCarthy
McKinney
Shimkus

- Slaughter
Solis
Souder
Stark
Strickland
Stupak
Taylor (NC)
Terry
Towns
Velazquez
Waters
Weldon (FL)
Whitfield
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

121.17 H. RES. 444—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 444) supporting the goals and ideals of National Ovarian Cancer Awareness Month; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the Yeas 348 affirmative Nays 0

121.18 [Roll No. 572]

YEAS—348

- Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardoza
Carnahan
Carson
Carter
Capito
Capps
Cardoza
Chandler
Chocola
Clay
Clever
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herseth
Higgins
Hinojosa
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslie
Jackson (IL)

Jackson-Lee (TX)	Miller (NC)	Sanders
Jefferson	Miller, Gary	Saxton
Jindal	Miller, George	Schakowsky
Johnson (IL)	Mollohan	Schiff
Johnson, E. B.	Moore (KS)	Schmidt
Jones (NC)	Moore (WI)	Schwartz (PA)
Kanjorski	Moran (KS)	Scott (GA)
Kaptur	Moran (VA)	Sensenbrenner
Keller	Murphy	Sessions
Kelly	Musgrave	Shadegg
Kennedy (MN)	Myrick	Shaw
Kennedy (RI)	Nadler	Shays
Kildee	Napolitano	Sherwood
Kind	Neugebauer	Shuster
King (IA)	Ney	Simmons
King (NY)	Northup	Simpson
Kingston	Nunes	Skelton
Kline	Nussle	Smith (NJ)
Knollenberg	Oberstar	Smith (TX)
Kolbe	Obey	Smith (WA)
Kucinich	Olver	Snyder
Kuhl (NY)	Ortiz	Sodrel
Langevin	Osborne	Sodrel
Lantos	Otter	Spratt
Larsen (WA)	Oxley	Stearns
Latham	Pastor	Sullivan
LaTourette	Paul	Sweeney
Levin	Pearce	Tancredo
Lewis (CA)	Pelosi	Tanner
Lewis (GA)	Pence	Tauscher
Linder	Peterson (MN)	Taylor (MS)
LoBiondo	Peterson (PA)	Thomas
Lofgren, Zoe	Petri	Thompson (CA)
Lowe	Pickering	Thompson (MS)
Lucas	Pitts	Thornberry
Lungren, Daniel E.	Platts	Tiahrt
Lynch	Poe	Tiberi
Mack	Pombo	Tierney
Maloney	Porter	Turner
Manzullo	Price (GA)	Udall (CO)
Markey	Pryce (OH)	Udall (NM)
Matheson	Putnam	Upton
Matsui	Radanovich	Van Hollen
McCaul (TX)	Rahall	Visclosky
McCollum (MN)	Ramstad	Walden (OR)
McCotter	Regula	Walsh
McCrery	Rehberg	Wamp
McDermott	Reichert	Wasserman
McGovern	Renzi	Schultz
McHenry	Reynolds	Watson
McHugh	Rogers (AL)	Watt
McIntyre	Rogers (KY)	Waxman
McKeon	Rogers (MI)	Weiner
McMorris	Rohrabacher	Weldon (PA)
McNulty	Ros-Lehtinen	Weller
Meehan	Ross	Westmoreland
Meek (FL)	Rothman	Wexler
Melancon	Roybal-Allard	Wicker
Menendez	Royce	Wilson (NM)
Mica	Ruppersberger	Wolf
Michaud	Ryan (OH)	Woolsey
Miller (FL)	Ryun (KS)	Wu
Miller (MI)	Sabo	Wynn
	Salazar	Young (AK)
	Sanchez, Loretta	

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Ackerman	Holden	Pomeroy
Andrews	Hulshof	Price (NC)
Baca	Israel	Rangel
Becerra	Istook	Reyes
Berman	Jenkins	Rush
Bishop (NY)	Johnson (CT)	Ryan (WI)
Boswell	Johnson, Sam	Sanchez, Linda T.
Boustany	Jones (OH)	Schwarz (MI)
Brown (OH)	Kilpatrick (MI)	Scott (VA)
Brown, Corrine	Kirk	Serrano
Brown-Waite, Ginny	LaHood	Sherman
Cantor	Larson (CT)	Shimkus
Capuano	Leach	Slaughter
Cardin	Lee	Solis
Case	Lewis (KY)	Souder
Conyers	Lipinski	Stark
Crowley	Marchant	Strickland
Davis (TN)	Marshall	Stupak
Doyle	McCarthy	Taylor (NC)
Ford	McKinney	Terry
Franks (AZ)	Meeke (NY)	Towns
Gibbons	Millender-McDonald	Velázquez
Gordon	Murtha	Waters
Gutierrez	Neal (MA)	Weldon (FL)
Gutknecht	Norwood	Whitfield
Harris	Owens	Wilson (SC)
Hastings (FL)	Pallone	Young (FL)
Hinchee	Pascrell	
Hoekstra	Payne	

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶121.19 SUBMISSION OF CONFERENCE REPORT—H.R. 2419

Mr. HOBSON submitted a conference report (Rept. No. 109-275) on the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶121.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today;
To Mr. BECERRA, for today;
To Mr. CARDIN, for today;
To Mr. GIBBONS, for today;
To Mr. GUTKNECHT, for today and November 8 until 3 p.m.;
To Mrs. JONES of Ohio, for today;
To Ms. KILPATRICK of Michigan, for today and November 8;
To Mr. LEWIS of Kentucky, for today and November 8;
To Ms. MCKINNEY, for today;
To Ms. MILLENDER-MCDONALD, for today;
To Mr. RYAN of Wisconsin, for today;
To Mr. STUPAK, for today; and
To Ms. WATERS, for today.
And then,

¶121.21 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 11 o'clock and 41 minutes p.m., the House adjourned.

¶121.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1751. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. 109-271). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF: Committee of Conference. Conference report on H.R. 2862. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; with an amendment (Rept. 109-272). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 2875. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; with an amendment (Rept. 109-273 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 4133. A bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance pro-

gram (Rept. 109-274). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee of Conference. Conference report on H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-275). Ordered to be printed.

Mr. NUSSLE: Committees on the Budget. H.R. 4241. A bill to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-276). Referred to the Committee of the Whole House on the State of the Union.

¶121.23 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on Agriculture and Education and the Workforce discharged from further consideration. H.R. 2875 referred to the Committee of the Whole House on the State of the Union.

¶121.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOSTETTLER:
H.R. 4240. A bill to amend the Immigration and Nationality Act and other Acts to strengthen the enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. KIRK):

H.R. 4242. A bill to require the Secretary of State to seek the establishment of a conference where Iranian nationals who oppose the policies of the Government of Iran can discuss the future of the Government of Iran; to the Committee on International Relations.

By Mr. EMANUEL (for himself, Mr. EVANS, and Mr. GUTIERREZ):

H.R. 4243. A bill to amend title 10, United States Code, to lift certain restrictions on gifts to members of the Armed Forces being treated for illness or injury incurred on active duty; to the Committee on Armed Services.

By Ms. HOOLEY:
H.R. 4244. A bill to provide for grants for regional task forces to more effectively investigate and prosecute identity theft and other economic crimes; to the Committee on the Judiciary.

By Mr. LEWIS of California (for himself, Mr. REGULA, Mr. FRELINGHUYSEN, Mr. DREIER, Mrs. BONO, Mr. ISSA, and Mr. DOOLITTLE):

H.R. 4245. A bill to provide for programs and activities with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:
H.R. 4246. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building"; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico:
H.R. 4247. A bill to improve mathematics and science instruction in elementary and

secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. McDERMOTT, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. SIMMONS, Ms. McCOLLUM of Minnesota, Mr. DOGGETT, Mr. SERRANO, Mr. HONDA, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. PAYNE, Mr. GENE GREEN of Texas, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. MARKEY, Ms. BERKLEY, Ms. CARSON, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. DAVIS of Illinois, Mr. SPRATT, Mr. HASTINGS of Florida, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mr. WEINER, Mr. SCOTT of Georgia, Mr. MEEHAN, Ms. KILPATRICK of Michigan, Mr. EVANS, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. MOORE of Kansas, Mr. CLEAVER, Mr. FLAKE, Ms. LEE, Mr. NADLER, Mr. BECERRA, Mr. DICKS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 292. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring the late Rosa Parks; to the Committee on Government Reform.

By Mr. WAXMAN:

H. Res. 537. A resolution providing for consideration of the bill (H.R. 3838) to establish the Independent Commission to Prevent Fraud and Abuse in the Response to Hurricane Katrina, and for other purposes; to the Committee on Rules.

¶121.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Mr. WELDON of Florida.
 H.R. 216: Mrs. SCHMIDT.
 H.R. 446: Mrs. CUBIN.
 H.R. 535: Mr. UDALL of Colorado.
 H.R. 551: Mr. DELAHUNT.
 H.R. 602: Mr. MCKEON.
 H.R. 839: Mr. McNULTY.
 H.R. 844: Mr. COSTA, Mr. PAYNE, Mr. MENENDEZ, and Mr. HOLT.
 H.R. 874: Mr. CALVERT, Mrs. MYRICK, and Mr. FOLEY.
 H.R. 880: Mr. PAUL.
 H.R. 972: Mr. LARSEN of Washington.
 H.R. 986: Mr. FITZPATRICK of Pennsylvania and Mr. LOBRONDO.
 H.R. 1002: Mr. REICHERT.
 H.R. 1079: Mrs. SCHMIDT.
 H.R. 1083: Mr. ISTOOK.
 H.R. 1106: Mr. BERMAN.
 H.R. 1131: Mr. KIRK.
 H.R. 1141: Ms. CORRINE BROWN of Florida and Mr. FOLEY.
 H.R. 1182: Mr. JACKSON of Illinois.
 H.R. 1227: Mr. PUTNAM.
 H.R. 1262: Mr. CUMMINGS.
 H.R. 1639: Mr. BISHOP of Georgia.
 H.R. 1667: Mr. PETERSON of Minnesota.
 H.R. 1668: Mr. GRIJALVA.
 H.R. 1671: Mr. EVANS and Mr. MILLER of Florida.
 H.R. 1688: Ms. SCHAKOWSKY.
 H.R. 1748: Mr. CALVERT.
 H.R. 2061: Mr. FRANKS of Arizona and Mr. ORTIZ.
 H.R. 2134: Ms. HARMAN and Mr. BISHOP of Georgia.
 H.R. 2238: Mr. FOLEY.
 H.R. 2257: Ms. BALDWIN, Mr. ORTIZ, and Mr. HINOJOSA.

H.R. 2331: Mr. PAYNE.
 H.R. 2366: Mr. CUMMINGS.
 H.R. 2553: Mr. BACA, Mr. CAPUANO, Mr. EMANUEL, Mr. EVANS, Mr. FATTAH, Ms. MOORE of Wisconsin, and Mr. PALLONE.
 H.R. 2727: Mr. MCGOVERN.
 H.R. 2734: Mr. GIBBONS.
 H.R. 2803: Mr. PEARCE.
 H.R. 3022: Mr. PRICE of North Carolina.
 H.R. 3361: Mr. VAN HOLLEN and Mr. FRANK of Massachusetts.
 H.R. 3417: Mr. FOLEY.
 H.R. 3502: Mr. HONDA, Mr. ABERCROMBIE, Mr. PALLONE, and Mr. CONYERS.
 H.R. 3506: Mr. CLAY and Mr. CLEAVER.
 H.R. 3561: Mr. BROWN of Ohio and Mr. HIGGINS.
 H.R. 3582: Ms. WASSERMAN SCHULTZ.
 H.R. 3617: Mrs. DRAKE.
 H.R. 3640: Mr. PALLONE and Mr. KILDEE.
 H.R. 3642: Mr. MARKEY and Mr. SMITH of New Jersey.
 H.R. 3854: Mr. BAIRD, Mr. FILNER, Mr. FATTAH, Mr. LANTOS, Mr. LINDER, and Mrs. MALONEY.
 H.R. 3883: Mr. MELANCON, Mr. KENNEDY of Minnesota, Mr. PETRI, and Mr. BARTLETT of Maryland.
 H.R. 3922: Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. RYAN of Ohio, Mr. CAPUANO, Mr. PASCRELL, Mr. FARR, and Ms. ESHOO.
 H.R. 3935: Mr. KUHLMOR of New York.
 H.R. 3940: Mr. FORTUÑO, and Mr. TIBERI.
 H.R. 3949: Mr. OBERSTAR, Mr. GILLMOR, Ms. McKinney, and Mr. SCHWARZ of Michigan.
 H.R. 3964: Mr. CONYERS.
 H.R. 3973: Mr. CONYERS.
 H.R. 4015: Mr. GRAVES.
 H.R. 4033: Mr. WELDON of Florida and Ms. BALDWIN.
 H.R. 4094: Ms. PELOSI.
 H.R. 4099: Mr. BISHOP of Georgia.
 H.R. 4104: Mrs. DRAKE.
 H.R. 4121: Mr. BRADY of Pennsylvania, Mr. DOYLE, and Mr. SOUDER.
 H.R. 4123: Mr. BRADY of Pennsylvania.
 H.R. 4129: Mr. CONAWAY.
 H.R. 4155: Mr. BOUSTANY.
 H.R. 4157: Mrs. DRAKE.
 H.R. 4158: Mr. ENGEL.
 H.R. 4188: Mr. SABO.
 H.R. 4196: Mr. CROWLEY, Mr. SMITH of Washington, Mr. POMEROY, Mr. PALLONE, Mr. GORDON, Mr. DICKS, Mr. CASE, Mr. ETHERIDGE, Mrs. DAVIS of California, Ms. ESHOO, Mr. TIERNEY, Mr. OLVER, Mr. INSLEE, Mr. MARSHALL, Mr. KIND, Mr. BLUMENAUER, and Mr. CLEAVER.
 H.R. 4217: Mrs. BIGGERT.
 H.R. 4222: Mr. FORTUÑO and Ms. ZOE LOFGREN of California.
 H.R. 4223: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mrs. JONES of Ohio, Ms. WOOLSEY, Mrs. CAPPS, Ms. MATSUI, Mr. LANGEVIN, Mr. ANDREWS, Mr. MENENDEZ, Mr. ROTHMAN, Mr. PAYNE, Mr. TIERNEY, Mr. SERRANO, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. CONYERS, and Ms. MOORE of Wisconsin.
 H.R. 4228: Mr. SANDERS.
 H.J. Res. 38: Mr. RYAN of Ohio.
 H. Con. Res. 231: Ms. DEGETTE.
 H. Con. Res. 235: Mr. PLATTS.
 H. Con. Res. 275: Mr. MENENDEZ and Mr. FEENEY.
 H. Con. Res. 280: Mr. SMITH of Washington.
 H. Con. Res. 285: Mr. CHABOT and Mr. FOLEY.
 H. Con. Res. 288: Mr. ANDREWS.
 H. Con. Res. 289: Mr. GORDON, Mr. SPRATT, Mr. MEEK of Florida, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. REICHERT, Mr. KILDEE, Mr. HASTINGS of Florida, and Mr. HOLT.
 H. Res. 85: Ms. ROS-LEHTINEN and Mrs. SCHMIDT.
 H. Res. 123: Mr. KIND.

H. Res. 223: Mr. VAN HOLLEN.
 H. Res. 302: Mr. GILLMOR.
 H. Res. 389: Mr. MARSHALL.
 H. Res. 477: Mr. DAVIS of Alabama, Ms. McCOLLUM of Minnesota, and Mr. ABERCROMBIE.
 H. Res. 479: Mr. TANCREDO, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. SNYDER.
 H. Res. 498: Mr. KUHLMOR of New York.
 H. Res. 499: Mr. BURTON of Indiana, Mr. PENCE, Mr. SULLIVAN, Mr. ROGERS of Michigan, Mr. KELLER, Mr. CAMP, Mr. NUNES, Mr. SIMPSON, Mr. BOOZMAN, Mr. PEARCE, Mr. UPTON, Ms. HART, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. MANZULLO, Mr. AKIN, Mr. KING of Iowa, Mr. SHUSTER, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. ENGEL, Mr. DELAHUNT and Mr. PORTER.
 H. Res. 504: Mrs. DRAKE, Mr. FOLEY and Mr. WELDON of Pennsylvania.
 H. Res. 505: Mr. NADLER, Mr. MARKEY and Mr. WEXLER.
 H. Res. 510: Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of Georgia, Mr. CARDIN, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. FOLEY, Mr. HIGGINS, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Mr. SKELTON, Ms. WATSON, Ms. HARRIS, Mr. WAXMAN and Mr. WEINER.
 H. Res. 526: Mr. ANDREWS.

¶121.26 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4176: Mr. GIBBONS.
 H.R. 4228: Mr. LEVIN.

TUESDAY, NOVEMBER 8, 2005 (122)

¶122.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. SODREL, who laid before the House the following communication:

WASHINGTON, DC,
 November 8, 2005.

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

J. DENNIS HASTERT,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Tuesday, January 4, 2005, Members were recognized for morning-hour debate.

¶122.2 RECESS—9:07 A.M.

The SPEAKER pro tempore, Mr. SODREL, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 7 minutes a.m., until 10 a.m.

¶122.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶122.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Monday, November 7, 2005.

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

122.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5033. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Provision of Information to Cooperative Agreement Holders [DFARS Case 2004-D025] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5034. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Payment and Billing Instructions [DFARS Case 2003-D009] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5035. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 2004-D024] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5036. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Anti-Money Laundering Programs for Insurance Companies (RIN: 1056-AA70) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5037. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Requirement that Insurance Companies Report Suspicious Transactions (RIN: 1506-AA36) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5038. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Extension of Corporate Powers (RIN: 3064-AC94) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5039. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5040. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5041. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5042. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5043. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5044. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5057. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5058. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5059. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5060. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5061. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5062. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5063. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5064. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Listing Gila Chub as Endangered with Critical Habitat (RIN: 1018-AG16) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5065. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Allium munzii (Munz's onion) (RIN: 1018-AJ10) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5066. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (*Enhydra lutris kenyoni*) (RIN: 1018-AI44) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5067. A letter from the Acting Chief, Publications and Regulations Branch, Department of Treasury, transmitting the Service's final rule—Settlement Initiative [Announcement 2005-80] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5068. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Taxation of DISC Income to Shareholders (Rev. Rul. 2005-70) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5069. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Rev. Rul. 2005-67) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5070. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-71) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5071. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule—Balanced System for Measuring Organizational and Employee Performance within the Internal Revenue Service [TD 9227] (RIN: 1545-BE46) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5072. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Excise Tax Changes Under SAFETEA and the Energy Act; Dye Injection [Notice 2005-80] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5073. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—South Asia Earthquake Occurring on October 8, 2005, Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code [Notice 2005-78] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5074. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Additional Relief for Certain Employee Benefit Plans as a Result of Hurricane Katrina [Notice 2005-84] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5075. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Treatment of Income in Excess of Daily Accruals on Residual Interests (Rev. Rul. 2005-68) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5076. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-70) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5077. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Elimination of Filing Requirement for Nonresident Alien Individuals with United States Source Effectively Connected Wages below the Personal Exemption Amount [Notice 2005-77] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5078. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Withholding on Wages of Nonresident Alien Employees Performing Services within the United States [Notice 2005-76] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5079. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Amendment to Sunset Date of Section 1441 Voluntary Compliance Program under Rev. Proc. 2004-59 (Rev. Proc. 2005-71) received November 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5080. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guidelines IRC Section 461(f) Contested Liabilities [UIL No. 9300.30-00] received November 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5081. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Revisions to Payment Policies Under the Physi-

cian Fee Schedule for Calendar Year 2006 and Certain Provisions Related to the Competitive Acquisition Program of Outpatient Drugs and Biologicals Under Part B [CMS-1502-FC and CMS-325-F] (RIN: 0938-AN84) (RIN: 0938-AN58) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5082. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2006 Payment Rates [CMS-1501-FC] (RIN: 0938-AN46) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶122.6 ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 38); as amended:

Whereas Israel has been trying to join the Organisation for Economic Co-operation and Development (OECD) since 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria;

Whereas in March 2005, OECD Secretary-General Donald Johnston stated that expanding the OECD's membership to include more countries is vital if the group is to remain a forum for discussing global economic policies;

Whereas in 2004, Israeli Foreign Minister Silvan Shalom and then Finance Minister Binyamin Netanyahu sent a joint letter to the foreign and finance ministers of the 30 member countries of the OECD, stating that Israel's involvement as a non-member country in the OECD's various committees is increasing, and that Israel meets the economic and institutional criteria required to join the OECD;

Whereas in October 2004, then Israeli Finance Minister Binyamin Netanyahu stated that joining the OECD was of strategic importance for repositioning Israel's economy from an emerging market to a developed one, adding that membership in the OECD would attract foreign investment;

Whereas in August 2004, the Israel Laboratory Accreditation Authority was invited to become a full member of the OECD Environment Policy Committee, the first committee that Israel has been invited to join as a full member;

Whereas Israel was asked to take part in the OECD's Insurance and Commerce Committees;

Whereas in March 2005, Israel was formally accepted as an observer on the OECD's Financial Statistics Committee, allowing experts from the Bank of Israel and Central Bureau of Statistics to participate in the committee's meetings;

Whereas the World Bank ranks Israel among the 25 countries in which it is easiest to do business;

Whereas Israel's tax burden, encompassing income and property taxes, customs duties, value-added taxes (VAT) and national insurance, is much lower than in most OECD member countries;

Whereas membership in the OECD could enhance Israel's status on the global market and within international financial institutions, lowering the risk factor on foreign loans to Israel;

Whereas Israel's economic and technological standing could potentially benefit OECD member countries in the science and

technology, including high-technology, sectors;

Whereas in 2003, the World Economic Forum ranked Israel 20th out of 102 countries in its Growth Competitiveness Index, and the World Economic Forum's Technology Index ranked Israel 9th, before Canada (11th), Norway (13th), Germany (14th), the United Kingdom (16th), and the Netherlands (18th); and

Whereas Israel is carrying out far reaching economic reforms based on the OECD's recommendations with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, and transport; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) Israel shares the commitment to democratic government and the market economy that is the foundation of the Organisation for Economic Co-operation and Development (OECD);

(2) Israel meets the OECD's membership requirements and has been an active participant as a non-member country in various OECD activities, such as adherence to the OECD Declaration on International Investment and Multinational Enterprises; and

(3) the United States Government should support and advocate the accession of Israel to the OECD, including through coordination of efforts with Mexico, Great Britain, and other countries supportive of Israel's membership in the OECD.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶122.7 OLD MINT AT SAN FRANCISCO COMMEMORATIVE COIN

Mrs. KELLY moved to suspend the rules and pass the bill (H.R. 1953) to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady", and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. KELLY and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Wednesday, November 9, 2005.

¶122.8 COMMENDING EMPLOYERS OF
MOBILIZED NATIONAL GUARD

Mr. Sam JOHNSON of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 302); as amended:

Whereas as of early November 2005, more than 460,000 members of the National Guard and the other reserve components have been mobilized for active duty since September 11, 2001, leaving their families to protect the United States in the Global War on Terrorism or to support hurricane disaster relief operations;

Whereas during this period of increased mobilization and deployment, employers in the spirit of patriotism have maintained job security for those mobilized reserve-component members and their families;

Whereas the Civilian Employment Information Program of the Department of Defense, a database program implemented by the Department of Defense as of March 31, 2004, to identify employers of the 1,100,000 members of the National Guard and the other reserve components, will enable the Department of Defense to improve communication with the employer community and target support and render assistance to employers of reserve component personnel who are identified for mobilization;

Whereas employers of all sizes understand that the predictable mobilization and deployment of members of the National Guard and the other reserve components are the keys to building and maintaining employer support;

Whereas the employer community continues to work with the Department of Defense to show its support for the National Guard and the other reserve components and to better understand and adhere to the obligations spelled out in the Uniformed Services Employment and Reemployment Rights Act; and

Whereas the employer community recognizes that the missions and duties of members of the Armed Forces both abroad and in securing the homeland will be necessary: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the employers of members of the National Guard and the other reserve components deserve the Nation's sincere recognition and gratitude for their sacrifice and strong support of the goals and struggles of the United States during the Global War on Terrorism and in support of hurricane disaster relief operations;

(2) those distinguished employers of the members of the National Guard and the other reserve components who have gone above and beyond the obligations and requirements of the Uniformed Services Employment and Reemployment Rights Act deserve the Nation's commendation; and

(3) the Secretary of Defense should continue to develop long-term strategies to maintain a high level of support between the Department of Defense and employers of members of the National Guard and the other reserve components by—

(A) continuing to build and maintain the Civilian Employment Information Program database of the Department of Defense implemented by the Department of Defense as of March 31, 2004;

(B) continuing to work with employers to build a more predictable system for the mo-

bilization and demobilization of members of the reserve components; and

(C) encouraging officials of the Department to actively seek opportunities to address employer groups on future mobilization plans and future roles of the reserve components.

The SPEAKER pro tempore, Mr. FEENEY, recognized Mr. Sam JOHNSON of Texas and Mr. KIND, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Sam JOHNSON of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶122.9 GRANT W. GREEN POST OFFICE
BUILDING

Mr. WESTMORELAND moved to suspend the rules and pass the bill (H.R. 3770) to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

The SPEAKER pro tempore, Mr. FEENEY, recognized Mr. WESTMORELAND and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶122.10 CLAYTON J. SMITH MEMORIAL
POST OFFICE BUILDING

Mr. WESTMORELAND moved to suspend the rules and pass the bill (H.R. 3825) to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

The SPEAKER pro tempore, Mr. FEENEY, recognized Mr. WESTMORELAND and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.11 LILLIAN KINKELLA KEIL POST
OFFICE

Mr. WESTMORELAND moved to suspend the rules and pass the bill (H.R. 4053) to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

The SPEAKER pro tempore, Mr. FEENEY, recognized Mr. WESTMORELAND and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.12 FAIR ACCESS FOSTER CARE

Mr. HERGER moved to suspend the rules and pass the bill of the Senate (S. 1894) to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The SPEAKER pro tempore, Mr. FEENEY, recognized Mr. HERGER and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HERGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Wednesday, November 9, 2005.

¶122.13 TRANSPORTATION, TREASURY,
HUD, JUDICIARY, AND DISTRICT OF
COLUMBIA APPROPRIATIONS FY 2006

On motion of Mr. KNOLLENBERG, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. KNOLLENBERG, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶122.14 MOTION TO INSTRUCT
CONFEREES—H.R. 3058

Mr. OLVER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 3058, be instructed to recede to the Senate levels for the National Railroad Passenger Corporation and the revitalization of severely distressed public housing (HOPE VI) and recede to the Senate on Section 722 of the Senate amendment.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶122.15 APPOINTMENT OF CONFEREES—
H.R. 3058

Thereupon, the SPEAKER pro tempore, Mr. SIMMONS, by unanimous consent, appointed Messrs. KNOLLENBERG, WOLF, ROGERS of Kentucky, TIAHRT, Mrs. NORTHUP, Messrs. ADERHOLT, SWEENEY, CULBERSON, REGULA, LEWIS of California, OLVER, HOYER, PASTOR, Ms. KILPATRICK of Michigan, Messrs. CLYBURN, ROTHMAN, and OBEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶122.16 LABOR, HHS, AND EDUCATION
APPROPRIATIONS FY 2006

On motion of Mr. REGULA, by direction of the Committee on Appropriations and pursuant to clause 1 of rule

XXII, the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. REGULA, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶122.17 MOTION TO INSTRUCT
CONFEREES—H.R. 3010

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate on H.R. 3010, be instructed to insist that the conference agreement include:

(a) Not less than \$8.095 billion to adequately prepare the nation for a flu pandemic;

(b) \$5.1 billion for the Low Income Home Energy Assistance Program, an increase of \$3.1 billion over the House bill, to help the elderly and the poor cope with rising energy prices;

(c) An additional \$1.583 billion over the House bill to promote life through doing real things to reduce the pressure for abortions by making it economically easier for low-income and vulnerable women to choose to carry pregnancies to term, including increases above the House bill of \$175 million for the Maternal and Child Health Block Grant, \$98 million for Healthy Start, \$200 million for childcare, \$500 million for after-school centers, \$155 million for Head Start, \$330 million for the Community Services Block Grant, and \$125 million for Domestic Violence Prevention;

(d) An additional \$476 million over the House bill to help maintain the basic health care safety net, including providing the full increase requested by the President for Community Health Centers, and keeping funding at no less than last year's level for the Healthy Communities Access Program and key health professions programs;

(e) An additional \$5.5 billion over the House bill to provide meaningful educational opportunities for America's children, including a \$3 billion increase over the House bill for Title 1 grants to make progress on No Child Left Behind funding promises so that low-income children can learn, a \$1.6 billion increase over the House bill to meet our commitments to children with disabilities, a \$100 million increase over the House bill to alleviate the impact of military dependents on local schools; and an \$840 million increase over the House bill to boost the maximum Pell Grant by \$200 in order to partially offset a 34% increase in college costs since 2001;

(f) An additional \$439 million over the House bill to protect American workers, wages and jobs by investing in job training and worker protection programs at home and abroad, including restoring an 87% cut in funding for the International Labor Affairs Bureau at the Department of Labor; and

(g) Offsetting the cost of the above, and producing additional deficit reduction, through reductions in tax cuts for households with incomes above \$1,000,000.

After debate,

¶122.18 POINT OF ORDER

Mr. REGULA made a point of order against the motion to instruct, and said:

"Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to the conference. And I ask for a ruling from the Chair."

Mr. OBEY was recognized to speak to the point of order and said:

"Mr. Speaker, if one looks at the Budget Act, the purpose of the Budget Act was to force a Congress to get away from runaway spending and runaway deficits by forcing the Congress to confront trade-offs between spending and revenues. In fact, the Congress is being prevented from doing that and the Congress is being shielded from facing those explicit trade-offs unless amendments such as this are offered and debated fully in the House.

"We recognize that funding for these programs under the budget resolution is being cut back in order to make room in that same budget resolution for the tax cuts that have been provided and to make room for further tax cuts which the majority party is talking about offering this week. If we cannot offer this kind of an amendment, then it would seem to me that the entire budget process has been intellectually corrupted and turned into a mere enforcement mechanism for majority party will rather than being used as a device to work out an explicit and forthright set of trade-offs.

"I would urge the Chair to reject the point of order."

The SPEAKER pro tempore, Mr. SIMMONS, sustained the point of order, and said:

"The Chair is prepared to rule on the point of order.

"The Chair finds that the proposed instructions dwell their operative focus on matters not within the scope of the differences committed to conference by the two Houses.

"On these premises, the Chair holds that the instructions do exceed the scope of conference.

"The point of order is sustained."

Mr. OBEY appealed the ruling of the Chair.

The question being stated, *viva voce*, Will the decision of the Chair stand as the judgment of the House?

Mr. REGULA moved to lay the appeal on the table.

The question being put, *viva voce*,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 218
affirmative { Nays 173

¶122.19 [Roll No. 573]

YEAS—218

Aderholt	Gibbons	Northup
Akin	Gilchrest	Nunes
Alexander	Gillmor	Nussle
Bachus	Gingrey	Osborne
Baker	Gohmert	Otter
Barrett (SC)	Goode	Oxley
Bartlett (MD)	Goodlatte	Paul
Barton (TX)	Granger	Pearce
Bass	Graves	Pence
Beauprez	Green (WI)	Peterson (PA)
Biggert	Hall	Petri
Bilirakis	Hart	Pickering
Bishop (UT)	Hastings (WA)	Pitts
Blackburn	Hayes	Platts
Blunt	Hayworth	Pombo
Boehlert	Hefley	Porter
Boehner	Hensarling	Price (GA)
Bonilla	Herger	Pryce (OH)
Bonner	Hobson	Putnam
Bono	Hoekstra	Radanovich
Boozman	Hostettler	Ramstad
Boustany	Hulshof	Regula
Bradley (NH)	Hunter	Rehberg
Brady (TX)	Hyde	Reichert
Burgess	Inglis (SC)	Renzi
Burton (IN)	Issa	Reynolds
Buyer	Istook	Rogers (AL)
Calvert	Jenkins	Rogers (KY)
Camp	Jindal	Rogers (MI)
Cannon	Johnson (CT)	Rohrabacher
Cantor	Johnson (IL)	Ros-Lehtinen
Capito	Johnson, Sam	Royce
Carter	Keller	Ryan (WI)
Castle	Kelly	Ryun (KS)
Chabot	Kennedy (MN)	Saxton
Chocola	King (IA)	Schmidt
Coble	King (NY)	Schwartz (MI)
Cole (OK)	Kingston	Sensenbrenner
Conaway	Kirk	Sessions
Crenshaw	Kline	Shadegg
Cubin	Knollenberg	Shaw
Culberson	Kolbe	Shays
Cunningham	Kuhl (NY)	Sherwood
Davis (KY)	LaHood	Shimkus
Davis, Jo Ann	Latham	Shuster
Davis, Tom	LaTourette	Simmons
Deal (GA)	Leach	Simpson
DeLay	Lewis (CA)	Smith (NJ)
Dent	Lewis (KY)	Smith (TX)
Diaz-Balart, L.	Linder	Sodrel
Diaz-Balart, M.	LoBiondo	Stearns
Doolittle	Lucas	Sullivan
Drake	Lungren, Daniel	Sweeney
Dreier	E.	Tancredo
Duncan	Mack	Taylor (NC)
Ehlers	Manzullo	Terry
Emerson	McCaul (TX)	Thomas
English (PA)	McCotter	Thornberry
Everett	McCrery	Tiahrt
Feeney	McHenry	Tiberi
Ferguson	McHugh	Turner
Fitzpatrick (PA)	McKeon	Upton
Flake	McMorris	Walden (OR)
Foley	Mica	Walsh
Forbes	Miller (FL)	Wamp
Fortenberry	Miller (MI)	Weldon (FL)
Fossella	Miller, Gary	Weldon (PA)
Fox	Moran (KS)	Weller
Franks (AZ)	Murphy	Wicker
Frelinghuysen	Musgrave	Wilson (NM)
Gallely	Myrick	Wilson (SC)
Garrett (NJ)	Neugebauer	Wolf
Gerlach	Ney	Young (AK)

NAYS—173

Abercrombie	Capps	Davis (FL)
Allen	Capuano	Davis (IL)
Baca	Cardin	DeFazio
Baird	Cardoza	DeGette
Baldwin	Carnahan	Delahunt
Barrow	Carson	DeLauro
Bean	Case	Dicks
Becerra	Chandler	Doggett
Berkley	Clay	Edwards
Berry	Cleaver	Emanuel
Bishop (GA)	Clyburn	Engel
Bishop (NY)	Cooper	Eshoo
Blumenauer	Costa	Etheridge
Boren	Costello	Evans
Boucher	Cramer	Farr
Boyd	Cuellar	Fattah
Brown (OH)	Davis (AL)	Filner
Butterfield	Davis (CA)	Ford

Frank (MA)	Marshall	Ryan (OH)
Gonzalez	Matheson	Sabo
Gordon	Matsui	Salazar
Green, Al	McCarthy	Sánchez, Linda
Green, Gene	McCollum (MN)	T.
Grijalva	McDermott	Sanchez, Loretta
Gutierrez	McGovern	Sanders
Harman	McIntyre	Schakowsky
Hereth	McKinney	Schiff
Higgins	McNulty	Schwartz (PA)
Hinojosa	Meehan	Scott (GA)
Hinojosa	Meek (FL)	Scott (VA)
Holden	Melancon	Skelton
Holt	Menendez	Slaughter
Honda	Michaud	Smith (WA)
Hoolley	Miller (NC)	Snyder
Hoyer	Miller, George	Spratt
Inslee	Mollohan	Stark
Israel	Moore (KS)	Strickland
Jackson (IL)	Moore (WI)	Stupak
Jackson-Lee	Murtha	Tanner
(TX)	Nadler	Tauscher
Jefferson	Napolitano	Taylor (MS)
Johnson, E. B.	Neal (MA)	Thompson (CA)
Kanjorski	Kaptur	Thompson (MS)
Kaptur	Kennedy (RI)	Tierney
Kennedy (RI)	Kildee	Oliver
Kildee	Kind	Ortiz
Kind	Kucinich	Pastor
Langevin	Langevin	Pelosi
Lantos	Lantos	Peterson (MN)
Larsen (WA)	Larsen (WA)	Pomeroy
Larson (CT)	Larson (CT)	Price (NC)
Levin	Rahall	Rangel
Lewis (GA)	Rangel	Reyes
Lipinski	Reyes	Ross
Lofgren, Zoe	Ross	Rothman
Lowe	Rothman	Roybal-Allard
Lynch	Roybal-Allard	Ruppersberger
Maloney	Ruppersberger	Rush
Markey	Rush	

NOT VOTING—42

Ackerman	Notknecht	Pallone
Andrews	Harris	Pascrell
Berman	Hastings (FL)	Payne
Boswell	Hinche	Poe
Brady (PA)	Jones (NC)	Serrano
Brown (SC)	Jones (OH)	Sherman
Brown, Corrine	Kilpatrick (MI)	Solis
Brown-Waite,	Lee	Souder
Ginny	Marchant	Towns
Conyers	Meeks (NY)	Velázquez
Crowley	Millender-	Waters
Cummings	McDonald	Westmoreland
Davis (TN)	Moran (VA)	Whitfield
Dingell	Norwood	Young (FL)
Doyle	Owens	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶122.20 H. RES. 38—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 38) expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 391
affirmative { Nays 0

¶122.21 [Roll No. 574]

YEAS—391

Abercrombie	Bachus	Bartlett (MD)
Aderholt	Baird	Barton (TX)
Akin	Baker	Bass
Alexander	Baldwin	Bean
Allen	Barrett (SC)	Beauprez
Baca	Barrow	Becerra

Berkley	Fortenberry	Lynch
Berry	Fossella	Mack
Biggert	Fox	Maloney
Bilirakis	Frank (MA)	Manzullo
Bishop (GA)	Franks (AZ)	Markey
Bishop (NY)	Frelinghuysen	Marshall
Bishop (UT)	Gallely	Matheson
Blackburn	Garrett (NJ)	Matsui
Blumenauer	Gerlach	McCarthy
Blunt	Gibbons	McCaul (TX)
Boehlert	Gilchrest	McCollum (MN)
Boehner	Gillmor	McCotter
Bonilla	Gingrey	McCrery
Bonner	Gohmert	McDermott
Bono	Gonzalez	McGovern
Boozman	Goode	McHenry
Boren	Goodlatte	McHugh
Boucher	Gordon	McIntyre
Boustany	Granger	McKeon
Boyd	Graves	McKinney
Bradley (NH)	Green (WI)	McMorris
Brady (TX)	Green, Al	McNulty
Brown (OH)	Green, Gene	Meehan
Burgess	Grijalva	Meek (FL)
Burton (IN)	Gutierrez	Melancon
Butterfield	Hall	Menendez
Buyer	Harman	Mica
Calvert	Hart	Michaud
Cannon	Hastings (WA)	Miller (FL)
Cantor	Hayes	Miller (MI)
Capito	Hayworth	Miller (NC)
Capps	Hefley	Miller, Gary
Capuano	Hensarling	Miller, George
Cardin	Herger	Mollohan
Cardoza	Hereth	Moore (KS)
Carnahan	Higgins	Moore (WI)
Carson	Hinojosa	Moran (KS)
Carter	Hobson	Moran (VA)
Case	Hoekstra	Murphy
Castle	Holden	Murtha
Chabot	Holt	Musgrave
Chandler	Honda	Myrick
Chocola	Hooley	Nadler
Clay	Hostettler	Napolitano
Cleaver	Hoyer	Neal (MA)
Clyburn	Hulshof	Neugebauer
Coble	Hunter	Ney
Cole (OK)	Hyde	Northup
Conaway	Inglis (SC)	Nunes
Crenshaw	Inslee	Nussle
Cubin	Israel	Oberstar
Culberson	Issa	Obey
Cunningham	Istook	Oliver
Davis (AL)	Johnson (IL)	Ortiz
Davis (CA)	Johnson, E. B.	Osborne
Davis (FL)	Johnson, Sam	Otter
Davis (IL)	Jones (NC)	Oxley
Davis (KY)	Kanjorski	Pastor
Davis, Jo Ann	Kaptur	Pearce
Davis, Tom	Keller	Pelosi
Deal (GA)	Kelly	Pence
DeFazio	Kennedy (MN)	Peterson (MN)
Delahunt	Kennedy (RI)	Peterson (PA)
DeLauro	Kildee	Petri
DeLay	Kind	Pickering
Dent	King (IA)	Pitts
Diaz-Balart, L.	King (NY)	Platts
Diaz-Balart, M.	Kingston	Poe
Dicks	Kirk	Pombo
Doggett	Kline	Pomeroy
Doolittle	Knollenberg	Porter
Drake	Kolbe	Price (GA)
Dreier	Kucinich	Price (NC)
Duncan	Kuhl (NY)	Pryce (OH)
Edwards	LaHood	Putnam
Ehlers	Langevin	Radanovich
Emanuel	Lantos	Rahall
Emerson	Larsen (WA)	Ramstad
Engel	Larson (CT)	Rangel
English (PA)	Latham	Regula
Eshoo	LaTourette	Rehberg
Etheridge	Leach	Reichert
Evans	Levin	Renzi
Everett	Lewis (CA)	Reyes
Farr	Lewis (GA)	Reynolds
Fattah	Lewis (KY)	Rogers (AL)
Feeney	Linder	Rogers (KY)
Ferguson	Lipinski	Rogers (MI)
Filner	LoBiondo	Rohrabacher
Fitzpatrick (PA)	Lofgren, Zoe	Ros-Lehtinen
Flake	Lowe	Ross
Foley	Lucas	Rothman
Forbes	Lungren, Daniel	Roybal-Allard
Ford	E.	Royce
		Ruppersberger
		Rush
		Ryan (OH)
		Ryan (WI)
		Ryun (KS)
		Sabo

Table listing members of the House of Representatives by state, including names like Salazar, Smith (WA), Udall (NM), Bachus, English (PA), LaTourette, Rogers (AL), Shaw, Thornberry, etc.

NOT VOTING—42

Table listing members who did not vote, including names like Ackerman, Doyle, Pallone, Andrews, Pascrell, etc.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution expressing support for the accession of Israel to the Organisation for Economic Co-operation and Development (OECD)."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶122.22 H. RES. 302—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 302) recognizing and commending the continuing dedication and commitment of employers of the members of the National Guard and other reserve components who have been mobilized during the Global War on Terrorism and in defense of the United States; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 395 affirmative } Nays 0

¶122.23 [Roll No. 575]

YEAS—395

Table listing members who voted in favor, including names like Abercrombie, Akin, Allen, Aderholt, Alexander, Baca, etc.

Table listing members who did not vote, including names like Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (TX), Brown (OH), Brown (SC), Burgess, Burton (IN), Butterfield, Buyer, Harman, Hart, Hastings (WA), Hayworth, etc.

Table listing members who did not vote, including names like Ackerman, Gutknecht, Harris, Hastings (FL), Hayes, etc.

NOT VOTING—38

Table listing members who did not vote, including names like Ackerman, Gutknecht, Harris, Hastings (FL), Hayes, etc.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶122.24 H.R. 3770—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3770) to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 393 affirmative } Nays 1

¶122.25 [Roll No. 576]

YEAS—393

Table listing members who voted in favor, including names like Aderholt, Barton (TX), Blackburn, Akin, Bass, Blumenauer, Alexander, Bean, Blunt, Allen, Beauprez, Boehlert, Baca, Becerra, Boehner, Bachus, Berkley, Bonilla, Baird, Berry, Bonner, Baker, Biggert, Bono, Baldwin, Bilirakis, Boozman, Barrett (SC), Bishop (GA), Boren, Barrow, Bishop (NY), Boucher, Bartlett (MD), Bishop (UT), Boustany, etc.

Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLaHunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gichrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode

Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseeth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowe
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry

McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg

Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney

Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh

Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Abercrombie

NOT VOTING—39

Ackerman
Andrews
Berman
Boswell
Brady (PA)
Brown, Corrine
Brown-Waite,
Ginny
Conyers
Crowley
Cummings
Davis (TN)
Dingell
Gutknecht

Pallone
Pascrell
Payne
Serrano
Sherman
Kilpatrick (MI)
Lee
Marchant
Meeks (NY)
Millender-
McDonald
Napolitano
Norwood
Owens

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.26 APPOINTMENT OF CONFEREES— H.R. 3010

The SPEAKER pro tempore, Mr. BASS, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, WALSH, LEWIS of California, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Messrs. JACKSON of Illinois, KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶122.27 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2862

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-277) the resolution (H. Res. 538) waiving points of order against the conference report to accompany the bill (H.R. 2862) making appropriations

for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶122.28 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2419

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-278) the resolution (H. Res. 539) waiving points of order against the conference report to accompany the bill (H.R. 2419) making appropriations for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶122.29 PROVIDING FOR THE CONSIDERATION OF H.R. 1751

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-279) the resolution (H. Res. 540) providing for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶122.30 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1285. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

¶122.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. MILLENDER-MCDONALD, for today;

To Mr. NORWOOD, for the weeks of November 1 and November 7;

To Mr. RYAN of Wisconsin, for today;

To Ms. WATERS, for today;

To Mr. YOUNG of Florida, for November 7 through November 9; and

To Mr. SHERMAN, for today.

And then,

¶122.32 ADJOURNMENT

On motion of Mr. DELAHUNT, at 7 o'clock and 58 minutes p.m., the House adjourned.

¶122.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 538. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of

State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-277). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 539. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-278). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 540. Resolution providing for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. 109-279). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1630. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2006 through 2008, and for other purposes (Rept. 109-280). Referred to the Committee of the Whole House on the State of the Union.

¶122.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH:

H.R. 4248. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. RAMSTAD):

H.R. 4249. A bill to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself and Mr. MANZULLO):

H.R. 4250. A bill to eliminate fees for assistance provided by the Department of Commerce and agencies thereof under export promotion programs, to authorize appropriations for such purpose, to direct the Secretary of Commerce to take certain steps to expand export promotion activities, and for other purposes; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. FORD, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. CASE, and Mr. BASS):

H.R. 4251. A bill to help relieve the shortage in the supply of firewood for home heating use by making additional quantities of free firewood available to individuals from National Forest System lands; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself, Mr. BARTON of Texas, Mr.

POE, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. EDWARDS, Mr. DOGGETT, Mr. CUELLAR, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. REYES, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mr. HALL, and Mr. ORTIZ):

H.R. 4252. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. JONES of North Carolina):

H.R. 4253. A bill to expand the authority of the Secretary of Homeland Security to transport and remove aliens unlawfully present in the United States; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. COSTA, Mr. EMANUEL, Mr. FORD, Mr. SCOTT of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, and Ms. WASSERMAN SCHULTZ):

H.R. 4254. A bill to establish a commission on corporate entitlement reform; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Ms. BORDALLO, Mr. FORTUÑO, Mrs. CHRISTENSEN, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. BURTON of Indiana, and Mr. FALEOMAVAEGA):

H.R. 4255. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Resources.

By Mr. LANGEVIN:

H.R. 4256. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mrs. CUBIN, and Ms. HERSETH):

H.R. 4257. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture.

By Mr. SHAYS (for himself and Mr. LANTOS):

H.R. 4258. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that evacuation procedures are included as a part of State and local emergency preparedness operational plans; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. REHBERG, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. HOLT, and Mr. STRICKLAND):

H.R. 4259. A bill to establish the Veterans' Right to Know Commission; to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. HONDA, and Ms. BORDALLO):

H. Con. Res. 293. Concurrent resolution supporting the observance of a Campaign to End AIDS Advocacy Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. UDALL of Colorado, Mr. GORDON, Mr. BOEHLERT, Mr. EHLERS, Mr. WU, and Mr. HOLT):

H. Res. 541. A resolution honoring Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hansch for being awarded the Nobel Prize in Physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for being awarded the Nobel Prize in Chemistry for 2005, and for other purposes; to the Committee on Science.

¶122.35 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 4260) for the relief of Muhammad Amjad Khan, Samina Khan, Madiha Khan, Zainab Khan, and Tayyab Khan; which was referred to the Committee on the Judiciary.

¶122.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mr. SWEENEY.

H.R. 303: Mr. KUHL of New York and Ms. HARMAN.

H.R. 389: Mr. FILNER.

H.R. 414: Mr. ENGLISH of Pennsylvania and Mr. BUTTERFIELD.

H.R. 503: Mrs. JO ANN DAVIS of Virginia.

H.R. 521: Mr. OLVER.

H.R. 558: Ms. GRANGER.

H.R. 583: Mrs. DAVIS of California.

H.R. 586: Mr. HASTINGS of Washington, Mr. ADERHOLT, and Mrs. JO ANN DAVIS of Virginia.

H.R. 597: Mr. ISTOOK.

H.R. 670: Mr. RUPPERSBERGER.

H.R. 690: Mr. MORAN of Virginia.

H.R. 913: Mr. CALVERT.

H.R. 927: Mrs. JONES of Ohio.

H.R. 972: Mr. CANNON, Mr. GORDON, and Mr. HONDA.

H.R. 995: Mr. BRADY of Pennsylvania, Mr. FILNER, and Ms. MILLENDER-McDONALD.

H.R. 999: Mr. LAHOOD.

H.R. 1000: Mr. DOYLE.

H.R. 1120: Mr. FRANK of Massachusetts and Mr. FATTAH.

H.R. 1144: Mr. WAXMAN, Mr. DOGGETT, Mr. McNULTY, Mr. McDERMOTT, Mr. BRADY of Pennsylvania, and Mr. EMANUEL.

H.R. 1176: Mr. KENNEDY of Minnesota.

H.R. 1227: Mr. DAVIS of Illinois.

H.R. 1298: Mr. ANDREWS.

H.R. 1348: Mr. LEWIS of Georgia.

H.R. 1357: Mrs. SCHMIDT.

H.R. 1416: Mr. CAPUANO, Mr. LANGEVIN, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. WU, Ms. HOOLEY, Mr. LARSON of Connecticut, Mr. BISHOP of New York, Mr. DELAHUNT, and Mr. TIERNEY.

H.R. 1449: Mr. ISTOOK.

H.R. 1849: Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. FOLEY.

H.R. 2012: Mr. GORDON, Mr. CALVERT, and Mr. CANNON.

H.R. 2047: Mr. STUPAK.

H.R. 2052: Mr. CUMMINGS.
 H.R. 2053: Mr. CUMMINGS.
 H.R. 2177: Mr. MCCOTTER.
 H.R. 2357: Mr. FORTUÑO.
 H.R. 2525: Mr. SHIMKUS.
 H.R. 2533: Mr. GRAVES, Mr. FITZPATRICK of Pennsylvania, and Mr. LOBIONDO.
 H.R. 2658: Mr. REHBERG.
 H.R. 2669: Mr. FRELINGHUYSEN and Mr. KIRK.
 H.R. 2892: Mr. MARKEY and Mr. GRIJALVA.
 H.R. 2989: Mrs. BIGGERT and Mr. LOBIONDO.
 H.R. 3049: Ms. SCHAKOWSKY.
 H.R. 3082: Mr. MARSHALL.
 H.R. 3189: Mr. WEXLER.
 H.R. 3284: Mr. FATTAH.
 H.R. 3502: Mr. NADLER.
 H.R. 3582: Ms. ROS-LEHTINEN.
 H.R. 3616: Mr. SIMMONS.
 H.R. 3705: Mr. LEACH.
 H.R. 3715: Mr. GERLACH.
 H.R. 3776: Mr. GOODLATTE.
 H.R. 3782: Mr. LEACH.
 H.R. 3795: Mr. KIND and Mr. MCNULTY.
 H.R. 3868: Mr. CARTER and Mr. CALVERT.
 H.R. 3889: Mr. ISTOOK, Mr. FILNER, Mr. SALAZAR, and Mr. SESSIONS.
 H.R. 3944: Mr. HIGGINS, Mr. SALAZAR, and Mr. MCINTYRE.
 H.R. 3973: Mrs. NAPOLITANO.
 H.R. 3986: Mr. MENENDEZ.
 H.R. 4029: Mr. CLAY, Mr. BRADY of Pennsylvania, and Ms. LEE.
 H.R. 4032: Mr. MARCHANT, Mr. FOLEY, Mr. WELDON of Florida, and Mr. PRICE of Georgia.
 H.R. 4050: Mr. SALAZAR.
 H.R. 4079: Mr. ISTOOK.
 H.R. 4089: Mr. KUHLMANN of New York.
 H.R. 4093: Ms. GINNY BROWN-WAITE of Florida and Mr. HASTINGS of Washington.
 H.R. 4098: Mr. MARSHALL, Ms. ROS-LEHTINEN, Mr. COLE of Oklahoma, Mr. WYNN, Mr. WAMP, Mr. STRICKLAND, Mr. BROWN of South Carolina, and Mr. CLAY.
 H.R. 4126: Mr. CASE.
 H.R. 4134: Mr. BRADLEY of New Hampshire.
 H.R. 4145: Mr. HOLT, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, Mr. BACHUS, Mr. SCHIFF, and Mr. KNOLLENBERG.
 H.R. 4168: Mr. MURPHY, Mr. ALEXANDER, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 4194: Mr. LANGEVIN, Ms. WATSON, Mr. INSLEE, Mr. TIERNEY, Ms. DEGETTE, and Mr. UDALL of New Mexico.
 H.R. 4200: Mr. GALLEGLY, Mr. MCHUGH, Mr. LUCAS, Mr. MORAN of Kansas, and Mr. MANZULLO.
 H.R. 4232: Mr. MCDERMOTT.
 H.R. 4238: Mr. SAM JOHNSON of Texas and Ms. HARRIS.
 H.R. 4239: Mrs. EMERSON and Mr. EDWARDS.
 H. Con. Res. 42: Mr. MATHESON.
 H. Con. Res. 52: Mr. ISTOOK.
 H. Con. Res. 230: Mr. CAPUANO, Mr. STEARNS, Mr. BASS, Mr. MARKEY, Mr. SHIMKUS, Mr. KELLER, Mr. WESTMORELAND, Mr. INGLIS of South Carolina, Mr. MEEK of Florida, Mr. LEWIS of Kentucky, and Mr. GONZALEZ.
 H. Con. Res. 268: Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. REHBERG, Mr. UPTON, Mr. BEAUPREZ, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. FLAKE.
 H. Con. Res. 280: Mr. MCNULTY and Mr. MEEKS of New York.
 H. Con. Res. 284: Mr. BLUMENAUER and Mr. MEEKS of New York.
 H. Con. Res. 285: Mr. WELDON of Florida and Mr. UPTON.
 H. Res. 302: Mr. COSTA and Ms. NORTON.
 H. Res. 335: Mr. BAIRD, Mr. EHLERS, and Mr. SHAYS.
 H. Res. 458: Mr. CUMMINGS.
 H. Res. 466: Mr. FITZPATRICK of Pennsylvania.
 H. Res. 479: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
 H. Res. 505: Mr. HOLT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr.

CLYBURN, Mr. WAXMAN, Ms. CARSON, Mr. MICHAUD, Mr. WU, Mr. MENENDEZ, Mr. SHERMAN, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. CLEAVER, Mr. FATTAH, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DICKS, Ms. HOOLEY, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. RUSH, Mr. VIS-CLOSKY, Ms. LINDA T. SANCHEZ of California, Mr. ENGEL, Mrs. MCCARTHY, Mr. EVANS, Mr. WEINER, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Ms. BERKLEY, Mr. AL GREEN of Texas, and Ms. WATERS.

H. Res. 507: Mr. MORAN of Virginia.

H. Res. 535: Mr. CONYERS, Mr. MCNULTY, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ETHERIDGE, Mrs. MCCARTHY, Mr. NADLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. WEINER, Mrs. MALONEY, Mr. WEXLER, Mr. DOGGETT, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, Mr. EMANUEL, Mr. MENENDEZ, Mr. BERMAN, Mr. FALOMAVAEGA, Mr. MCCOTTER, Mrs. CAPPAS, Mr. KIRK, and Mr. LEACH.

¶122.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Mr. BARTLETT of Maryland.

H.R. 3146: Mr. PRICE of Georgia.

WEDNESDAY, NOVEMBER 9, 2005 (123)

¶123.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. MILLER of Michigan, who laid before the House the following communication:

WASHINGTON, DC,

November 9, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶123.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced she had examined and approved the Journal of the proceedings of Tuesday, November 8, 2005.

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

¶123.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5083. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantined Areas [Docket No. 05-067-1] received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5084. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's report on the differing Army and Air Force policies for taking adverse administrative actions against National Guard officers in a State status and a determination as to whether changes are needed in those policies, pursuant to 32 U.S.C. 104 note Public Law 107-314 section 511(b); to the Committee on Armed Services.

5085. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General

William Welser III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5086. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Philip R. Kensinger, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5087. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Walter E. Buchanan III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5088. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Michael W. Peterson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

5089. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William T. Hobbins, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5090. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Michael D. Maples, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

5091. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Patrick M. Walsh, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5092. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5093. A letter from the Comptroller, Department of Defense, transmitting notification of advance billing for the Defense-Wide Working Capital Fund, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

5094. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FMA-7780] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5095. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7893] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5096. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-7577] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5097. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 19, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Financial Services.

5098. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7891] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5099. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA200-5100; FRL-7985-6] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; PM10 Designation of Areas for Air Quality Planning Purposes, Lamar [CO-001-0076a; FRL-7983-4] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections [Docket No. R08-OAR-2005-UT-0002; FRL-7987-9] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the Control of Visible Emissions Rule [R04-OAR-2005-NC-0001-200503, FRL-7988-2] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard [R04-OAR-2005-TN-0006-200519(a); FRL-7990-3] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [R09-OAR-2005-CA-0005; FRL-7986-8] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards and Practices for All Appropriate Inquiries [SFUND-2004-0001; FRL-7989-7] (RIN: 2050-AF04) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Dela-

ware; Ambient Air Quality Standard for Ozone and Fine Particulate Matter [R03-OAR-2005-DE-0001; FRL-7992-3] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5108. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Repeal of NOx Budget Program COMAR 26.11.27 and 26.11.28 [R03-OAR-2005-MD-0005; FRL-7992-5] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5109. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Provo Attainment Demonstration of the Carbon Monoxide Standard, Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [RME Docket Number R08-OAR-2005-UT-0006; FRL-7992-6] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5110. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants [OAR-2002-0031; FRL-7992-8] (RIN: 2060-AK50) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Guideline on Air Quality Models (appendix W to 40 CFR Part 51): Adoption of a preferred general purpose (flat and complex terrain) dispersion model and other revisions [AH-FRL-7990-9] (RIN: 2060-AK60) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5112. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for FY 2003 and 2004 on the implementation of the National Do Not Call Registry, pursuant to The Do Not Call Implementation Act; to the Committee on Energy and Commerce.

5113. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran, as declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-68); to the Committee on International Relations and ordered to be printed.

5114. A letter from the Director, Pentagon Renovation Program, Department of Defense, transmitting the Department's certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

5115. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5116. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act

of 1998; to the Committee on Government Reform.

5117. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5118. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5119. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5120. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5121. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5122. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2004 prepared in accordance with Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

5123. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Government Reform.

5124. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's strategic plan for fiscal years 2006 through 2011, in accordance with Pub. L. 103-62; to the Committee on Government Reform.

5125. A letter from the Director, Office of Management and Budget, transmitting a report entitled "Statistical Programs of the United States Government: Fiscal Year 2006"; to the Committee on Government Reform.

5126. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5127. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5128. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-03; I.D. 090105A] (RIN: 0648-AT48) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5129. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Provisions for Claiming the Benefit of a Provisional Application with

a Non-English Specification and Other Miscellaneous Matters [Docket No.: 2005-P-053] (RIN: 0651-AB65) received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Onslow Beach, North Carolina [CGD05-05-048] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; CSX Railroad, Hillsborough River, mile 0.7 Tampa, FL [CGD07-04-148] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; High Capacity Passenger Vessels in the Seventeenth Coast Guard District [CGD17-05-003] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶123.4 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2419

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 539):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that the yeas had it.

Mr. HASTINGS of Washington demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.5 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2862

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 538):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.6 PROVIDING FOR THE CONSIDERATION OF H.R. 1751

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 540):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.7 MESSAGE FROM THE PRESIDENT

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

¶123.8 H. RES. 539—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 539) waiving points of order against the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 412 affirmative } Nays 2

¶123.9 [Roll No. 577]

YEAS—412

Abercrombie	Blackburn	Capito
Ackerman	Blunt	Capps
Aderholt	Boehler	Capuano
Akin	Boehner	Cardin
Alexander	Bonilla	Cardoza
Allen	Bonner	Carmahan
Andrews	Bono	Carson
Baca	Boozman	Carter
Bachus	Boren	Case
Baird	Boucher	Castle
Baker	Boustany	Chabot
Baldwin	Boyd	Chandler
Barrett (SC)	Bradley (NH)	Chocola
Barrow	Brady (PA)	Clay
Bartlett (MD)	Brady (TX)	Cleaver
Barton (TX)	Brown (OH)	Clyburn
Bass	Brown (SC)	Coble
Bean	Brown, Corrine	Cole (OK)
Beauprez	Burgess	Conyers
Becerra	Burton (IN)	Cooper
Berry	Butterfield	Costa
Biggart	Buyer	Costello
Bilirakis	Calvert	Cramer
Bishop (GA)	Camp	Crenshaw
Bishop (NY)	Cannon	Crowley
Bishop (UT)	Cantor	Cubin

Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel

Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Simmons
Simpson
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney

Northup
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)

Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen

Velázquez
Viscosky
Walden (OR)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)

Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel

Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
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Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney

Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)

NAYS—2

NOT VOTING—19

Berman
Blumenauer
Boswell
Brown-Waite,
Ginny
Conaway
Davis (FL)

Diaz-Balart, L.
Fossella
Hastings (FL)
Jones (OH)
Kilpatrick (MI)
Turner
Walsh
Young (FL)

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

123.10 H. RES. 538—UNFINISHED

BUSINESS

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 538) waiving points of order against the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,
Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 410
affirmative Nays 0

123.11 [Roll No. 578]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono

Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn

Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Kirk
Kline
Knollenberg
Kolbe
Kucinich

Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel

Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney

Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)

Whitfield Wilson (SC) Wu
 Wicker Wolf Wynn
 Wilson (NM) Woolsey Young (AK)

NOT VOTING—23

Berman Gonzalez Solis
 Boswell Hastings (FL) Stark
 Brown-Waite, Jefferson Strickland
 Ginny Jenkins Sweeney
 Conaway Jones (OH) Turner
 Davis (FL) Kilpatrick (MI) Walsh
 Diaz-Balart, L. Millender- Young (FL)
 Emanuel McDonald
 Fossella Norwood

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶123.12 H. RES. 540—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 540) providing for consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 412
 affirmative } Nays 0

¶123.13 [Roll No. 579] YEAS—412

Abercrombie Calvert Dicks
 Aderholt Camp Dingell
 Akin Cannon Doggett
 Alexander Cantor Doolittle
 Allen Capito Doyle
 Andrews Capps Drake
 Baca Capuano Dreier
 Bachus Cardin Duncan
 Baird Cardoza Edwards
 Baker Carnahan Ehlers
 Baldwin Carson Emerson
 Barrett (SC) Carter Engel
 Barrow Case English (PA)
 Bartlett (MD) Castle Eshoo
 Barton (TX) Chabot Etheridge
 Bass Chandler Evans
 Bean Choccola Everett
 Beauprez Clay Farr
 Becerra Cleaver Fattah
 Berkley Clyburn Feeney
 Berry Coble Ferguson
 Biggart Cole (OK) Filner
 Bilirakis Conyers Fitzpatrick (PA)
 Bishop (GA) Cooper Flake
 Bishop (NY) Costa Foley
 Bishop (UT) Costello Forbes
 Blackburn Cramer Ford
 Blumenauer Crenshaw Fortenberry
 Blunt Crowley Foxx
 Boehlert Cubin Frank (MA)
 Boehner Cuellar Franks (AZ)
 Bonilla Frelinghuysen
 Bonner Cummings Gallegly
 Bono Cunningham Garrett (NJ)
 Boozman Davis (AL) Gerlach
 Boren Davis (CA) Gibbons
 Boucher Davis (IL) Gilchrest
 Boustany Davis (KY) Gillmor
 Boyd Davis (TN) Gingrey
 Bradley (NH) Davis, Tom Gohmert
 Brady (PA) Deal (GA) Goode
 Brady (TX) DeFazio Goodlatte
 Brown (OH) DeGette Gordon
 Brown (SC) Delahunt Granger
 Brown, Corrine DeLauro Graves
 Burgess DeLay Green (WI)
 Butterfield Dent Green, Al
 Buyer Diaz-Balart, L. Green, Gene
 Diaz-Balart, M. Grijalva

Gutierrez McCarthy Roybal-Allard
 Gutknecht McCaul (TX) Royce
 Hall McCollum (MN) Ruppersberger
 Harman McCotter Rush
 Harris McCreery Ryan (OH)
 Hart McDermott Ryan (WI)
 Hastings (WA) McGovern Ryun (KS)
 Hayes McHenry Sabo
 Hayworth McHugh Salazar
 Hefley McIntyre Sánchez, Linda
 Hensarling McKeon T.
 Herger McKinney Sanchez, Loretta
 Herseht McMorris Sanders
 Higgins McNulty Saxton
 Hinchey Meehan Schakowsky
 Hinojosa Meek (FL) Schiff
 Hobson Meeks (NY) Schmidt
 Hoekstra Melancon Schwartz (PA)
 Holden Menendez Schwarz (MI)
 Holt Mica Scott (GA)
 Honda Michaud Scott (VA)
 Hooley Miller (FL) Sensenbrenner
 Hostettler Miller (MI) Serrano
 Hoyer Miller (NC) Sessions
 Hulshof Miller, Gary Shadegg
 Hunter Miller, George Shaw
 Hyde Mollohan Shays
 Inglis (SC) Moore (KS) Sherman
 Inslee Moore (WI) Sherwood
 Israel Moran (KS) Shimkus
 Issa Moran (VA) Shuster
 Istook Murphy Simmons
 Jackson (IL) Murtha Simpson
 Jackson-Lee Musgrave Skelton
 (TX) Myrick Slaughter
 Jefferson Nadler Smith (NJ)
 Jenkins Napolitano Smith (TX)
 Jindal Neal (MA) Smith (WA)
 Johnson (CT) Neugebauer Snyder
 Johnson (IL) Ney Sodrel
 Johnson, E. B. Northup Souder
 Johnson, Sam Nunes Spratt
 Jones (NC) Nussle Stark
 Kanjorski Oberstar Stearns
 Kaptur Obey Stupak
 Keller Olver Sullivan
 Kelly Ortiz Tancredo
 Kennedy (MN) Osborne Tanner
 Kennedy (RI) Otter Tauscher
 Kildee Owens Taylor (MS)
 Kind Oxley Taylor (NC)
 King (IA) Pallone Terry
 King (NY) Pascrell Thomas
 Kingston Pastor Thompson (CA)
 Kirk Paul Thompson (MS)
 Kline Payne Thornberry
 Knollenberg Pearce Tiahrt
 Kolbe Pelosi Tiberi
 Kucinich Pence Tierney
 Kuhl (NY) Peterson (MN) Towns
 LaHood Peterson (PA) Udall (CO)
 Langevin Lantos Udall (NM)
 Larson (WA) Pitts Upton
 Larson (CT) Platts Van Hollen
 Latham Poe Velázquez
 LaTourette Pombo Visclosky
 Leach Pomeroy Walden (OR)
 Lee Porter Wamp
 Levin Price (GA) Wasserman
 Lewis (CA) Price (NC) Schultz
 Lewis (GA) Pryce (OH) Waters
 Lewis (KY) Putnam Watson
 Linder Radanovich Watt
 Lipinski Rahall Waxman
 LoBiondo Ramstad Weiner
 Lofgren, Zoe Rangel Weldon (FL)
 Lowey Regula Weldon (PA)
 Lucas Rehberg Weller
 Lungren, Daniel Reichert Westmoreland
 E. Renzi Wexler
 Lynch Reyes Whitfield
 Mack Reynolds Wicker
 Maloney Rogers (AL) Wilson (NM)
 Manzullo Rogers (KY) Wilson (SC)
 Marchant Rogers (MI) Wolf
 Markey Rohrabacher Woolsey
 Marshall Ros-Lehtinen Wu
 Matheson Ross Wynn
 Matsui Rothman Young (AK)

NOT VOTING—21

Ackerman Emanuel Norwood
 Berman Fossella Solis
 Boswell Gonzalez Strickland
 Brown-Waite, Hastings (FL) Sweeney
 Ginny Jones (OH) Turner
 Conaway Kilpatrick (MI) Walsh
 Davis (FL) Millender- Young (FL)
 Davis, Jo Ann McDonald

So the resolution was agreed to.
 A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶123.14 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2490. An Act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 3339. An Act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 797. An Act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

The message also announced that the Senate concurs in the amendments of the House to the text and title of the bill (S. 1713) "An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments."

¶123.15 ENERGY AND WATER APPROPRIATIONS FY 2006

Mr. HOBSON, pursuant to House Resolution 539, called up the following conference report (Rept. No. 108-275):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) "making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I
 CORPS OF ENGINEERS—CIVIL
 DEPARTMENT OF THE ARMY
 CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations,

and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$164,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, within the funds provided under this heading, \$1,000,000 shall be available for planning assistance to the state of Ohio for Stark County watershed basin study:

Provided further, That using \$8,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive hurricane protection study at full federal expense to develop and present a full range of flood, coastal and hurricane protection measures exclusive of normal policy considerations for south Louisiana and the Secretary shall submit a feasibility report for short-term protection within 6 months of enactment of this Act, interim protection within 12 months of enactment of this Act and long-term comprehensive protection within 24 months of enactment of this Act: Provided further, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: Provided further, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,372,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund; and of which \$12,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which \$500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1963; and of which \$7,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which \$40,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which \$15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which \$300,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which \$30,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which \$30,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which \$5,000,000 shall be exclusively

for projects and activities authorized under sections 204 and 207 of the Water Resources Development Act of 1992 and section 933 of the Water Resources Development Act of 1986: Provided, That the Chief of Engineers is directed to use \$11,250,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use \$1,500,000 of the funds provided herein for the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use \$13,000,000 of the funds appropriated herein for the navigation project at Kaunapali Harbor, Hawaii: Provided further, That the Chief of Engineers is directed to use \$4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program for seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That \$600,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program shall be available for Dover Dam, Ohio: Provided further, That the Chief of Engineers is directed to use \$9,500,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use \$5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use \$5,600,000 of the funds appropriated herein for planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$16,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137), and, of the \$15,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, \$10,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That \$300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered: Provided

further, That \$35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410-r-8: Provided further, That the Secretary is directed to use \$2,000,000 of the funds appropriated herein to provide a grant to the City of Caliente, Nevada, for the City to expend for the purpose of purchasing construction equipment to be used by the City in constructing local flood control measures.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Chief of Engineers is directed to use \$20,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$9,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers (the "Corps"), including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$1,989,000,000, to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That

using \$275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$160,000,000, to remain available until expended.

REVOLVING FUND

None of the funds in title I of this Act or otherwise available to the Corps of Engineers shall be available for the rehabilitation and lead and asbestos abatement of the dredge McFarland.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$154,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That the Secretary is directed to use \$4,500,000 of the funds appropriated herein to conduct, at full federal expense and in close cooperation with state and local governments, comprehensive analyses that examine multi-jurisdictional use and management of water resources on a watershed or regional scale.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), \$4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed \$5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2006, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project or activity;
- (3) increases funds or personnel for any program, project or activity for which funds have been denied or restricted by this Act;
- (4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose;
- (5) augments existing programs, projects or activities in excess of \$2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations;
- (6) reduces existing programs, projects or activities in excess of \$2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

- (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;
- (2) a delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and
- (3) an identification of items of special congressional interest: Provided further, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

(d) None of the funds received as a non-federal share for project costs by any agency funded in title I of this Act shall be available for reprogramming.

SEC. 102. Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the River and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99-662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed \$100,000,000 in each fiscal year.

SEC. 103. In order to protect and preserve the integrity of the water supply against further degradation, none of the funds made available under this Act and any other Act hereafter may be used by the Army Corps of Engineers to support activities related to any proposed new landfill in the Muskingum Watershed if such landfill—

- (1) has not received a permit to construct from the State agency with responsibility for solid waste management in the watershed;
- (2) has not received waste for disposal during 2005; and
- (3) is not contiguous or adjacent to a portion of a landfill that has received waste for disposal in 2005 and each landfill is owned by the same person or entity.

SEC. 104. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 105. ST. GEORGES BRIDGE, DELAWARE.—None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 106. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

SEC. 107. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 108. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: Provided, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC. 109. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 110. Section 123 of Public Law 108-137 (117 Stat. 1837) is amended by striking "in accordance with the Baltimore Metropolitan Water Resources-Gwynns Fall Watershed Feasibility Report" and all that follows and inserting the following language in lieu thereof: "in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated April 2004. The non-Federal sponsor shall receive credit toward its share of project costs for work carried out by the non-Federal sponsor prior to execution of a project cooperation agreement, if the Secretary determines that the work is integral to the project. The non-Federal sponsor may also receive credit for any work performed by the non-Federal sponsor pursuant to a project cooperation agreement. The non-Federal sponsor shall be reimbursed for any work performed by the non-Federal sponsor that is in excess of the non-Federal share of project costs."

SEC. 111. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 112. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA. Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking "\$229,581,000" and inserting "\$358,000,000".

SEC. 113. TRUCKEE MEADOWS FLOOD CONTROL PROJECT, NEVADA.—The non-federal funds expended for purchase of lands, easements and

rights-of-way, implementation of project monitoring and assessment, and construction and implementation of recreation, ecosystem restoration, and water quality improvement features, including the provision of 6700 acre-feet of water rights no later than the effective date of the Truckee River Operating Agreement for revegetation, reestablishment and maintenance of riverine and riparian habitat of the Lower Truckee River and Pyramid Lake, whether expended prior to or after the signing of the Project Cooperation Agreement (PCA), shall be fully credited to the non-federal sponsor's share of costs for the project: provided, That for the purposes of benefit-cost ratio calculations in the General Reevaluation Report (GRR), the Truckee Meadows Nevada Flood Control Project shall be defined as a single unit and non-separable.

SEC. 114. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 115. Section 529(b)(3) of Public Law 106-541 is amended by striking "\$10,000,000" and inserting "\$20,000,000" in lieu thereof.

SEC. 116. YAZOO BASIN, BIG SUNFLOWER RIVER, MISSISSIPPI.—The Yazoo Basin, Big Sunflower River, Mississippi, project authorized by the Flood Control Act of 1944, as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control and reduction of sedimentation, erosion and headcutting in watersheds of the Yazoo Basin: Yazoo Headwater and Big Sunflower.

SEC. 117. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property"; and

(2) in section 103(c)(7)—
(A) by striking "There is" and inserting the following: "(A) IN GENERAL.—There is"; and
(B) by striking "\$2,000,000" and all that follows and inserting the following: "\$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

"(B) FUNDING.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569)."

SEC. 118. Section 593(h) of Public Law 106-541 is amended by striking "\$25,000,000" and inserting "\$50,000,000" in lieu thereof.

SEC. 119. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of \$222,000,000.

SEC. 120. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106-53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106-554; 114 Stat. 2763A-220), is further amended by adding at the end the following:

"(72) ALPINE, CALIFORNIA.—\$10,000,000 is authorized for a water transmission main, Alpine, CA."

SEC. 121. (a) The Secretary of the Army may carry out and fund projects to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by subsection (b) and may award grants and enter into contracts, cooperative agreements, or interagency agreements with participants in the Endangered Species Act Collaborative Program Workgroup referenced in section 209(a) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1850) in order to carry out such projects. Any project undertaken under this subsection shall require a non-Federal cost share of 25 percent, which may be provided through in-kind services or direct cash contributions and which shall be credited on a project-by-project basis, with reconciliation of total project costs and total non-Federal cost share calculated on a three year incremental basis. Non-Federal cost share that exceeds that which is required in any calculated three year increment shall be credited to subsequent three year increments.

(b) Section 205(b) of Public Law 108-447 (118 Stat. 2949) is amended by adding "and any amendments thereto" after the word "2003".

SEC. 122. BLUESTONE, WEST VIRGINIA. Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking "4 years" and inserting "5 years";

(2) in subsection (b)(1)(B)(iii) by striking "if all" and all that follows through "facility" and inserting "assurance project";

(3) in subsection (b)(1)(C) by striking "and construction" and inserting ", construction, and operation and maintenance";

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

"(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).";

(5) in subsection (c)(1)—
(A) by striking "No" and inserting "Unless otherwise provided, no";

(B) by inserting "planning," before "design"; and

(C) by striking "prior to" and all that follows through "subsection (d)";

(6) in subsection (c)(2) by striking "design" and inserting "planning, design,";

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.";

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

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ", except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers."; and
(D) by adding at the end the following:

"(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.";

(8) in subsection (e) by striking "in accordance" and all that follows through "58 Stat. 890");

(9) in subsection (f)—

(A) by striking "facility of the interconnected systems of reservoirs operated by the Secretary" each place it appears and inserting "facilities under construction under such agreements"; and

(B) by striking "design" and inserting "planning, design";

(10) in subsection (f)(2)—

(A) by "Secretary" each place it appears and inserting "Tri-Cities Power Authority"; and

(B) by striking "facilities referred to in subsection (a)" and inserting "such facilities";

(11) by striking paragraph (1) of subsection (g) and inserting the following:

"(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and";

(12) in subsection (g)(2) by striking "such facilities" and all that follows through "the Secretary" and inserting "the generating facility"; and

(13) by adding at the end the following:

"(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".

SEC. 123. (a) IN GENERAL.—

(1) After the date of enactment of this Act, the Secretary of the Army shall carry out the project for wastewater infrastructure, DeSoto County, Mississippi, authorized by section 219(f)(30) of Public Law 102-580, as amended, in accordance with the provisions of this subsection.

(2) The non-Federal interest shall be primarily responsible for carrying out work on the project referred to in paragraph (1) that is not covered by the Project Cooperation Agreement executed on May 13, 2002 or any amendments thereto, including work associated with the design, construction, management, and administration of the project. The non-Federal interest may carry out work on the project subject to obtaining any permits required pursuant to Federal and State laws and subject to general supervision and administrative oversight by the Secretary of the Army.

(3) The Federal share of project costs incurred by the non-Federal interest in carrying out work on the project as provided for in paragraph (2) shall equal 75 percent of the total cost of the work and shall be in the form of grants or reimbursements, except that the total amount of Federal funds available for the project, including that portion of the project carried out as provided for in paragraph (2), may not exceed \$55,000,000.

(b) TECHNICAL AMENDMENT.—Section 6006 of the Emergency Supplemental Appropriations Act, 2005 (119 Stat. 282) is amended by striking "between May 13, 2002, and September 30, 2005" and inserting "after May 13, 2002" in lieu thereof.

SEC. 124. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102-580 and modified by Public Law 108-7 (H.J. Res. 2) Consolidated Appropriations Resolution, 2003, section 107 is further modified to provide that the costs incurred for design and construction of the project channel crossings in the reach of the channels from Shelbourne Avenue proceeding north along the alignment of Durango Drive and continuing east along the Southern Beltway to Martin Avenue shall be added to the authorized cost of the project and such costs shall be cost shared and shall not be considered part of the non-Federal

sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project.

SEC. 125. RESTORATION OF THE LAKE MICHIGAN WATERFRONT AND RELATED AREAS, LAKE AND PORTER COUNTIES, INDIANA.—The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to carry out a continuing program for the restoration of the Lake Michigan Waterfront and Related Areas, Lake and Porter Counties, Indiana.

(1) DEFINITIONS.—

(A) Related areas are defined as adjacent or close sites that have an impact or influence on the waterfront areas or aquatic habitat.

(B) Restore is defined as—

(i) activities that improve a site's ecosystem function, structure, and dynamic processes to a less degraded and more natural condition, and/or

(ii) the management of contaminants that allow the site to be safely used for ecological and/or economic purposes.

(2) JUSTIFICATION.—Projects can be justified by ecosystem benefits, clean-up of contaminated sites, public health, safety, economic benefits or any combination of these. Sites restored for economic purposes can be redeveloped by others. Restoration sites may include compatible recreation facilities that do not diminish the restoration purpose and do not increase the Federal cost share by more than 10 percent.

(3) COST SHARING.—The construction of projects are cost shared at 65 percent Federal and 35 percent non-Federal except when there is a demonstration of innovative technology. The cost share is then 85 percent Federal and 15 percent non-Federal.

(4) CREDIT.—

(A) The Secretary shall credit the non-Federal interest for the value of any lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas required for carrying out a project. When the cost of the provision of all lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas exceeds the non-Federal share, as identified in paragraph (3), the non-Federal interest may waive any right under Federal cost-sharing policy to receive cash reimbursement for any such value in excess of the non-Federal share as identified in paragraph (3).

(B) The non-Federal interest may provide up to 100 percent of the non-Federal share required under paragraph (3) in the form of services, materials, supplies, or other in-kind contributions including monies paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or jurisdictional consent decree but may not include any monies paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

(C) The total of non-Federal credit for services, materials, supplies, or other in-kind contributions when combined with lands, easements, rights-of-way, relocations, excavated and/or dredged material disposal areas shall not exceed the non-Federal share identified in paragraph (3).

(5) OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION.—Operation, maintenance, repair, replacement and rehabilitation is 100 percent non-Federal cost.

(6) HOLD HARMLESS.—Non-Federal interests hold and save harmless the United States free from claims or damages due to implementation of the project except for negligence of the government.

(7) AUTHORIZED APPROPRIATIONS.—There is authorized to be appropriated to carry out this program \$20,000,000 for each fiscal year.

SEC. 126. CHESAPEAKE BAY OYSTER RESTORATION, MARYLAND AND VIRGINIA.—The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking "\$20,000,000" and inserting "\$30,000,000".

SEC. 127. The project for flood control, Little Calumet River, Indiana, authorized by section

401(a) of Public Law 99-662 (100 Stat. 4115) is modified to authorize the Secretary of the Army to complete the project in accordance with the post authorization change report dated August 2000 at a total cost of \$198,000,000 with an estimated Federal cost of \$148,500,000 and an estimated non-Federal cost of \$49,500,000.

SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA (FOLSOM DAM AND PERMANENT BRIDGE).—(a) COORDINATION OF FLOOD DAMAGE REDUCTION AND DAM SAFETY.—The Secretary of the Army and the Secretary of the Interior are directed to collaborate on authorized activities to maximize flood damage reduction improvements and address dam safety needs at Folsom Dam and Reservoir, California. The Secretaries shall expedite technical reviews for flood damage reduction and dam safety improvements. In developing improvements under this section, the Secretaries shall consider reasonable modifications to existing authorized activities, including a potential auxiliary spillway. In conducting such activities, the Secretaries are authorized to expend funds for coordinated technical reviews and joint planning, and preliminary design activities.

(b) SECRETARY'S ROLE.—Section 134 of Public Law 108-137 (117 Stat. 1842) is modified to read as follows:

"SEC. 134. BRIDGE AUTHORIZATION.

"There is authorized to be appropriated to the Secretary of the Army \$30,000,000 for the construction of the permanent bridge described in section 128(a), above the \$36,000,000 provided for in the recommended plan for bridge construction. The \$30,000,000 shall not be subject to cost sharing requirements with non-Federal interests."

(c) CONFORMING CHANGE.—Section 128(a) of Public Law 108-137 (117 Stat. 1838) is modified by deleting "above the \$36,000,000 provided for in the recommended plan for bridge construction," and inserting in lieu thereof the following: "above the sum of the \$36,000,000 provided for in the recommended plan for bridge construction and the amount authorized to be appropriated by section 134, as amended,".

(d) MAXIMUM COST OF PROJECT.—The costs cited in subsections (b) and (c) shall be adjusted to allow for increases pursuant to section 902 of Public Law 99-662 (100 Stat. 4183). For purposes of making adjustments pursuant to this subsection, the date of authorization of the bridge project shall be December 1, 2003.

(e) EXPEDITED CONSTRUCTION.—The Secretary, in coordination with the Secretary of the Interior and affected non-federal officials (including the City of Folsom, California), shall expedite construction of a new bridge and associated roadway authorized in Public Law 108-137. The Secretary, to the extent practicable, may construct such work in a manner that is compatible with the design and construction of authorized projects for flood damage reduction and dam safety. The Secretary and the Secretary of the Interior shall expedite actions under their respective jurisdictions to facilitate timely completion of construction.

(f) REPORT TO CONGRESS.—The Secretary of the Army, in consultation with the Secretary of the Interior and non-federal interests, shall report to Congress within ninety days of the date of enactment of this Act, and at four-month intervals thereafter, on the status and schedule of planning, design and construction activity.

SEC. 129. JACKSONVILLE HARBOR, FLORIDA.—(a) The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$14,658,000, with an estimated Federal cost of \$9,636,000 and an estimated non-Federal cost of \$5,022,000.

(b) The non-Federal share of the costs of the General Reevaluation Reports on the Jackson-

ville Harbor which were begun prior to August 2004, shall be consistent with the non-Federal costs in implementing the overall construction project.

SEC. 130. Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking "\$60,000,000" and inserting "\$240,000,000".

SEC. 131. ONONDAGA LAKE, NEW YORK.—Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f) by striking "\$10,000,000" and inserting "\$30,000,000";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government."

SEC. 132. WHITE RIVER BASIN, ARKANSAS.—(a) MINIMUM FLOWS.—

(1) IN GENERAL.—The Secretary is authorized and directed to implement alternatives BS-3 and NF-7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) COST SHARING AND ALLOCATION.—Reallocation of storage and planning, design and construction of White River Minimum Flows project facilities shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)). The non-Federal interests shall provide relocations or modifications to public and private lakeside facilities at Bull Shoals Lake and Norfork Lake to allow reasonable continued use of the facilities with the storage reallocation as determined by the Secretary in consultation with the non-Federal interests. Operations and maintenance costs of the White River Minimum Flows project facilities shall be 100 percent Federal. All Federal costs for the White River Minimum Flows project shall be considered non-reimbursable.

(3) IMPACTS ON NON-FEDERAL PROJECT.—The Administrator of Southwestern Power Administration, in consultation with the project licensee and the relevant state public utility commissions, shall determine any impacts on electric energy and capacity generated at Federal Energy Regulatory Commission Project No. 2221 caused by the storage reallocation at Bull Shoals Lake, based on data and recommendations provided by the relevant state public utility commissions. The licensee of Project No. 2221 shall be fully compensated by the Corps of Engineers for those impacts on the basis of the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project. Such costs shall be included in the costs of implementing the White River Minimum Flows project and allocated in accordance with subsection (a)(2) above.

(4) OFFSET.—In carrying out this subsection, losses to the Federal hydropower purpose of the Bull Shoals and Norfork Projects shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of the Southwestern Power Administration on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

(b) FISH HATCHERY.—In constructing, operating, and maintaining the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to the Federal hydropower purpose of the Beaver Lake Project shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Such reduction shall be determined by the Administrator of

the Southwestern Power Administration based on the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time operation of the hatchery begins.

(c) REPEAL.—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) and section 304 of the Water Resources Development Act of 2000 (Public Law 106-541) are repealed.

CALCASIEU SHIP CHANNEL, LOUISIANA.—

(a) IN GENERAL.—At such time as Pujio Heirs and Westland Corporation convey all right, title, and interest in and to the real property described in paragraph (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (b)(2) to Pujio Heirs and Westland Corporation.

(b) LAND DESCRIPTION.—The parcels of land referred to in paragraph (a) are the following:

(1) NON-FEDERAL INTEREST IN LAND.—An easement for placement of dredged materials over a contiguous equivalent area to the real property described in subparagraph (2). The parcels on which such an easement may be exchanged is all of the area within the diked or confined boundaries of the Corps of Engineers Dredge Material Placement Area M comprising Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E-3, Tract 140E, or some combination thereof.

(2) FEDERAL INTEREST IN LAND.—An easement for placement of dredged materials over an area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E-2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and other tracts known as Corps of Engineers Dredge Material Placement Area O.

(c) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the real property described in paragraph (b)(2) to Pujio Heirs and Westland Corporation shall be by a quitclaim deed.

(2) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (a) shall be completed not later than six months after the date of enactment of this Act.

(3) INCREMENTAL COSTS.—As determined by the Secretary, incremental costs to the Lake Charles Harbor and Terminal District associated with the preparation of the area and the placement of dredge material in the new disposal easement area, paragraph (b)(1), including, site preparation costs, associated testing, permitting, mitigation and diking costs associated with such new disposal easement over the costs that would have been incurred in the placement of dredge material in the old disposal easement area, paragraph (b)(2) (comprising all of Corps of Engineers Dredge Material Placement Area O) up to the disposal capacity equivalent of the property described in paragraph (b)(2), shall be made available by the Owners. Owners shall make appropriated guarantees, as agreed to by the Secretary, that funds will be available as needed to cover such incremental costs. The Lake Charles Harbor and Terminal District, as local sponsor for the Calcasieu Ship Channel Project, shall not be assessed or caused to incur any costs arising out of, associated with or as a consequence of the land exchange authorized under paragraph (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujio Heirs and Westland Corporation by the Secretary under paragraph (a) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujio Heirs and Westland Cor-

poration under paragraph (a), Pujio Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

SEC. 134. PROJECT MODIFICATION.—(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280-281) is modified—

(1) to deauthorize the ecosystem restoration portion of the project that consists of approximately 90 acres of land located between Randol Mill and the Union Pacific East/West line; and

(2) to authorize the Secretary of the Army to design and construct an ecosystem restoration project on lands identified in subsection (c) that will provide the same or greater level of national ecosystem restoration benefits as the portion of the project described in paragraph (1).

(b) CREDIT TOWARD FEDERAL SHARE.—The Secretary of the Army shall credit toward the Federal share of the cost of the modified project the costs incurred by the Secretary to carry out the project as originally authorized under section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(c) COMPARABLE PROPERTY.—Not later than 6 months after the date of enactment of this Act, the City of Arlington, Texas, shall identify lands, acceptable to the Secretary of the Army, amounting to not less than 90 acres within the City, where an ecosystem restoration project may be constructed to provide the same or greater level of National ecosystem restoration benefits as the land described in subsection (a)(1).

SEC. 135. Funds made available in Public Law 105-62 and Public Law 105-245 for Hudson River, Athens, New York, shall be available for projects in the Catskill/Delaware watersheds in Delaware and Greene Counties, New York, under the authority of the New York City Watershed Environmental Assistance Program.

SEC. 136. None of the funds contained in title I of this Act shall be available to permanently reassign or to temporarily reassign in excess of 180 days personnel from the Charleston, South Carolina district office: Provided, That this limitation shall not apply to voluntary change of station.

SEC. 137. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to design and construct until hereafter completed, the recreation and access features designated as Phase II of the Louisville Waterfront Park, Kentucky, as described in the Louisville Waterfront Park, Phases II and III, Detailed Project Report, by the Louisville District of the Corps of Engineers dated May 2002. The project shall be cost shared 50 percent Federal and 50 percent non-Federal. The cost of project work undertaken by the non-Federal interests, including but not limited to prior planning, design, and construction, shall be credited toward the non-Federal share of project design and construction costs.

SEC. 138. AKUTAN, ALASKA.—(a) IN GENERAL.—The Secretary of the Army is authorized to carry out the project for navigation, Akutan, Alaska, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$19,700,000.

(b) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

SEC. 139. (a) IN GENERAL.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776) shall be known as and designated as the “Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island”.

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper or other record of the United States (including reference by the Corps of Engineers) to the project referred to in subsection (a) shall be deemed to be a reference to the “Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island”.

(c) EFFECTIVE DATE.—The project designation in this section shall become effective on January 4, 2007.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$32,614,000, to remain available until expended, of which \$946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$883,514,000, to remain available until expended, of which \$59,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That \$500,000 of the funds provided herein shall be used on a non-reimbursable basis to fund the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, Montana, and that Reclamation shall enter into cooperative agreements with the State of Montana or the Black-foot Tribe to carry out such work if the Secretary determines such agreements would be cost-effective and efficient.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$52,219,000, to be derived from such sums as may be collected in the

Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION
(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: Provided further, That \$500,000 shall be transferred to the Army Corps of Engineers to carry out the report on levee stability reconstruction projects and priorities authorized under section 103(f)(3) of Public Law 108-361.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE
INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by

San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: "The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement."

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99-655) is amended by adding at the end the following: "Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River."

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Sec-

retary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 206. WATER DESALINATION ACT.—Section 8 of Public Law 104-298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108-7 (117 Stat. 146) and by section 6015 of Public Law 109-13 is amended by—

(1) in paragraph (a) by striking "2005" and inserting in lieu thereof "2006"; and

(2) in paragraph (b) by striking "2005" and inserting in lieu thereof "2006".

SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100-585, 102 Stat. 2973; Public Law 106-554, 114 Stat. 2763A-266) is amended by striking "within 7 years" and all that follows through "following the date of enactment of this section" and inserting "for each of fiscal years 2006 through 2012".

SEC. 208. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary shall provide not more than \$10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) \$10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) \$5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

(d) For each day after June 30, 2006, on which the Bureau of Reclamation fails to comply with subsections (a), (b), and (c), the total amount

made available for salaries and expenses of the Bureau of Reclamation shall be reduced by \$100,000 per day.

SEC. 209. (a) The Secretary of the Interior is authorized to complete a special report to update the analysis of costs and associated benefits of the Auburn-Folsom South Unit, Central Valley Project, California authorized under Federal reclamation laws and the Act of September 2, 1965, P.L. 89-161, 79 Stat. 615 in order to—

(1) identify those project features that are still relevant;

(2) identify changes in benefit values from previous analyses and update to current levels;

(3) identify design standard changes from the 1978 Reclamation design which require updated project engineering;

(4) assess risks and uncertainties associated with the 1978 Reclamation design;

(5) update design and reconnaissance-level cost estimate for features identified under paragraph (1); and

(6) perform other analyses that the Secretary deems appropriate to assist in the determination of whether a full feasibility study is warranted.

(b) There are authorized to be appropriated \$1,000,000 to carry out this section. The cost of completing this update shall be non-reimbursable.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,830,936,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, \$257,000,000 shall not be available until October 1, 2006: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That \$20,000,000 of uncommitted balances is rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defensible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$597,994,000, to remain available until expended, of which \$18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: Provided, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal

sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, \$50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: Provided further, That for fiscal year 2006 salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from program accounts: Provided further, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$21,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which \$46,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and oper-

ations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6333 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, \$166,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$86,176,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental clean-up activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, \$353,219,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$562,228,000, to be derived from the Fund, to remain available until expended, of which \$20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, \$3,632,718,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, \$150,000,000, to remain available until expended, of which \$100,000,000 shall be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, \$2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, not less than \$500,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: Provided further, That \$7,500,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of

local government: Provided further, That notwithstanding the provisions of Chapters 65 and 75 of Title 31, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$35,000, \$252,817,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2006, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than \$129,817,000: Provided further, That not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report, in unclassified form but with a classified appendix if necessary, on the Department of Energy's plan to bring security for Building 3019 at the Oak Ridge National Laboratory, Oak Ridge, Tennessee, into full compliance with the Department's Design Basis Threat Policy: Provided further, That the report shall include—

(1) a detailed description of any element of the Department's Design Basis Threat Policy that is not to be fully addressed throughout the remaining lifetime of Building 3019;

(2) a detailed description of the security implementation plan, including security personnel, perimeter detection capability, response capabilities, use of security technology, and methods of meeting physical standoff requirements;

(3) a schedule with specific dates describing the milestones to achieve compliance with the Department's Design Basis Threat Policy;

(4) a security management plan signed by the Secretary of Energy specifying the program secretarial offices responsible for implementing and funding the security program, including any incremental funding requirements to upgrade security levels for the period during the material handling and processing activities leading to complete disposition of the stored inventory of special nuclear material; and

(5) the justification for failing to fully comply with the Design Basis Threat Policy, if the Secretary does not intend to implement a security program at Building 3019 that fully complies with the Department's Design Basis Threat requirements for new, continuing operations.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$42,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; \$6,433,936,000, to remain available until expended: Provided, That \$81,350,000 is authorized to be appropriated for Project 01-D-124 HEU materials facility, Y-12 Plant, Oak Ridge, Tennessee: Provided further, That \$7,000,000 is authorized to be appropriated for Project 05-D-140 Project engineering and design (PED), various locations.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,631,151,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$789,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$341,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$6,192,371,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; \$641,998,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$350,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,600,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to \$32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, \$30,166,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to \$3,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$233,992,000, to remain available until expended, of which \$229,596,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, \$6,700,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That of the amount herein appropriated, \$6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to \$279,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$220,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity

of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user

facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste from the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackaging residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. RENO HYDROGEN FUEL PROJECT FUNDING.—(a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration Sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 311. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development: Provided further, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 312. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide, subject to authorization, up to \$10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

SEC. 313. Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)—
(A) in paragraph (2)(A), by striking “2009” each place it appears and inserting “2012”; and
(B) in paragraph (3)—

(i) in subparagraph (B)(ii), by striking “2009” and inserting, “2012”; and
(ii) in subparagraph (C), by striking “2009” and inserting “2012”;

(2) in subsection (b)—

(A) in paragraph (1)—
(i) by striking “(a)(2)” and inserting “(g)”;

and
(ii) by striking “2009” and inserting “2012”;
(B) in paragraph (4), by striking “2009” each place it appears and inserting “2012”; and
(C) in paragraph (5), by striking “2009” and inserting “2012”;

(3) in subsection (c)—
(A) in the matter preceding paragraph (1), by striking, “2009” and inserting “2012”;

(B) in paragraph (1), by striking “2011” and inserting “2014”; and

(C) in paragraph (2), by striking “2017” each place it appears and inserting “2020”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “2011” and inserting “2014”;
(ii) by striking “from funds available to the Secretary” and inserting “subject to the availability of appropriations”; and
(iii) by striking “2016” and inserting “2019”;

and
(B) in paragraph (2)(A), by striking “2017” each place it appears and inserting “2020”;

(5) in subsection (e), by striking “2020” and inserting “2023”;

(6) by redesignating subsection (g) as subsection (h); and

(7) by inserting after subsection (f) the following:

(g) **BASELINE.**—Not later than December 31, 2006, the Secretary shall submit to Congress a report on the construction and operation of the MOX facility that includes a schedule for revising the requirements of this section during fiscal year 2007 to conform with the schedule established by the Secretary for the MOX facility, which shall be based on estimated funding levels for the fiscal year.”.

SEC. 314. **SALES OF URANIUM.**—(a) **IN GENERAL.**—Notwithstanding any other provision of Federal law, including section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-2) and section 3302 of Title 31, United States Code, the Secretary of Energy is authorized to barter, transfer or sell uranium (including natural uranium concentrates, natural uranium hexafluoride, or in any form or assay) and to use any proceeds, without fiscal year limitation, to remediate uranium inventories held by the Secretary.

(b) **ADDITIONAL REQUIREMENTS.**—Any barter, transfer or sale of uranium under subsection (a) shall to the extent possible, be competitive and comply with all applicable Federal procurement laws (including regulations); and shall not exceed 10 percent of the total annual fuel requirements of all licensed nuclear power plants located in the United States for uranium concentrates, uranium conversion, or uranium enrichment.

SEC. 315. Section 130 of Division H (Miscellaneous Appropriations and Offsets) of the Consolidated Appropriations Act, 2004, Public Law 108-199, is hereby amended by striking “is provided for the Coralville, Iowa, project” and all that follows and inserting: “is provided for the Iowa Environmental and Education project to be located in Iowa. No further funds may be disbursed by the Department of Energy until a one hundred percent non-Federal cash and in-kind match of the appropriated Federal funds has been secured for the project by the non-Federal project sponsor: Provided, That the match shall exclude land donations: Provided further, That if the match is not secured by the non-Federal project sponsor by December 1, 2007, the remain-

ing Federal funds shall cease to be available for the Iowa Environmental and Education project.”.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$65,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$12,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$50,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), purchase of promotional items for use in the recruitment of individuals for employment, \$734,376,000, to remain available until expended: Provided, That of the amount appropriated herein, \$46,118,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$617,182,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than \$117,194,000: Provided further, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words “and fiscal year 2006”.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$8,316,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than \$831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2006”.
And the Senate agree to the same.

DAVID L. HOBSON,
RODNEY P.

FRELINGHUYSEN,

TOM LATHAM,
ZACH WAMP,
JO ANN EMERSON,
JOHN DOOLITTLE,
MICHAEL K. SIMPSON,
DENNIS R. REHBERG,
JERRY LEWIS,
PETER J. VISCSLOSKEY,
CHET EDWARDS,
ED PASTOR,
JAMES E. CLYBURN,
MARION BERRY,
DAVID R. OBEY,

Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
CHRISTOPHER S. BOND,
KAY BAILEY HUTCHISON,
WAYNE ALLARD,
HARRY REID,
ROBERT C. BYRD,
PATTY MURRAY,
BRYON L. DORGAN,
DIANNE FEINSTEIN,
TIM JOHNSON,
MARY L. LANDRIEU,
DANIEL K. INOUE,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. ISSA, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.16 MESSAGE FROM THE

PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on November 12, 2004 (69 FR 65513).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2005.

GEORGE W. BUSH.

THE WHITE HOUSE, November 9, 2005.

The message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-68).

¶123.17 SCIENCE, STATE, JUSTICE, AND
COMMERCE APPROPRIATIONS FY 2006

Mr. WOLF, pursuant to House Resolution 538, called up the following conference report (Rept. No. 108-272):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862) "making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$124,456,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and \$11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: Provided further, That not to exceed 26 permanent positions, 21 full-time equivalent workyears and \$3,480,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and \$2,764,000 shall be expended for the Office of

Public Affairs: Provided further, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: Provided further, That not less than \$500,000 shall be used to contract with an independent party to carry out a privacy assessment.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, \$125,000,000, to remain available until expended: Provided, That, of the funds available \$10,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council: Provided further, That of the funds provided, \$20,000,000 is unavailable for obligation until the Department Chief Information Officer submits the plan described in section 110 of this title.

NARROWBAND COMMUNICATIONS/INTEGRATED
WIRELESS NETWORK

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$90,000,000, to remain available until September 30, 2007: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$215,685,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,222,000,000, of which \$45,000,000 shall be derived from prior year unobligated balances from funds previously appropriated, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$68,801,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$11,000,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$661,959,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require addi-

tional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$144,451,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed \$116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than \$28,451,000.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,600,000,000: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$20,000,000 shall remain available until expended: Provided further, That of the funds made available under this heading, \$1,500,000 shall only be available to continue "Operation Streetsweeper".

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS
SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,320,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$793,031,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; of which \$4,000,000 for information technology systems shall remain available until expended; and of

which not less than \$12,000,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, \$8,883,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, such sums as are necessary, to remain available until expended: Provided, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: Provided further, That not to exceed \$9,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,659,000: Provided, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$489,440,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, \$5,728,737,000; of which not to exceed \$150,000,000 shall remain available until expended; of which \$2,288,897,000 shall be for counterterrorism investigations, foreign counter-

intelligence, and other activities related to our national security; and of which not to exceed \$25,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: Provided, That not to exceed \$205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; \$37,608,000, to remain available until expended: Provided, That \$15,108,000 shall be available for the planning, design, and construction of the Federal Bureau of Investigation Center for Integrated Training and Technology Transfer in Redstone Arsenal: Provided further, That \$5,000,000 shall be available for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sample, handling and receipt of hazardous material by the Department of the Army: Provided further, That \$10,000,000 shall be available for equipment and associated costs for a permanent central records complex in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, \$1,686,457,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$923,613,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds

appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: Provided further, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based upon such data, in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further, That of the amount provided under this heading, \$5,000,000, to remain available until expended, shall be for the expenses necessary for site selection, architectural design, site preparation and the development of a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research: Provided further, That any funds remaining shall be applied to the construction of the Center: Provided further, That the Director of the ATF, when considering site selection shall consider a site collocated with other law enforcement and Federal government entities that provide similar training and research.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$4,892,649,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2007: Provided further, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$90,112,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures

which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND
PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); \$386,502,000, including amounts for administrative costs, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: Provided further, That of the amount provided—

(1) \$11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) \$2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) \$986,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(4) \$187,308,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$5,100,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

(C) \$15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108-21;

(5) \$63,075,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) \$39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(7) \$4,958,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) \$2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) \$9,054,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106-386;

(10) \$39,220,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106-386;

(11) \$4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(12) \$13,894,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106-386; and

(13) \$7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106-386.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the

Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21), the Justice for All Act of 2004 (Public Law 108-405), and the Victims of Crime Act of 1984, \$233,233,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; \$1,142,707,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): Provided, That funding provided under this heading shall remain available until expended, as follows—

(1) \$416,478,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

(A) \$10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

(B) \$85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104-294 (42 U.S.C. 13751 note);

(2) \$405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

(3) \$30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(4) \$191,704,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

(5) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386;

(6) \$850,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(7) \$10,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

(8) \$7,500,000 for a prescription drug monitoring program;

(9) \$18,175,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79), of which \$2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) \$10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) \$10,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(12) \$1,000,000 for a capital litigation improvement grant program;

(13) \$5,000,000 for a cannabis eradication program to be administered by the Drug Enforcement Administration;

(14) \$22,000,000 for assistance to Indian tribes, of which—

(A) \$9,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) \$8,000,000 shall be available for the Tribal Courts Initiative; and

(C) \$5,000,000 shall be available for demonstration projects on alcohol and crime in Indian Country; and

(15) \$5,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$50,000,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed \$2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES (INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (including administrative costs), \$478,300,000, to remain available until expended: Provided, That of the funds under this heading, not to exceed \$2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That up to \$34,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration, of which \$5,000,000 shall be available for transfer to the National Institute of Standards and Technology: Provided further, That any balances made available as a result of prior year deobligations in excess of \$34,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

(1) \$30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed \$3,000,000 may be for the National Institute of Justice to test and evaluate vests;

(2) \$63,590,000 is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

(3) \$139,904,000 is for a law enforcement technologies and interoperable communications program;

(4) \$10,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) \$5,000,000 is for an offender re-entry program;

(6) \$108,531,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities, of which \$4,000,000 shall be for grant programs as authorized by sections 412 and 413 of Public Law 108-405;

(7) \$15,000,000 is for law enforcement assistance to Indian tribes;

(8) \$40,000,000 for a national program to reduce gang violence;

(9) \$4,000,000 is for training and technical assistance;

(10) \$18,500,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(11) \$28,775,000 is for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(12) \$15,000,000 is for Project Safe Neighborhoods, of which \$4,500,000 is for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$342,739,000, to remain available until expended, as follows—

(1) \$712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) \$80,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) \$106,027,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) \$10,000,000 for juvenile mentoring programs;

(5) \$65,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) \$10,000,000 shall be for the Tribal Youth Program;

(B) \$25,000,000 shall be for a gang resistance education and training program; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) \$1,000,000 for Project Childsafe;

(7) \$15,000,000 for the Secure Our Schools Act as authorized by Public Law 106-386;

(8) \$15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(9) \$50,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107-273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of each amount may be used for training and technical assistance: Provided further, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act: Provided further, That section 702(a)

of Public Law 88-352 shall apply to any grants for World Vision, described in H. Rpt. 108-792 and the statement of managers accompanying this Act, and awarded by the Attorney General.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and \$4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 605 of this Act.

SEC. 106. The Attorney General is authorized to extend through September 30, 2007, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 107. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 108. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction

for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 109. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 110. Within the funds provided under "Justice Information Sharing Technology", the Attorney General shall establish an investment review board, which the Deputy Attorney General shall head: Provided, That within 90 days of enactment of this Act, the Department shall submit a plan that outlines the governance structure and membership of the board: Provided further, That the Department shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, within 90 days of enactment of this Act, the project criteria that will initiate the board's oversight, to include a listing of all projects to be reviewed during fiscal year 2006.

SEC. 111. Section 3151(b) of title 5, United States Code, is amended by—

- (1) striking paragraph (2)(A) and (B);
- (2) in paragraph (1) by striking "(1)"; and
- (3) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 112. Within the funds provided for the Drug Enforcement Administration, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Administration which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: Provided, That within 90 days of enactment of this Act, the Drug Enforcement Administration shall submit a plan that outlines the governance structure and membership of the task force: Provided further, That within 120 days the Drug Enforcement Administration shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

SEC. 113. (a) Section 4(a) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15603(a)) is amended—

- (1) in paragraph (5), by inserting " , except as authorized in paragraph (7) " before the period at the end; and

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

"(7) REPORTING ON CHILD ABUSE AND NEGLECT.—Nothing in sections 304 or 812 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3735, 3789g) or any other provision of law, including paragraph (5), shall prevent the Bureau (including its agents), in carrying out the review and analysis under paragraph (1), from reporting to the designated public officials such information (and only such information) regarding child abuse or child neglect with respect to which the statutes or regulations of a State (or a political subdivision thereof) require prompt reporting."

(b) Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606(d)(3)(A)) is amended by striking "2 years" and inserting "3 years".

SEC. 114. The Attorney General shall waive the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law en-

forcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

This title may be cited as the "Department of Justice Appropriations Act, 2006".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE

REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, and \$44,779,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$124,000 shall be available for official reception and representation expenses: Provided further, That not less than \$2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c): Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$62,752,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$406,925,000, to remain available until September 30, 2007, of which \$8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That \$47,434,000 shall be for Manufacturing and Services; \$39,815,000 shall be for Market Access and Compliance; \$62,134,000 shall be for the Import Administration of which not less than \$3,000,000 is for the Office of China Compliance; \$231,722,000 shall be for the United States and Foreign Commercial Service; and \$25,820,000 shall be for Executive Direction and Administration: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping

and countervailing duties: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A-25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$76,000,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$253,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,075,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$30,024,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE
ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$80,304,000, to remain available until September 30, 2007.

BUREAU OF THE CENSUS
SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$198,029,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, \$453,596,000, to remain available until September 30, 2007.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$160,612,000, to remain available until September 30, 2007: Provided, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a category.

NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$18,068,000, to remain available until September 30, 2007: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, \$22,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE
SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,683,086,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2006, should the total amount of offsetting fee collections be less than \$1,683,086,000, this amount shall be reduced accordingly: Provided further, That not less than 657 full-time equivalents, 690 positions and \$85,017,000 shall be for the examination of

trademark applications; and not less than 5,810 full-time equivalents, 6,241 positions and \$906,142,000 shall be for the examination and searching of patent applications: Provided further, That not more than 265 full-time equivalents, 272 positions and \$37,490,000 shall be for the Office of the General Counsel: Provided further, That not more than 82 full-time equivalents, 83 positions and \$25,393,000 shall be for the Office of the Administrator for External Affairs: Provided further, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding four provisions shall be subject to the procedures set forth in section 605 of this Act: Provided further, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: Provided further, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: Provided further, That in fiscal year 2006, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

SCIENCE AND TECHNOLOGY
TECHNOLOGY ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology Office of Technology Policy, \$6,000,000.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$399,869,000, to remain available until expended, of which not to exceed \$1,300,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$106,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$80,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$175,898,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and

for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multiyear program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$2,763,222,000, to remain available until September 30, 2007, except for funds provided for cooperative enforcement which shall remain available until September 30, 2008: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$67,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That of the \$2,833,222,000 provided for in direct obligations under this heading \$2,763,222,000 is appropriated from the General Fund and \$70,000,000 is provided by transfer: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: Provided further, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$179,036,000: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$34,000,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full-time positions and may be extended indefinitely: Provided further, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: Provided further, That, in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 611 et seq.), within funds

appropriated under this heading, \$2,000,000 shall remain available until expended, for the cost of loans under section 211(e) of title II of Division C of Public Law 105-277, such loans to have terms of up to 30 years and to be available for use in any of the Bering Sea and Aleutian Islands fisheries.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,124,278,000, to remain available until September 30, 2008, except funds provided for construction of facilities which shall remain available until expended: Provided, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: Provided further, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than \$5,000,000 and an estimate of the budgetary requirements for each such program for each of the five subsequent fiscal years: Provided further, That subject to amounts provided in advance in appropriations Acts, the Secretary of Commerce is authorized to enter into a lease with The Regents of the University of California for land at the San Diego Campus in La Jolla for a term not less than 55 years: Provided further, That funds appropriated for the construction of the National Oceanic and Atmospheric Administration Pacific Regional Center are an additional increment in the incremental funding planned for the Center, and may be expended incrementally, through multi-year contracts for construction and related activities, provided that obligations under any such multi-year contract shall be subject to the availability of appropriations.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, \$67,500,000.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936: Provided, That such costs, including the cost of

modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: Provided further, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed \$5,000,000 for Individual Fishing Quota loans, and not to exceed \$59,000,000 for traditional direct loans, of which \$19,000,000 may be used for direct loans to the United States menhaden fishery: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$47,466,000: Provided, That not to exceed 11 full-time equivalents and \$1,490,000 shall be expended for the legislative affairs function of the Department.

UNITED STATES TRAVEL AND TOURISM PROMOTION

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108-7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, \$4,000,000, to remain available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$22,758,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from

personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program in section 211(b) of Public Law 108-199 shall remain available until expended: Provided, That section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106-51; 15 U.S.C. 1841 note) is amended by striking "2005" and inserting "2007".

SEC. 206. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".

SEC. 207. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$8,000,000 is for a cooperative agreement with the Medical University of South Carolina; \$20,000,000 is for the National Formulation Science Laboratory at the University of Southern Mississippi; \$20,000,000 is for the University of Mississippi Research Park; \$5,000,000 is for the Alabama State University Science and Education Building; \$8,000,000 is for Tuscaloosa, Alabama, revitalization; \$20,000,000 is for the Biomedical Research Center at the University of Alabama at Birmingham; \$3,000,000 is for the Institute for Security Technology Studies; \$1,000,000 is for the Thayer School of Engineering; \$12,000,000 is for the WVHTCF Research Facility; and \$30,000,000 is for the University of Alabama for the design and construction of the Science and Engineering Center.

SEC. 208. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", \$7,000,000 shall be provided to the Alaska Fisheries Marketing Board, \$5,000,000 shall be available to the Southern Shrimp Alliance for its "Wild American Shrimp Marketing Program".

SEC. 209. Of the amounts made available under the heading "Procurement, Acquisition and Construction, National Oceanic and Atmospheric Administration", \$27,000,000 shall be transferred to the National Aeronautics and Space Administration for the planning, design, and construction of Building 3203, for the planning and design of Buildings 3205 and 3216, and for certain infrastructure improvements.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2006".

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,564,000.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
SCIENCE, AERONAUTICS AND EXPLORATION
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$9,761,400,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration Capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106-377.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,663,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, Aeronautics and Exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106-377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$32,400,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until ex-

ended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings "Exploration Capabilities" and "Science, Aeronautics, and Exploration" in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

The unexpended balances of prior appropriations to National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$4,387,520,000, to remain available until September 30, 2007, of which not to exceed \$425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That from funds specified in the fiscal year 2006 budget request for icebreaking services, such sums shall be available for the procurement of polar icebreaking services: Provided further, That the National Science Foundation shall reimburse the Coast Guard according to the existing memorandum of agreement: Provided further, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That funds under this heading may be available for innovation inducement prizes.

MAJOR RESEARCH EQUIPMENT AND FACILITIES

CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, \$193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including serv-

ices as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$807,000,000, to remain available until September 30, 2007: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$250,000,000: Provided, That contracts may be entered into under "Salaries and Expenses" in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,000,000: Provided, That not more than \$9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$11,500,000, to remain available until September 30, 2007.

This title may be cited as the "Science Appropriations Act, 2006".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,680,019,000: Provided, That not to exceed 71 permanent positions and \$9,804,000 shall be for the Bureau of Legislative Affairs: Provided further, That of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, not less than \$334,000,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, not less than

\$2,000,000 shall be for a contribution to the Scholar Rescue Fund endowment: Provided further, That of the amount made available under this heading, \$3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

In addition, not to exceed \$1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$689,523,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$58,895,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

For expenses relating to the modernization of the information technology systems and networks of the Department of State, \$69,368,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$30,029,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$431,790,000, to remain available until expended: Provided, That not to exceed \$2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$8,281,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$9,390,000, to remain available until September 30, 2007.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$598,800,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$910,200,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$10,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$712,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with funds in the "Diplomatic and Consular Programs" account.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$19,751,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$131,700,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,166,212,000: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006-2007 to exceed the revised United Nations budget level for the biennium 2004-2005 of \$3,695,480,000: Provided further, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in

this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,035,500,000, of which 15 percent shall remain available until September 30, 2007: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$28,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,300,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$10,039,000, of which not to

exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$24,000,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$14,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For a grant to the Center for Middle Eastern-Western Dialogue Trust Fund (22 U.S.C. 2078), \$5,000,000 for operation of the Center for Middle Eastern-Western Dialogue in Istanbul, Turkey.

In addition, for necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2006, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$19,240,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$75,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the

Middle East, \$641,450,000: Provided, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from co-operating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$10,893,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this title may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108-7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108-7.

SEC. 405. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 406. Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Diplomatic and Consular Programs": \$5,000,000 shall be made available

for an endowment for the Center for Asian Democracy; \$100,000 shall be made available for a grant to the Center for the Study of the Presidency for a public diplomacy initiative; \$300,000 shall be made available for a grant to Operation Smile for a public diplomacy program; and \$350,000 shall be made available for a grant to MiraMed for programs to combat human trafficking.

SEC. 407. Funds appropriated under this title for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 408. (a) Funds provided in this title for the following accounts shall be made available for programs in the amounts contained in the respective tables included in the report accompanying this Act:

"Educational and Cultural Exchange Programs".

"National Endowment for Democracy".

"International Broadcasting Operations".

"Broadcasting Capital Improvements".

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures in section 605 of this Act.

(c) The Secretary of State shall notify the Committees on Appropriations 15 days in advance of recommending the issuance of any license subject to Executive Order 13067.

SEC. 409. Notwithstanding any other provision of law, of the funds appropriated or otherwise made available in this title, not more than \$1,035,500,000 shall be available for payment to the United Nations for assessed and other expenses of international peacekeeping activities.

SEC. 410. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2006".

SEC. 411. None of the funds appropriated under this title may be made available to pay any contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

SEC. 412. It is the sense of the Congress that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York, should not exceed \$600,000,000: Provided, That if any loan exceeds \$600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.

SEC. 413. None of the funds made available by this title may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 414. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

SEC. 415. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 616 of the

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

SEC. 416. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. 417. Ceilings and earmarks contained in this title shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2006".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107-273, \$1,172,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$499,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,048,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$3,300,000, to remain available until September 30, 2007.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,030,000, to remain available until September 30, 2007.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic

of China, as authorized, \$1,900,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2007.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$331,228,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$289,771,000: Provided, That \$288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at \$1,000,000: Provided further, That any offsetting collections received in excess of \$288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2006.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$211,000,000, to remain available until expended: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed \$116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, \$23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud

and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than \$72,000,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$330,803,000, of which \$312,375,000 is for basic field programs and required independent audits; \$2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,825,000 is for management and administration; \$1,255,000 is for client self-help and information technology; and \$1,809,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the \$1,809,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$2,920,000, of which \$920,000 shall remain available until September 30, 2007.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, \$1,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$888,117,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees

in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than \$0.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$313,029,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That \$89,000,000 shall be available to fund grants for performance in fiscal year 2006 or fiscal year 2007 as authorized: *Provided further*, That the Small Business Administration is authorized to award grants under the Women's Business Center Sustainability Pilot Program established by section 4(a) of Public Law 106-165 (15 U.S.C. 656(l)): *Provided further*, That, of the amounts provided for Women's Business Centers, not less than 41 percent shall be available to continue Women's Business Centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$13,900,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, \$2,861,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$1,300,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed the levels established under 20(e)(1)(B)(ii) of the Small Business Act: *Provided further*, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed the levels established under 20(e)(1)(B)(i) of the Small Business Act: *Provided further*, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2006 guarantees of trust certificates au-

thorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$125,307,000, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That, of the funds previously made available under Public Law 105-135, section 507(g), for the Delta Loan program, up to \$500,000 may be transferred to and merged with the appropriation for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

From unobligated balances under this heading, in fiscal year 2006, not to exceed \$9,000,000 may be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses, of which \$1,500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572), \$3,500,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$3,000,000, including not more than \$5,000 for the purpose of official representation, to remain available until September 30, 2007.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$22,350,000, to remain available until September 30, 2007.

UNITED STATES SENATE-CHINA

INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108-99; 118 Stat. 448), \$150,000, to remain available until September 30, 2007.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, ex-

cept where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 607. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. The Departments of Commerce, Justice, and State, the Broadcasting Board of Governors, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 609. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 610. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 611. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 612. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 613. For additional amounts under the heading "Small Business Administration, Salaries and Expenses", \$1,000,000 shall be available for the Adelante Development Center, Inc., NM; \$850,000 shall be available for the Alabama Department of Archives and History, Montgomery, AL; \$500,000 shall be available for the Alabama Humanities Foundation for a Statewide Initiative; \$1,500,000 shall be available for Alabama State Docks Economic Development; \$200,000 shall be available for the Alaska Small Business Development Center; \$1,000,000 shall be available for the Alcorn State University Judicial Threat Analysis Center; \$775,000 shall be available for Ben Franklin Technology Partners Translational Action Research Boards, Philadelphia, PA; \$1,000,000 shall be available for the Bring Back Broad Street Initiative, Mobile, AL; \$450,000 shall be available for the City of Guin, AL, Industrial Development Initiative; \$250,000 shall be available for the City of Monroeville, AL, Community Enrichment Project; \$300,000 shall be available for the City of Oneonta, AL, for industrial development; \$500,000 shall be available for the City of Richland Revitalization Project; \$100,000 shall be available for community development in Randolph County, AL; \$275,000 shall be available for the Community Development Project, Huntsville, AL; \$500,000 shall be available for economic development in Lamar County, AL; \$100,000 shall be available for the Great Lakes Business Growth and Development Center at Lorain County Community College; \$200,000 shall be available for the Greenville Waterfront Industrial Enhancement Project; \$50,000 shall be available for the Houston Community College Multi-Cultural Business Center; \$75,000 shall be available for the Idaho Virtual Incubator at Lewis-Clark State College; \$500,000 shall be available for Industrial Infrastructure in Hartselle, AL; \$5,000,000 shall be available for the Industrial Outreach Service at

Mississippi State University; \$450,000 shall be available for infrastructure development in Chambers County, AL; \$200,000 shall be available for the Investnet/Technology Venture Center partnership for Alaska and Montana; \$200,000 shall be available for the Knoxville College Small Business Incubator Program; \$350,000 shall be available for the LeFleur Lakes Flood Control/Pearl River Watershed project; \$750,000 shall be available for the Manufacturing Technology Initiative at Mississippi State University; \$500,000 shall be available for the Mississippi Children's Museum; \$1,000,000 shall be available for the Mississippi Film Enterprise Zone; \$1,250,000 shall be available for the Mississippi Technology Alliance Economic Development Plan; \$500,000 shall be available for the Mitchell Memorial Library for the digitization of special collections; \$500,000 shall be available for the Montgomery, AL, Downtown Revitalization Project; \$650,000 shall be available for the New Product Development and Commercialization Center for Rural Manufacturers; \$2,100,000 shall be available for the Oak Ridge National Laboratory for the Southeastern fiber optic project (Lambda Rail); \$500,000 shall be available for the Old Fort McClellan Economic Development Initiative, Anniston, AL; \$75,000 shall be available for the Pro-Tech Program at the College of Southern Idaho; \$500,000 shall be available for the Shelby County, AL, Environmental Education Center; \$2,000,000 shall be available for Small Business Development Centers in Mississippi; \$100,000 shall be available for the South Carolina International Center for Automotive Research Park Innovation Center; \$250,000 shall be available for the Technology Venture Center, MT; \$25,000 shall be available for the Town of Millry, AL, for community development; \$1,000,000 shall be available for the Toxin Alert Development Project at the University of Southern Mississippi; \$500,000 shall be available for the Troy University Center for International Business and Economic Development; \$900,000 shall be available for the Tuck School of Business/MBDA Partnership; \$150,000 shall be available for the University of Alabama Community Development project; \$350,000 shall be available for the University of West Alabama Regional Center for Community and Economic Development; \$1,000,000 shall be available for the Women's Entrepreneurship Initiative at the Mississippi University for Women; \$500,000 shall be available for the Montana Department of Administration for spatial data to enable economic development; \$500,000 shall be available for the City of Fort Wayne, Indiana for the Institute for Orthopedic Biomaterials Research; \$1,000,000 shall be available for the New Mexico State University Arrowhead Center; \$1,000,000 shall be available for the New Mexico Community Development Loan Fund/WESSTCorp. Cooperative; \$1,500,000 shall be available for the Inland Northwest Regional GigaPop Network Connectivity project; \$300,000 shall be available for the Brooklyn, NY Chamber of Commerce for the Brooklyn Goes Global program; \$500,000 shall be available for the Institute for Technology and Business Development at Central Connecticut State University; \$500,000 shall be available for the Iowa Department of Economic Development for the Entrepreneurial Venture Assistance Project; \$400,000 shall be available for the New Ventures Center in Davenport in Iowa; \$400,000 shall be available for the Pappajohn Higher Education Center in Des Moines, Iowa; \$250,000 shall be available for the University of Vermont Small Enterprise Research Initiative; \$200,000 shall be available for the Genesis of Innovation in Rapid City, South Dakota; \$500,000 shall be available for the Wisconsin Security Research Consortium, a collaboration between the University of Wisconsin System and the Wisconsin Technology Council; \$500,000 shall be available for the Rowan University Technology Center and Business Incubator; \$1,500,000 shall be available for the Vermont Center for Emerging Technologies; \$500,000 shall be available for the Vermont Em-

ployee Ownership Center; \$820,000 shall be available for the Central Michigan University Center for Applied Research and Technology; \$500,000 shall be available for the Nanotechnology Economic Development Program at the University of Arkansas at Little Rock; \$1,100,000 shall be available for the University of Arkansas' Research and Technology Park; \$600,000 shall be available for the Maryland Technology Development Corporation for the Minority R&D Initiative; \$1,000,000 shall be available for the University of West Florida's Statewide Small Business Development Center Network; \$200,000 shall be available for the Nevada's Commission on Economic Development; \$1,000,000 shall be available for the Clark County Department of Aviation, Las Vegas, Nevada to study and operate the international air trade show; \$250,000 shall be available for the Corona-Elmhurst Center for Economic Development, New York; \$180,000 shall be available for the Sephardic Angel Fund, New York City; \$500,000 shall be available for the Detroit Economic Growth Business Attraction Program; \$250,000 shall be available for the Oregon Department of Consumer and Business Services' One-Stop Permitting Portal; \$250,000 shall be available for the Fossil Bed Park and Ancient Lands Field House; \$100,000 shall be for a grant to Cedar Creek Battlefield Foundation; \$100,000 shall be for a grant to Belle Grove Plantation; \$250,000 shall be for a grant to Shenandoah University for a facility; \$100,000 shall be for a grant to Winchester-Frederick Convention and Visitor Bureau; \$2,000,000 shall be for a grant to Virginia Community College System for a web portal; \$200,000 shall be for a grant to Americans at War; \$500,000 shall be for a grant to Warren County, Virginia, for a community enhancement project; \$2,000,000 shall be available for the United States-China Economic and Security Review Commission for projects to study Chinese policies and practices and their impacts on American interests, the American economy, and small businesses; \$200,000 shall be for a grant to the Myrtle Beach International Trade and Convention Center; \$575,000 shall be for a grant to the Innovation and Outreach Center at the University of Mississippi; \$500,000 shall be for a grant to Competitive Manufacturing through Innovation Management at the University of Wisconsin Oshkosh; \$200,000 shall be for a grant to Business and Industrial Incubator in Cushing, Oklahoma; \$500,000 shall be for a grant to Patrick Henry Community College for a workforce development program; \$500,000 shall be for a grant to Danville Community College for a workforce development program; \$500,000 shall be for a grant to Advanced and Applied Polymer Processing Institute; \$1,000,000 shall be for a grant to the Industrial Development Authority of Halifax, VA; \$1,000,000 shall be for a grant to the University of Illinois for the Information Trust Initiative; \$1,000,000 shall be for a grant to Aurora, IL, for construction and other activities related to community development; \$200,000 shall be for a grant to Carnegie Mellon University for a Community-Based Demonstration Project; \$500,000 shall be for a grant to REI Rural Business and Resource Center in Seminole, Oklahoma; \$1,000,000 shall be for a grant to Appalachian State University; \$1,000,000 shall be for a grant to Western Carolina University for a computer engineering program; \$1,000,000 shall be for a grant to International Small Business and Trade Institute; \$500,000 shall be for a grant to the Illinois Institute for Technology to examine and assess advancements in biotechnologies; \$3,000,000 shall be for a grant to the Southern and Eastern Kentucky Tourism Development Association; \$2,500,000 shall be for a grant to the Southern and Eastern Kentucky Economic Development Corporation; \$1,000,000 shall be for a grant to the National Center for Community Renewal; \$250,000 shall be for a grant to Advanced Business Technology Incubator at College of the Canyons; \$250,000 shall be for a grant to the Applied Competitive

Technologies Program of the California Community Colleges; \$250,000 shall be for a grant to Adirondack Champlain Fiber Network; \$100,000 shall be for a grant to Amoskeag Business Incubator; \$500,000 shall be for a grant to the Montana World Trade Center; \$1,000,000 shall be for a grant to the Fairplex Trade and Conference Center; \$220,000 shall be for a grant to Virtual Business Incubator in Southeast Pennsylvania; \$250,000 shall be for a grant to the Rochester Tooling and Machining Association; \$600,000 shall be for a grant to Wittenberg University to expand business education; \$500,000 shall be for a grant to Experience Works to expand opportunities for older workers; \$1,000,000 shall be for a grant to Innovation Center in Peoria, Illinois; \$1,250,000 shall be for a grant to North Iowa Area Community College business incubator; \$1,000,000 shall be for a grant to University of Redlands for development of a center to assist small business; \$500,000 shall be for a grant to McHenry County Economic Development Corporation; \$300,000 shall be for a grant to Rockford Area Ventures in Rockford, Illinois; \$1,100,000 shall be for a grant to Ohio Ready to Work program; \$530,000 shall be for a grant to Michigan State University for the Institute for Trade in the Americas; \$500,000 shall be for a grant to Bridgeport Regional Business Council for an economic integration initiative; \$100,000 shall be for a grant to Cedarbridge Development Corporation for a redevelopment initiative; \$100,000 shall be for a grant to the Heart of Florida Regional Coalition; \$150,000 shall be for a grant to Syracuse, NY, for a small business community support program; \$500,000 shall be for a grant to the Connect the Valley initiative; \$500,000 shall be for a grant to the Chattanooga Enterprise Center for a demonstration project; \$150,000 shall be available for a grant to St. Jerome Church for their community center project and programs in the Bronx, New York; \$50,000 shall be available for a grant to establish the Tito Puente Legacy Project at Hostos Community College in New York; \$150,000 shall be available for a grant to the Bronx Council on the Arts for its Arts Cultural Corridor Project to promote local arts initiatives; \$50,000 shall be available for a grant to the South Bronx Action Group to provide housing related services to the community; \$100,000 shall be available for a grant to Pro Co Technology, Inc. for their programs in the Bronx, New York; \$150,000 shall be available for a grant to Bronx Shepherds for community programs; \$200,000 shall be available for a grant to HOGAR, Inc. in the Bronx, New York; \$50,000 shall be available for a grant to the Promesa Foundation to provide financial assistance to New York area families under a youth sports and recreational initiative; \$100,000 shall be available for a grant to Promesa Enterprises in New York for infrastructure program support; \$100,000 shall be available for a grant to Presbyterian Senior Services for capital costs for their Grandparent Family Apartments project in the Bronx, New York; \$50,000 shall be available for a grant to World Vision's Bronx Storehouse for services in the community; \$50,000 shall be available for a grant to the Bronx River Alliance for its services in the Bronx, New York; \$600,000 shall be available to the Downtown Huntsville Small Business Enhancement Initiative; \$150,000 shall be available for the Rhode Island College for the Project FLIP (Financial and Functional Literacy Incentive Program); \$750,000 shall be available for the Rhode Island School of Design in Providence, Rhode Island; \$100,000 shall be available for the Newport County Chamber of Commerce for the Aquidneck Island Corporate Park Capital Program; \$700,000 shall be available for the American Cities Foundation (ACF) Economic Development Initiative; \$300,000 shall be available for CAP Services in Stevens Point, WI; \$500,000 shall be available for the Northwest Regional Planning Commission; \$400,000 shall be available for the Wisconsin Procurement Institute; \$250,000 shall be for the JARI Workforce Development Program; \$250,000 shall be for the

JARI Small Business Technology Center; \$400,000 shall be for the Economic Growth Connection Procurement Assistance Program; \$300,000 shall be for the Franklin County, Massachusetts Community Development Corporation for a rural economic growth program; \$1,870,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; \$1,000,000 shall be available for the INNOVA small business incubator; \$30,000 shall be available for the Town of Hambleton for upgrades and renovations to the town hall; \$100,000 shall be available for the Parsons Revitalization Organization for planning purposes; \$100,000 shall be available for Rowlesburg Revitalization Committee for neighborhood revitalization; \$500,000 shall be available for the Institute for Entrepreneurship, Small Business Development and Global Logistics at California State University at Dominguez Hills, California; \$300,000 shall be available for Brooklyn Economic Development Corporation in Brooklyn, New York to support and expand the Initiative for a Competitive Brooklyn; and \$200,000 shall be available for the Local Development Corporation of East New York for the Brooklyn Enterprise Center.

SEC. 614. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 615. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2006.

SEC. 616. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 617. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: Provided, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, \$5,000,000 shall be available to each only upon such certification: Provided further, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: Provided further, That each Department or agency shall maintain a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 618. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 619. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify

that telecommuting opportunities are made available to 100 percent of the eligible workforce: Provided, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, \$5,000,000 shall be available to each agency only upon such certification: Provided further, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: Provided further, That both agencies shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 620. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 621. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 622. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 623. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 624. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 625. Of the amounts made available in this Act, \$393,616,321 from "Department of State"; \$27,938,072 from "Department of Justice"; \$14,107,754 from "Department of Commerce"; \$426,314 from "United States Trade Representative"; \$575,116 from "Broadcasting Board of Governors"; \$291,855 from "National Aeronautics and Space Administration"; and \$79,754 from "National Science Foundation" shall be available for the purposes of implementing the Capital Security Cost Sharing program.

SEC. 626. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the

International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

SEC. 627. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California.

SEC. 628. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

(1) the priority areas of research for aeronautics through fiscal year 2011;

(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

(4) the budget assumptions on which the national aeronautics policy is based.

(c) CONSIDERATIONS.—In developing the national aeronautics policy, the President shall consider the following questions, which shall be discussed in the policy statement—

(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

(2) the extent to which NASA should address military and commercial needs;

(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation within one year of enactment of this Act. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

SEC. 629. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR)), part 121, as it existed on April 1, 2005 with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 630. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 631. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 632. Of the funds appropriated to the Federal Trade Commission by this Act, not less than \$1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina: Provided, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of \$500,000,000 and by any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both

declared State and National disaster areas and elsewhere: Provided further, That, in conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends: Provided further, That in any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings: Provided further, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act: Provided further, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere: Provided further, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section: Provided further, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities: Provided further, That nothing in this section affects any other authority of the Commission to disclose information.

SEC. 633. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006."

SEC. 634. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or non-governmental organizations.

SEC. 635. (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States-China Economic and Security Review Commission established by subsection (b) of that section shall investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) **ECONOMIC TRANSFERS.**—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United States export control laws, and the effect of such transfers on United States economic security and employment.

(3) **ENERGY.**—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) **ACCESS TO UNITED STATES CAPITAL MARKETS.**—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) **REGIONAL ECONOMIC AND SECURITY IMFACTS.**—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) **UNITED STATES-CHINA BILATERAL PROGRAMS.**—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) **WORLD TRADE ORGANIZATION COMPLIANCE.**—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(8) **FREEDOM OF EXPRESSION.**—The implications of restrictions on speech and access to information in the People's Republic of China for its relations with the United States in the areas of economic and security policy.

(b) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

“(g) **APPLICABILITY OF FACA.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.”

SEC. 636. Section 635 of division B of Public Law 108-447 is amended by striking “balance” and inserting “and unexpended balances”.

SEC. 637. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

(RESCISSION)

SEC. 638. (a) There is hereby rescinded an amount equal to 0.28 percent of the budget authority provided for in fiscal year 2006 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with pro-

grams, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$2,500,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$102,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$25,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading, \$110,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, \$86,500,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION

(RESCISSION)

Of the unobligated balances available in accounts under this heading from prior year appropriations, \$25,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$25,300,000 are rescinded.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$12,000,000 are rescinded.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$920,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$3,000,000 are rescinded.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, \$4,000,000 are rescinded.

This Act may be cited as the “Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006”.

And the Senate agree to the same. That the Senate recede from its amendment to the title of the bill.

FRANK R. WOLF,
CHARLES H. TAYLOR,
MARK STEVEN KIRK,
DAVE WELDON,
VIRGIL GOODE, Jr.,
RAY LAHOOD,
JOHN ABNEY CULBERSON,
RODNEY ALEXANDER,
JERRY LEWIS,
ALAN B. MOLLOHAN,

JOSÉ E. SERRANO,
BUD CRAMER,
PATRICK J. KENNEDY,
CHAKA FATTAH,

Managers on the Part of the House.

RICHARD C. SHELBY,
JUDD GREGG,
TED STEVENS,
PETE V. DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
KIT BOND,
THAD COCHRAN,
BARBARA MIKULSKI,
DANIEL K. INOUE,
PATRICK LEAHY,
HERB KOHL,
PATTY MURRAY,
TOM HARKIN,
BYRON L. DORGAN,
ROBERT C. BYRD,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.18 VETERANS HOUSING AND EMPLOYMENT IMPROVEMENT

Mr. BOOZMAN moved to suspend the rules and pass the bill (H.R. 3665) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. BOOZMAN and Ms. BERKLEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOOZMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶123.19 H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8 of rule XX, announced the unfinished business

to be the question on the agreeing to the conference report to accompany the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mrs. CAPITO, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 399 affirmative } Nays 17

¶123.20 [Roll No. 580]

YEAS—399

Abercrombie Crenshaw Hart
 Ackerman Crowley Hastings (WA)
 Aderholt Cubin Hayes
 Akin Cuellar Hayworth
 Alexander Culberson Hensarling
 Allen Cummings Herger
 Baca Cunningham Herseth
 Bachus Davis (AL) Higgins
 Baird Davis (CA) Hinchey
 Baker Davis (IL) Hinojosa
 Baldwin Davis (KY) Hobson
 Barrett (SC) Davis (TN) Hoekstra
 Barrow Davis, Jo Ann Holden
 Bartlett (MD) Davis, Tom Holt
 Barton (TX) DeFazio Honda
 Bass DeGette Hooley
 Bean Delahunt Hoyer
 Beauprez DeLauro Hulshof
 Becerra DeLay Hunter
 Berman Dent Hyde
 Berry Diaz-Balart, L. Inglis (SC)
 Biggert Diaz-Balart, M. Insee
 Bilirakis Dicks Israel
 Bishop (GA) Dingell Issa
 Bishop (UT) Doggett Istook
 Blackburn Doolittle Jackson (IL)
 Blumenauer Doyle Jackson-Lee
 Blunt Drake (TX)
 Boehlert Dreier Jefferson
 Boehner Edwards Jenkins
 Bonilla Ehlers Jindal
 Bonner Emanuel Johnson (CT)
 Bono Emerson Johnson (IL)
 Boozman Engel Johnson, E. B.
 Boren English (PA) Johnson, Sam
 Boucher Eshoo Jones (NC)
 Boustany Etheridge Jones (OH)
 Boyd Evans Kanjorski
 Bradley (NH) Everett Kaptur
 Brady (PA) Farr Keller
 Brady (TX) Fattah Kelly
 Brown (OH) Feeney Kennedy (MN)
 Brown (SC) Ferguson Kennedy (RI)
 Brown, Corrine Filner Kildee
 Burgess Fitzpatrick (PA) Kilpatrick (MI)
 Burton (IN) Foley Kind
 Butterfield Forbes King (IA)
 Buyer Ford King (NY)
 Calvert Fortenberry Kingston
 Camp Fossella Kirk
 Cannon Fossella Kline
 Cantor Frank (MA) Knollenberg
 Capito Franks (AZ) Kolbe
 Capps Frelinghuysen Kuhl (NY)
 Capuano Gallegly LaHood
 Cardin Garrett (NJ) Langevin
 Cardoza Gerlach Lantos
 Carnahan Gilchrest Larsen (WA)
 Carson Gillmor Larson (CT)
 Carter Gingrey Latham
 Case Gohmert LaTourette
 Castle Gonzalez Leach
 Chabot Chabot Lee
 Chandler Chandler Goodlatte
 Chocola Gordon Lewis (CA)
 Clay Granger Lewis (GA)
 Cleaver Graves Lewis (KY)
 Clyburn Green, Al Linder
 Coble Green, Gene Lipinski
 Cole (OK) Grijalva LoBiondo
 Conyers Gutierrez Lofgren, Zoe
 Cooper Gutknecht Lowey
 Costa Hall Lucas
 Costello Harman Lungren, Daniel
 Cramer Harris E.

Lynch Pearce Shimkus
 Mack Pelosi Shuster
 Maloney Pence Simmons
 Manzullo Peterson (MN) Simpson
 Marchant Peterson (PA) Skelton
 Markey Petri Smith (NJ)
 Marshall Pickering Smith (TX)
 Matsui Pitts Smith (WA)
 McCarthy Platts Snyder
 McCaul (TX) Poe Sodrel
 McCollum (MN) Pombo Souder
 McCotter Pomeroy Spratt
 McCreery Price (GA) Stark
 McDermott Price (NC) Stupak
 McGovern Pryce (OH) Sullivan
 McHenry Putnam Tanner
 McHugh Radanovich Tauscher
 McIntyre Rahall Taylor (MS)
 McKeon Ramstad Taylor (NC)
 McKinney Rangel Terry
 McMorris Regula Thomas
 McNulty Rehberg Thompson (CA)
 Meehan Reichert Thompson (MS)
 Meek (FL) Renzi Thornberry
 Melancon Reyes Tiahrt
 Menendez Reynolds Tiberi
 Mica Rogers (AL) Tierney
 Michaud Rogers (KY) Towns
 Miller (MI) Rogers (MI) Udall (CO)
 Miller (NC) Rohrabacher Udall (NM)
 Miller, Gary Ros-Lehtinen Upton
 Miller, George Ross Van Hollen
 Mollohan Roybal-Allard Velázquez
 Moore (KS) Royce Visclosky
 Moore (WI) Rumpert Walden (OR)
 Moran (KS) Rush Walsh
 Moran (VA) Ryan (OH) Wamp
 Murphy Ryan (WI) Wasserman
 Murtha Ryan (KS) Schultz
 Musgrave Sabo Waters
 Myrick Salazar Watson
 Nadler Napolitano Sánchez, Linda
 Neal (MA) T. Waxman
 Neugebauer Sanchez, Loretta Weiner
 Ney Sanders Weldon (FL)
 Northup Saxton Weldon (PA)
 Nunes Schakowsky Weller
 Nussle Schiff Westmoreland
 Oberstar Schmidt Wexler
 Obey Schwartz (PA) Whitfield
 Olver Schwarz (MI) Wicker
 Ortiz Scott (GA) Wilson (NM)
 Osborne Scott (VA) Wilson (SC)
 Otter Serrano Wolf
 Owens Shadegg Woolsey
 Pallone Shaw Wynn
 Pascrell Shays Young (AK)
 Pastor Sherman
 Payne Sherwood

NAYS—17

Andrews Gibbons Miller (FL)
 Berkley Green (WI) Porter
 Bishop (NY) Hefley Sensenbrenner
 Deal (GA) Hostettler Stearns
 Duncan Kucinich Tancredo
 Flake Matheson

NOT VOTING—17

Boswell Millender-Solis
 Brown-Waite, McDonald Strickland
 Ginny Norwood Sweeney
 Conaway Oxley Turner
 Davis (FL) Paul Young (FL)
 Hastings (FL) Sessions
 Meeks (NY) Slaughter

ments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mrs. CAPITO, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 397 affirmative } Nays 19

¶123.22 [Roll No. 581]

YEAS—397

Abercrombie Culberson Herseth
 Ackerman Cummings Higgins
 Aderholt Cunningham Hinchey
 Akin Davis (AL) Hinojosa
 Alexander Davis (CA) Hobson
 Allen Davis (IL) Hoekstra
 Andrews Davis (KY) Holden
 Baca Davis (TN) Holt
 Bachus Davis, Jo Ann Honda
 Baird Davis, Tom Hooley
 Baker Deal (GA) Hoyer
 Barrett (SC) DeFazio Hulshof
 Barrow DeGette Hunter
 Bartlett (MD) Delahunt Hyde
 Barton (TX) DeLauro Inglis (SC)
 Bass DeLay Insee
 Bean Dent Israel
 Beauprez Diaz-Balart, L. Issa
 Becerra Diaz-Balart, M. Istook
 Berkley Dicks Jackson (IL)
 Berman Dingell Jackson-Lee
 Berry Doolittle (TX)
 Biggert Doyle Jefferson
 Bilirakis Drake Jenkins
 Bishop (GA) Dreier Jindal
 Bishop (UT) Edwards Johnson (CT)
 Blackburn Ehlers Johnson (IL)
 Blumenauer Emanuel Johnson, E. B.
 Blunt Emerson Jones (OH)
 Boehlert English (PA) Kanjorski
 Boehner Eshoo Kaptur
 Bonilla Etheridge Keller
 Bonner Evans Kelly
 Bono Everett Kennedy (MN)
 Boozman Farr Kennedy (RI)
 Boren Boren Patah Kildee
 Boucher Feeney Kilpatrick (MI)
 Boustany Ferguson Kind
 Boyd Filner King (IA)
 Bradley (NH) Fitzpatrick (PA) King (NY)
 Brady (PA) Foley Kingston
 Brady (TX) Forbes Kirk
 Brown (OH) Ford Kline
 Brown (SC) Fortenberry Knollenberg
 Brown, Corrine Fossella Kolbe
 Burgess Fossella Kucinich
 Burton (IN) Frank (MA) Kuhl (NY)
 Butterfield Franks (AZ) LaHood
 Buyer Frelinghuysen Langevin
 Calvert Gallegly Lantos
 Camp Garrett (NJ) Larsen (WA)
 Cannon Gerlach Larson (CT)
 Capito Gibbons Latham
 Capps Gilchrest LaTourette
 Cardin Gillmor Leach
 Cardoza Gohmert Lee
 Carnahan Gonzalez Levin
 Carson Goode Lewis (CA)
 Carter Goodlatte Lewis (GA)
 Case Gordon Lewis (KY)
 Chabot Granger Linder
 Chandler Graves Lipinski
 Chocola Green, Al LoBiondo
 Clay Green, Gene Lofgren, Zoe
 Cleaver Grijalva Lowey
 Clyburn Gutierrez Lucas
 Coble Coble Lungren, Daniel
 Cole (OK) Hall E.
 Cooper Harman Lynch
 Costa Harris Mack
 Costello Hart Maloney
 Cramer Hastings (WA) Manzullo
 Crenshaw Hayes Marchant
 Crowley Hayworth Marshall
 Cubin Hensarling Matsui
 Cuellar Herger McCarty

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the senate in said conference report.

¶123.21 H.R. 2862—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the agreeing to the conference report to accompany the bill (H.R. 2862) making appropriations for Science, the Depart-

McCauley (TX) Platts Simmons
 McCollum (MN) Poe Simpson
 McCotter Pombo Skelton
 McCrery Pomeroy Slaughter
 McGovern Porter Smith (NJ)
 McHenry Price (GA) Smith (TX)
 McHugh Price (NC) Smith (WA)
 McIntyre Pryce (OH) Snyder
 McKeon Putnam Sodrel
 McKinney Radanovich Souder
 McMorris Rahall Spratt
 McNulty Ramstad Stark
 Meehan Rangel Stearns
 Meek (FL) Regula Stupak
 Melancon Rehberg Sullivan
 Menendez Reichert Tanner
 Mica Renzi Tauscher
 Michaud Reyes Tauscher
 Miller (FL) Reynolds Terry
 Miller (MI) Rogers (AL) Terry
 Miller (NC) Rogers (KY) Thomas
 Miller, Gary Rogers (MI) Thompson (CA)
 Miller, George Rohrabacher Thompson (MS)
 Mollohan Ros-Lehtinen Thornberry
 Moore (KS) Ross Tiahrt
 Moore (WI) Rothman Tiberi
 Moran (KS) Roybal-Allard Towns
 Moran (VA) Royce Udall (CO)
 Murphy Ruppertsberger Udall (NM)
 Murtha Rush Upton
 Musgrave Ryan (OH) Van Hollen
 Myrick Ryan (WI) Visclosky
 Nadler Ryan (KS) Walden (OR)
 Napolitano Sabo Walsh
 Neal (MA) Salazar Wamp
 Neugebauer Sanchez, Linda Wasserman
 Ney T. Schultz
 Northup Sanchez, Loretta Waters
 Nunes Sanders Watson
 Nussle Saxton Watt
 Oberstar Schakowsky Waxman
 Oliver Schiff Weiner
 Ortiz Schmidt Weldon (FL)
 Osborne Schwartz (PA) Weldon (PA)
 Owens Schwarz (MI) Weller
 Pallone Scott (GA) Westmoreland
 Pascrell Scott (VA) Wexler
 Pastor Sensenbrenner Whitfield
 Payne Serrano Wicker
 Pearce Shadegg Wilson (NM)
 Pelosi Shaw Wilson (SC)
 Peterson (MN) Shays Wolf
 Peterson (PA) Sherman Woolsey
 Petri Sherwood Wu
 Pickering Shimkus Wynn
 Pitts Shuster Young (AK)

NAYS—19

Baldwin Hefley Paul
 Capuano Hostettler Tancredo
 Conyers Jones (NC) Taylor (MS)
 Doggett Matheson Tierney
 Duncan McDermott Velázquez
 Flake Obey
 Green (WI) Otter

NOT VOTING—17

Boswell Meeks (NY) Solis
 Brown-Waite, Millender Strickland
 Ginny McDonald Sweeney
 Castle Norwood Turner
 Conaway Oxley Young (FL)
 Davis (FL) Pence
 Hastings (FL) Sessions

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the senate in said conference report.

¶123.23 S. 1894—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1894) to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance

payments to private for profit agencies.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the { Yeas 408
 affirmative } Nays 1

¶123.24 [Roll No. 582]

YEAS—408

Abercrombie Cunningham Holden
 Ackerman Davis (AL) Holt
 Aderholt Davis (CA) Hooley
 Akin Davis (IL) Hostettler
 Alexander Davis (KY) Hoyer
 Allen Davis (TN) Hulshof
 Andrews Davis, Jo Ann Hunter
 Baca Davis, Tom Hyde
 Bachus Deal (GA) Inglis (SC)
 Baird DeFazio Inslee
 Baker DeGette Israel
 Baldwin Delahunt Issa
 Barrett (SC) DeLauro Istook
 Barrow DeLay Jackson (IL)
 Bartlett (MD) Dent Jackson-Lee
 Barton (TX) Diaz-Balart, L. (TX)
 Bass Diaz-Balart, M. Jefferson
 Bean Dicks Jenkins
 Beauprez Dingell Jindal
 Becerra Doggett Johnson (CT)
 Berkley Doolittle Johnson (IL)
 Berman Doyle Johnson, E. B.
 Berry Drake Johnson, Sam
 Biggert Dreier Jones (NC)
 Bilirakis Duncan Jones (OH)
 Bishop (GA) Edwards Kanjorski
 Bishop (NY) Ehlers Kaptur
 Bishop (UT) Emanuel Keller
 Blackburn Engel Kelly
 Blumenauer English (PA) Kennedy (MN)
 Blunt Eshoo Kennedy (RI)
 Boehlert Etheridge Kildee
 Boehner Evans Kilpatrick (MI)
 Bonilla Everett Kind
 Bonner Farr King (IA)
 Bono Fattah King (NY)
 Boozman Feeney Kingston
 Boren Ferguson Kirk
 Boucher Filner Kline
 Boustany Fitzpatrick (PA) Knollenberg
 Boyd Flake Kolbe
 Bradley (NH) Foley Kucinich
 Brady (PA) Forbes Kuhl (NY)
 Brady (TX) Ford LaHood
 Brown (OH) Fortenberry Langevin
 Brown (SC) Fossella Lantos
 Brown, Corrine Foxx Larsen (WA)
 Burgess Frank (MA) Larson (CT)
 Burton (IN) Franks (AZ) Latham
 Butterfield Frelinghuysen LaTourette
 Buyer Leach
 Calvert Garrett (NJ) Lee
 Camp Gerlach Levin
 Cannon Gibbons Lewis (CA)
 Cantor Gilchrest Lewis (GA)
 Capito Gillmor Lewis (KY)
 Capps Gingrey Linder
 Capuano Gonzalez Lipinski
 Cardin Goode LoBiondo
 Cardoza Goodlatte Lofgren, Zoe
 Carnahan Gordon Lowey
 Carson Granger Lucas
 Carter Graves Lungren, Daniel
 Case Green (WI) E.
 Castle Green, Al Lynch
 Chabot Green, Gene Mack
 Chandler Grijalva Maloney
 Chocola Gutierrez Manzullo
 Clay Gutknecht Marchant
 Cleaver Hall Markey
 Clyburn Harman Marshall
 Coble Harris Matheson
 Cole (OK) Hart Matsui
 Conyers Hastings (WA) McCarthy
 Cooper Hayes McCaul (TX)
 Costa Hayworth McCollum (MN)
 Costello Hefley McCotter
 Cramer Hensarling McCrery
 Crenshaw Herger McDermott
 Crowley Herseth McGovern
 Cubin Hinchey McHenry
 Cuellar Hinojosa McHugh
 Culberson Hobson McIntyre
 Cummings Hoekstra McKeon

McKinney Pryce (OH) Smith (TX)
 McMorris Putnam Smith (WA)
 McNulty Radanovich Snyder
 Meehan Rahall Sodrel
 Meek (FL) Ramstad Souder
 Menendez Rangel Spratt
 Mica Regula Stark
 Michaud Rehberg Stearns
 Miller (FL) Reichert Stupak
 Miller (MI) Renzi Sullivan
 Miller (NC) Reyes Tanner
 Miller, Gary Reynolds Tauscher
 Mollohan Rogers (AL) Rogers (MS)
 Moore (KS) Rogers (KY) Taylor (MS)
 Moran (KS) Rogers (MI) Taylor (NC)
 Moran (VA) Rohrabacher Terry
 Moran (VA) Ros-Lehtinen Thomas
 Murphy Ross Thompson (CA)
 Murtha Rothman Thompson (MS)
 Musgrave Roybal-Allard Thornberry
 Myrick Royce Tiahrt
 Nadler Ruppertsberger Tiberi
 Napolitano Rush Tierney
 Neal (MA) Ryan (OH) Towns
 Neugebauer Ryan (WI) Udall (CO)
 Ney Rynn (KS) Udall (NM)
 Northup Sabo Upton
 Nunes Salazar Van Hollen
 Nussle Sanchez, Linda Velázquez
 Oberstar T. Visclosky
 Obey Sanchez, Loretta Walden (OR)
 Oliver Sanders Walsh
 Osborne Saxton Wamp
 Otter Schakowsky Wasserman
 Owens Schiff Schultz
 Pallone Pallone Schmidt Watson
 Pascrell Pascrell Schwartz (PA) Watt
 Pastor Pastor Schwarz (MI) Waxman
 Paul Paul Scott (GA) Weiner
 Payne Payne Scott (VA) Weldon (FL)
 Pearce Pearce Sensenbrenner Weldon (PA)
 Pelosi Pelosi Serrano
 Peterson (MN) Peterson (MN) Shadegg
 Peterson (PA) Peterson (PA) Shaw
 Petri Petri Shays
 Pickering Pickering Sherman
 Pitts Pitts Sherwood
 Shimkus Shimkus
 Shuster Shuster

NAYS—1

Moore (WI)
 NOT VOTING—24

Boswell Honda Sessions
 Brown-Waite, Meeks (NY) Solis
 Ginny Melancon Strickland
 Conaway Millender Sweeney
 Davis (FL) McDonald Tancredo
 Emerson Norwood Turner
 Gohmert Ortiz Waters
 Hastings (FL) Oxley Young (FL)
 Higgins Pence

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶123.25 USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION

On motion of Mr. SENSEN-BRENNER, by unanimous consent, the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SENSEN-BRENNER, it was,

Resolved, That the House disagree to the amendment of the Senate and

agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

123.26 MOTION TO INSTRUCT CONFEREES—H.R. 3199

Mr. BOUCHER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 3199, be instructed to recede from disagreement with the provisions contained in subsections (a) and (b) of section 9 of the Senate amendment (relating to the modification of the PATRIOT Act sunset provision and the extension of the sunset of the "Lone Wolf" provision).

After debate, By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*, Will the House agree to said motion? The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

123.27 APPOINTMENT OF CONFEREES—H.R. 3199

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GALLEGLY, CHABOT, JENKINS, CONYERS, BERMAN, BOUCHER, and NADLER.

Provided that Mr. SCOTT of Virginia is appointed in lieu of Mr. NADLER for consideration of sections 105, 109, 111-114, 120, 121, 124, 131, and title II of the House bill, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of sections 102, 103, 106, 107, 109, and 132 of the House bill, and sections 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference: Mr. HOEKSTRA, Mrs. WILSON of New Mexico, and Ms. HARMAN.

From the Committee on Energy and Commerce, for consideration of sections 124 and 231 of the House bill, and modifications committed to conference: Messrs. NORWOOD, SHADEGG, and DINGELL.

From the Committee on Financial Services, for consideration of section 117 of the House bill, and modifications committed to conference: Messrs. OXLEY, BACHUS, and FRANK of Massachusetts.

From the Committee on Homeland Security, for consideration of sections 127-129 of the House bill, and modifications committed to conference: Messrs. KING of New York, WELDON of Pennsylvania, and Ms. ZOE LOFGREN of California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

123.28 SECURE ACCESS TO JUSTICE AND COURT PROTECTION

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to House Resolution 540 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The SPEAKER pro tempore, Mrs. CAPITO, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

123.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 109-279, submitted by Mr. SCOTT of Virginia:

In the matter proposed to be inserted by section 4 as section 1123(a) of title 18, United States Code, strike "shall be punished" and all that follows through "death" and insert "shall be fined under this title or imprisoned for any term or years or for life, or both".

It was decided in the { Yeas 97
negative } Nays 325

123.29 [Roll No. 583] AYES—97

Abercrombie	Jackson-Lee	Paul
Ackerman	(TX)	Payne
Allen	Johnson, E. B.	Pelosi
Baldwin	Kildee	Rahall
Bartlett (MD)	Kilpatrick (MI)	Rangel
Berman	Kucinich	Roybal-Allard
Blumenauer	Lee	Rush
Brown (OH)	Levin	Ryan (OH)
Capuano	Lewis (GA)	Sabo
Carpino	Lowe	Sánchez, Linda
Clay	Lynch	T.
Cleaver	Maloney	Sanchez, Loretta
Clyburn	Markey	Sanders
Conyers	McCarthy	Schakowsky
Cummings	McCollum (MN)	Scott (VA)
Davis (IL)	McDermott	Serrano
DeGette	McGovern	Slaughter
Delahunt	McKinney	Smith (NJ)
Dingell	McNulty	Smith (WA)
Ehlers	Meehan	Solis
Engel	Meeks (NY)	Stark
Eshoo	Michaud	Tierney
Evans	Millender-Farr	Towns
Fattah	McDonald	Udall (CO)
Filner	Miller, George	Van Hollen
Frank (MA)	Mollohan	Velázquez
Green, Al	Moore (WI)	Wasserman
Gutierrez	Nadler	Schultz
Hinchey	Neal (MA)	Waters
Hoekstra	Oberstar	Watson
Holt	Obey	Watt
Honda	Oliver	Waxman
Jackson (IL)	Owens	Woolsey
	Pastor	

NOES—325

Aderholt	Bachus	Barton (TX)
Akin	Baird	Bass
Alexander	Baker	Bean
Andrews	Barrett (SC)	Beauprez
Baca	Barrow	Becerra

Berkley	Gohmert	Moran (KS)
Berry	Gonzalez	Moran (VA)
Biggert	Goode	Murphy
Bilirakis	Goodlatte	Murtha
Bishop (GA)	Gordon	Musgrave
Bishop (NY)	Granger	Myrick
Bishop (UT)	Graves	Napolitano
Blackburn	Green (WI)	Neugebauer
Blunt	Green, Gene	Ney
Boehlert	Grijalva	Northup
Boehner	Gutknecht	Nunes
Bonilla	Hall	Nussle
Bonner	Harman	Ortiz
Bono	Harris	Osborne
Boozman	Hart	Otter
Boren	Hastings (WA)	Oxley
Boucher	Hayes	Pallone
Boustany	Hayworth	Pascrell
Boyd	Hefley	Pearce
Bradley (NH)	Hensarling	Peterson (MN)
Brady (PA)	Herger	Peterson (PA)
Brady (TX)	Hersteth	Petri
Brown (SC)	Higgins	Pickering
Brown, Corrine	Hinojosa	Pitts
Burgess	Hobson	Platts
Burton (IN)	Holden	Poe
Butterfield	Hooley	Pombo
Buyer	Hostettler	Pomeroy
Calvert	Hoyer	Porter
Camp	Hulshof	Price (GA)
Cannon	Hunter	Price (NC)
Cantor	Hyde	Pryce (OH)
Capito	Inglis (SC)	Putnam
Capps	Inslee	Radanovich
Cardin	Israel	Ramstad
Cardoza	Issa	Regula
Carnahan	Istook	Rehberg
Carter	Jefferson	Reichert
Case	Jenkins	Renzi
Castle	Jindal	Reyes
Chabot	Johnson (CT)	Reynolds
Chandler	Johnson (IL)	Rogers (AL)
Chocoma	Johnson, Sam	Rogers (KY)
Coble	Jones (NC)	Rogers (MI)
Cole (OK)	Jones (OH)	Rohrabacher
Cooper	Kanjorski	Ros-Lehtinen
Costa	Kaptur	Ross
Costello	Keller	Rothman
Cramer	Kelly	Royce
Crenshaw	Kennedy (MN)	Ruppersberger
Crowley	Kennedy (RI)	Ryan (WI)
Cubin	Kind	Ryun (KS)
Cuellar	King (IA)	Salazar
Culberson	King (NY)	Saxton
Cunningham	Kingston	Schiff
Davis (AL)	Kirk	Schmidt
Davis (CA)	Kline	Schwartz (PA)
Davis (KY)	Knollenberg	Schwarz (MI)
Davis (TN)	Kolbe	Scott (GA)
Davis, Jo Ann	Kuhl (NY)	Sensenbrenner
Davis, Tom	LaHood	Shadegg
Deal (GA)	Langevin	Shaw
DeFazio	Lantos	Shays
DeLauro	Larsen (WA)	Sherman
DeLay	Larson (CT)	Sherwood
Dent	Latham	Shimkus
Diaz-Balart, L.	LaTourette	Shuster
Diaz-Balart, M.	Leach	Simmons
Dicks	Lewis (CA)	Simpson
Doggett	Lewis (KY)	Skelton
Doolittle	Linder	Smith (TX)
Doyle	Lipinski	Snyder
Drake	LoBiondo	Sodrel
Dreier	Lofgren, Zoe	Souder
Duncan	Lucas	Spratt
Edwards	Lungren, Daniel	Stearns
Emanuel	E.	Stupak
Emerson	Mack	Sullivan
English (PA)	Manzullo	Tancredo
Etheridge	Marchant	Tanner
Everett	Marshall	Tauscher
Feeney	Matheson	Taylor (MS)
Ferguson	Matsui	Taylor (NC)
Fitzpatrick (PA)	McCaul (TX)	Terry
Flake	McCotter	Thomas
Foley	McCrery	Thompson (CA)
Forbes	McHenry	Thompson (MS)
Ford	McHugh	Thornberry
Fortenberry	McIntyre	Tiahrt
Fossella	McKeon	Tiberi
Fox	McMorris	Turner
Franks (AZ)	Meek (FL)	Udall (NM)
Frelinghuysen	Melancon	Upton
Galeggly	Menendez	Visclosky
Garrett (NJ)	Mica	Walden (OR)
Gerlach	Miller (FL)	Walsh
Gibbons	Miller (MI)	Wamp
Gilchrest	Miller (NC)	Weiner
Gillmor	Miller, Gary	Weldon (FL)
Gingrey	Moore (KS)	Weldon (PA)

Weller	Wicker	Wu
Westmoreland	Wilson (NM)	Wynn
Wexler	Wilson (SC)	Young (AK)
Whitfield	Wolf	

NOT VOTING—11

Boswell	Davis (FL)	Sessions
Brown-Waite,	Hastings (FL)	Strickland
Ginny	Norwood	Sweeney
Conaway	Pence	Young (FL)

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. SIMPSON, Chairman, pursuant to House Resolution 540, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Access to Justice and Court Protection Act of 2005".

SEC. 2. PENALTIES FOR INFLUENCING, IMPEDING, OR RETALIATING AGAINST JUDGES AND OTHER OFFICIALS BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115 of title 18, United States Code, is amended—

(1) in each of subparagraphs (A) and (B) of subsection (a)(1), by inserting "federally funded public safety officer (as defined for the purposes of section 1123)" after "Federal law enforcement officer,";

(2) so that subsection (b) reads as follows: "(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is as follows:

"(A) The punishment for an assault in violation of this section is the same as that provided for a like offense under section 111.

"(B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section is the same as provided for a like violation in section 1201.

"(C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is the same as provided for a like offense under section 1111, 1113, and 1117.

"(D) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the victim of the offense under this section is an immediate family member of a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the punishments otherwise provided by paragraph (1), the punishments shall be as follows:

"(A) The punishment for an assault in violation of this section is as follows:

"(i) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

"(ii) If the assault resulted in bodily injury (as defined in section 1365), a fine under this title and a term of imprisonment for not less than one year nor more than 10 years.

"(iii) If the assault resulted in substantial bodily injury (as defined in section 113), a fine under this title and a term of imprisonment for not less than 3 years nor more than 12 years.

"(iv) If the assault resulted in serious bodily injury (as defined in section 2119), a fine under this title and a term of imprisonment

for not less than 10 years nor more than 30 years.

"(B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life.

"(C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, the offender may be sentenced to death.

"(D) A threat made in violation of this section shall be punished by a fine under this title and imprisonment for not less than one year nor more than 10 years.

"(E) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this paragraph."

SEC. 3. PENALTIES FOR CERTAIN ASSAULTS.

(a) INCLUSION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.—Section 111(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "or a federally funded public safety officer (as defined in section 1123)" after "1114 of this title"; and

(2) in paragraph (2), by inserting "or a federally funded public safety officer (as defined in section 1123)" after "1114".

(b) ALTERNATE PENALTY WHERE VICTIM IS A UNITED STATES JUDGE, A FEDERAL LAW ENFORCEMENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFETY OFFICER.—Section 111 of title 18, United States Code, is amended by adding at the end the following:

"(c) ALTERNATE PENALTY WHERE VICTIM IS A UNITED STATES JUDGE, A FEDERAL LAW ENFORCEMENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFETY OFFICER.—(1) Except as provided in paragraph (2), if the offense is an assault and the victim of the offense under this section is a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the penalties otherwise set forth in this section, the offender shall be subject to a fine under this title and—

"(A) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

"(B) If the assault resulted in bodily injury (as defined in section 1365), shall be imprisoned not less than one nor more than 10 years;

"(C) If the assault resulted in substantial bodily injury (as defined in section 113), shall be imprisoned not less than 3 nor more than 12 years; and

"(D) If the assault resulted in serious bodily injury (as defined in section 2119), shall be imprisoned not less than 10 nor more than 30 years.

"(2) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this subsection."

SEC. 4. PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1123. Killing of federally funded public safety officers

"(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or arising out of the performance of official duties, or kills a former federally funded public safety officer arising

out of the performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

"(b) As used in this section—

"(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

"(2) the term 'public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

"(3) the term 'judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

"(4) the term 'firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

"(5) the term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1123. Killing of federally funded public safety officers."

SEC. 5. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b), by inserting "not less than 30" after "any term of years".

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

SEC. 6. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows: "(a)(1) Whoever—

"(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

"(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

"(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

“(2) As used in this section, the term ‘juror or officer in a judicial proceeding’ means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.”; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

“(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

“(2) in any other case, a fine under this title and imprisonment for not more than 30 years.”.

SEC. 7. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert “or conspires” after “attempts”;

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112;”;

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking “20 years” and inserting “30 years”; and

(B) in subparagraph (C), by striking “10 years” and inserting “20 years”;

(4) in subsection (b), by striking “ten years” and inserting “30 years”; and

(5) in subsection (d), by striking “one year” and inserting “20 years”.

SEC. 8. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting “or conspires” after “attempts”;

(2) in subsection (a)(1)(B)—

(A) by inserting a comma after “probation”; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking “20 years” and inserting “30 years”;

(4) in subsection (b), by striking “ten years” and inserting “30 years”;

(5) in the first subsection (e), by striking “10 years” and inserting “30 years”; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 9. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting “intimidation of, or retaliation against, a witness, victim, juror, or informant,” after “extortion, bribery,”.

SEC. 10. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.”.

SEC. 11. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

“PART CC—WITNESS PROTECTION GRANTS

“SEC. 2811. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

“(b) USES OF FUNDS.—Grants awarded under this part shall be—

“(1) distributed directly to the State, unit of local government, or Indian tribe; and

“(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

“(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

“(1) has the greatest need for witness and victim protection programs;

“(2) has a serious violent crime problem in the jurisdiction;

“(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and

“(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 12. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and” ; and

(3) by adding at the end the following:

“(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”.

SEC. 13. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION AND COORDINATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the Judicial Branch, and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.”.

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking “and” at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

“(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and”.

SEC. 14. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST A FEDERAL EMPLOYEE.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“§ 1521. Retaliating against a Federal employee by false claim or slander of title

“Whoever, with the intent to harass a person designated in section 1114 on account of the performance of official duties, files, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal employee by false claim or slander of title.”.

SEC. 15. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

SEC. 16. REPEAL OF SUNSET PROVISION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking subparagraph (E).

SEC. 17. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN FEDERAL AND OTHER FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“§ 117. Protection of individuals performing certain Federal and federally assisted functions

“(a) Whoever knowingly, and with intent to harm, intimidate, or retaliate against a covered official makes restricted personal information about that covered official publicly available through the Internet shall be fined under this title and imprisoned not more than 5 years, or both.

“(b) It is a defense to a prosecution under this section that the defendant is a provider of Internet services and did not knowingly participate in the offense.

“(c) As used in this section—

“(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual; and

“(2) the term ‘covered official’ means—

“(A) an individual designated in section 1114;

“(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

“(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

“117. Protection of individuals performing certain Federal and federally assisted functions.”.

SEC. 18. ELIGIBILITY OF COURTS TO APPLY DIRECTLY FOR LAW ENFORCEMENT DISCRETIONARY GRANTS AND REQUIREMENT THAT STATE AND LOCAL GOVERNMENTS CONSIDER COURTS WHEN APPLYING FOR GRANT FUNDS.

(a) COURTS TREATED AS UNITS OF LOCAL GOVERNMENTS FOR PURPOSES OF DISCRETIONARY GRANTS.—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended in subsection (a)(3)—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) the judicial branch of a State or of a unit of local government within the State or of an Indian tribe, for purposes of discretionary grants;”.

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General shall ensure that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be; and

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be.

SEC. 19. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputization policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputization and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 20. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“§ 1075. Flight to avoid prosecution for killing peace officers

“Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

“1075. Flight to avoid prosecution for killing peace officers.”.

SEC. 21. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”; and

(2) by adding at the end the following:

“(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.”.

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: “If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.”.

SEC. 22. MEDIA COVERAGE OF COURT PROCEEDINGS.

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

(1) The right of the people of the United States to freedom of speech, particularly as it relates to comment on governmental activities, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the public to obtain facts and information about the Government upon which to base their judgments regarding important issues and events. As the United States Supreme Court articulated in *Craig v. Harney*, 331 U.S. 367 (1947), “A trial is a public event. What transpires in the court room is public property.”.

(2) The right of the people of the United States to a free press, with the ability to report on all aspects of the conduct of the business of government, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the news media to gather facts and information freely for dissemination to the public.

(3) The right of the people of the United States to petition the Government to redress grievances, particularly as it relates to the manner in which the Government exercises its legislative, executive, and judicial powers, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the availability to the public of information about how the affairs of government are being conducted. As the Supreme Court noted in *Richmond Newspapers, Inc. v. Commonwealth of Virginia* (1980), “People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.”.

(4) In the twenty-first century, the people of the United States obtain information regarding judicial matters involving the Constitution, civil rights, and other important legal subjects principally through the print and electronic media. Television, in particular, provides a degree of public access to courtroom proceedings that more closely approximates the ideal of actual physical presence than newspaper coverage or still photography.

(5) Providing statutory authority for the courts of the United States to exercise their discretion in permitting televised coverage of courtroom proceedings would enhance significantly the access of the people to the Federal judiciary.

(6) Inasmuch as the first amendment to the Constitution prevents Congress from abridging the ability of the people to exercise their inherent rights to freedom of speech, to freedom of the press, and to petition the Government for a redress of grievances, it is good public policy for the Congress affirmatively to facilitate the ability of the people to exercise those rights.

(7) The granting of such authority would assist in the implementation of the constitutional guarantee of public trials in criminal cases, as provided by the sixth amendment to the Constitution. As the Supreme Court stated in *In re Oliver* (1948), “Whatever other benefits the guarantee to an accused that his trial be conducted in public may confer upon our society, the guarantee has always been recognized as a safeguard against any attempt to employ our courts as instruments of persecution. The knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power.”.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public

of court proceedings over which that judge presides.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(B) OBSCURING OF WITNESSES AND JURORS.—

(i) Upon the request of any witness (other than a party) or a juror in a trial proceeding, the court shall order the face and voice of the witness or juror (as the case may be) to be disguised or otherwise obscured in such manner as to render the witness or juror unrecognizable to the broadcast audience of the trial proceeding.

(ii) The presiding judge in a trial proceeding shall inform—

(1) each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony; and

(II) each juror that the juror has the right to request that his or her image be obscured during the trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in paragraphs (1) and (2).

(c) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(d) SUNSET.—The authority under subsection (b)(2) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 23. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.

SEC. 24. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, \$20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 25. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 26. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance.

(2) JUVENILE.—The term "juvenile" means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term "young adult" means an individual who is between the ages of 18 and 21.

(4) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) PROGRAM AUTHORIZATION.—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness as-

sistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) REPORTS.—

(1) REPORT.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 27. STATE AND LOCAL COURT ELIGIBILITY.

(a) BUREAU GRANTS.—Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting "State and local courts," after "contracts with".

(b) EDWARD BRYNE GRANTS.—

(1) FORMULA GRANTS.—Section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(A) in subsection (a), by striking "and units of local government" and inserting "units of local government, and State and local courts"; and

(B) in subsection (b), by inserting "State and local courts," after "use by States".

(2) DISCRETIONARY GRANTS.—Section 510(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(a)) is amended by inserting "State and local courts," after "private agencies".

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (37961i) is amended—

(1) in subsection (a), by inserting "State and local court," after "local,"; and
(2) in subsection (b), by inserting "State and local court" after "government,".
(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—
(1) in the section heading, by inserting "state and local courts," after "agencies";
(2) in subsection (a), by inserting "and State and local courts" after "such agencies or organizations"; and
(3) in subsection (a)(1), by inserting "and State and local courts" after "organizations".

SEC. 28. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

“§ 3054. Authority of Federal judges and prosecutors to carry firearms

“Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations shall provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

“3054. Authority of Federal judges and prosecutors to carry firearms.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HIGGINS moved to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Insert at the appropriate place the following:

SEC. ____ PROHIBITION OF PROFITEERING AND FRAUD IN CONNECTION WITH MILITARY ACTIONS AND DISASTER RELIEF.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1351. Profiteering and fraud in connection with military actions and disaster relief

“(a) PROHIBITION.—Whoever, directly or indirectly, in any matter involving a contract with the Federal Government or the provision of goods or services to or on behalf of the Federal Government, in connection with military action, or relief or reconstruction activities in Iraq or Afghanistan or any other foreign country, or relief or reconstruction efforts provided in response to a major disaster declaration under section 401 of the Disaster Relief Act of 1974, or an emergency declaration under section 501 of the Disaster Relief Act of 1974, knowingly and willfully—

“(1) executes or attempts to execute a scheme or artifice to defraud the United States;
“(2) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(3) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or
“(4) materially overvalues any good or service with the specific intent to excessively profit from the federal disaster or emergency;

shall be fined under subsection (b), imprisoned not more than 30 years, or both.
“(b) FINE.—A person convicted of an offense under subsection (a) may be fined the greater of—
“(1) \$1,000,000; or
“(2) if such person derives profits or other proceeds from the offense, not more than 3 times the gross profits or other proceeds.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

“1351. Profiteering and fraud in connection with military actions and disaster relief.”.

After debate,
By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,
Will the House recommit said bill with instructions?
The SPEAKER pro tempore, Mr. TERRY, announced that the nays had it.

Mr. HIGGINS demanded a recorded vote which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 201
negative Nays 221

“1351. Profiteering and fraud in connection with military actions and disaster relief.”.

After debate,
By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,
Will the House recommit said bill with instructions?
The SPEAKER pro tempore, Mr. TERRY, announced that the nays had it.

Mr. HIGGINS demanded a recorded vote which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 201
negative Nays 221

123.30 [Roll No. 584]
AYES—201

- Abercrombie Davis (AL)
Ackerman Davis (CA)
Allen Davis (IL)
Andrews Davis (TN)
Baca DeFazio
Baird DeGette
Baldwin Delahunt
Barrow DeLauro
Bean Dicks
Becerra Kilpatrick (MI)
Berkley Doggett
Berman Doyle
Berry Edwards
Bishop (GA) Emanuel
Bishop (NY) Engel
Blumenauer Eshoo
Boren Etheridge
Boucher Evans
Boyd Farr
Brady (PA) Fattah
Brown (OH) Filner
Brown, Corrine Ford
Butterfield Frank (MA)
Capps Gonzalez
Capuano Gordon
Cardin Green, Al
Cardoza Green, Gene
Carnahan Grijalva
Carson Gutierrez
Case Harman
Chandler Hereth
Clay Higgins
Cleaver Hinchey
Clyburn Hinojosa
Conyers Holden
Cooper Holt
Costa Honda
Costello Hooley
Cramer Hoyer
Crowley Inslee
Cuellar Israel
Cummings Jackson (IL)

- Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel

- Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt

NOES—221

- Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly

- Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)

Weldon (PA) Whitfield Wilson (SC)
Weller Wicker Wolf
Westmoreland Wilson (NM) Young (AK)

NOT VOTING—11

Boswell Davis (FL) Sessions
Brown-Waite, Hastings (FL) Strickland
Ginny Norwood Sweeney
Conaway Pence Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 375
affirmative } Nays 45

¶123.31 [Roll No. 585]
YEAS—375

Abercrombie Cleaver Gilmor
Ackerman Clyburn Gingrey
Aderholt Coble Gohmert
Akin Cole (OK) Gonzalez
Alexander Cooper Goode
Allen Costa Goodlatte
Andrews Costello Gordon
Baca Cramer Granger
Bachus Crenshaw Graves
Baird Crowley Green (WI)
Baker Cubin Green, Al
Barrett (SC) Cuellar Green, Gene
Barrow Culberson Gutierrez
Bartlett (MD) Cunningham Gutknecht
Barton (TX) Davis (AL) Hall
Bass Davis (CA) Harman
Bean Davis (KY) Harris
Beauprez Davis (TN) Hart
Becerra Davis, Jo Ann Hastings (WA)
Berkley Davis, Tom Hayes
Berman Deal (GA) Hayworth
Berry DeFazio Hefley
Biggart DeGette Hensarling
Bilirakis DeLauro Herger
Bishop (GA) DeLay Herseth
Bishop (NY) Dent Higgins
Bishop (UT) Diaz-Balart, L. Hinojosa
Blackburn Diaz-Balart, M. Hobson
Blumenauer Dicks Hoekstra
Blunt Dingell Holden
Boehler Doggett Honda
Boehner Doolittle Hooley
Bonilla Doyle Hostettler
Bonner Drake Hoyer
Bono Dreier Hulshof
Boozman Duncan Hunter
Boren Edwards Hyde
Boucher Ehlers Inglis (SC)
Boustany Emanuel Inslee
Boyd Emerson Israel
Bradley (NH) Engel Issa
Brady (PA) English (PA) Istook
Brady (TX) Eshoo Jackson-Lee
Brown (OH) Etheridge (TX)
Brown (SC) Evans Jefferson
Brown, Corrine Everett Jenkins
Burgess Farr Jindal
Burton (IN) Fattah Johnson (CT)
Butterfield Feeney Johnson (IL)
Buyer Ferguson Johnson, E. B.
Calvert Fitzpatrick (PA) Johnson, Sam
Camp Flake Jones (NC)
Cannon Foley Jones (OH)
Cantor Forbes Kanjorski
Capito Ford Kaptur
Capps Fortenberry Keller
Capuano Fossella Kelly
Cardin Foxx Kennedy (MN)
Cardoza Frank (MA) Kennedy (RI)
Carnahan Franks (AZ) Kind
Carter Frelinghuysen King (IA)
Case Gallegly King (NY)
Castle Garrett (NJ) Kingston
Chabot Gerlach Kirk
Chandler Gibbons Kline
Chocola Gilchrest Knollenberg

Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Otter
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCreery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer

NAYS—45

Baldwin
Carson
Clay
Conyers
Cummings
Davis (IL)
Delahunt
Filner
Grijalva
Hinchey
Holt
Jackson (IL)
Kildee
Kilpatrick (MI)
Kucinich

NOT VOTING—13

Boswell
Brown-Waite,
Ginny
Conaway
Davis (FL)

Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano

Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Michaud
Miller, George
Mollohan
Moore (WI)
Nadler
Oberstar
Oliver
Owens
Paul

Hastings (FL)
McCollum (MN)
Norwood
Pence
Price (GA)

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

¶123.33 PROVIDING FOR THE CONSIDERATION OF H.R. 4241

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-281) the resolution (H. Res. 542) providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006.

When said resolution and report were referred to the House Calendar and ordered printed.

¶123.34 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2490. An Act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 3339. An Act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".

¶123.35 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 4, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 2744. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 2967. An Act to designate the Federal Building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

¶123.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CONAWAY, for today;
To Ms. KILPATRICK of Michigan, for today until 2 p.m.; and
To Mr. SWEENEY, for today and November 10.

¶123.37 ADJOURNMENT

On motion of Mr. RYAN of Ohio, at 11 o'clock and 50 minutes p.m., the House adjourned.

¶123.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-281). Referred to the House Calendar.

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶123.32 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SENSENBRENNER, by unanimous consent,

123.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BISHOP of Georgia:

H.R. 4261. A bill to provide eligibility for veterans benefits for individuals who served in the United States merchant marine in the Southeast Asia theater of operations during the Vietnam Era; to the Committee on Veterans' Affairs.

By Mr. ENGLISH of Pennsylvania:

H.R. 4262. A bill to provide a standard deduction for business use of a home; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mr. SANDERS, Mr. NADLER, and Mr. HINCHEY):

H.R. 4263. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to establish the Consumer Energy Assistance Trust Fund, and to provide for a rebate to energy consumers; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE:

H.R. 4264. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HART:

H.R. 4265. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. TAYLOR of Mississippi, Mr. WICKER, Mr. JINDAL, Mr. ALEXANDER, Mr. BONNER, Mr. BOUSTANY, and Mr. MCCREY):

H.R. 4266. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide temporary emergency assistance for primary residences damaged or destroyed by Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

By Mr. BEAUPREZ (for himself and Mrs. MUSGRAVE):

H.R. 4267. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DEAL of Georgia (for himself, Mrs. MYRICK, and Mr. PRICE of Georgia):

H.R. 4268. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4269. A bill to amend title XVIII of the Social Security Act to provide for cost-based reimbursement for ambulance services furnished directly by, or under arrangements with, a critical access hospital; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 4270. A bill to amend the Reclamation Wastewater and Groundwater Study and Fa-

cilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; to the Committee on Resources.

By Mr. GRIJALVA:

H.R. 4271. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in modifications to the Pima County Wastewater Management Regional Treatment System for Improved Reclaimed Water Production; to the Committee on Resources.

By Mr. FARR (for himself, Mr. ROHR-ABACHER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. HINCHEY, Ms. BALDWIN, Mr. MCDERMOTT, Mr. CASE, and Mr. KUCINICH):

H.R. 4272. A bill to amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS:

H.R. 4273. A bill to make single family housing owned by the Department of Housing and Urban Development available for purchase by teachers and public safety officers at a discount; to the Committee on Financial Services.

By Mrs. JONES of Ohio:

H.R. 4274. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for protections with respect to the accrued benefits of participants during conversions of pension plans to cash balance plans; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 4275. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Resources.

By Mr. LARSON of Connecticut (for himself and Ms. DELAURO):

H.R. 4276. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to use the proceeds of the windfall profit tax collected to carry out the Low-Income Home Energy Assistance Act and for medical services provided by the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM (for himself, Mr. PETERSON of Minnesota, Mr. MCCAUL of Texas, Mr. GOODE, and Mr. FORTUÑO):

H.R. 4277. A bill to amend title 38, United States Code, to provide veterans enrolled in the health system of the Department of Veterans Affairs the option of receiving covered health services through facilities other than those of the Department; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. OWENS, Ms. MCKIN-

NEY, Mr. GRIJALVA, Ms. CARSON, Mr. KUCINICH, and Mr. CLAY):

H.R. 4278. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. MCKINNEY:

H.R. 4279. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue Northwest in the District of Columbia as the "Frank F. Church Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK (for herself, Ms. FOX, Mr. JONES of North Carolina, Mr. MCHENRY, and Mr. TAYLOR of North Carolina):

H.R. 4280. A bill to ensure that States do not accept an individual taxpayer identification number as proof of identification or legal residence; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 4281. A bill to amend the Tariff Act of 1930 and the Internal Revenue Code of 1986 relating to importation of tobacco products; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. DEFAZIO, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. MILLER of Florida, and Mr. BISHOP of Utah):

H.R. 4282. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning foods and dietary supplements, to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, and Mr. MCCAUL of Texas):

H.R. 4283. A bill to require the Comptroller General to conduct a review of the basic training provided by United States Customs and Border Protection to Border Patrol agents to ensure that this training is being conducted as efficiently and cost-effectively as possible; to the Committee on Homeland Security.

By Mr. ROGERS of Alabama (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mr. PEARCE, Mr. SIMMONS, and Mr. SHAYS):

H.R. 4284. A bill to direct the Inspector General of the Department of Homeland Security to conduct reviews of certain contract actions by the Department of Homeland Security for the new Secure Border Initiative; to the Committee on Homeland Security.

By Mr. ROGERS of Alabama (for himself, Mr. MCCAUL of Texas, and Mr. PEARCE):

H.R. 4285. A bill to increase the number of trained detection canines of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 4286. A bill to amend the Internal Revenue Code of 1986 to allow electric utility companies to expense the cost of replacing above-ground electric transmission lines with underground electric transmission lines; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. BERMAN, and Mr. MARSHALL):

H.R. 4287. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for portion of charitable contributions related to Hurricane Katrina or Hurricane Rita in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4288. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado:

H.R. 4289. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. LANTOS, Mr. SOUDER, Mr. ROHRBACHER, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, and Mr. STARK):

H. Con. Res. 294. Concurrent resolution calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government; to the Committee on International Relations.

By Mr. ABERCROMBIE:

H. Res. 543. A resolution providing for consideration of the joint resolution (H.J. Res. 55) requiring the President to develop and implement a plan for the withdrawal of United States Armed Forces from Iraq; to the Committee on Rules.

By Mr. CAMP (for himself, Mr. OBERSTAR, and Mr. ROGERS of Michigan):

H. Res. 544. A resolution recognizing and supporting the goals and ideals of National Adoption Month; to the Committee on Government Reform.

123.40 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. VAN HOLLEN introduced a bill (H.R. 4290) for the relief of Judith Atuh Tanjoh, Serge Mbah Tikum, Marie Noel Tikum, Emmanuel Ngwa Tikum, and Roger Fon Tikum; which was referred to the Committee on the Judiciary.

123.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CRAMER.
 H.R. 147: Mr. RANGEL and Mr. CLYBURN.
 H.R. 354: Mr. ROTHMAN.
 H.R. 503: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEHAN, and Mr. FITZPATRICK of Pennsylvania.
 H.R. 551: Mr. ANDREWS and Mrs. NAPOLITANO.
 H.R. 552: Mr. MARCHANT.
 H.R. 602: Mr. CARNAHAN.
 H.R. 615: Mrs. WILSON of New Mexico.
 H.R. 688: Mr. GINGREY.
 H.R. 698: Mr. FOLEY, Mr. LINDER, Ms. FOX, Mr. CARTER, Mr. SAM JOHNSON of Texas, and Mr. MILLER of Florida.
 H.R. 772: Ms. DEGETTE and Mr. WYNN.
 H.R. 896: Mr. STUPAK.
 H.R. 939: Mr. INSLEE.
 H.R. 1067: Ms. DELAURO.
 H.R. 1131: Ms. HART and Mr. HERGER.
 H.R. 1188: Mr. SIMMONS.
 H.R. 1264: Mr. SOUDER and Mr. LATHAM.
 H.R. 1414: Mr. HIGGINS.
 H.R. 1578: Mr. GERLACH, Mr. THOMPSON of California, and Mr. HOLT.
 H.R. 1588: Ms. LEE.

H.R. 1663: Mr. TURNER.

H.R. 1668: Mr. GUTIERREZ and Mr. RYAN of Ohio.

H.R. 1940: Mr. MENENDEZ and Ms. SOLIS.

H.R. 1951: Mr. BARROW and Mr. SERRANO.

H.R. 2092: Ms. NORTON, Ms. DEGETTE, and Mr. WATT.

H.R. 2134: Ms. WOOLSEY.

H.R. 2206: Mr. BARROW.

H.R. 2231: Mr. WILSON of South Carolina, Mr. FATTAH, Mr. CARNAHAN, Ms. Watson, Mr. SHAYS, Ms. CARSON, Mr. JEFFERSON, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mr. REYES, Mr. BISHOP of Georgia, Mr. SANDERS, Mr. FILNER, Mr. MORAN of Virginia, and Mr. DEFAZIO.

H.R. 2234: Mr. TIERNEY and Mr. CASTLE.

H.R. 2683: Mr. SERRANO.

H.R. 2716: Mr. BARROW.

H.R. 2747: Mr. BISHOP of Georgia.

H.R. 2808: Ms. LEE and Mr. SALAZAR.

H.R. 2926: Mr. WAXMAN.

H.R. 2961: Mr. SHUSTER, Mr. MCHUGH, and Mr. SALAZAR.

H.R. 3044: Mr. BRADY of Pennsylvania.

H.R. 3049: Mr. KLINE.

H.R. 3128: Mr. FATTAH.

H.R. 3183: Mr. BLUMENAUER.

H.R. 3195: Mr. SERRANO, Ms. LEE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. HINCHEY.

H.R. 3334: Mr. PASTOR, Ms. DEGETTE, Mr. DOOLITTLE, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. WEXLER, and Mr. MEEKS of New York.

H.R. 3369: Mr. DEFAZIO.

H.R. 3547: Mr. PAUL and Mr. KUHL of New York.

H.R. 3569: Mr. CARNAHAN.

H.R. 3607: Mr. FATTAH.

H.R. 3614: Mr. GINGREY.

H.R. 3630: Mr. PICKERING and Mr. JINDAL.

H.R. 3640: Mr. BOUCHER, Mr. STARK, Mr. OWENS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. McNULTY, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. RUSH, Mr. MCDERMOTT, Ms. WOOLSEY, and Ms. BORDALLO.

H.R. 3642: Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. McNULTY, Mr. OWENS, Mr. LYNCH, Mrs. CHRISTENSEN, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Ms. LINDA T. SANCHEZ of California, and Mr. MEEKS of New York.

H.R. 3657: Ms. ZOE LOFGREN of California, Mr. SMITH of Washington, and Mr. FILNER.

H.R. 3748: Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. FATTAH, Mr. HOLT, Ms. KAPTUR, Mr. THOMPSON of Mississippi, Mrs. CAPPS, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. CARDIN, Mr. EMANUEL, and Mr. DAVIS of Florida.

H.R. 3753: Mr. GALLEGLEY.

H.R. 3875: Mr. McNULTY, Mr. JEFFERSON, Mr. COSTA, Mr. WEXLER, and Ms. MCKINNEY.

H.R. 3889: Mr. BISHOP of Georgia.

H.R. 3908: Mr. CALVERT.

H.R. 3917: Mr. GRIJALVA.

H.R. 3922: Mr. NADLER, Mr. CROWLEY, Ms. CARSON, Mrs. CAPPS, Mr. HONDA, Ms. SCHAKOWSKY, Mr. BONNER, Mrs. CHRISTENSEN, Mr. STUPAK, Ms. BERKLEY, Mr. WUI, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Mr. UDALL of New Mexico, Ms. MCKINNEY, Ms. PELOSI, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. ENGEL, and Mr. VAN HOLLEN.

H.R. 3923: Mr. PAUL and Mr. TERRY.

H.R. 3924: Mr. PAUL.

H.R. 3969: Mr. BOOZMAN.

H.R. 4006: Mr. RAMSTAD.

H.R. 4049: Mrs. TAUSCHER, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, AND MS. ESHOO.

H.R. 4062: Mr. GONZALEZ, Ms. SOLIS, and Mr. BROWN of Ohio.

H.R. 4063: Mr. GIBBONS, Mr. PAYNE, Mr. SHAYS, Mr. WAXMAN, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. HOLT, Mr. LATHAM, Mr. WOLF, Mr. ALLEN, Mr. FOLEY, Mr. HOYER, and Ms. LEE.

H.R. 4086: Ms. JACKSON-LEE of Texas, Mr. PAUL, and Mr. MILLER of Florida.

H.R. 4098: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. PETERSON of Minnesota, and Mr. KILDEE.

H.R. 4099: Mrs. MYRICK, Mr. NEUGEBAUER, Mr. ROHRBACHER, Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. WESTMORELAND.

H.R. 4110: Mr. BRADY of Pennsylvania.

H.R. 4145: Mr. NEY, Mr. RUPPERSBERGER, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. HINCHEY, and Mr. DOGGETT.

H.R. 4194: Mr. BASS, Mr. LANTOS, and Mr. MORAN of Virginia.

H.R. 4196: Mr. GONZALEZ.

H.R. 4200: Mr. STUPAK, Mrs. MILLER of Michigan, Mrs. MYRICK, Mr. POE, Mr. FOLEY, Mrs. BONO, Mr. BURTON of Indiana, and Mr. SHUSTER.

H.R. 4223: Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. WYNN, Mrs. MCCARTHY, Mr. McNULTY, Mr. FATTAH, Mr. HINOJOSA, Mr. HOLDEN, Mr. GRIJALVA, and Mr. WEXLER.

H.R. 4238: Mr. MARCHANT, Ms. GINNY BROWN-WAITE of Florida, Mr. FEENEY, Mr. PITTS, Mrs. MYRICK, Mr. GINGREY, Mr. CHABOT, Mr. GOODE, Mr. GUTKNECHT, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. MCHENRY, Mr. PRICE of Georgia, Mr. JINDAL, Mr. ISSA, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. KLINE, Mr. WESTMORELAND, Mr. WELDON of Florida, and Mr. COLE of Oklahoma.

H.R. 4239: Mr. KLINE and Mr. PEARCE.

H.R. 4243: Mr. RUPPERSBERGER.

H.R. 4259: Mr. WEXLER.

H. Con. Res. 42: Mr. UPTON.

H. Con. Res. 222: Mr. TERRY.

H. Con. Res. 230: Mr. SMITH of Texas, Ms. BEAN, Mrs. MCCARTHY, and Mr. DOOLITTLE.

H. Con. Res. 231: Mr. ALLEN.

H. Con. Res. 234: Mr. PASTOR and Ms. KAPTUR.

H. Con. Res. 235: Mr. MICHAUD.

H. Con. Res. 272: Ms. BEAN, Mr. HINOJOSA, and Mrs. KELLY.

H. Con. Res. 273: Ms. MCKINNEY.

H. Con. Res. 285: Mr. ROGERS of Alabama.

H. Con. Res. 287: Mr. AL GREEN of Texas, Mr. LIPINSKI, Mr. WAXMAN, Ms. BORDALLO, Mr. LEWIS of Georgia, and Ms. SOLIS.

H. Con. Res. 288: Mr. FARR.

H. Con. Res. 289: Mr. CARNAHAN.

H. Con. Res. 293: Ms. SOLIS.

H. Res. 196: Mr. BROWN of Ohio, Mr. CLEAVER, Mr. DOGGETT, Mr. SMITH of Washington, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. STRICKLAND.

H. Res. 223: Mr. STARK, Ms. ZOE LOFGREN of California, and Mr. GRIJALVA.

H. Res. 230: Mr. SPRATT, Mr. ANDREWS, and Mr. OLVER.

H. Res. 409: Mr. STUPAK.

H. Res. 410: Mr. DOYLE.

H. Res. 456: Mr. LANTOS, Mr. FALEOMAVAEGA, and Mrs. MALONEY.

H. Res. 458: Mr. PRICE of North Carolina.

H. Res. 479: Mr. GONZALEZ.

H. Res. 499: Mr. GERLACH, Mr. FITZPATRICK of Pennsylvania, Mr. PITTS, and Mr. SHIMKUS.

H. Res. 504: Mr. CARTER.

H. Res. 505: Mr. LANGEVIN, Mrs. DAVIS of California, Mr. THOMPSON of Mississippi, Mr. SCHIFF, Mr. LARSEN of Washington, and Mr. GONZALEZ.

H. Res. 517: Mr. ACKERMAN, Mr. KUHL of New York, and Mr. HOLT.

H. Res. 524: Mr. DAVIS of Tennessee and Mr. GEORGE MILLER of California.

H. Res. 526: Mr. SIMMONS.

¶123.42 DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4200: Mr. LEWIS of California.

THURSDAY, NOVEMBER 10, 2005
(124)

The House was called to order by the SPEAKER.

¶124.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 9, 2005.

Mr. WILSON of South Carolina, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. WILSON of South Carolina, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed.

The point of no quorum was considered as withdrawn.

¶124.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5133. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's "Major" final rule—Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities [Docket No. RM05-31-000; Order No. 665] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5134. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph for Over-the-Counter Nasal Decongestant Drug Products [Docket No. 2004N-0289] (RIN: 0910-AF34) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5135. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Immunology and Microbiology Devices; Classification of AFP-L3% Immunological Test Systems [Docket No. 2005N-0341] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5136. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Price-Anderson Act Financial Protection Regulations and Elimination of Antitrust Reviews (RIN: 3150-AH78) received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5137. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

5138. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 12-05 which informs of an intent to sign an Memorandum of Agreement (MOA) between the United States and India for Research, Development, Testing, and Evaluation Projects, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5139. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 13-05 which informs of an intent to sign a Project Arrangement (PA) to the Navigation Warfare Technology Demonstrator and System Prototype Projects Memorandum of Understanding (MOU) between the United States, Australia, Canada, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5140. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 11-05 which informs of an intent to sign an Memorandum of Agreement (MOA) between the United States and Australia concerning the Soldier Combat System, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5141. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-16, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on International Relations.

5142. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-17, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

5143. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Removal of License Requirements for Exports and Reexports to India of Items Controlled Unilaterally for Nuclear Nonproliferation Reasons and Removal of Certain Indian Entities from the Entity List [Docket No. 050822227-5227-01] (RIN: A694-AD44) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5144. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations: Part 126 (Z-RIN: 1400-ZA17) received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5145. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-39 on Transfers of Defense Articles or Services for Libya

for Chemical Weapons Destruction; to the Committee on International Relations.

5146. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-40 on Transfers of Defense Articles or Services and Brokering Activities for Libya Relating to Disposition of Libyan-owned C-130H Aircraft; to the Committee on International Relations.

5147. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-05-05); to the Committee on International Relations.

5148. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105-277; to the Committee on International Relations.

5149. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AB04) received November 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5150. A letter from the Secretary, Department of Defense, transmitting the Department's and the Office of Management and Budget's intention to jointly file final regulations for the National Security Personnel System (NSPS), as authorized by the National Defense Authorization Act for Fiscal Year 2004; to the Committee on Government Reform.

5151. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5152. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5153. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5154. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5155. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 007-2005] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5156. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Annual Inventory of Commercial and Inherently Governmental Activities for 2005, in accordance with Section 2 of the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

5157. A letter from the Director, Holocaust Memorial Museum, transmitting a strategic plan for the United States Holocaust Memorial Museum, as required under the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5158. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

5159. A letter from the General Counsel, Office of Government Ethics, transmitting the Office's FAIR Act Inventory for FY 2005; to the Committee on Government Reform.

5160. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Retirement System; Death Benefits and Employee Refunds (RIN: 3206-AK57) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5161. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Examining System (RIN: 3206-AK85) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5162. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Excepted Service; Career and Career-Conditional Employment (RIN: 3206-AJ28) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5163. A letter from the Office of Special Counsel, transmitting the Office's Fiscal Year 2005 Report on Agency Management of Commercial Activities Under the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

5164. A letter from the Director, Selective Service System, transmitting the FY 2005 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5165. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil, Gas, and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Waiver of Fees (RIN: 1010-AD27) received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5166. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a report on the results and conclusions of environmental investigations of areas of Naval Oil Shale Reserve Number 3 and an estimate of the total costs necessary to address the site's environmental conditions, pursuant to Public Law 105-85; to the Committee on Resources.

5167. A letter from the Secretary, Department of Commerce, transmitting the Department's biennial report on the Administration of the Coastal Zone Management Act by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal years 2002 and 2003, pursuant to 16 U.S.C. 1451 et seq.; to the Committee on Resources.

5168. A letter from the Assistant Secretary, Policy, Management and Budget, OFM, Department of the Interior, transmitting the Department's final rule—Administrative Wage Garnishment (RIN: 1090-AA93) received July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5169. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Inmate Fees for Health Care Services [BOP-1111-F] (RIN: 1120-AB11) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5170. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Safety Zone; Oswego Harbor Fest Fireworks, Lake Ontario, Oswego, NY [CGD09-05-100] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5171. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Rohrbach's Ontario Regatta, Hamlin Beach State Park, Monroe County, NY [CGD09-05-101] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5172. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD13-05-030] (RIN: 1625-AA11) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone [CGD01-05-072] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Sisters Creek, Jacksonville, FL [COTP Jacksonville 05-092] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-05-028] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5176. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the Red Hill Douglas County, OR Viticultural Area (2001R-88P) [T.D. TTB-35; Re: ATF Notices Nos. 960 and 966; TTB Notice Nos. 6 and 31] (RIN: 1513-AA39) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5177. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the Dos Rios Viticultural Area (2004R-0173P) [T.D. TTB-34; Re: Notice No. 37] (RIN: 1513-AA95) received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5178. A letter from the Senior Counsel, Office of the General Counsel, International Trade Administration, transmitting the Administration's final rule—Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders [Docket No. 050803215-5260-02] (RIN: 0625-AA69) received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5179. A letter from the Regulations Coordinator, CMS, Department of Health and

Human Services, transmitting the Department's "Major" final rule—Medicare Program; E-Prescribing and the Prescription Drug Program [CMS-0011-F] (RIN: 0938-AN49) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5180. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2006 [CMS-1301-F] (RIN: 0938-AN44) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶124.3 RECESS—10:32 A.M.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 32 minutes a.m., subject to the call of the Chair.

¶124.4 AFTER RECESS—4:20 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶124.5 PROCEEDINGS VACATED—H.R. 1953 AND H.R. 3665

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That the House vacate the ordering of the yeas and nays on the motions to suspend the rules and pass the bills (H.R. 1953) to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady", and for other purposes; as amended, and (H.R. 3665) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member and to make direct housing loans to Native American veterans, and for other purposes; as amended, to the end that the Chair put the question on each motion de novo.

Accordingly, the Chair put the questions as follows,

The question being put, *viva voce*, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to provide adaptive housing assistance to disabled veterans residing temporarily in housing owned by a family member, to make certain improvements in veterans employment assistance programs, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Accordingly,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER *pro tempore*, Mr. LAHOOD, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶124.6 APPROVAL OF THE JOURNAL— UNFINISHED BUSINESS

The SPEAKER *pro tempore*, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, November 9, 2005.

The question being put, *viva voce*,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER *pro tempore*, Mr. LAHOOD, announced that the yeas had it.

So the Journal was approved.

¶124.7 ADVERSE REPORT ON H. RES. 505

Mr. SMITH of New Jersey, by direction of the Committee on International Relations, adversely reported (Rept. No. 109-291) the resolution (H. Res. 505) requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to; referred to the House Calendar and ordered printed.

¶124.8 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER *pro tempore*, Mr. LAHOOD, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
November 10, 2005.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker *pro tempore* to sign enrolled bills and joint resolutions through November 15, 2005.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶124.9 ADJOURNMENT OVER

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, November 14, 2005, at 6 p.m., and further, when the House adjourns on Monday, November 14, 2005, it adjourn to meet at 10:30 a.m. on Tuesday, November 15, 2005, for morning-hour debate

¶124.10 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, November 16, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶124.11 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. JONES of Ohio, for November 8.

And then,

¶124.12 ADJOURNMENT

On motion of Ms. WOOLSEY, pursuant to the previous order of the House, at 4 o'clock and 43 minutes p.m., the House adjourned until 6 p.m. on Monday, November 14, 2005.

¶124.13 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4146. A bill to facilitate recovery from the effects of Hurricane Rita and Hurricane Wilma by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes (Rept. 109-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Concurrent Resolution 267. Resolution expressing the sense of the Congress upholding the Makah Tribe treaty rights; with amendments (Rept. 109-283). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 323. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library" (Rept. 109-284). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 679. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah (Rept. 109-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1096. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; with an amendment (Rept. 109-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1436. A bill to remove certain use restrictions on property located in Navajo County, Arizona (Rept. 109-287). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1564. A bill to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District (Rept. 109-288). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1972. A bill to direct the Secretary of the Interior to conduct a special resource

study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; with an amendment (Rept. 109-289). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3443. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District (Rept. 109-290). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. House Resolution 505. Resolution requesting the President of the United States and directing the Secretary of State to provide the House of Representatives certain documents in their possession relating to the White House Iraq Group; adversely (Rept. 109-291). Referred to the House Calendar.

¶124.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. RANGEL, Mr. SABO, and Ms. VELÁZQUEZ):

H.R. 4291. A bill to amend the Securities Exchange Act of 1934 to require additional disclosure to shareholders of executive compensation; to the Committee on Financial Services.

By Mr. POMBO (for himself and Mr. RAHALL):

H.R. 4292. A bill to amend Public Law 107-153 to further encourage the negotiated settlement of tribal claims; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. RANGEL, Mr. BROWN of Ohio, Mr. STARK, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. BACA, Ms. BALDWIN, Mr. BERMAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLDEN, Ms. KAPTUR, Mr. KILDEE, Mr. KUCINICH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY, Mr. McDERMOTT, Mr. McNULTY, Mr. MEEHAN, Mr. MOORE of Kansas, Ms. NOR-TON, Mr. OWENS, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Ms. WATERS, Mr. WEXLER, Mr. WYNN, Ms. SOLIS, and Mr. HOLT):

H.R. 4293. A bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 4294. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 4295. A bill to designate the facility of the United States Postal Service located at

12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building"; to the Committee on Government Reform.

By Mr. SODREL (for himself, Mr. WESTMORELAND, Mr. TIAHRT, Mr. COLE of Oklahoma, Mr. FRANKS of Arizona, Mr. PENCE, Mr. ROHRBACHER, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. CULBERSON, Mr. JONES of North Carolina, Mr. COBLE, Mr. KUHL of New York, Mr. MCCAUL of Texas, Mr. BOUSTANY, Mr. MARCHANT, Ms. FOX, Mr. GOHMERT, and Mr. HOSTETTLER):

H.R. 4296. A bill to amend title 11 of the United States Code with respect to avoidable preferences; and to amend title 28 of the United States Code with respect to venue for proceedings to avoid preferences under section 547 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 4297. A bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006; to the Committee on Ways and Means.

By Ms. BALDWIN:

H.R. 4298. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mr. BOREN:

H.R. 4299. A bill to authorize the President to present a gold medal on behalf of the Congress to the Choctaw Code Talkers in recognition of their contributions to the Nation, and for other purposes; to the Committee on Financial Services.

By Mr. FERGUSON (for himself, Mr. BROWN of South Carolina, Mr. GOODE, Mr. SIMMONS, Mr. SANDERS, and Mr. UDALL of Colorado):

H.R. 4300. A bill to amend the Internal Revenue Code of 1986 to extend the credit for residential energy efficient property and certain expiring provisions of the energy credit; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 4301. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio:

H.R. 4302. A bill to require, in the event of any future round of base realignments and closures, the prompt release of all military value data used by the Secretary of Defense to prepare the recommendations of the Secretary for the realignment and closure of military installations; to the Committee on Armed Services.

By Ms. MOORE of Wisconsin (for herself and Mr. ROGERS of Kentucky):

H.R. 4303. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. MORAN of Virginia (for himself, Ms. BORDALLO, Mr. MCCOTTER, Mr. ABERCROMBIE, Mr. CAPUANO, and Mr. BLUMENAUER):

H.R. 4304. A bill to designate the Republic of Korea as a program country under the

visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself, Mr. FEENEY, Mr. GINGREY, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. JINDAL, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. KLINE, Mr. COLE of Oklahoma, Mr. WESTMORELAND, Mr. ISSA, Mr. WELDON of Florida, Mr. FORTENBERRY, and Mr. HENSARLING):

H.R. 4305. A bill to amend the Internal Revenue Code of 1986 to provide increased expensing for section 179 property in the Gulf Opportunity Zone; to the Committee on Ways and Means.

By Mr. POE (for himself, Mr. SOUDER, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. KENNEDY of Minnesota, Mr. PITTS, Mrs. MYRICK, Mr. GINGREY, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. GOHMERT, Mr. WESTMORELAND, Mr. PAUL, and Mr. MARCHANT):

H.R. 4306. A bill to direct the Secretary of State to make publicly available information related to certain funding provided to nongovernmental organizations by the Department of State; to the Committee on International Relations.

By Mr. ROGERS of Alabama (for himself, Mr. MCCAUL of Texas, and Mr. PEARCE):

H.R. 4307. A bill to require the Secretary of Homeland Security to annually compile data relating to unauthorized aliens who cross the borders into the United States; to the Committee on Homeland Security.

By Mr. WAXMAN (for himself, Ms. SOLIS, Ms. SLAUGHTER, and Mr. PALLONE):

H.R. 4308. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Energy and Commerce.

By Mr. WU:

H.R. 4309. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself, Mr. JONES of North Carolina, Ms. SOLIS, Ms. SCHAKOWSKY, Ms. LEE, Mr. GEORGE MILLER of California, and Ms. KAPTUR):

H. Con. Res. 295. Concurrent resolution providing that any agreement relating trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Ways and Means.

By Mr. NADLER:

H. Con. Res. 296. Concurrent resolution expressing the sense of Congress that there is no honor in "honor killings"; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mrs. BLACKBURN, and Mr. FORD):

H. Res. 545. A resolution expressing the sense of the House of Representatives on the arrest of Sanjar Umarov in Uzbekistan; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mr. LANTOS, Mr. CHABOT, Mr. BERMAN, Mr. PENCE, Mr. ENGEL, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. ISSA, Mr. PITTS, Ms. WATSON, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. TANCREDO, Mr. POE, Mr. SHAYS, Mr. CROWLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARRETT of South Carolina, Mr. SCHIFF, Mr. MEEKS of New York, Ms. BERKLEY, Mr. MACK, Mr. BOOZMAN, Ms. HARRIS, Mr. HASTINGS of Florida,

Mrs. JO ANN DAVIS of Virginia, Mr. CHANDLER, Mr. SHERMAN, Mr. KIRK, Mr. MCCAUL of Texas, Mr. ROYCE, Mr. FORTENBERRY, Mr. TANNER, Mr. KING of New York, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 546. A resolution condemning in the strongest terms the terrorist attacks that occurred on November 9, 2005, in Amman, Jordan; to the Committee on International Relations.

By Mr. MURPHY (for himself, Mr. PITTS, Mr. POE, Mr. RYUN of Kansas, Mrs. MYRICK, Mr. GINGREY, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. MCHENRY, Mr. JINDAL, Mr. ISSA, Mr. DOOLITTLE, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. GOHMERT, Mr. ADERHOLT, Mr. KLINE, Mr. WESTMORELAND, Mr. TIAHRT, Mr. COLE of Oklahoma, Mr. WAMP, Mr. FORTENBERRY, Mr. RYAN of Wisconsin, Mr. BARTLETT of Maryland, Mr. ROHRBACHER, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. FEENEY, Mr. PENCE, Mr. HENSARLING, Mr. HOSTETTLER, Mr. SULLIVAN, Mr. MCKEON, Ms. HART, Mrs. BLACKBURN, and Mr. FRANKS of Arizona):

H. Res. 547. A resolution expressing the sense of the House of Representatives that the United States Court of Appeals for the Ninth Circuit deplorably infringed on parental rights in *Fields v. Palmdale School District*; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mr. McDERMOTT, Mr. HOLT, Ms. ZOE LOFGREN of California, Mr. CHANDLER, Mr. MCCOTTER, Mr. MEEK of Florida, Mr. STARK, Mr. MATHESON, Ms. HARRIS, Mr. DAVIS of Florida, Mr. WYNN, Mr. CROWLEY, Mr. LANTOS, Mr. HONDA, Mr. WILSON of South Carolina, Mr. PRICE of North Carolina, Mr. CARDOZA, Mr. HOYER, Mr. PUTNAM, Mr. PALLONE, Ms. LEE, Ms. WATSON, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. BROWN of Ohio, Mr. ENGEL, Ms. LORETTA SANCHEZ of California, Mr. CANNON, Mr. RANGEL, Ms. BERKLEY, and Mrs. MALONEY):

H. Res. 548. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. CONYERS, and Mr. WAXMAN):

H. Res. 549. A resolution requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; to the Committee on International Relations.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. KENNEDY of Minnesota, Mr. SMITH of Washington, and Mr. WILSON of South Carolina):

H. Res. 550. A resolution expressing the sense of the House of Representatives regarding the importance of maintaining the Asia-Pacific Economic Cooperation (APEC) forum as the preeminent multilateral institution in the Asia-Pacific region; to the Committee on International Relations.

By Mr. PENCE (for himself, Mr. HASTERT, Mr. DELAY, Mr. CANTOR, Mr. FEENEY, Mr. SESSIONS, Mr. FLAKE, Mr. GINGREY, Mr. KLINE, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. TIAHRT, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. ADERHOLT, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr.

ISSA, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. JINDAL, Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. WAMP, Mr. BARRETT of South Carolina, Mr. ROHRBACHER, Mr. WILSON of South Carolina, Mr. CULBERSON, Mr. CANNON, Mr. HENSARLING, Mrs. CUBIN, Mr. AKIN, Mr. KING of Iowa, Mr. BACHUS, Mrs. JO ANN DAVIS of Virginia, Mr. ROYCE, Mr. HERGER, Mr. MILLER of Florida, Mr. BURGESS, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. HAYWORTH, Mr. STEARNS, Mr. BURTON of Indiana, Mrs. MYRICK, Ms. FOXX, Mr. NORWOOD, Mrs. MUSGRAVE, Ms. HART, and Mrs. BLACKBURN):

H. Res. 551. A resolution honoring National Review magazine on its 50th anniversary for its contribution to the national political discourse; to the Committee on Government Reform.

¶124.15 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FITZPATRICK of Pennsylvania introduced a bill (H.R. 4310) to authorize and request the President to award the Medal of Honor to Richard Gresko, of Newtown, Pennsylvania, for acts of valor in the Republic of Vietnam on March 11–12, 1970, while serving as a lance corporal in the Marine Corps during the Vietnam War; which was referred to the Committee on Armed Services.

¶124.16 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 202: Mr. ENGEL.
 H.R. 282: Mr. MCINTYRE and Mr. HALL.
 H.R. 475: Mr. CUMMINGS and Mr. ROTHMAN.
 H.R. 601: Ms. WATSON, Mr. CONYERS, Ms. KILPATRICK of Michigan, and Ms. MATSUI.
 H.R. 697: Mr. CUMMINGS.
 H.R. 698: Mr. ROGERS of Alabama, Mr. FORBES, Mr. BOOZMAN, Mrs. DRAKE, and Mr. WELDON of Florida.
 H.R. 856: Mr. LEWIS of Georgia.
 H.R. 864: Mr. ABERCROMBIE.
 H.R. 983: Mr. SANDERS.
 H.R. 1053: Mr. PLATTS and Mr. FITZPATRICK of Pennsylvania.
 H.R. 1107: Mr. HONDA.
 H.R. 1131: Mr. SERRANO.
 H.R. 1141: Mr. ADERHOLT, Mr. UPTON, Mrs. BONO, Mr. SCOTT of Georgia, and Mr. KINGSTON.
 H.R. 1204: Ms. MCKINNEY and Mr. CUELLAR.
 H.R. 1246: Mr. CUNNINGHAM.
 H.R. 1297: Mr. SHAYS.
 H.R. 1415: Mr. GRIJALVA.
 H.R. 1416: Ms. DEGETTE, Mr. ACKERMAN, Mr. CROWLEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mrs. MALONEY, and Ms. DELAURO.
 H.R. 1424: Mr. OBERSTAR.
 H.R. 1498: Ms. SCHAKOWSKY, Mr. HEFLEY, and Mr. SHUSTER.
 H.R. 1518: Mr. CONYERS and Mr. RUPPERSBERGER.
 H.R. 1636: Mr. KENNEDY of Rhode Island.
 H.R. 1668: Ms. SOLIS, Mr. DAVIS of Illinois, and Mr. TIERNEY.
 H.R. 1704: Ms. DEGETTE and Mr. FATTAH.
 H.R. 1898: Mr. MICA.
 H.R. 1940: Ms. CARSON.
 H.R. 1951: Mrs. LOWEY and Mr. REHBERG.
 H.R. 2012: Mr. LAHOOD.
 H.R. 2059: Mr. ALLEN.
 H.R. 2089: Mr. OTTER.
 H.R. 2180: Mr. BRADY of Texas.
 H.R. 2233: Mr. FRANK of Massachusetts.
 H.R. 2328: Mr. PICKERING and Mr. FOLEY.
 H.R. 2669: Mr. CLAY and Mr. CARDIN.

H.R. 2671: Ms. SOLIS and Mrs. CAPPS.
 H.R. 2682: Mr. GRIJALVA.
 H.R. 2694: Mr. SALAZAR.
 H.R. 2715: Mr. DEFAZIO.
 H.R. 2717: Mr. HIGGINS, Mr. WYNN, and Mr. SANDERS.
 H.R. 2793: Mr. BAIRD, Mr. SHAW, and Mr. SMITH of Washington.
 H.R. 2803: Mr. MCHENRY, Mr. LATHAM, Mr. DUNCAN, and Ms. BERKLEY.
 H.R. 2869: Mr. DOYLE.
 H.R. 2963: Mr. RYAN of Wisconsin.
 H.R. 3005: Mr. ALLEN, Mr. FATTAH, Ms. DEGETTE, and Mr. FITZPATRICK of Pennsylvania.
 H.R. 3006: Mr. FATTAH and Mr. WEXLER.
 H.R. 3063: Mr. FATTAH and Mr. GENE GREEN of Texas.
 H.R. 3127: Ms. VELÁZQUEZ.
 H.R. 3195: Mr. LIPINSKI, Mr. OWENS, Mrs. MALONEY, Mr. LARSEN of Washington, Mr. ROSS, and Mr. FARR.
 H.R. 3301: Mr. PENCE.
 H.R. 3312: Mr. LARSON of Connecticut.
 H.R. 3373: Mr. JACKSON of Illinois, Mr. HOSTETTLER, Mr. NADLER, and Mr. HINOJOSA.
 H.R. 3438: Mr. CONYERS.
 H.R. 3476: Mr. MENENDEZ.
 H.R. 3555: Mr. INSLLEE.
 H.R. 3560: Mr. GRIJALVA.
 H.R. 3561: Mr. CAPUANO and Mr. UDALL of New Mexico.
 H.R. 3616: Mr. FORD, Mr. DICKS, Mr. KING of New York, Mr. GILCHREST, Mr. PALLONE, Mr. ETHERIDGE, Mrs. BONO, Mr. ENGEL, Mr. RANGEL, Mrs. JONES of Ohio, Mr. CLAY, Mr. LYNCH, and Mr. ISRAEL.
 H.R. 3617: Mr. KENNEDY of Minnesota and Mr. RYAN of Ohio.
 H.R. 3630: Mr. WALDEN of Oregon.
 H.R. 3639: Mr. VAN HOLLEN.
 H.R. 3774: Mr. HINOJOSA.
 H.R. 3858: Mr. PRICE of North Carolina, Mr. DEAL of Georgia, Mr. FOLEY, and Mr. HASTINGS of Florida.
 H.R. 3883: Mr. BISHOP of Georgia, Mr. DAVIS of Alabama, Mr. HAYES, Mr. WU, Mr. REHBERG, and Mr. THOMPSON of Mississippi.
 H.R. 3917: Mr. BERMAN.
 H.R. 3931: Mr. CASTLE.
 H.R. 3949: Mr. MCCOTTER, Mr. MENENDEZ, and Mr. RAMSTAD.
 H.R. 3954: Mr. CUMMINGS.
 H.R. 3960: Mrs. DRAKE, Mr. KLINE, and Mr. EVERETT.
 H.R. 3985: Mr. UDALL of Colorado, Mr. TOWNS, Mr. SNYDER, Mr. REICHERT, Ms. DELAURO, Mr. MOORE of Kansas, Mr. TIERNEY, Ms. ESHOO, Mr. REYES, Ms. CARSON, Mr. HINCHEY, Mr. FARR, Mr. BASS, Mr. THOMPSON of California, Mr. LANTOS, Mr. STUPAK, and Mr. DAVIS of Alabama.
 H.R. 4015: Mr. SHADEGG.
 H.R. 4023: Mr. SIMMONS, Mr. SHERMAN, and Mr. GRIJALVA.
 H.R. 4072: Mr. GILLMOR.
 H.R. 4082: Mr. LEWIS of Kentucky and Mr. HERGER.
 H.R. 4097: Mr. FOSSELLA.
 H.R. 4099: Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. CARTER, and Mr. BURGESS.
 H.R. 4126: Mr. WELDON of Pennsylvania.
 H.R. 4156: Ms. ZOE LOFGREN of California, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, and Mr. COOPER.
 H.R. 4157: Mr. KENNEDY of Minnesota.
 H.R. 4158: Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LEE.
 H.R. 4196: Mr. HOLT.
 H.R. 4207: Mr. CANTOR.
 H.R. 4222: Mr. SIMMONS and Mr. RUPPERSBERGER.
 H.R. 4223: Ms. WATSON, Mr. RAHALL, Mr. MCGOVERN, Mr. MEEHAN, Mr. CUELLAR, and Mr. HONDA.
 H.R. 4229: Ms. CARSON, Mr. CUMMINGS, and Ms. ZOE LOFGREN of California.
 H.R. 4238: Mr. ROGERS of Alabama, Mr. BONILLA, Mr. SMITH of Texas, Mr.

NEUGEBAUER, Mr. CULBERSON, Mr. SESSIONS, Mr. BRADY of Texas, Mr. ROYCE, and Mr. CARTER.
 H.R. 4253: Mr. MCCAUL of Texas.
 H.R. 4259: Ms. MCKINNEY, Mr. MOORE of Kansas, Mr. BOYD, Mr. KUCINICH, and Mr. BERRY.
 H.R. 4263: Mr. KILDEE, and Mr. FRANK of Massachusetts.
 H.R. 4265: Mrs. JO ANN DAVIS of Virginia, Mr. RYAN of Ohio, Mr. SMITH of New Jersey, and Mr. FORTENBERRY.
 H.R. 4267: Mr. SALAZAR.
 H.J. Res. 3: Mr. BOREN.
 H. Con. Res. 90: Mr. GORDON.
 H. Con. Res. 231: Mrs. LOWEY.
 H. Con. Res. 280: Mr. CUELLAR.
 H. Con. Res. 284: Mrs. JO ANN DAVIS of Virginia, Mr. KING of New York, Mr. BOOZMAN, Mr. CARDIN, Mr. WILSON of South Carolina, and Mr. KINGSTON.
 H. Con. Res. 290: Mr. BROWN of Ohio.
 H. Res. 85: Mr. HAYWORTH.
 H. Res. 166: Mr. DOYLE.
 H. Res. 299: Mrs. CHRISTENSEN.
 H. Res. 411: Mr. CONYERS.
 H. Res. 466: Mr. KLINE.
 H. Res. 477: Mr. MCDERMOTT.
 H. Res. 498: Mr. UPTON.
 H. Res. 507: Mr. MOORE of Kansas.
 H. Res. 517: Mr. MENENDEZ and Mr. TOWNS.
 H. Res. 524: Mr. PALLONE and Mr. HASTINGS of Florida.

MONDAY, NOVEMBER 14, 2005 (125)

¶125.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WOLF, who laid before the House the following communication:

WASHINGTON, DC,
 November 14, 2005.

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

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

¶125.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WOLF, announced he had examined and approved the Journal of the proceedings of Thursday, November 10, 2005.

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

¶125.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations; Downed Aircraft, Browns Bay, WA [CGD13-05-037] (RIN: 1625-AA00) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Potomac River, Washington, DC [CGD05-05-122] (RIN: 1625-AA00) received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5183. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer

Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 778 [CGD08-05-019] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5184. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 782 [CGD08-05-012] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5185. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 787 [CGD08-05-015] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5186. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Long Island Sound annual fireworks displays [CGD01-05-012] (RIN: 1625-AA00) (RIN: 1625-AA08) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5187. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Below Head of Passes, Mile Marker Minus 5.0 to Mile Marker Minus 7.0, extending the entire width of the river, LA [COTP New Orleans-05-17] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.6 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-04-028] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.7 and Ohio River Mile Marker 0.0 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-005] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River, Mile Marker 18.0 to Mile Marker 22.0, New Kensington, PA [COTP Pittsburgh-05-006] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶125.4 MESSAGE FROM THE SENATE

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

H. Con. Res. 260. A concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of

Nostra Aetate, the declaration on the relation of the Roman Catholic Church to non-Christian religions, and the historical role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

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

S. 1095. An Act to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

S. 1558. An Act to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers.

S. 1699. An Act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1932. An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

S. Con. Res. 10. A concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2006 as "National Stalking Awareness Month".

¶125.5 COMMUNICATION FROM THE

CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WOLF, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, November 10, 2005.

Hon. J. DENNIS HASTERT,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2005, at 6:45 p.m.:

That the Senate Passed S. 1988; and that the Senate Agreed to Conference Report H.R. 3057.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,

Clerk of the House.

¶125.6 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. WOLF, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Thursday, November 10, 2005:

H.R. 3057. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

¶125.7 APPOINTMENT OF CONFEREE—H.R. 3199

The SPEAKER pro tempore, Mr. WOLF, announced the Speaker's appointment of the following Member as a manager on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

From the Committee on the Judiciary, for consideration of the House bill

(except section 132) and the Senate amendment, and modifications committed to conference: Mr. Daniel E. LUNGREN of California.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶125.8 APPOINTMENT OF CONFEREES—H.R. 3199

The SPEAKER pro tempore, Mr. WOLF, announced the Speaker's appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, in lieu of their appointments on November 9, 2005:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Messrs. NADLER and SCOTT of Virginia.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶125.9 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1095. An Act to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes, to the Committee on the Judiciary.

S. 1558. An Act to amend the Ethics in Government Act of 1978 to protect family members of filers from disclosing sensitive information in a public filing and to extend for 4 years the authority to redact financial disclosure statements of judicial employees and judicial officers; to the Committee on the Judiciary.

S. 1988. An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea; to the Committee on International Relations in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 10. A concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2006 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

¶125.10 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for November 10, 2005.

And then,

¶125.11 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. WOLF, by unanimous consent and pursuant to the special order of the House agreed to on November 10, 2005, at 6 o'clock and 5 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, November 15, 2005.

¶125.12 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1721. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes (Rept. 109-292). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3963. A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound (Rept. 109-293). Referred to the Committee of the Whole House on the State of the Union.

¶125.13 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 4311. A bill to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App); to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, and Ms. LORETTA SANCHEZ of California):

H.R. 4312. A bill to establish operational control over the international land and maritime borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. GOODE, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. BILIRAKIS, Mr. ROYCE, Mr. FORBES, Mr. DEAL of Georgia, Mr. CALVERT, Mr. HAYWORTH, Mr. TANCREDO, Mr. CUNNINGHAM, Mr. NORWOOD, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. FOXX, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. CULBERSON, Mr. WALDEN of Oregon, Mr. KUHL of New York, and Mr. TAYLOR of North Carolina):

H.R. 4313. A bill to amend the Immigration and Nationality Act and other Act to provide for true enforcement and border security, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. OXLEY, Mrs. KELLY, Ms. PRYCE of Ohio, Mr. SESSIONS, Mr. FERGUSON, Mr. RENZI, Mr. FOSSELLA, and Mr. DAVIS of Kentucky):

H.R. 4314. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; to the Committee on Financial Services.

By Mr. KENNEDY of Minnesota (for himself and Mr. THOMPSON of California):

H.R. 4315. A bill to amend the Acts popularly known as the Duck Stamp Act and the Wetland Loan Act to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other

waterfowl habitat essential to the preservation of such waterfowl, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H.R. 4316. A bill to reduce and eliminate electronic waste through recycling; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. PETERSON of Minnesota, Mrs. MYRICK, Mr. PENCE, Mr. ISSA, Mr. GUTKNECHT, Mr. GOODE, Mr. SHADEGG, Mr. PITTS, Mr. GINGREY, Mr. KING of Iowa, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. HENSARLING, and Mr. WESTMORELAND):

H.R. 4317. A bill to enforce the numerical limits Congress has placed on immigration; to the Committee on the Judiciary.

¶125.14 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

187. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 6 urging the Congress of the United States to take all prudent and necessary steps to ensure that the matters surrounding the Darfur genocide are addressed at the highest levels of the federal government; to the Committee on International Relations.

188. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 7 urging the United States Postmaster to create ZIP Codes that do not encompass more than one municipality; to the Committee on Government Reform.

189. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 1 memorializing the Congress of the United States to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the first Asian member of Congress; to the Committee on Government Reform.

190. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 19 memorializing the Congress of the United States to declare their public support for reauthorizing the Voting Rights Act of 1965 as written, with jurisdiction-specific provisions designed to expire after a set period of time subject to renewal; to the Committee on the Judiciary.

191. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 15 memorializing the Congress of the United States to take necessary action to extend by two years Mag Instrument's flashlight patent by approving House Resolution 607 and thereby protecting this highly valued manufacturing company and prized employment for the citizens of Inland Empire; to the Committee on the Judiciary.

192. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 13 urging the Congress of the United States to support parity for Mexican visitors to the United States by enacting legislation that would allow then the same six-month length of stay afforded to Canadian travelers; to the Committee on the Judiciary.

193. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 16 memori-

alizing the Congress of the United States to take necessary action to amend the federal statutes in an expeditious manner to allow for the equal treatment of commercial drivers who are off duty and using a private vehicle when they incur minor traffic infractions; to the Committee on Transportation and Infrastructure.

194. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 49 urging the Congress of the United States to fully fund the National Aeronautics and Space Administration budget request in support of the Space Exploration Vision, as submitted to the Congress for fiscal year 2006, to enable the United States, and the State of Texas, to remain leaders in the exploration and development of space; to the Committee on Science.

195. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 138 urging the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas, to serve the more than 46,000 veterans in South Texas who have bravely defended and served our country; to the Committee on Veterans' Affairs.

196. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 21 memorializing the Congress of the United States to increase federal funding for California's ports for infrastructure and security improvements; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

¶125.15 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 224: Mr. SALAZAR.

H.R. 654: Mr. ANDREWS.

H.R. 676: Mrs. JONES of Ohio and Mrs. NAPOLITANO.

H.R. 690: Mr. GILCHREST.

H.R. 699: Mr. LEVIN, Mr. CARDIN, Mr. SERRANO, and Mrs. CHRISTENSEN.

H.R. 809: Mr. CALVERT.

H.R. 986: Mrs. JOHNSON of Connecticut and Mrs. BIGGERT.

H.R. 998: Mr. DAVIS of Tennessee.

H.R. 1124: Mr. THOMPSON of California.

H.R. 2695: Mr. HINOJOSA.

H.R. 2791: Mr. MANZULLO.

H.R. 2939: Mrs. CHRISTENSEN.

H.R. 3145: Mr. CONYERS and Mr. HINOJOSA.

H.R. 3630: Mr. PASCRELL.

H.R. 3852: Ms. MOORE of Wisconsin.

H.R. 3889: Mr. MCCOTTER.

H.R. 3922: Mr. ALLEN, Mr. OWENS, Mr. WATT, Ms. BORDALLO, Ms. BALDWIN, Mr. SALAZAR, Mr. GRIJALVA, Mr. SNYDER, and Mr. WAXMAN.

H.R. 4007: Mr. BISHOP of Georgia.

H.R. 4026: Mr. HIGGINS.

H.R. 4098: Mr. CLYBURN, Mr. RUSH, Mr. JEFFERSON, Mr. SCOTT of Virginia, Mr. PAYNE, and Mr. MEEK of Florida.

H.R. 4150: Mr. BAIRD.

H.R. 4238: Mr. MCHUGH.

H.R. 4263: Mr. DEFAZIO.

H.J. Res. 70: Ms. KILPATRICK of Michigan and Mr. BLUMENAUER.

H. Con. Res. 37: Mr. ISRAEL.

H. Con. Res. 222: Mr. MANZULLO and Mr. ROTHMAN.

H. Res. 58: Mr. ISRAEL.

H. Res. 456: Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. LEACH, Mr. TANCREDO, Mr. PAYNE, Ms. LEE, Mr. BROWN of Ohio, Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. ROTHMAN, Mr. AKIN, and Mr. FARR.

H. Res. 500: Mr. CLYBURN, Mr. FOLEY, Mr. PASCRELL, Mr. CONYERS, Mr. SIMMONS, and Mr. PETERSON of Minnesota.

H. Res. 504: Ms. FOXX and Mr. SWEENEY.

TUESDAY, NOVEMBER 15, 2005 (126)

¶126.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. GOHMERT, who laid before the House the following communication:

WASHINGTON, DC,
November 15, 2005.

I hereby appoint the Honorable LOUIE GOHMERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶126.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes."

¶126.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. GOHMERT, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶126.4 RECESS—10:50 A.M.

The SPEAKER pro tempore, Mr. GOHMERT, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 50 minutes a.m., until noon.

¶126.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. GINGREY, called the House to order.

¶126.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GINGREY, announced he had examined and approved the Journal of the proceedings of Monday, November 14, 2005.

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

¶126.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2-Bromo-2-Nitro-1, 3-Propanediol (Bronopol); Exemptions from the Requirement of a Tolerance [OPP-2005-0280; FRL-7743-5] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flucarbazone-sodium; Time-Limited Pesticide Tolerance [OPP-2005-0254; FRL-7740-8] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-metolachlor; Pesticide Tolerance Technical Correction [OPP-2004-0326; FRL-7741-7] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfofurfuron; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0270; FRL-7740-1] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5195. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending September 30, 2005, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

5196. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Qatar pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5197. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Greene County and Jackson County 8-hour Ozone Nonattainment Areas to Attainment for Ozone [R05-OAR-2005-IN-0009; FRL-7995-9] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans for Air Quality Planning Purposes; California — South Coast and Coachella [CA-314-0483; FRL-7975-7] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; Arizona; Correction of Boundary of Phoenix Metropolitan 1-Hour Ozone Nonattainment Area [OAR-2005-0150a; FRL-7995-3] received November 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Pinal County Air Quality Control District [R09-OAR-2005-AZ-0007, FRL-7994-6] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program; Final Rule [OAR-2004-0029; FRL-7996-2] (RIN: 2060-AK62) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Metropolitan Washington D.C. 1-Hour Ozone Attainment Plan, Lifting of Earlier Rules Resulting in Removal of Sanctions and Federal Implementation Clocks [RME NO. R03-OAR-2004-MD-0010; FRL-7997-5] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions From Hospital/Medical/Infectious Waste Incinerator Units; Correction [VA139-5073a; FRL-7997-6] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From Aircraft and Aircraft Engines; Emission Standards and Test Procedures [OAR-2002-0030; FRL-7997-3] (RIN: 2060-AK01) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles; Revisions to Motor Vehicle Diesel Fuel Sulfur Transition Provisions; and Technical Amendments to the Highway Diesel, Nonroad Diesel, and Tier 2 Gasoline Programs [OAR-2005-0153; FRL-7996-9] (RIN: 2060-AJ71) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Delaware County to Attainment of the 8-Hour Ozone Standard [R05-OAR-2005-IN-0008; FRL-7997-8] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5208. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard — Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as they Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline [OAR 2003-0079; FRL-7996-8] (RIN: 2060-AJ99) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; Reconsideration [OAR-2002-0054; FRL-7997-9] (RIN: 2060-AM94) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5210. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's

final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-258] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5211. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Goldendale, Washington) [MB Docket No. 05-8; RM-11142]; (Port Angeles, Washington) [MB Docket No. 05-11; RM-11144]; (Ty Ty, Georgia) [MB Docket No. 05-12; RM-11145] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5212. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cameron and Hackberry, Louisiana) [MB Docket No. 05-138; RM-11162; RM-11266] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5213. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Glenville, Clyde, and Weaverville, North Carolina and Tazewell, Tennessee) [MB Docket No. 02-352; RM-10602; RM-10776; RM-10777] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5214. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

5215. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-07, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office for defense articles and services; to the Committee on International Relations.

5216. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report of the activities of the United Nations and of the participation of the United States during the calendar year 2004; to the Committee on International Relations.

5217. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5218. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5219. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2005 through September 30, 2005 as compiled by the Chief Administrative Officer, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 109-69); to the Committee on House Administration and ordered to be printed.

5220. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result of the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Minnesota; to the Committee on Transportation and Infrastructure.

5221. A letter from the Secretary, Department of Transportation, transmitting the Department's eighth report to Congress and sixth report to the President entitled, "The National Initiative for Increasing Safety Belt Use, Buckle Up America Campaign"; to the Committee on Transportation and Infrastructure.

5222. A letter from the Secretary, Department of Transportation, transmitting the Department's summary and detailed breakdown of the disability-related complaints that U.S. and foreign passenger carriers operating to and from the U.S. received during the 2004 calendar year, pursuant to section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

5223. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Lancaster, PA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

5224. A letter from the President, John F. Kennedy Center for the Performing Arts, transmitting the report due on October 31, 2005 of the John F. Kennedy Center for the Performing Arts, pursuant to 20 U.S.C. 761(c); to the Committee on Transportation and Infrastructure.

5225. A letter from the Chairman, Labor Member, Management Member, Railroad Retirement Board, transmitting the Board's 2005 report for the fiscal year ended September 30, 2004, pursuant to section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

5226. A letter from the Admiral, United States Coast Guard, Department of Homeland Security, transmitting a copy of a draft bill, "To implement Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto."; jointly to the Committees on Transportation and Infrastructure, Armed Services, and the Judiciary.

¶126.8 RECESS—12:15 P.M.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 15 minutes p.m., subject to the call of the Chair.

¶126.9 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, called the House to order.

¶126.10 YAKIMA-TIETON IRRIGATION DISTRICT CONVEYANCE

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 1564) to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MUSGRAVE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.11 FRANKLIN NATIONAL BATTLEFIELD STUDY

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 1972) to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park system certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; as amended.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.12 PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 3507) to transfer certain land in Riverside County, California, and San Diego County, California, from the bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-

thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.13 OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT AMENDMENT

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 3721) to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.14 TAHOE NATIONAL FOREST LAND EXCHANGE

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 3981) to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.15 NORTHERN ARIZONA LAND EXCHANGE

Mrs. MUSGRAVE moved to suspend the rules and pass the bill of the Senate (S. 161) to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶126.16 CASTLE NUGENT FARMS

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 318) to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.17 BOB HOPE MEMORIAL LIBRARY

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 323) to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MUSGRAVE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.18 YUMA CROSSING NATIONAL HERITAGE AREA

Mrs. MUSGRAVE moved to suspend the rules and pass the bill (H.R. 326) to amend the Yuma Crossing National Heritage Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; as amended.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mrs. MUSGRAVE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.19 FEDERAL YOUTH COORDINATION

Mr. OSBORNE moved to suspend the rules and pass the bill (H.R. 856) to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mr. OSBORNE and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. COLE of Oklahoma, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PENCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.20 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶126.21 EDUCATION FOR ALL HANDICAPPED CHILDREN

Mr. CASTLE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 288):

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 30 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas IDEA has raised the Nation's expectations regarding the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas the 2004 reauthorization of IDEA ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the No Child Left Behind Act of 2001 (Public Law 107-110);

Whereas the 2004 reauthorization strengthens IDEA's focus on the educational results of children with disabilities and better prepares those children for employment or further education beyond high school;

Whereas the 2004 reauthorization further enables special education teachers, related services providers, other educators, and State and local educational agencies to focus on promoting the academic achievement of children with disabilities;

Whereas the 2004 reauthorization maintains the necessary procedural safeguards that guarantee the rights of children with disabilities and their parents while encouraging the mutual resolution of disputes and reducing unnecessary litigation;

Whereas the 2004 reauthorization continues to ensure the provision of a free appropriate public education to students referred to a private school by a public agency and ensures the provision of special education and related services to students placed by their parents in private schools;

Whereas, although the Federal Government has not yet met its commitment to fund IDEA at 40 percent of the average per pupil expenditure, it has increased IDEA funding over the last decade from \$2.3 billion to \$10.6 billion and increased its percentage share of the average per pupil expenditure from 7.8 percent to 18.6 percent;

Whereas the 2004 reauthorization ensures that the vast majority of funds will go directly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, three decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, enabling teachers, related services providers, and other educators to effectively meet the educational needs of all children;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshaling the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, recognized Mr. CASTLE and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE of Oklahoma, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶126.22 CHILD MEDICATION SAFETY

Mr. KLINE moved to suspend the rules and pass the bill (H.R. 1790) to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, recognized Mr. KLINE and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. COLE of Oklahoma, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLINE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 16, 2005.

¶126.23 RECESS—3:46 P.M.

The SPEAKER pro tempore, Mr. COLE of Oklahoma, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 46 minutes p.m., until approximately 6:30 p.m.

¶126.24 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mr. KLINE, called the House to order.

¶126.25 PROVIDING FOR THE CONSIDERATION OF H.R. 1065

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-295) the resolution (H. Res. 553) providing for consideration of the bill (H.R. 1065) to establish the United States boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

When said resolution and report were referred to the House Calendar and ordered printed.

¶126.26 MESSAGE FROM THE PRESIDENT—MULTI-CHIP INTEGRATED CIRCUIT TARIFF AGREEMENT

The SPEAKER pro tempore, Mr. KLINE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 2103(a)(1) of the Trade Act of 2002, I am pleased to notify the Congress of my intention to enter into an agreement with the European Union, Japan, the Republic of Korea, and Taiwan on tariff treatment for multi-chip integrated circuits. Multi-chip integrated circuits are

semiconductor devices used in computers, cell phones, and other high-technology products.

United States-based companies are the principal suppliers to the world of multi-chip integrated circuits. In 2004, global sales of finished multi-chip integrated circuits were estimated to be \$4.2 billion, and U.S. semiconductor companies account for roughly half of those sales.

The United States, the European Union, the Republic of Korea, and Taiwan will apply zero duties on these products as of an agreed date. The target date for entry into force of the Agreement is January 1, 2006. Japan already applies zero duties on these products and expects to ratify the Agreement formally in 2006. Further, although all major producers of multi-chip integrated circuits will be parties to the Agreement, we will seek to build on this Agreement by joining together to work in the World Trade Organization to increase the number of countries granting duty-free treatment to these products.

GEORGE W. BUSH.

THE WHITE HOUSE, November 14, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 109-70).

¶126.27 H.R. 1564—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1564) to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 420 Nays 0

¶126.28 [Roll No. 586]

YEAS—420

Table listing names of members voting YEAS for H.R. 1564, including Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capps, Capuano, Cardin, Carson, Carter, Case, Castle, Chabot, Chandler, Chocola, Clay, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Conyers, Costello, Cramer, Crenshaw, Crenshaw, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (KY), Davis (TN), Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Evans, Everrett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Ford, Fortenberry, Fossella, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Graves, Green (WI), Green, Al, Green, Gene, Grijalva, Gutknecht, Hall, Harman, Harris, Hart, Hastings (FL), Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jindal, Johnson (CT), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildeer, Kilpatrick (MI), Kind, King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McDermott, McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Mica, Michaud, Millender, McDonald, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Miller, George, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Musgrave, Htulshof, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Olver, Ortiz, Osborne, Otter, Owens, Oxley, Pallone, Pascrell, Pastor, Paul, Payne, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pombo, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Radanovich, Rahall, Ramstad, Rangel, Regula, Rehberg, Renzi, Reyes, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Roybal-Allard, Royce, Ruppertsberger, Rush, Ryan (OH), Ryan (WI), Ryun (KS), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Saxton, Schakowsky, Schiff, Schmidt, Schwartz (PA), Akin, Schwartz (MI), Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Solis, Souder, Spratt, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Wasserman, Schultz, Tierney, Waters, Watson, Watt, Waxman, Weiner, Upton, Van Hollen, Velázquez, Visclosky, Walden (OR), Walsh, Wamp, Wasseman, Wolf, Wolf, Woolsey, Wu, Wynn, Young (AK), Young (FL), Weldon (FL), Weldon (PA), Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Wynn, Young (AK), Young (FL)

Table listing names of members voting NOT VOTING for H.R. 1564, including Andrews, Boswell, Cunningham, Granger, Gutierrez, Jenkins, McNulty, Molloyhan, Murtha, Reichert, Stark, Taylor (MS), Wexler, So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

Table listing names of members voting NOT VOTING for H.R. 1564, including Andrews, Boswell, Cunningham, Granger, Gutierrez, Jenkins, McNulty, Molloyhan, Murtha, Reichert, Stark, Taylor (MS), Wexler.

NOT VOTING—13

Table listing names of members voting NOT VOTING for H.R. 1564, including Andrews, Boswell, Cunningham, Granger, Gutierrez, Jenkins, McNulty, Molloyhan, Murtha, Reichert, Stark, Taylor (MS), Wexler.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.29 H.R. 323—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 323) to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 419 Nays 0 Answered present 1

¶126.30 [Roll No. 587]

YEAS—419

Table listing names of members voting YEAS for H.R. 323, including Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boucher, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Cantor, Cantor, Capito, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Carter, Chabot, Chandler, Chocola, Clay, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Conyers, Costello, Cramer, Crenshaw, Crowley, Cubin, Cuellar, Culberson, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell

Doggett Kind
 Doolittle King (IA)
 Doyle King (NY)
 Drake Kingston
 Dreier Kirk
 Duncan Kline
 Edwards Knollenberg
 Ehlers Kolbe
 Emanuel Kucinich
 Emerson Kuhl (NY)
 Engel LaHood
 English (PA) Langevin
 Eshoo Lantos
 Etheridge Larsen (WA)
 Evans Larson (CT)
 Everett Latham
 Farr LaTourette
 Fattah Leach
 Feeney Lee
 Ferguson Levin
 Filner Lewis (CA)
 Fitzpatrick (PA) Lewis (GA)
 Flake Lewis (KY)
 Foley Linder
 Forbes Lipinski
 Ford LoBiondo
 Fortenberry Lowey
 Fossella Lucas
 Foxx Lungren, Daniel
 Frank (MA) E.
 Franks (AZ) Lynch
 Frelinghuysen Mack
 Gallegly Maloney
 Garrett (NJ) Manzullo
 Gerlach Marchant
 Gibbons Markey
 Gilchrest Marshall
 Gillmor Matheson
 Gingrey Matsui
 Gohmert McCarthy
 Gonzalez McCaul (TX)
 Goode McCollum (MN)
 Goodlatte McCotter
 Gordon McCreery
 Graves McDermott
 Green (WI) McGovern
 Green, Al McHenry
 Green, Gene McHugh
 Grijalva McIntyre
 Gutknecht McKeon
 Hall McKinney
 Harman McMorris
 Harris Meehan
 Hart Meek (FL)
 Hastings (FL) Meeks (NY)
 Hastings (WA) Melancon
 Hayes Menendez
 Hayworth Mica
 Hefley Michaud
 Hensarling Millender-
 Herger McDonald
 Herseth Miller (FL)
 Higgins Miller (MI)
 Hinchey Miller (NC)
 Hinojosa Miller, Gary
 Hobson Miller, George
 Hoekstra Moore (KS)
 Holden Moore (WI)
 Holt Moran (KS)
 Honda Moran (VA)
 Hoolley Murphy
 Hostettler Musgrave
 Hoyer Myrick
 Hulshof Nadler
 Hunter Napolitano
 Hyde Neal (MA)
 Inglis (SC) Neugebauer
 Inslee Ney
 Israel Northup
 Issa Norwood
 Istook Nunes
 Jackson (IL) Nussle
 Jackson-Lee Oberstar
 Jefferson Obey
 Jindal Ortiz
 Johnson (CT) Osborne
 Johnson (IL) Otter
 Johnson, E. B. Owens
 Johnson, Sam Oxley
 Jones (NC) Pallone
 Jones (OH) Pascrell
 Kanjorski Udall (NM)
 Kaptur Paul
 Keller Payne
 Kelly Pearce
 Kennedy (MN) Pelosi
 Kennedy (RI) Pence
 Kildee Peterson (MN)
 Kilpatrick (MI) Peterson (PA)

Wasserman Weldon (FL) Wilson (SC)
 Schultz Weldon (PA) Wolf
 Waters Weller Woolsey
 Watson Westmoreland Wu
 Watt Whitfield Wynn
 Waxman Wicker Young (AK)
 Weiner Wilson (NM) Young (FL)

ANSWERED "PRESENT"—1
 Lofgren, Zoe

NOT VOTING—13
 Andrews Jenkins Stark
 Boswell McNulty Taylor (MS)
 Cunningham Mollohan Wexler
 Granger Murtha
 Gutierrez Reichert

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.31 H.R. 856—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 856) to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes; as amended.

The question being put,
 Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 353
 affirmative } Nays 62

¶126.32 [Roll No. 588]
 YEAS—353

Abercrombie Brown-Waite, DeGette
 Ackerman Ginny Delahunt
 Aderholt Burgess DeLauro
 Alexander Butterfield Dent
 Allen Buyer Diaz-Balart, L.
 Baca Calvert Dicks
 Bachus Camp Dingell
 Baird Cannon Doggett
 Baker Cantor Doolittle
 Baldwin Capito Doyle
 Barrow Capps Dreier
 Barton (TX) Capuano Duncan
 Bass Cardin Edwards
 Bean Cardoza Ehlers
 Becerra Carnahan Emanuel
 Berkeley Carson Emerson
 Berman Case Engel
 Berry Castle English (PA)
 Biggert Chabot Eshoo
 Bilirakis Chandler Etheridge
 Bishop (GA) Clay Evans
 Bishop (NY) Cleaver Everett
 Blumenauer Clyburn Farr
 Blunt Cole (OK) Fattah
 Boehlert Cooper Ferguson
 Boehner Costa Filner
 Bonilla Costello Fitzpatrick (PA)
 Bonner Cramer Foley
 Bono Crenshaw Forbes
 Boozman Crowley Ford
 Boren Cubin Fortenberry
 Boucher Cuellar Fossella
 Boustany Cummings Frank (MA)
 Boyd Davis (AL) Frelinghuysen
 Bradley (NH) Davis (CA) Gallegly
 Brady (PA) Davis (FL) Gerlach
 Brady (TX) Davis (IL) Gibbons
 Brown (OH) Davis (TN) Gilchrest
 Brown (SC) Deal (GA) Gillmor
 Brown, Corrine DeFazio Gohmert
 Gonzalez

Goodlatte Markey Ross
 Gordon Marshall Rothman
 Graves Matheson Roybal-Allard
 Green, Al Matsui Ruppertsberger
 Green, Gene McCarthy Rush
 Grijalva McCaul (TX) Ryan (OH)
 Gutknecht McCollum (MN) Sabo
 Hall McCotter Salazar
 Harman McCreery Sánchez, Linda
 Harris McDermott T.
 Hart McGovern Sanchez, Loretta
 Hastings (FL) McHugh Sanders
 Hastings (WA) McIntyre Saxton
 Hayes McKeon Schiff
 Herseth McKinney Schmidt
 Higgins McMorris Schwartz (PA)
 Hinchey Meehan Schwarz (MI)
 Hinojosa Meek (FL) Scott (GA)
 Hobson Meeks (NY) Scott (VA)
 Hoekstra Melancon Serrano
 Holden Menendez Shaw
 Holt Mica Shays
 Honda Michaud Sherman
 Hoolley Millender- Sherwood
 Hoyer McDonald Shimkus
 Hulshof Miller (MI) Shuster
 Hunter Miller (NC) Simmons
 Hyde Moore (KS) Simpson
 Inslee Moore (WI) Skelton
 Israel Moran (KS) Smith (NJ)
 Issa Moran (VA) Smith (TX)
 Jackson (IL) Murphy Smith (WA)
 Jackson-Lee Nadler Snyder
 (TX) Napolitano Solis
 Jefferson Neal (MA) Souder
 Johnson (CT) Ney Spratt
 Johnson (IL) Northup Strickland
 Johnson, E. B. Norwood Stupak
 Jones (OH) Nunes Sullivan
 Kanjorski Nussle Sweeney
 Kaptur Oberstar Tanner
 Keller Obey Tauscher
 Kelly Oliver Taylor (NC)
 Kennedy (MN) Ortiz Terry
 Kennedy (RI) Osborne Thomas
 Kildee Otter Thompson (CA)
 Kilpatrick (MI) Owens Thompson (MS)
 Kind Oxley Thornberry
 King (IA) Pallone Tiberi
 King (NY) Pascrell Tierney
 Kirk Pastor Towns
 Kline Payne Turner
 Knollenberg Pearce Udall (CO)
 Kolbe Pelosi Udall (NM)
 Kucinich Peterson (MN) Upton
 Kuhl (NY) Peterson (PA) Van Hollen
 LaHood Petri Velázquez
 Langevin Pickering Visclosky
 Lantos Platts Walden (OR)
 Larsen (WA) Pomo Walsh
 Larson (CT) Pomeroy Wamp
 Latham Porter Wasserman
 LaTourette Price (GA) Schultz
 Leach Price (NC) Waters
 Lee Pryce (OH) Watson
 Levin Putnam Watt
 Lewis (CA) Radanovich Waxman
 Lewis (GA) Rahall Weiner
 Lewis (KY) Ramstad Weldon (FL)
 Linder Rangel Weldon (PA)
 Lipinski Regula Weller
 LoBiondo Rehberg Whitfield
 LoHood Lofgren, Zoe Wicker
 Lowey Reyes Wilson (NM)
 Lucas Reynolds Wolf
 Lungren, Daniel Rogers (AL)
 E. Rogers (KY)
 Lynch Rogers (MI)
 Maloney Ros-Lehtinen Young (AK)

NAYS—62

Franks (AZ) McHenry
 Garrett (NJ) Miller (FL)
 Gingrey Miller, Gary
 Goode Musgrave
 Green (WI) Myrick
 Hayworth Neugebauer
 Hefley Paul
 Hensarling Pence
 Herger Pitts
 Hostettler Poe
 Inglis (SC) Rohrabacher
 Istook Royce
 Jindal Ryan (WI)
 Johnson, Sam Ryan (KS)
 Jones (NC) Sensenbrenner
 Jones (OH) Sessions
 Kanjorski Mack Shadegg
 Kaptur Manzullo Sodrel
 Keller Marchant

Stearns Tancred	Tiaht Westmoreland	Wilson (SC) Young (FL)
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NOT VOTING—18

Andrews Boswell Carter Conyers Cunningham Granger	Gutierrez Jenkins McNulty Miller, George Mollohan Murtha	Reichert Schakowsky Slaughter Stark Taylor (MS) Wexler
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So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.33 ADVERSE REPORT ON H. RES. 515

Mr. BOEHLERT, by direction of the Committee on Science, adversely reported (Rept. No. 109-296) the resolution (H. Res. 515) of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States; referred to the House Calendar and ordered printed.

¶126.34 PERMISSION TO FILE
CONFERENCE REPORT

On motion of Mr. KNOLLENBERG, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶126.35 PERMISSION TO FILE
CONFERENCE REPORT

On motion of Mr. KING of Iowa, by unanimous consent, the managers on the part of the House were granted permission until 2 a.m., Wednesday, November 16, 2005, to file a conference report on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶126.36 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2419. An act making appropriations for energy and water development for the fis-

cal year ending September 30, 2006, and for other purposes.

¶126.37 BILL PRESENTED TO THE
PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 10, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 3057. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

¶126.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. McNULTY, for today and November 16.

And then,

¶126.39 ADJOURNMENT

On motion of Mr. KING of Iowa, at midnight, the House adjourned.

¶126.40 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 326. A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; with amendments (Rept. 109-294). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida. Committee on Rules. House Resolution 553. Resolution providing for consideration of the bill (H.R. 1065) to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing (Rept. 109-295). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. House Resolution 515. Resolution of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States; adversely (Rept. 109-296). Referred to the House Calendar.

¶126.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETERSON of Pennsylvania (for himself and Mr. ABERCROMBIE):

H.R. 4318. A bill to terminate the effect of all provisions of Federal law that prohibit the expenditure of appropriated funds to conduct natural gas leasing and preleasing activities for any area of the Outer Continental Shelf, to terminate all withdrawals of Federal submerged lands of the Outer Continental Shelf from leasing for exploration for, and development and production of, natural gas, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself and Mr. SMITH of New Jersey):

H.R. 4319. A bill to provide assistance for small and medium enterprises in sub-Saharan African countries, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself and Mr. FRANK of Massachusetts):

H.R. 4320. A bill to restore the financial solvency of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. HAYWORTH, and Mr. GOODE):

H.R. 4321. A bill to repeal the amendment made by section 796 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, exempting from harboring sanctions compensation for alien volunteers for certain religious organizations; to the Committee on the Judiciary.

By Mr. POMBO (for himself and Mr. RAHALL):

H.R. 4322. A bill to provide for Indian trust asset management reform and resolution of historical accounting claims, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, to provide certain hurricane-related tax relief, and for other purposes; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 4324. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WELLER (for himself, Mr. HONDA, Mr. DOOLITTLE, and Mr. SWEENEY):

H.R. 4325. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income for certain education and training expenses, and for other purposes; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. SCOTT of Virginia):

H.R. 4326. A bill to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70); to the Committee on Armed Services.

By Mr. ANDREWS (for himself and Mr. PLATTS):

H.R. 4327. A bill to authorize the Secretary of State to deny a passport to a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support and to deny a passport to a custodial parent who is likely to remove a child from the United States to prevent contact permitted between the child and the noncustodial parent; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 4328. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4329. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United

States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. PUTNAM, Ms. ROS-LEHTINEN, Mr. FOLEY, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. MILLER of Florida, Mr. BONNER, Mr. SHAW, Ms. HARRIS, and Mr. MEEK of Florida):

H.R. 4330. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2005; to the Committee on Agriculture, and in addition to the Committees on the Budget, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Miss McMORRIS (for herself, Mr. SMITH of Washington, Mr. SIMPSON, Mr. OTTER, Mr. REICHERT, Mr. DICKS, and Mr. WALDEN of Oregon):

H.R. 4331. A bill to provide for a Medicaid demonstration project for chronic disease management; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. COSTA, Mr. SALAZAR, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. ETHERIDGE, Ms. HERSETH, Mr. BACA, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. POMEROY, Mr. MELANCON, Mr. CUELLAR, Mr. MARSHALL, Mr. BARROW, and Mr. BOSWELL):

H.R. 4332. A bill to provide for an automatic one-year extension of the authorizations of appropriations and direct spending programs of the Farm Security and Rural Investment Act of 2002 and to provide for an additional one-year extension if implementing legislation is not submitted with respect to the Doha Development Round of World Trade Organization negotiations by January 15, 2008, and for other purposes; to the Committee on Agriculture.

By Mr. SANDERS:

H.R. 4333. A bill to require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Ms. HARRIS, Ms. GINNY BROWN-WAITE of Florida, Mr. MACK, Mr. BILIRAKIS, Mr. MILLER of Florida, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. PUTNAM, and Mr. DAVIS of Florida):

H.R. 4334. A bill to provide emergency tax relief for persons affected by Hurricane Wilma; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4335. A bill to extend the temporary suspension of duty on Fluorobenzene; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4336. A bill to designate the visitor center and other related facilities at the U.S.S. Arizona Memorial in Hawaii as the "Pearl Harbor Memorial Site"; to the Committee on Resources.

By Mr. ORTIZ (for himself, Ms. PELOSI, Mrs. NAPOLITANO, Mr. STARK, Ms. ZOE LOFGREN of California, Ms. LINDA T. SANCHEZ of California, Mr. HINOJOSA, Mr. GRIJALVA, Ms. SOLIS, Mr. SERRANO, Mr. BECERRA, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Mr. MENENDEZ, Mr. COSTA, Mr. BACA, Mr. PASTOR, Mr. CARDOZA, Mr. GONZALEZ, Mr. REYES, Ms. VELÁZQUEZ, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Mrs. DAVIS of California, Mr. BERMAN, Mr. SCHIFF, Mr. FARR, Mr. WAXMAN, Ms. MATSUI, Ms. LEE, Mr. GEORGE MILLER of California, Mrs. CAPPAS, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Ms. WATSON, Ms. ESHOO, Mr. SMITH of Washington, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mrs. TAUSCHER, Mr. GUTIERREZ, Mr. CONYERS, Mr. UDALL of New Mexico, Mrs. JONES of Ohio, Ms. DELAURO, Mr. HOLT, and Mr. DREIER):

H. Con. Res. 297. Concurrent resolution honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman; to the Committee on House Administration.

By Mr. SHAW:

H. Con. Res. 298. Concurrent resolution supporting the goals and ideals of National Lung Cancer Awareness Month and expressing the sense of the Congress that the Federal commitment to lung cancer research and earlier detection must be significantly increased; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. CUNNINGHAM, Ms. SLAUGHTER, and Mrs. BONO):

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress that the leaders of Congress and other legislative branch offices should work together to establish and implement a coordinated program for the reuse, recycling, and appropriate disposal of obsolete computers and other electronic equipment used by offices of the legislative branch; to the Committee on House Administration.

By Ms. BALDWIN:

H. Res. 552. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; to the Committee on Agriculture.

By Mr. PAYNE (for himself and Mr. WYNN):

H. Res. 554. A resolution urging the Government of the Gabonese Republic to hold orderly, peaceful, and free and fair presidential elections in November 2005; to the Committee on International Relations.

By Mr. WALSH (for himself, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. CROWLEY, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. HIGGINS, Mr. SWENEY, and Mr. PAYNE):

H. Res. 555. A resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland; to the Committee on International Relations.

¶126.42 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No.

282 memorializing the Congress of the United States to authorize National Guard members to enroll in Department of Defense managed health care program; to the Committee on Armed Services.

198. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 37 urging the Congress of the United States to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; to the Committee on Energy and Commerce.

199. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 6 urging the Congress of the United States to enact legislation establishing a domestic energy policy that will ensure an adequate supply of natural gas, the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas protection; to the Committee on Energy and Commerce.

200. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 227 urging the Congress of the United States to support the Passaic River Restoration Initiative; to the Committee on Transportation and Infrastructure.

201. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 2 urging the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico, provided that the Mexican government approves said requests pursuant to treaties and other agreement with the United States; jointly to the Committees on Energy and Commerce and International Relations.

202. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 166 urging the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

¶126.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. MURTHA and Mr. MICA.
 H.R. 111: Mr. MELANCON.
 H.R. 114: Mr. SHERMAN.
 H.R. 303: Mr. WALDEN of Oregon.
 H.R. 408: Mr. SCHIFF.
 H.R. 500: Mr. ROYCE.
 H.R. 503: Mr. OWENS.
 H.R. 562: Mr. FITZPATRICK of Pennsylvania.
 H.R. 586: Mr. KING of Iowa.
 H.R. 602: Mr. WALDEN of Oregon, Mr. FITZPATRICK of Pennsylvania, and Mr. KUHL of New York.
 H.R. 633: Mr. PASTOR and Mr. KENNEDY of Rhode Island.
 H.R. 669: Mr. PASCRELL.
 H.R. 676: Ms. CORRINE BROWN of Florida.
 H.R. 713: Mr. WAMP.
 H.R. 752: Mr. BUTTERFIELD and Mr. BROWN of Ohio.
 H.R. 817: Mr. CASTLE.
 H.R. 972: Mr. DAVIS of Illinois, Mrs. SCHMIDT, Mr. SNYDER, and Mr. WAXMAN.
 H.R. 986: Mr. SHUSTER.

H.R. 1070: Mrs. SCHMIDT.
 H.R. 1071: Mr. INSLEE.
 H.R. 1105: Mr. OTTER.
 H.R. 1141: Mr. SHUSTER, Mr. PLATTS, and Mr. COOPER.
 H.R. 1144: Mr. BROWN of Ohio, Mr. WEXLER, and Mr. GRIJALVA.
 H.R. 1241: Mr. MOORE of Kansas.
 H.R. 1259: Mr. HIGGINS, Mr. SNYDER, Mr. WAXMAN, Mr. LANTOS, Mr. TANNER, Mr. GUTIERREZ, Mr. NADLER, and Ms. HART.
 H.R. 1286: Mr. CALVERT.
 H.R. 1288: Mr. NUSSLE.
 H.R. 1290: Mr. JEFFERSON.
 H.R. 1352: Mr. PETERSON of Minnesota.
 H.R. 1356: Mr. MOORE of Kansas.
 H.R. 1402: Mr. SWEENEY and Ms. HARRIS.
 H.R. 1425: Mr. MCNULTY.
 H.R. 1595: Mr. AL GREEN of Texas.
 H.R. 1668: Mr. ORTIZ and Mr. MCGOVERN.
 H.R. 1790: Mr. MANZULLO.
 H.R. 1951: Ms. LINDA T. SÁNCHEZ of California, Mr. TANCREDO, and Mr. SCHIFF.
 H.R. 1957: Mr. SHADEGG.
 H.R. 2014: Mr. ENGLISH of Pennsylvania.
 H.R. 2048: Mr. MILLER of Florida, Mr. DEAL of Georgia, and Mr. FOSSELLA.
 H.R. 2076: Mr. SCHWARZ of Michigan.
 H.R. 2134: Mr. SANDERS.
 H.R. 2328: Mr. NEAL of Massachusetts.
 H.R. 2355: Mr. POMBO and Mr. CALVERT.
 H.R. 2471: Mr. SHAYS.
 H.R. 2594: Mr. LEWIS of Georgia.
 H.R. 2617: Mr. MEEKS of New York.
 H.R. 2652: Mr. ISTOOK.
 H.R. 2717: Mr. MCHUGH, Mr. MENENDEZ, and Ms. JACKSON-LEE of Texas.
 H.R. 2892: Mr. CUMMINGS and Mr. SANDERS.
 H.R. 2989: Mrs. JOHNSON of Connecticut, Mr. PLATTS, and Mr. SHUSTER.
 H.R. 3195: Mr. PALLONE and Mr. WEXLER.
 H.R. 3255: Mr. THOMPSON of California.
 H.R. 3312: Ms. MCCOLLUM of Minnesota.
 H.R. 3334: Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. COOPER, and Mr. MCGOVERN.
 H.R. 3361: Mr. HOLT, Mr. MEEHAN, Ms. SCHAKOWSKY, and Mr. DENT.
 H.R. 3401: Mr. KUHLMAN of New York.
 H.R. 3427: Mr. KUHLMAN of New York.
 H.R. 3476: Mr. WYNN and Mr. CARDIN.
 H.R. 3616: Mr. WYNN, Mr. RUPPERSBERGER, Mr. MENENDEZ, Mr. MARKEY, Mr. GERLACH, Mr. OWENS, Mr. STRICKLAND, Mr. DELAHUNT, Mr. JEFFERSON, and Mr. COOPER.
 H.R. 3626: Mr. MATHESON and Mr. CANNON.
 H.R. 3640: Mr. HINOJOSA, Mr. CLAY, Mrs. MCCARTHY, Mr. BERMAN, Mr. GUTIERREZ, Mr. CLYBURN, Mr. MCGOVERN, Mr. BUTTERFIELD, Mr. MARKEY, and Mr. JEFFERSON.
 H.R. 3641: Ms. DEGETTE.
 H.R. 3642: Mr. CLAY, Mr. HINOJOSA, Mr. MCGOVERN, Mr. FITZPATRICK of Pennsylvania, Mr. BUTTERFIELD, and Ms. SOLIS.
 H.R. 3680: Mr. BOREN.
 H.R. 3704: Mr. GORDON.
 H.R. 3709: Mr. LAHOOD, Mr. SCHWARZ of Michigan, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. GINGREY, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. ROHRABACHER, and Mr. PALLONE.
 H.R. 3717: Mr. CARTER.
 H.R. 3748: Ms. KILPATRICK of Michigan and Mr. MCGOVERN.
 H.R. 3795: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. BUTTERFIELD.
 H.R. 3861: Mr. HONDA, Mr. HINCHEY, Mr. DAVIS of Florida, Mr. MEEHAN, Ms. WASSERMAN SCHULTZ, Mrs. JONES of Ohio, Mr. OWENS, Mr. BUTTERFIELD, Mr. ABERCROMBIE, Ms. MCCOLLUM of Minnesota, Mr. HIGGINS, Mr. UDALL of New Mexico, Mr. HINOJOSA, Mr. LYNCH, Ms. MILLENDER-MCDONALD, Mr. MEEK of Florida, Mr. SCOTT of Virginia, Mr. MARKEY, Mr. ORTIZ, Mr. GUTIERREZ, Mr. DOYLE, Mr. KENNEDY of Rhode Island, and Mr. LANGEVIN.
 H.R. 3883: Mr. HAYWORTH, Mr. PRICE of North Carolina, Mr. DEFAZIO, Mr. ROGERS of

Alabama, Mr. BOSWELL, and Mr. DANIEL E. LUNGREN of California.
 H.R. 3889: Mr. GOODLATTE, Mr. CRAMER, Mr. MOORE of Kansas, Mr. PICKERING, and Ms. PRYCE of Ohio.
 H.R. 3915: Mr. JEFFERSON.
 H.R. 3944: Ms. MILLENDER-MCDONALD and Mr. KILDEE.
 H.R. 3949: Mr. HASTINGS of Florida and Mr. BARTLETT of Maryland.
 H.R. 3964: Mr. MORAN of Virginia.
 H.R. 4005: Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. WEXLER, Mr. WYNN, and Mr. ETHERIDGE.
 H.R. 4015: Mr. FLAKE.
 H.R. 4025: Mr. UDALL of New Mexico, Mr. STUPAK, Mr. BOSWELL, Ms. MCKINNEY, Mr. GRIJALVA, Mr. OWENS, Mr. ORTIZ, Ms. KILPATRICK of Michigan, Mrs. MCCARTHY, and Mr. STRICKLAND.
 H.R. 4032: Mr. KING of Iowa, Mr. GUTKNECHT, Mr. ROHRABACHER, Mr. ISSA, Mr. CHABOT, Mrs. MYRICK, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. PENCE, Mr. HENSARLING, Mr. WESTMORELAND, and Mr. BARTLETT of Maryland.
 H.R. 4039: Ms. BALDWIN.
 H.R. 4049: Mr. THOMPSON of California.
 H.R. 4104: Mr. PAUL and Mr. JEFFERSON.
 H.R. 4126: Mr. RANGEL.
 H.R. 4145: Mr. BARROW, Mr. SANDERS, Mr. PALLONE, Mr. BERRY, Ms. BERKLEY, Mr. BOSWELL, Mr. FRANK of Massachusetts, Mr. MOLLOHAN, Mr. BLUMENAUER, Mr. PASCRELL, Ms. HARMAN, Mr. VAN HOLLEN, Mr. ENGEL, Mr. SHERMAN, Mr. SPRATT, Mrs. CAPPES, Mr. STRICKLAND, Ms. BALDWIN, Mr. MARKEY, Ms. BORDALLO, Mr. UDALL of Colorado, and Mr. BRADY of Pennsylvania.
 H.R. 4183: Mr. BRADY of Pennsylvania and Mr. HINCHEY.
 H.R. 4184: Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. ENGEL, and Mr. PETERSON of Minnesota.
 H.R. 4200: Mr. CRENSHAW, Mr. SMITH of Texas, Mr. PITTS, Mr. BISHOP of Georgia, and Mr. MATHESON.
 H.R. 4223: Ms. NORTON, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Mr. BARROW, Mr. CLEAVER, and Mr. BISHOP of New York.
 H.R. 4239: Mr. LARSEN of Washington, Mr. HALL, and Mr. KUHLMAN of New York.
 H.R. 4263: Mr. MCGOVERN.
 H.R. 4272: Mr. PAUL, Ms. SCHAKOWSKY, and Mr. DEFAZIO.
 H.R. 4293: Mr. MCGOVERN and Mr. PAYNE.
 H.R. 4300: Mr. WALSH.
 H.R. 4306: Mr. PENCE.
 H.J. Res. 38: Mr. MICHAUD.
 H.J. Res. 70: Mr. WEXLER, Mr. MEEKS of New York, and Mrs. CAPPES.
 H. Con. Res. 40: Mr. KENNEDY of Rhode Island.
 H. Con. Res. 42: Mr. BAKER.
 H. Con. Res. 88: Mr. MCGOVERN, Mr. CLEAVER, Mr. OBERSTAR, and Mr. VAN HOLLEN.
 H. Con. Res. 137: Mr. CONYERS.
 H. Con. Res. 173: Mr. LIPINSKI and Ms. LEE.
 H. Con. Res. 190: Mr. PAYNE, Mr. PEARCE, and Mr. WILSON of South Carolina.
 H. Con. Res. 197: Mr. LARSEN of Washington.
 H. Con. Res. 230: Mr. POMBO, Mr. MORAN of Virginia, and Ms. NORTON.
 H. Con. Res. 235: Mrs. MALONEY.
 H. Con. Res. 268: Mr. ISSA, Mr. FERGUSON, Ms. ZOE LOFGREN of California, Mr. HAYES, and Mr. POMBO.
 H. Con. Res. 275: Mr. TERRY, Mr. MCCOTTER, Mr. WILSON of South Carolina, and Mr. SCHIFF.
 H. Con. Res. 280: Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, Mr. MCCOTTER, and Mr. SOUDER.
 H. Con. Res. 284: Mr. ENGEL, Mr. NORWOOD, Mr. SHIMKUS, Mrs. MALONEY, and Mr. WELDON of Pennsylvania.
 H. Con. Res. 287: Mr. BARROW, Mrs. CAPPES, Mr. WEXLER, Mr. LARSON of Connecticut, Mr.

VAN HOLLEN, Mr. SABO, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, and Mr. ROTHMAN.
 H. Con. Res. 288: Ms. DELAURO, Mr. SCOTT of Virginia, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, and Mr. HONDA.
 H. Con. Res. 292: Mr. SANDERS.
 H. Con. Res. 294: Mr. TANCREDO, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. CHABOT, Mr. MEEKS of New York, Mr. ENGEL, Mr. ROYCE, Mr. CARDOZA, Mr. BERMAN, Mr. MCCOTTER, Mr. ACKERMAN, Mr. RYAN of Ohio, Mr. MARKEY, Mrs. MCCARTHY, Mr. JONES of North Carolina, Mr. LYNCH, Mr. SULLIVAN, Mr. DANIEL E. LUNGREN of California, Mr. VAN HOLLEN, Mr. FRANKS of Arizona, Mr. MCGOVERN, Mr. SAXTON, Mr. GINGREY, and Mr. GRIJALVA.
 H. Res. 97: Mr. RENZI and Mr. MARSHALL.
 H. Res. 123: Mr. HAYES.
 H. Res. 196: Mr. RYAN of Ohio, Mr. SANDERS, and Mr. OWENS.
 H. Res. 297: Mr. WALDEN of Oregon.
 H. Res. 325: Ms. LEE.
 H. Res. 430: Mr. ISTOOK.
 H. Res. 438: Mr. MEEKS of New York and Mr. SCHIFF.
 H. Res. 458: Ms. MOORE of Wisconsin and Mr. MOORE of Kansas.
 H. Res. 487: Mr. CALVERT, Mr. FALEOMAVAEGA, Mr. KUHLMAN of New York, Mr. RADANOVICH, Mr. MEEKS of New York, and Mr. INSLEE.
 H. Res. 500: Mr. CALVERT, Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. WEXLER, and Mr. CRENSHAW.
 H. Res. 517: Mr. HINCHEY.
 H. Res. 519: Mr. SPRATT and Mr. BARRETT of South Carolina.
 H. Res. 526: Mr. MOORE of Kansas.
 H. Res. 529: Mr. SHIMKUS, Mr. CROWLEY, Mr. STEARNS, Mr. FERGUSON, Mr. LARSEN of Washington, Mr. SIMMONS, Mr. GARY G. MILLER of California, Mr. LANTOS, Mr. BERMAN, Mr. TERRY, Mr. ROHRABACHER, Ms. HART, Mr. COSTELLO, Mr. CHANDLER, Mr. INSLEE, Mr. ROTHMAN, Mr. BASS, Mr. THOMPSON of California, and Mrs. JO ANN DAVIS of Virginia.
 H. Res. 535: Mr. AL GREEN of Texas, Mr. PITTS, Ms. BERKLEY, Mr. BISHOP of New York, Mr. SCOTT of Georgia, Mr. DOYLE, Mr. BLUMENAUER, Mr. PALLONE, Mr. BAIRD, Mr. BURTON of Indiana, Mr. MEEKS of New York, and Mr. SCHIFF.
 H. Res. 546: Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. ROTHMAN, and Mr. MCHUGH.
 H. Res. 547: Mr. WELDON of Florida.

¶126.44 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
 H.R. 3385: Mr. LEVIN.

WEDNESDAY, NOVEMBER 16, 2005 (127)

¶127.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
 November 16, 2005.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

¶127.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ADERHOLT, announced he had examined and approved the Journal of the

proceedings of Tuesday, November 15, 2005.

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

¶127.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5227. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Business and Industry Guaranteed Loan Program Annual Renewal Fee (RIN: 0570-AA34) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5228. A letter from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Review Inspection Requirements for Graded Commodities (RIN: 0580-AA89) received November 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5229. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Pears Grown in Oregon and Washington; Control Committee Rules and Regulation [Docket No. FV05-927-2] received November 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5230. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Regulations Governing the California Clingstone Peach (Tree Removal) Diversion Program [Docket No. FV05-82-01-FR] (RIN: 0581-AC45) received November 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5231. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Docket No. FV05-987-1 FR] received November 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5232. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 03-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5233. A letter from the Secretary, Department of Defense, transmitting notification that the Department anticipates it will be prepared to commence chemical agent destruction operations at the Pine Bluff Explosive Destruction System facility in Pine Bluff, Arkansas, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

5234. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revisions to the Public Housing Operating Fund Program; Correction to Formula Implementation Date [Docket No. FR-4874-C-09] (RIN: 2577-AC51) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5235. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5236. A letter from the Secretary, Department of Health and Human Services, trans-

mitting the Department's report entitled, "Congressionally Mandated Evaluation of the State Children's Health Insurance Program: Final Report to Congress" in accordance with the Balanced Budget Refinement Act of 1999 (BBRA); to the Committee on Energy and Commerce.

5237. A letter from the Regulations Coordinator, CDC, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins — Reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments — received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5238. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cimarron, Las Vegas and Pecos, New Mexico) [MB Docket No. 04-218; RM-10987; RM-11237] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5239. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel 39, 620-626 MHz, Phoenix, Arizona, and to Add Noncommercial Reservation on Channel 11, 198-204 MHz, Holbrook, Arizona [MB Docket No. 04-312; RM No. 11049] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5240. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Barnesboro and Gallitzin, Pennsylvania) [MB Docket No. 05-103; RM-11205] received October 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5241. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") — received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5242. A letter from the Chairman, Holocaust Memorial Museum, transmitting the Museum's FY 2005 Report on Audit and Investigative Activities in accordance with the Inspector General Act of 1978; to the Committee on Government Reform.

5243. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Building a High-Quality Workforce: The Federal Career Intern Program." pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

5244. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting information regarding the activities of the Northwest Atlantic Fisheries Organization for 2004, pursuant to 16 U.S.C. 5601 et seq; to the Committee on Resources.

5245. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Man-

agement Area [Docket No. 041126332-5039-02; I.D. 100405D] received October 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5246. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher/processor Sector [Docket No. 040830250-5109-04; I.D. 101805C] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5247. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33 section 11201(c) (111 Stat. 734); to the Committee on the Judiciary.

5248. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, "Report to Congress on AMBER Alert, July 2005," pursuant to 42 U.S.C. 5791 Public Law 108-21, section 301(e); to the Committee on the Judiciary.

5249. A letter from the Director, Administrative Office of the United States Courts, transmitting the first annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771 Public Law 108-405, section 104(a); to the Committee on the Judiciary.

5250. A letter from the National Treasurer, American Ex-Prisoners of War, transmitting a copy of the Financial Statements with the Independent Auditors' report, for the year ended August 31, 2004, pursuant to 36 U.S.C. 1101 and 1103; to the Committee on the Judiciary.

5251. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Years 2003 and 2004, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

5252. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ending February 28, 2005, pursuant to 36 U.S.C. 1102; to the Committee on the Judiciary.

5253. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's report of audit for the year ending March 31, 2005, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

5254. A letter from the National President, Women's Army Corps Veterans' Association, transmitting the financial statement of Women's Army Corps Veterans Association for fiscal year ending June 30, 2005, pursuant to 36 U.S.C. 1103 and 1101(64); to the Committee on the Judiciary.

5255. A letter from the Deputy Assistant Secretary for Tax Analysis, Department of the Treasury, transmitting the Department's report entitled, "Taxable REIT Subsidiaries: Analysis of the First Year's Returns, Tax Year 2001," pursuant to Public Law 106-170, section 547; to the Committee on Ways and Means.

5256. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Suspension of Special (Occupational) Tax (2004R-778P) [T.D. TTB-36] (RIN: 1513-AB04) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5257. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2002 and FY

2003 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

5258. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2005-75] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5259. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2005-72] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5260. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit Allocation and Certification; Revisions [TD 9228] (RIN: 1545-BE50) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5261. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Time for Filing Returns [TD 9229] (RIN: 1545-BE63) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5262. A letter from the Chair, IRS Oversight Board, transmitting a copy of the Board's 2005 annual report that discusses the IRS's performance over the past year; to the Committee on Ways and Means.

5263. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled, "To amend the Internal Revenue Code of 1986 to make certain rules regarding sales of property to comply with conflict-of-interest requirements applicable to the federal judiciary, and for other purposes."; to the Committee on Ways and Means.

5264. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas [Regulations Nos. 4 and 16] (RIN: 0960-AG23) received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5265. A letter from the General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2006; jointly to the Committees on Armed Services, Financial Services, and Ways and Means.

¶127.4 MESSAGE FROM THE SENATE

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

H. Con. Res. 269. A concurrent resolution recognizing the 40th anniversary of the White House Fellows Program.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1499. An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

¶127.5 HURRICANE REGULATORY RELIEF

Mr. JINDAL moved to suspend the rules and pass the bill (H.R. 3975) to ease the provision of services to individuals affected by Hurricanes Katrina and Rita, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. JINDAL and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.6 NATIONALS OF DENMARK AS NONIMMIGRANT TRADERS AND INVESTORS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3647) to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; as amended.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.7 TECHNICAL CORRECTIONS TO COPYRIGHT ROYALTY JUDGES

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges; as amended.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.8 UNITED STATES CODE TECHNICAL CORRECTIONS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 866) to make technical corrections to the United States Code.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.9 CODIFICATION OF TITLE 46 ON "SHIPPING"

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1442) to complete the codification of title 46, United States code, "Shipping", as positive law; as amended.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was,

by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.10 PARENTAL RIGHTS

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 547):

Whereas the Palmdale School District sent parents of elementary school students at Mesquite Elementary School in Palmdale, California a letter requesting consent to give a psychological assessment questionnaire to their first, third, and fifth grade students;

Whereas without the informed consent of their parents, the young students were instead administered a questionnaire that contained sexually explicit and developmentally inappropriate questions;

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶127.11 NATIVE AMERICAN TECHNICAL CORRECTIONS

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. RENZI and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.12 UKRAINE FAMINE MEMORIAL

Mr. GOHMERT moved to suspend the rules and pass the bill (H.R. 562) to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine

that occurred in Ukraine in 1932-1933; as amended.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. GOHMERT and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.13 JAPANESE AMERICAN CONFINEMENT SITES

Mr. GOHMERT moved to suspend the rules and pass the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. GOHMERT and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.14 INTELLECTUAL PROPERTY RIGHTS OF THE RUSSIAN FEDERATION

Mr. SHAW moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 230):

Whereas the protection of intellectual property is critical to the Nation's economic competitiveness in the 21st century;

Whereas Russia remains on the Special 301 Priority Watch List compiled by the United States Trade Representative (USTR), and the Congress is gravely concerned about the failure of the Russian Federation to live up to international standards in the protection of intellectual property rights, a core American asset;

Whereas the Congress wants to ensure that the Russian Federation redoubles its efforts to adopt and enforce aggressive laws, policies, and practices in the fight against piracy and counterfeiting;

Whereas the Congress is particularly concerned that the Russian Federation is, in the words of Senate Concurrent Resolution 28, a place where "piracy that is open and notorious is permitted to operate without meaningful hindrance from the government";

Whereas, according to USTR, enforcement of intellectual property rights in Russia "remains weak and caused substantial losses for the U.S. copyright, trademark, and patent industries in the last year. Piracy in all copyright sectors continues unabated, and the U.S. copyright industry estimated losses of \$1.7 billion in 2004.";

Whereas the Russian Federation must understand that failure to adequately protect and enforce intellectual property rights will have political and economic ramifications for its relationship with the United States;

Whereas accession to the World Trade Organization (WTO) represents an agreement to conform one's practices to the rule of law, and to international standards in the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS);

Whereas notwithstanding some recent legislative improvements, Russia's regime to protect intellectual property rights does not conform with TRIPS standards;

Whereas the United States can ill afford deterioration of the world trading system by permitting the entry of a country into the WTO that has not demonstrated its willingness and ability to conform its practices to the requirements of the TRIPS; and

Whereas the leaders of the G-8, including President Putin of the Russian Federation, recently pledged to reduce intellectual property piracy through more effective enforcement: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Russian Federation should provide adequate and effective protection of intellectual property rights, or it risks losing its eligibility to participate in the Generalized System of Preferences (GSP) program; and

(2) as part of its effort to accede to the World Trade Organization, the Russian Federation must ensure that intellectual property is securely protected in law and in practice, by demonstrating that the country is willing and able to meet its international obligations in this respect.

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. SHAW and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHAW demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶127.15 NAVAL AVENGER TORPEDO BOMBERS OF FLIGHT 19

Mrs. Jo Ann DAVIS of Virginia moved to suspend the rules and agree to the following resolution (H. Res. 500); as amended:

Whereas on December 5, 1945, the 5 Avenger torpedo bombers of Flight 19, originating at

the Naval Air Station of Fort Lauderdale, Florida, and its crew of 14 Navy airmen, disappeared;

Whereas the Mariner rescue aircraft sent to search for Flight 19, originating at the Naval Air Station of Banana River, Florida, and its crew of 13 Navy airmen, also disappeared on that date;

Whereas December 5, 2005, marks the 60th anniversary of the disappearance of Flight 19;

Whereas the loss of Flight 19 occurred during peacetime;

Whereas the disappearance of Flight 19 sparked one of the largest air and sea rescue searches in history covering over 200,000 square miles;

Whereas all investigations of the disappearance of Flight 19 have failed to recover any aircraft, debris, or remains;

Whereas there remain unanswered questions concerning the disappearance of Flight 19; and

Whereas there are continuing efforts with the latest technology to determine the location of the lost aircraft and crews: Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19;

(2) honors the memory of the 27 Navy airmen lost in these disappearances;

(3) recognizes the historical significance of Flight 19;

(4) acknowledges continuing efforts to determine what caused these disappearances; and

(5) commends the Naval Historical Center for preserving the history of Flight 19.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. Jo Ann DAVIS of Virginia and Mr. BUTTERFIELD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. Jo Ann DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 17, 2005.

¶127.16 U.S.S. CARL VINSON

Mrs. Jo Ann DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 4326) to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. Jo Ann DAVIS of Virginia and Mr. BUTTERFIELD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.17 INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Mr. UPTON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 268):

Whereas the origins of the Internet can be found in United States Government funding of research to develop packet-switching technology and communications networks, starting with the "ARPANET" network established by the Department of Defense's Advanced Research Projects Agency in the 1960s and carried forward by the National Science Foundation's "NSFNET";

Whereas in subsequent years the Internet evolved from a United States Government research initiative to a global tool for information exchange as in the 1990s it was commercialized by private sector investment, technical management and coordination;

Whereas since its inception the authoritative root zone server—the file server system that contains the master list of all top level domain names made available for routers serving the Internet—has been physically located in the United States;

Whereas today the Internet is a global communications network of inestimable value;

Whereas the continued success and dynamism of the Internet is dependent upon continued private sector leadership and the ability for all users to participate in its continued evolution;

Whereas in allowing people all around the world freely to exchange information, communicate with one another, and facilitate economic growth and democracy, the Internet has enormous potential to enrich and transform human society;

Whereas existing structures have worked effectively to make the Internet the highly robust medium that it is today;

Whereas the security and stability of the Internet's underlying infrastructure, the domain name and addressing system, must be maintained;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society;

Whereas the U.S. Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, represent an appropriate framework for the coordination of the system at the present time;

Whereas the Internet Corporation for Assigned Names and Numbers popularly known as ICANN, is the proper organization to coordinate the technical day-to-day operation of the Internet's domain name and addressing system;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN makes significant efforts to ensure that the views of governments and

all Internet stakeholders are reflected in its activities;

Whereas governments have legitimate concerns with respect to the management of their country code top level domains;

Whereas the United States Government is committed to working successfully with the international community to address those concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the topic of Internet governance, as currently being discussed in the United Nations World Summit on the Information Society is a broad and complex topic;

Whereas it is appropriate for governments and other stakeholders to discuss Internet governance, given that the Internet will likely be an increasingly important part of the world economy and society in the 21st Century;

Whereas Internet governance discussions in the World Summit should focus on the real threats to the Internet's growth and stability, and not recommend changes to the current regime of domain name and addressing system management and coordination on political grounds unrelated to any technical need; and

Whereas market-based policies and private sector leadership have allowed this medium the flexibility to innovate and evolve: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) it is incumbent upon the United States and other responsible governments to send clear signals to the marketplace that the current structure of oversight and management of the Internet's domain name and addressing service works, and will continue to deliver tangible benefits to Internet users worldwide in the future; and

(2) therefore the authoritative root zone server should remain physically located in the United States and the Secretary of Commerce should maintain oversight of ICANN so that ICANN can continue to manage the day-to-day operation of the Internet's domain name and addressing system well, remain responsive to all Internet stakeholders worldwide, and otherwise fulfill its core technical mission.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. UPTON and Mr. BOUCHER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DOOLITTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶127.18 NATIONAL FLOOD INSURANCE PROGRAM

Mr. NEY moved to suspend the rules and pass the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. NEY and

Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER *pro tempore*, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.19 PROVIDING FOR THE CONSIDERATION OF H.R. 1065

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 553):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1065) to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as origi-

nal text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER *pro tempore*, Mr. BOOZMAN, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 366
affirmative { Nays 56

¶127.20 [Roll No. 589]

YEAS—366

Abercrombie	Cole (OK)	Gingrey
Aderholt	Conaway	Gohmert
Akin	Costa	Gonzalez
Alexander	Cramer	Goode
Allen	Crenshaw	Goodlatte
Baca	Crowley	Gordon
Bachus	Cubin	Granger
Baird	Cuellar	Graves
Baker	Culberson	Green (WI)
Barrett (SC)	Cummings	Green, Al
Barrow	Davis (AL)	Green, Gene
Bartlett (MD)	Davis (CA)	Grijalva
Barton (TX)	Davis (KY)	Gutknecht
Bass	Davis, Jo Ann	Hall
Bean	Davis, Tom	Harman
Beauprez	Deal (GA)	Harris
Becerra	DeFazio	Hart
Berkley	DeGette	Hastings (WA)
Biggers	DeLauro	Hayes
Bilirakis	DeLay	Hayworth
Bishop (GA)	Dent	Hefley
Bishop (NY)	Diaz-Balart, L.	Hensarling
Bishop (UT)	Diaz-Balart, M.	Herger
Blackburn	Dicks	Herseth
Blumenauer	Dingell	Higgins
Blunt	Doggett	Hinojosa
Boehler	Doolittle	Hobson
Boehner	Doyle	Hoekstra
Bonilla	Drake	Holden
Bonner	Dreier	Holt
Bono	Duncan	Hooley
Boozman	Edwards	Hostettler
Boren	Ehlers	Hoyer
Boucher	Emanuel	Hulshof
Boustany	Emerson	Hyde
Boyd	Engel	Inglis (SC)
Bradley (NH)	English (PA)	Inslie
Brady (PA)	Eshoo	Israel
Brady (TX)	Etheridge	Issa
Brown (OH)	Evans	Istook
Brown (SC)	Everett	Jackson (IL)
Burgess	Farr	Jindal
Burton (IN)	Fattah	Johnson (CT)
Butterfield	Feeney	Johnson (IL)
Buyer	Filner	Johnson, E. B.
Calvert	Fitzpatrick (PA)	Johnson, Sam
Camp	Flake	Jones (NC)
Cannon	Foley	Jones (OH)
Cantor	Forbes	Kanjorski
Capito	Ford	Kaptur
Capps	Fortenberry	Keller
Cardin	Fossella	Kelly
Cardoza	Fox	Kennedy (MN)
Carnahan	Frank (MA)	Kildee
Carter	Franks (AZ)	Kilpatrick (MI)
Case	Frelinghuysen	Kind
Castle	Gallegly	King (IA)
Chabot	Garrett (NJ)	King (NY)
Chandler	Gerlach	Kingston
Chocola	Gibbons	Kirk
Clyburn	Gilchrest	Kline
Coble	Gillmor	Knollenberg

Kolbe	Ney	Sensenbrenner
Kuhl (NY)	Northup	Sessions
LaHood	Norwood	Shadegg
Langevin	Nunes	Shaw
Larsen (WA)	Nussle	Shays
Larson (CT)	Oberstar	Sherman
Latham	Ortiz	Sherwood
LaTourette	Osborne	Shimkus
Leach	Otter	Shuster
Levin	Owens	Simmons
Lewis (CA)	Oxley	Simpson
Lewis (KY)	Pascrell	Skelton
Linder	Paul	Smith (NJ)
Lipinski	Pearce	Smith (TX)
LoBiondo	Pelosi	Smith (WA)
Lofgren, Zoe	Pence	Snyder
Lowe	Peterson (MN)	Sodrel
Lucas	Peterson (PA)	Solis
Lungren, Daniel E.	Petri	Souder
Lynch	Pickering	Spratt
Mack	Pitts	Stearns
Maloney	Platts	Strickland
Manzullo	Poe	Stupak
Marchant	Pombo	Sullivan
Markey	Pomeroy	Sweeney
Marshall	Porter	Tancredo
Matheson	Price (GA)	Tanner
Matsui	Price (NC)	Tauscher
McCarthy	Pryce (OH)	Taylor (NC)
McCaul (TX)	Putnam	Terry
McCollum (MN)	Radanovich	Thomas
McCotter	Rahall	Thompson (CA)
McCrery	Ramstad	Thornberry
McGovern	Regula	Tiahrt
McHenry	Rehberg	Tiberi
McHugh	Renzi	Turner
McIntyre	Reyes	Udall (CO)
McKeon	Reynolds	Upton
McMorris	Rogers (AL)	Van Hollen
Meehan	Rogers (KY)	Visclosky
Meeks (NY)	Rogers (MI)	Walden (OR)
Mica	Rohrabacher	Walsh
Michaud	Ros-Lehtinen	Wamp
Millender-McDonald	Ross	Wasserman
Miller (FL)	Roybal-Allard	Schultz
Miller (MI)	Royce	Waxman
Miller (NC)	Ruppersberger	Weiner
Miller, Gary	Rush	Weldon (FL)
Miller, George	Ryan (OH)	Weldon (PA)
Mollohan	Ryan (WI)	Weller
Moore (KS)	Ryun (KS)	Westmoreland
Moore (WI)	Salazar	Wexler
Moran (KS)	Sánchez, Linda T.	Whitfield
Moran (VA)	Sanchez, Loretta	Wicker
Murphy	Sanders	Wilson (NM)
Murtha	Saxton	Wilson (SC)
Musgrave	Schakowsky	Wolf
Myrick	Schiff	Wynn
Napolitano	Schmidt	Young (AK)
Neugebauer	Schwartz (PA)	Young (FL)
	Schwartz (MI)	

NAYS—56

Ackerman	Hinche	Payne
Andrews	Honda	Rangel
Baldwin	Jackson-Lee	Rothman
Berman	(TX)	Sabo
Berry	Jefferson	Scott (GA)
Brown, Corrine	Kennedy (RI)	Scott (VA)
Brown-Waite,	Kucinich	Serrano
Ginny	Lee	Slaughter
Capuano	Lewis (GA)	Thompson (MS)
Carson	McDermott	Tierney
Clay	McKinney	Towns
Cleaver	Meeke (FL)	Udall (NM)
Conyers	Melancon	Velázquez
Cooper	Menendez	Waters
Costello	Nadler	Watson
Davis (IL)	Neal (MA)	Watt
Davis (TN)	Obey	Woolsey
Delahunt	Olver	Wu
Gutierrez	Pallone	
Hastings (FL)	Pastor	

NOT VOTING—11

Boswell	Hunter	Reichert
Cunningham	Jenkins	Stark
Davis (FL)	Lantos	Taylor (MS)
Ferguson	McNulty	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶127.21 H.R. 1790—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1790) to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school, and for other purposes; as amended.

The question being put, Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative Yeas 407 Nays 12 Answered present 1

¶127.22 [Roll No. 590]

YEAS—407

- Abercrombie Coble Granger Ackerman Cole (OK) Graves Aderholt Conaway Green (WI) Akin Conyers Green, Al Alexander Cooper Green, Gene Allen Costa Grijalva Andrews Costello Gutierrez Baca Cramer Gutknecht Bachus Crenshaw Hall Baker Crowley Harman Baldwin Cubin Hart Barrett (SC) Cuellar Hastings (FL) Barrow Culberson Hastings (WA) Bartlett (MD) Cummings Hayes Barton (TX) Davis (AL) Hayworth Bass Davis (IL) Hefley Bean Davis (KY) Hensarling Beauprez Davis (TN) Herger Becerra Davis, Jo Ann Herseth Berman Davis, Tom Higgins Berry Deal (GA) Hinchey Biggart DeFazio Hinojosa Billirakis DeGette Hobson Bishop (GA) Delahunt Hoekstra Bishop (NY) DeLauro Holden Blackburn DeLay Holt Blumenauer Dent Honda Blunt Diaz-Balart, L. Hooley Boehlert Diaz-Balart, M. Hostettler Boehner Dicks Hoyer Bonilla Doggett Hunter Bonner Doolittle Kaptur Bono Doyle Hyde Boozman Drake Inglis (SC) Boren Dreier Inslee Boucher Duncan Serrano Boustany Edwards Issa Boyd Ehlers Istook Bradley (NH) Emanuel Jackson-Lee Brady (PA) Emerson (TX) Brady (TX) Engel Jefferson Brown (OH) English (PA) Jindal Brown (SC) Eshoo Johnson (CT) Brown, Corrine Etheridge Johnson (IL) Brown-Waite, Evans Johnson, E. B. Ginny Everett Johnson, Sam Burgess Farr Jones (NC) Burton (IN) Fattah Kanjorski Butterfield Feeney Kaptur Buyer Filner Keller Calvert Fitzpatrick (PA) Kelly Camp Flake Kennedy (MN) Cannon Foley Kennedy (RI) Cantor Forbes Kildee Capito Ford Kilpatrick (MI) Capps Fortenberry Kind Capuano Fossella King (IA) Cardin Fox King (NY) Carnahan Franks (AZ) Kingston Carnahan Frelinghuysen Kirk Carson Gallegly Kline Carter Gerlach Knollenberg Case Gibbons Kolbe Castle Gilchrest Kucinich Chabot Gillmor Kuhl (NY) Chandler Gohmert LaHood Choccola Gonzalez Langevin Clay Goode Larsen (WA) Cleaver Goodlatte Larson (CT) Clyburn Gordon Latham

- LaTourette Obey Shaw Leach Ortiz Shays Lee Osborne Sherman Levin Otter Sherwood Lewis (CA) Owens Shimkus Lewis (GA) Oxley Shuster Lewis (KY) Pallone Simpson Linder Pascrell Skelton Lipinski Pastor Slaughter LoBiondo Paul Smith (NJ) Lofgren, Zoe Payne Smith (TX) Lowey Pearce Smith (WA) Lucas Pelosi Snyder Lungren, Daniel Pence Sodrel E. Peterson (MN) Lynch Lynne Peterson (PA) Mack Maloney Petri Maloney Pickering Manzullo Pitts Marchant Platts Markey Poe Marshall Pombo Matheson Pomeroy Matsui Porter McCarthy Price (GA) McCaul (TX) Price (NC) McCollum (MN) Pryce (OH) McCotter Putnam McCrery Radanovich McGovern Rahall McHenry Ramstad McHugh Rangel McIntyre Regula McKeon Rehberg McKinney Renzi Reyes Meehan Reynolds Meek (FL) Rogers (AL) Meeks (NY) Rogers (KY) Melancon Rogers (MI) Menendez Rohrabacher Mica Ros-Lehtinen Michaud Ross Rothman Millender-Roybal-Allard Miller (FL) Royce Miller (MI) Ruppertsberger Miller (NC) Rush Ryan (OH) Miller, Gary Ryan (WI) Mollohan Ryan (KS) Moore (KS) Ryun (KS) Moore (WI) Sabo Moran (KS) Salazar Moran (VA) Sanchez, Linda T. Sanchez, Loretta T. Murtha Sanders Saxton Musgrave Myrick Nadler Schakowsky Schiff Napolitano Neal (MA) Neugebauer Ney Schwartz (PA) Neuharth Schwartz (MI) Northup Scott (GA) Norwood Sensenbrenner Nunes Sessions Wu Oberstar Shadegg Young (FL)

NAYS—12

- Baird Frank (MA) McDermott Berkley Garrett (NJ) Miller, George Jackson (IL) Olver Dingell Jones (OH) Scott (VA)

ANSWERED "PRESENT"—1

- Gingrey

NOT VOTING—13

- Bishop (UT) Harris Simmons Boswell Jenkins Stark Cunningham Lantos Taylor (MS) Davis (FL) McNulty Ferguson Reichert

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.23 H. RES. 547—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 547) expressing the sense of the House of Representatives that the United States Court of Appeals for the Ninth Circuit deplorably infringed on parental rights in Fields v. Palmdale School District.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative Yeas 320 Nays 91 Answered present 12

¶127.24 [Roll No. 591]

YEAS—320

- Aderholt Cummings Hoekstra Akin Davis (AL) Holden Alexander Davis (KY) Hooley Baca Davis (TN) Hostettler Bachus Davis, Jo Ann Hulshof Baker Davis, Tom Hunter Baldwin Deal (GA) Hyde Barrett (SC) DeFazio Inglis (SC) Barrow DeLauro Issa Bartlett (MD) DeLay Istook Barton (TX) Dent Jackson (IL) Bass Diaz-Balart, L. Jackson-Lee Bean Diaz-Balart, M. (TX) Jefferson Beauprez Dicks Jindal Berkley Doolittle Johnson (CT) Berry Drake Johnson (IL) Bilirakis Dreier Johnson (LA) Bishop (GA) Duncan Johnson, Sam Bishop (NY) Edwards Jones (NC) Bishop (UT) Ehlers Kaptur Blackburn Emanuel Keller Blunt Emerson Kelly Boehlert English (PA) Kennedy (MN) Boehner Etheridge Kildee Bonilla Evans Kilpatrick (MI) Bonner Everett Kind Bono Fattah King (IA) Boozman Feeney King (NY) Boren Filner Kingston Boustany Fitzpatrick (PA) Kirk Boyd Flake Kline Bradley (NH) Foley Knollenberg Brady (TX) Forbes Kolbe Brown (OH) Ford Kucinich Brown (SC) Fortenberry Kuhl (NY) Brown, Corrine Fossella LaHood Brown-Waite, Foss Larson (CT) Ginny Franks (AZ) Latham Burgess Frelinghuysen LaTourette Burton (IN) Gallegly Leach Butterfield Garrett (NJ) Lewis (CA) Buyer Gerlach Lewis (KY) Calvert Gibbons Linder Camp Gilchrest Lipinski Cannon Gillmor LoBiondo Cantor Gingrey Lucas Capito Gohmert Lungren, Daniel Cardin Goode E. Cardoza Goodlatte Lynch Carnahan Gordon Mack Carter Granger Manzullo Castle Graves Marchant Chabot Green (WI) Marshall Chandler Green, Gene Matheson Chocola Gutknecht McCarthy Clyburn Hall McCaul (TX) Coble Harris McCotter Cole (OK) Hart McCrery Conaway Hastings (WA) McHenry Cooper Hayes McHugh Cramer Hayworth McIntyre Costello Hefley McKee Cramer Hensarling McMorris Crenshaw Herger Meek (FL) Crowley Herseth Melancon Cuellar Higgins Menendez Culberson Hobson Mica Michaud

Miller (FL)	Ramstad	Sodrel
Miller (MI)	Regula	Souder
Miller, Gary	Rehberg	Spratt
Mollohan	Renzi	Stearns
Moore (KS)	Reyes	Strickland
Moran (KS)	Reynolds	Stupak
Murphy	Rogers (AL)	Sullivan
Musgrave	Rogers (KY)	Sweeney
Myrick	Rogers (MI)	Tancredo
Neal (MA)	Rohrabacher	Tanner
Neugebauer	Ros-Lehtinen	Taylor (NC)
Ney	Ross	Terry
Northup	Rothman	Thomas
Norwood	Royce	Thompson (MS)
Nunes	Ruppersberger	Thornberry
Nussle	Ryan (OH)	Tiahrt
Obey	Ryan (WI)	Tiberti
Ortiz	Ryun (KS)	Towns
Osborne	Salazar	Turner
Otter	Sanders	Udall (CO)
Oxley	Saxton	Upton
Pascrell	Schiff	Visclosky
Paul	Schmidt	Walden (OR)
Pearce	Schwartz (PA)	Walsh
Pence	Schwarz (MI)	Wamp
Peterson (MN)	Scott (GA)	Weiner
Peterson (PA)	Sensenbrenner	Weldon (FL)
Petri	Sessions	Weldon (PA)
Pickering	Shadegg	Weller
Pitts	Shaw	Westmoreland
Platts	Shays	Whitfield
Poe	Sherwood	Wicker
Pombo	Shimkus	Wilson (NM)
Pomeroy	Shuster	Wilson (SC)
Porter	Simmons	Wolf
Price (GA)	Simpson	Wu
Pryce (OH)	Skelton	Wynn
Putnam	Smith (NJ)	Young (AK)
Radanovich	Smith (TX)	Young (FL)
Rahall	Smith (WA)	

NAYS—91

Abercrombie	Hoyer	Owens
Ackerman	Inslee	Pallone
Andrews	Israel	Pastor
Baird	Johnson, E. B.	Payne
Becerra	Jones (OH)	Price (NC)
Berman	Kanjorski	Rangel
Blumenauer	Kennedy (RI)	Roybal-Allard
Boucher	Langevin	Rush
Brady (PA)	Larsen (WA)	Sánchez, Linda
Capps	Lee	T.
Carson	Levin	Sanchez, Loretta
Case	Lewis (GA)	Schakowsky
Clay	Lowey	Scott (VA)
Cleaver	Maloney	Serrano
Conyers	Markey	Sherman
Davis (CA)	Matsui	Slaughter
Davis (IL)	McDermott	Solis
DeGette	McGovern	Tauscher
Delahunt	McKinney	Thompson (CA)
Dingell	Meehan	Tierney
Doggett	Meeke (NY)	Udall (NM)
Doyle	Millender-	Van Hollen
Farr	McDonald	Velázquez
Frank (MA)	Miller (NC)	Wasserman
Gonzalez	Miller, George	Schultz
Grijalva	Moore (WI)	Waters
Gutierrez	Moran (VA)	Watson
Harman	Murtha	Waxman
Hastings (FL)	Nadler	Wexler
Hinchey	Napolitano	Woolsey
Holt	Oberstar	
Honda	Oliver	

ANSWERED "PRESENT"—12

Allen	Eshoo	Pelosi
Biggert	Green, Al	Sabo
Capuano	Lofgren, Zoe	Snyder
Engel	McCollum (MN)	Watt

NOT VOTING—10

Boswell	Jenkins	Stark
Cunningham	Lantos	Taylor (MS)
Davis (FL)	McNulty	
Ferguson	Reichert	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶127.25 CONDEMNING TERRORIST ATTACKS IN AMMAN, JORDAN

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 546); as amended:

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas the people and Government of the Hashemite Kingdom of Jordan have been targeted in several terrorist attacks over the past few years;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization, including suspected killers of a United States diplomat, Lawrence Foley, who headed the United States Agency for International Development (USAID) mission in Jordan but was shot on October 28, 2002, while leaving for work, marking the first lethal attack on a United States official in Jordan in more than 30 years;

Whereas Jordan is a stalwart ally of the United States in the global war on terrorism; and

Whereas on November 10, 2005, President George W. Bush expressed his heartfelt sympathies for the people of Jordan and his condolences to the families of the victims during his visit to the Embassy of Jordan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks that occurred on November 9, 2005, in Amman, Jordan;

(2) joins with President George W. Bush in expressing its condolences to the families and friends of those individuals who were killed in the attacks and in expressing its sympathies to those individuals who have been injured;

(3) expresses solidarity and support of the people and Government of the United States with the people and Government of the Hashemite Kingdom of Jordan as they recover from these cowardly and inhuman attacks; and

(4) expresses its readiness to support and assist the Jordanian authorities in their efforts to bring to justice those individuals responsible for the recent attacks in Jordan and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

The SPEAKER pro tempore, Mr. BASS, recognized Ms. ROS-LEHTINEN and Mr. SCHIFF, each for 20 minutes.

After debate, The question being put, *viva voce*, Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶127.26 UNITED STATES BOXING COMMISSION

The SPEAKER pro tempore, Mr. BASS, pursuant to House Resolution

553 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1065) to establish the United States boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

The SPEAKER pro tempore, Mr. BASS, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. PUTNAM, assumed the Chair.

When Mr. SIMPSON, Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee on the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Boxing Commission Act".

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the United States Boxing Commission established under section 3.

(2) BOXER.—The term "boxer" means an individual who fights in a professional boxing match.

(3) BOXING COMMISSION.—The term "boxing commission" means an entity authorized under State or tribal law to regulate professional boxing matches.

(4) INDIAN LANDS.—The term "Indian lands" has the meanings given that terms by paragraphs (4) of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(5) JUDGE.—The term "judge" means an official who scores a boxing match to determine the winner.

(6) MANAGER.—The term "manager" means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

(7) MATCHMAKER.—The term "matchmaker" means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match. Such term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match, or a provider of cable, satellite, or network television programming, unless—

(A) the hotel, casino, resort, or other commercial establishment, or provider of cable, satellite, or network television programming is primarily responsible for proposing, selecting, and arranging for boxers to participate in the professional boxing match; and

(B) there is no other person primarily responsible for proposing, selecting, and arranging for boxers to participate in the match.

(8) REFEREE.—The term "referee" means the official inside the boxing ring who supervises the boxing match.

(9) PROFESSIONAL BOXING MATCH.—The term "professional boxing match" means a boxing contest held in the United States between individuals for financial compensation. Such

term does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

(10) **PROMOTER.**—The term “promoter”—

(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match, or a provider of cable, satellite, or network television programming, unless—

(i) the hotel, casino, resort, or other commercial establishment, or provider of cable, satellite, or network television programming is primarily responsible for organizing, promoting, and producing the match; and

(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

(11) **STATE.**—The term “State” means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

(12) **SANCTIONING ORGANIZATION.**—The term “sanctioning organization” means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

(A) between boxers who are residents of different States; or

(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

(13) **SUSPENSION.**—The term “suspension” includes within its meaning the temporary revocation of a boxing license.

(14) **TRIBAL ORGANIZATION.**—The term “tribal organization” has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

SEC. 3. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) **IN GENERAL.**—The United States Boxing Commission is established as a commission within the Department of Commerce.

(b) **MEMBERS.**—

(1) **IN GENERAL.**—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(2) **QUALIFICATIONS.**—No member of the Commission may, while serving as a member of the Commission—

(A) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

(B) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

(C) serve as a member of a boxing commission.

(3) **BIPARTISAN MEMBERSHIP.**—Not more than 2 members of the Commission may be members of the same political party.

(4) **GEOGRAPHIC BALANCE.**—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

(5) **TERMS.**—

(A) **IN GENERAL.**—The term of a member of the Commission shall be 3 years. No member of the Commission shall serve more than 2 terms.

(B) **MIDTERM VACANCIES.**—A member of the Commission appointed to fill a vacancy in

the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

(C) **CONTINUATION PENDING REPLACEMENT.**—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(6) **REMOVAL.**—A member of the Commission may be removed by the President only for cause.

(c) **EXECUTIVE DIRECTOR.**—

(1) **IN GENERAL.**—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

(2) **DISCHARGE OF FUNCTIONS.**—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

(d) **GENERAL COUNSEL.**—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

(e) **STAFF.**—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

(f) **MEETINGS.**—The Commission shall hold its first meeting no later than 30 days after all members shall have been appointed, and shall meet thereafter not less frequently than once every 60 days.

(g) **COMPENSATION.**—

(1) **MEMBERS OF COMMISSION.**—

(A) **IN GENERAL.**—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) **EXECUTIVE DIRECTOR AND STAFF.**—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 4. FUNCTIONS.

(a) **GENERAL FUNCTIONS.**—The general functions of the Commission are—

(1) to protect the general interests of boxers consistent with the provisions of this Act;

(2) to ensure uniformity, fairness, and integrity in professional boxing; and

(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States.

(b) **INITIAL RULEMAKING.**—Not later than 180 days after the date on which the Commission shall hold its first meeting, the Commission shall, by rule promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions.

(c) **ADDITIONAL FUNCTIONS.**—In addition to its general functions under subsection (a), the Commission shall—

(1) work with the boxing commissions of the several States and tribal organizations to improve the status and standards of professional boxing in the United States;

(2) ensure, in cooperation with the Attorney General, or a designee of the Attorney General, (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

(3) review State boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this Act;

(4) if the Commission determines appropriate, publish a newspaper, magazine, or other publication and establish and maintain an Internet website consistent with the provisions of this Act;

(5) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this Act;

(6) require a copy of any contract for a boxing match to be filed with the Commission or with a state boxing authority at a time and in a manner determined appropriate by the Commission;

(7) establish minimum standards for the availability of medical services at professional boxing matches;

(8) encourage a life, accident, and health insurance fund for professional boxers and other members of the professional boxing community; and

(9) conduct discussions and enter into agreements with foreign boxing entities on methods of applying minimum health and safety standards to foreign boxing events and foreign boxers, trainers, cut men, referees, judges, ringside physicians, and other professional boxing personnel.

In section 12(a)(2), strike “; and” and insert a semicolon.

In section 12(a)(3), strike the period and insert “; and”.

In section 12(a), insert after paragraph (3) the following:

(4) recommendations regarding the feasibility of establishing a pension system for professional boxing participants.

(d) **PROHIBITIONS.**—The Commission may not—

(1) promote boxing events or rank professional boxers; or

(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

SEC. 5. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

(a) **LICENSING.**—

(1) **REQUIREMENT FOR LICENSE.**—Beginning 1 year after the date of enactment of this Act, no person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, matchmaker, judge, referee, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

(2) **APPLICATION AND TERM.**—

(A) **IN GENERAL.**—The Commission shall—

(i) establish application procedures, forms, and fees for licenses granted under this section;

(ii) establish and publish appropriate standards for such licenses;

(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this Act; and

(iv) begin issuing such licenses not later than 270 days after the date on which Commission holds its first meeting.

(B) DURATION.—A license issued under this section shall be for a renewable—

(i) 4-year term for a boxer; and

(ii) 2-year term for any other person.

(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

(b) FEES.—

(1) AUTHORITY.—The Commission may prescribe and charge, for the licensing of persons under this Act, reasonable fees sufficient for the operation of the Commission and the administration of this Act. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

(A) club boxing is not adversely effected;

(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

(C) boxers pay as small a portion of the fees as is possible.

SEC. 6. ARCHIE MOORE CRITERIA FOR RATING BOXERS.

(a) PUBLICATION BY COMMISSION.—Not later than 1 year after the date of enactment of this Act, the Commission shall develop and publish guidelines establishing consistent and objective criteria for the rating of professional boxers.

(b) ADOPTION BY SANCTIONING ORGANIZATIONS.—Beginning 90 days after the promulgation of the guidelines under subsection (a), no sanctioning organization may be issued a license under this Act unless such organization shall adopt and carry out policies and procedures for the rating of professional boxers that are consistent with such guidelines.

SEC. 6. NATIONAL REGISTRY OF BOXING PERSONNEL.

The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of such information as the Commission shall prescribe by rule related to the performance of its duties.

SEC. 7. CONSULTATION REQUIREMENTS.

The Commission shall consult with the Association of Boxing Commissions—

(1) before prescribing any regulation or establishing any standard under the provisions of this Act; and

(2) not less than once each year regarding matters relating to professional boxing.

SEC. 8. MISCONDUCT.

(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this Act if the Commission—

(A) finds that the license holder has violated any provision of this Act or a standard prescribed under this Act;

(B) reasonably believes that a standard prescribed by the Commission under this Act is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

(C) finds that the suspension or revocation is in the public interest.

(2) PERIOD OF SUSPENSION.—A suspension of a license under this section shall be effective

for a period determined appropriate by the Commission.

(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

(b) INVESTIGATIONS AND INJUNCTIONS.—

(1) AUTHORITY.—The Commission may—

(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

(C) in its discretion, publish information concerning any violations; and

(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

(2) POWERS.—

(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this Act—

(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

(3) ENFORCEMENT OF SUBPOENAS.—

(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

(D) ADMINISTRATIVE SUBPOENAS.—The requirements of section 3486 of title 18, United States Code, shall apply to the administration and enforcement of subpoenas under this Act.

(4) EVIDENCE OF CRIMINAL MISCONDUCT.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to in-

criminate the person or subject the person to a penalty or forfeiture.

(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

(c) INTERVENTION IN CIVIL ACTIONS.—

(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

SEC. 9. NONINTERFERENCE WITH BOXING COMMISSIONS.

(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

SEC. 10. ASSISTANCE FROM OTHER AGENCIES.

Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

SEC. 11. STUDIES.

(a) HEALTH AND SAFETY STUDY.—

(1) STUDY.—The Commission shall conduct a study on the health and safety aspects of boxing, including an examination of—

(A) the risks or serious injury and the nature of potential injuries, including risks particular to boxers of each sex;

(B) the long term effect of boxing on the health of boxers;

(C) the availability of health insurance for boxers;

(D) the extent to which differences in equipment effect the risks of potential injury; and

(E) the effectiveness of safety standards and regulations.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report on the study required by this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations to improve the health and safety aspects of boxing.

(b) STUDY ON THE DEFINITION OF PROMOTER.—

(1) STUDY.—The United States Boxing Commission shall conduct a study on how the term “promoter” should be defined for purposes of the United States Boxing Commission Act.

(2) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the United States Boxing Commission Act.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(A) set forth a proposed definition of the term “promoter” for purposes of the United States Boxing Commission Act; and

(B) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 12. REPORTS.

(a) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Commission shall submit a report on its activities to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. The annual report shall include—

(1) a detailed discussion of the activities of the Commission for the year covered by the report;

(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions;

(3) recommendations regarding additional persons or entities within the sport of boxing over whom to extend the licensing requirement established by this Act; and

(4) recommendations regarding the feasibility of establishing a pension system for professional boxing participants.

(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

SEC. 13. SUNSET PROVISION.

This Act shall cease to have effect 12 years after the date of enactment of this Act.

SEC. 14. RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.

Notwithstanding section 3302 of title 31, United States Code, any fee collected under this Act shall, subject to appropriations—

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. PUTNAM, announced that the yeas had it.

Mr. STEARNS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 190
Nays 233

127.27

[Roll No. 592]

YEAS—190

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blunt
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Capps
Cardin
Carnahan
Castle
Chandler
Chandler
Clay
Clyburn
Conyers
Cramer
Crowley
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
DeLahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Fortenberry
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Herseth
Higgins
Hinchev
Hinojosa
Holden
Honda
Hooley
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver

NAYS—233

Bartlett (MD)
Bean
Beauprez
Berry
Biggart
Bilirakis
Bishop (UT)
Ortiz
Osborne
Owens
Pascrell
Pelosi
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (KY)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stearns
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Woolsey
Wynn
Young (FL)

Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson
Carter
Case
Chabot
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holt
Hostettler
Hulshof
Hunter
Inglis (SC)
Istook
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
LaHart
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (TX)
Snyder
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Walsh
Wamp
Wasserman
Schultz
Watt
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—10

Boswell
Cunningham
Davis (FL)
Edwards
Jenkins
Lantos
Reichert
Ros-Lehtinen
Stark
Taylor (MS)

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

127.28 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1234. An Act to increase, effective as of December 1, 2005, the rates of compensation

for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 62. A concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862) "An Act making appropriations for Science, the Departments of State Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes."

¶127.29 H. CON. RES. 230—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 230) expressing the sense of the Congress that the Russian Federation must protect intellectual property rights.

The question being put, Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 421 affirmative } Nays 2

¶127.30 [Roll No. 593] YEAS—421

- Abercrombie Bradley (NH) Crowley
Ackerman Brady (PA) Cubin
Aderholt Brady (TX) Cuellar
Akin Brown (OH) Cummings
Alexander Brown (SC) Davis (AL)
Allen Brown, Corrine Davis (CA)
Andrews Brown-Waite, Davis (IL)
Baca Ginny Davis (KY)
Bachus Burgess Davis (TN)
Baird Burton (IN) Davis, Jo Ann
Baker Butterfield Davis, Tom
Baldwin Buyer Deal (GA)
Barrett (SC) Calvert DeFazio
Barrow Camp DeGette
Bartlett (MD) Cannon Delahunt
Barton (TX) Cantor DeLauro
Bass Capito DeLay
Bean Capps Dent
Beauprez Capuano Diaz-Balart, L.
Becerra Cardin Diaz-Balart, M.
Berkley Cardoza Dicks
Berman Carnahan Dingell
Berry Carson Doggett
Biggert Carter Doolittle
Bilirakis Case Doyle
Bishop (GA) Castle Drake
Bishop (NY) Chabot Dreier
Bishop (UT) Chandler Duncan
Blackburn Chocola Ehlers
Blumenauer Clay Emanuel
Blunt Cleaver Emerson
Boehlert Clyburn Engel
Boehner Coble English (PA)
Bonilla Cole (OK) Eshoo
Bonner Conaway Etheridge
Bono Conyers Evans
Boozman Cooper Everett
Boren Costa Farr
Boucher Costello Fattah
Boustany Cramer Feeney
Boyd Crenshaw Ferguson

- Filner Lewis (CA) Rehberg
Fitzpatrick (PA) Lewis (GA) Renzi
Flake Lewis (KY) Reyes
Foley Linder Reynolds
Forbes Lipinski Rogers (AL)
Ford LoBiondo Rogers (KY)
Fortenberry Lofgren, Zoe Rogers (MI)
Fossella Lowey Rohrabacher
Foxy Lucas Ros-Lehtinen
Frank (MA) Lungren, Daniel Ross
Franks (AZ) E. Rothman
Frelinghuysen Lynch Roybal-Allard
Gallegly Mack Royce
Garrett (NJ) Maloney Ruppertsberger
Gerlach Manullo Rush
Gibbons Marchant Ryan (OH)
Gilchrist Markey Ryan (WI)
Gillmor Marshall Ryan (KS)
Gingrey Matheson Sabo
Gohmert Matsui Salazar
Gonzalez McCarthy Sanchez, Linda
Goode McCaul (TX) T.
Goodlatte McCollum (MN) Sanchez, Loretta
Gordon McCotter Sanders
Granger McCrery Saxton
Graves McDermott Schakowsky
Green (WI) McGovern Schiff
Green, Al McHenry Schmidt
Green, Gene McHugh Schwartz (PA)
Grijalva McIntyre Schwarz (MI)
Gutierrez McKeon Scott (GA)
Gutknecht McKinney Scott (VA)
Hall McMorris Sensesbrenner
Harman McNulty Serrano
Harris Meehan Sessions
Hart Meek (FL) Shadegg
Hastings (FL) Meeks (NY) Shaw
Hastings (WA) Melancon Shays
Hayes Menendez Sherman
Hayworth Mica Sherwood
Hefley Michaud Shimkus
Hensarling Millender Shuster
Herger McDonald Simmons
Herseth Miller (FL) Simpson
Higgins Miller (MI) Skelton
Hinchee Miller (NC) Slaughter
Hinojosa Miller, Gary Smith (NJ)
Hobson Miller, George Smith (TX)
Hoekstra Mollohan Smith (WA)
Holden Moore (KS) Snyder
Holt Moore (WI) Sodrel
Honda Moran (KS) Solis
Hoolley Moran (VA) Souder
Hostettler Murphy Spratt
Hoyer Murtha Stearns
Hulshof Musgrave Strickland
Hunter Myrick Stupak
Hyde Nadler Sullivan
Inglis (SC) Napolitano Sweeney
Inslee Neal (MA) Tancredo
Israel Neugebauer Tanner
Issa Ney Tauscher
Istook Northup Taylor (NC)
Jackson (IL) Norwood Terry
Jackson-Lee Nunes Thomas
(TX) Nussle Thompson (CA)
Jefferson Oberstar Thompson (MS)
Jindal Obey Thornberry
Johnson (CT) Olver Tiahrt
Johnson (IL) Ortiz Tiberi
Johnson, E. B. Osborne Tierney
Johnson, Sam Otter Towns
Jones (OH) Owens Turner
Kanjorski Oxley Udall (CO)
Kaptur Pallone Udall (NM)
Keller Pascrell Upton
Kelly Pastor Van Hollen
Kennedy (MN) Payne Velazquez
Kennedy (RI) Pearce Visclosky
Kildee Pelosi Walden (OR)
Kilpatrick (MI) Pence Walsh
Kind Peterson (MN) Wamp
King (IA) Peterson (PA) Wasserman
King (NY) Petri Schultz
Kingston Pickering Waters
Kirk Pitts Watson
Kline Platts Watt
Knollenberg Poe Waxman
Kolbe Pombo Weiner
Kucinich Pomeroy Weldon (FL)
Kuhl (NY) Porter Weldon (PA)
LaHood Price (GA) Weller
Langevin Price (NC) Westmoreland
Larsen (WA) Pryce (OH) Wexler
Larsen (CT) Putnam Whitfield
Latham Radanovich Wicker
LaTourette Rahall Wilson (NM)
Leach Ramstad Wilson (SC)
Lee Rangel
Levin Regula

- Wolf Wu Young (AK)
Woolsey Wynn Young (FL)
NAYS—2
Paul
NOT VOTING—10
Boswell Edwards Stark
Culberson Jenkins Taylor (MS)
Cunningham Lantos
Davis (FL) Reichert

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶127.31 H. CON. RES. 268—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 268) expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers.

The question being put, Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 423 affirmative } Nays 0

¶127.32 [Roll No. 594] YEAS—423

- Abercrombie Brown (OH) Davis (CA)
Ackerman Brown (SC) Davis (IL)
Aderholt Brown, Corrine Davis (KY)
Akin Brown-Waite, Davis (TN)
Alexander Ginny Davis, Jo Ann
Allen Burgess Davis, Tom
Andrews Burton (IN) Deal (GA)
Baca Butterfield DeFazio
Bachus Buyer DeGette
Baird Calvert Delahunt
Baker Camp DeLauro
Baldwin Cannon DeLay
Barrett (SC) Cantor Dent
Barrow Capito Diaz-Balart, L.
Bartlett (MD) Capps Diaz-Balart, M.
Barton (TX) Capuano Dicks
Bass Cardin Dingell
Bean Cardoza Doggett
Beauprez Carnahan Doolittle
Becerra Carson Doyle
Berkley Carter Drake
Berman Case Dreier
Berry Castle Duncan
Biggert Chabot Edwards
Bilirakis Chandler Ehlers
Bishop (GA) Chocola Emanuel
Bishop (NY) Clay Emerson
Bishop (UT) Cleaver Engel
Blackburn Clyburn English (PA)
Blumenauer Coble Eshoo
Blunt Cleaver Etheridge
Boehlert Clyburn Farr
Boehner Coble English (PA)
Bonilla Cole (OK) Eshoo
Bonner Conaway Etheridge
Bono Conyers Evans
Boozman Cooper Everett
Boren Costa Farr
Boucher Costello Fattah
Boustany Cramer Feeney
Boyd Boyd Ferguson

Fossella	Lofgren, Zoe	Rogers (AL)
Fox	Lowey	Rogers (KY)
Frank (MA)	Lucas	Rogers (MI)
Franks (AZ)	Lungren, Daniel	Rohrabacher
Frelinghuysen	E.	Ros-Lehtinen
Gallely	Lynch	Ross
Garrett (NJ)	Mack	Rothman
Gerlach	Maloney	Roybal-Allard
Gibbons	Manzullo	Royce
Gilchrest	Marchant	Ruppersberger
Gillmor	Markey	Rush
Gingrey	Marshall	Ryan (OH)
Gohmert	Matheson	Ryan (WI)
Gonzalez	Matsui	Ryun (KS)
Goode	McCarthy	Sabo
Goodlatte	McCaul (TX)	Salazar
Gordon	McCollum (MN)	Sánchez, Linda
Granger	McCotter	T.
Graves	McCrery	Sanchez, Loretta
Green (WI)	McDermott	Sanders
Green, Al	McGovern	Saxton
Green, Gene	McHenry	Schakowsky
Grijalva	McHugh	Schiff
Gutierrez	McIntyre	Schmidt
Gutknecht	McKeon	Schwartz (PA)
Hall	McKinney	Schwarz (MI)
Harman	McMorris	Scott (GA)
Harris	McNulty	Scott (VA)
Hart	Meehan	Sensenbrenner
Hastings (FL)	Meek (FL)	Serrano
Hastings (WA)	Meeke (NY)	Sessions
Hayes	Melancon	Shadegg
Hayworth	Menendez	Shays
Hefley	Mica	Sherman
Hensarling	Michaud	Sherwood
Herger	Millender-	Shimkus
Herseth	McDonald	Shuster
Higgins	Miller (FL)	Simmons
Hinchee	Miller (MI)	Simpson
Hinojosa	Miller (NC)	Skelton
Hobson	Miller, Gary	Slaughter
Hoekstra	Miller, George	Smith (NJ)
Holden	Mollohan	Smith (TX)
Holt	Moore (KS)	Smith (WA)
Honda	Moore (WI)	Snyder
Hooley	Moran (KS)	Sodrel
Hostettler	Moran (VA)	Solis
Hoyer	Murphy	Souder
Hulshof	Murtha	Spratt
Hunter	Musgrave	Stearns
Hyde	Myrick	Strickland
Inglis (SC)	Nadler	Stupak
Inslee	Napolitano	Sullivan
Israel	Neal (MA)	Sweeney
Issa	Neugebauer	Tancred
Istook	Ney	Tanner
Jackson (IL)	Northup	Tauscher
Jackson-Lee	Norwood	Taylor (NC)
(TX)	Nunes	Terry
Jefferson	Nussle	Thomas
Jindal	Oberstar	Thompson (CA)
Johnson (CT)	Obey	Thompson (MS)
Johnson (IL)	Oliver	Thornberry
Johnson, E. B.	Ortiz	Tiahrt
Johnson, Sam	Osborne	Tiberi
Jones (NC)	Otter	Tierney
Jones (OH)	Owens	Towns
Kanjorski	Oxley	Turner
Kaptur	Pallone	Udall (CO)
Keller	Pascarell	Udall (NM)
Kelly	Pastor	Upton
Kennedy (MN)	Paul	Van Hollen
Kennedy (RI)	Payne	Velázquez
Kildee	Pearce	Visclosky
Kilpatrick (MI)	Pelosi	Walden (OR)
Kind	Pence	Walsh
King (IA)	Peterson (MN)	Wamp
King (NY)	Peterson (PA)	Wasserman
Kingston	Petri	Schultz
Kirk	Pickering	Waters
Kline	Pitts	Watson
Knollenberg	Platts	Watt
Kucinich	Poe	Waxman
Kuhl (NY)	Pombo	Weiner
LaHood	Pomeroy	Weldon (FL)
Langevin	Porter	Weldon (PA)
Larsen (WA)	Price (GA)	Weller
Larson (CT)	Price (NC)	Westmoreland
Latham	Pryce (OH)	Wexler
LaTourette	Putnam	Whitfield
Leach	Radanovich	Wicker
Lee	Rahall	Wilson (NM)
Levin	Ramstad	Wilson (SC)
Lewis (CA)	Rangel	Wolf
Lewis (GA)	Regula	Woolsey
Lewis (KY)	Rehberg	Wu
Linder	Renzi	Wynn
Lipinski	Reyes	Young (AK)
LoBiondo	Reynolds	Young (FL)

NOT VOTING—10

Boswell	Kolbe	Stark
Cunningham	Lantos	Taylor (MS)
Davis (FL)	Reichert	
Jenkins	Shaw	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶127.33 VETERANS WITH SERVICE-CONNECTED DISABILITIES

On motion of Mr. BUYER, by unanimous consent, the bill of the Senate (S. 1234) to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶127.34 GULF TAX CREDIT BONDS

On motion of Mr. McCRERY, by unanimous consent, the Committee on Ways and Means was discharged from further consideration of the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to provide for Gulf tax credit bonds and advance refundings of certain tax-exempt bonds, and to provide a Federal guarantee of certain State funds.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.35 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶127.36 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 126. An Act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An Act to designate certain National Forest System land in the Common-

wealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 584. An Act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An Act to authorize appropriations to the Secretary of the Interior to the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1101. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An Act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

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

S. 242. An Act to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing memorials to the Space Shuttle Columbia on parcels of land in the State of Texas.

S. 592. An Act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S. 1170. An Act to establish the Fort Stanton-Snowy River Cave National Conservation Area.

¶127.37 SUBMISSION OF CONFERENCE REPORT—H.R. 3010

Mr. LEWIS of California submitted a conference report (Rept. No. 109-300) on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶127.38 MESSAGE FROM THE PRESIDENT—UNITED STATES-BAHRAIN FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. JINDAL, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Bahrain Free Trade Agreement (the "Agreement"). This Agreement enhances our bilateral relationship with a strategic friend and ally in the Middle East region and will promote economic growth and prosperity in both nations.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement reflects my Administration's commitment to opening markets and expanding opportunities

for American workers, farmers, ranchers, and businesses. The Agreement will open Bahrain's market for U.S. manufactured goods, agricultural products, and services. As soon as it enters into force, the Agreement will eliminate tariffs on all manufactured goods that the United States sells to Bahrain and immediately remove Bahrain's import duties on over 80 percent of U.S. agricultural products. The Agreement is also one of the most comprehensive ever negotiated to reduce barriers to trade in services and will create new opportunities for U.S. services firms.

The Agreement contains procedures that will facilitate cooperation between the United States and Bahrain on environmental and labor matters. The labor chapter of the Agreement reinforces Bahrain's recent legislative actions to expand democracy and improve the protection of worker rights, including trade union rights. Provisions in the Agreement requiring effective enforcement of environmental laws will contribute to high levels of environmental protection.

The approval of this Agreement will be another significant step towards creating a Middle East Free Trade Area by 2013. This Agreement offers the United States yet another opportunity to encourage economic reform in a moderate Muslim nation as we have done through our free trade agreements with Jordan and Morocco. Leaders in Bahrain are supporting the pursuit of social and economic reforms in the region, encouraging foreign investment connected to broad-based development, and providing better protection for women and workers. It is strongly in our national interest to embrace and encourage these reforms, and passing this legislation is a crucial step toward that end.

GEORGE W. BUSH.

THE WHITE HOUSE, November 16, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 109-71).

¶127.39 RECESS—9:51 P.M.

The SPEAKER pro tempore, Mr. JINDAL, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 51 minutes p.m., subject to the call of the Chair.

**THURSDAY, NOVEMBER 17
(LEGISLATIVE DAY OF NOVEMBER
16), 2005**

¶127.40 AFTER RECESS—7:59 A.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, called the House to order.

¶127.41 PROVIDING FOR THE
CONSIDERATION OF H.J. RES. 72

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-301) the resolution (H. Res. 558)

providing for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶127.42 WAIVING POINTS OF ORDER
AGAINST THE CONFERENCE REPORT TO
ACCOMPANY H.R. 3010

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-302) the resolution (H. Res. 559) waiving points of order against the conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2005 and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶127.43 PROVIDING FOR THE
CONSIDERATION OF H.R. 4241

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-303) the resolution (H. Res. 560) providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for the fiscal year 2006.

When said resolution and report were referred to the House Calendar and ordered printed.

¶127.44 SENATE BILLS AND CONCURRENT
RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 242. An Act to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing memorials to the Space Shuttle Columbia on parcels of land in the State of Texas; to the Committee on Resources.

S. 592. An Act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Resources.

S. 1170. An Act to establish the Fort Stanton-Snowy River Cave National Conservation Area; to the Committee on Resources.

S. Con. Res. 62. A concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol; the Committee on House Administration.

¶127.45 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 161. An Act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

S. 1713. An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.

S. 1894. An Act to amend part E of title IV of the Social Security Act to provide for the

making of foster care maintenance payments to private for-profit agencies.

¶127.46 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. STARK, for November 15 and today.

And then,

¶127.47 ADJOURNMENT

On motion of Mr. PUTNAM, at 8 a.m., Thursday, November 17 (legislative day of November 16), 2005, the House adjourned.

¶127.48 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 125. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; with an amendment (Rept. 109-297 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3351. A bill to make technical corrections to laws relating to Native Americans, and for other purposes; with an amendment (Rept. 109-298 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3889. A bill to further regulate and punish illicit conduct relating to methamphetamine, and for other purposes; with amendments (Rept. 109-299 Pt. 1). Ordered to be printed.

Mr. REGULA: Committee of Conference. Conference report on H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-300). Ordered to be printed.

*[Filed on November 17 (legislative day,
November 16, 2005)]*

Mr. PUTNAM: Committee on Rules. House Resolution 558. Resolution providing for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes (Rept. 109-301). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 559. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-302). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 560. Resolution providing for consideration of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-303). Referred to the House Calendar.

¶127.49 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration H.R. 125. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration H.R. 3351. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

127.50 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JEFFERSON (for himself, Mr. MCCRERY, Mr. BAKER, Mr. ALEXANDER, Mr. MELANCON, Mr. JINDAL, and Mr. BOUSTANY):

H.R. 4337. A bill to amend the Internal Revenue Code of 1986 to provide for Gulf tax credit bonds and advance refundings of certain tax-exempt bonds, and to provide a Federal guarantee of certain State bonds; to the Committee on Ways and Means, considered and passed.

By Mr. RADANOVICH:

H.R. 4338. A bill to provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. BUYER (for himself, Mr. EVANS, Mr. BOOZMAN, Ms. HERSETH, Mr. BLIRAKIS, Mr. BURTON of Indiana, Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, and Mr. BAKER):

H.R. 4339. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of National Veterans Sports Programs and Special Events; to the Committee on Veterans' Affairs.

By Mr. BLUNT (for himself and Mr. RANGEL) (both by request):

H.R. 4340. A bill to implement the United States-Bahrain Free Trade Agreement; to the Committee on Ways and Means.

By Mr. HALL (for himself, Mr. BLUNT, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. BONILLA, Mr. OTTER, Mr. CONAWAY, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. NEUGEBAUER, Mrs. WILSON of New Mexico, Mr. CARTER, Mr. NORWOOD, Mr. THORNBERRY, Mr. SESSIONS, Mr. COSTA, Mr. SMITH of Texas, Mr. OSBORNE, Mr. SIMPSON, Mr. PICKERING, Mr. ROSS, Mr. HAYES, Mr. GOHMERT, Mr. HENSARLING, Mr. ORTIZ, Mr. PAUL, Mr. BRADY of Texas, Mr. POMBO, Mr. SALAZAR, and Mr. SHADEGG):

H.R. 4341. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("Superfund") to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4342. A bill to enhance the effectiveness of rural business financing programs; to the Committee on Agriculture.

By Mr. RUSH (for himself, Mr. UPTON, Mr. CONYERS, and Mr. SCHWARZ of Michigan):

H.R. 4343. A bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 4344. A bill to establish a demonstration program to provide comprehensive

health assessments for students; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself and Mr. PORTER):

H.R. 4345. A bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada; to the Committee on Resources.

By Mr. BUYER (for himself, Mr. SOUDER, and Mr. CHOCOLA):

H.R. 4346. A bill to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the "Malcolm Melville 'Mac' Lawrence Post Office"; to the Committee on Government Reform.

By Ms. CARSON (for herself, Mr. CONYERS, Ms. LEE, Mr. KUCINICH, Mr. CAPUANO, Ms. WOOLSEY, Mr. PAYNE, Mr. MCDERMOTT, Mr. SANDERS, and Mr. GUTIERREZ):

H.R. 4347. A bill to end homelessness in the United States; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself and Mr. WEXLER):

H.R. 4348. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the purchase and installation of emergency generators; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mrs. CAPPS, Mr. DEFazio, Mr. DOGGETT, Mr. FILNER, Mr. JEFFERSON, Mr. KUCINICH, Mr. LANTOS, Mrs. MCCARTHY, Mr. McNULTY, Mr. PAYNE, Mr. STARK, Mr. TOWNS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4349. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 4350. A bill to provide for grants from the Secretary of Energy to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and the Workforce.

By Mr. LYNCH (for himself, Mr. WAXMAN, Mr. LANTOS, Mrs. MALONEY, Mr. KUCINICH, Mr. HIGGINS, Mr. SANDERS, and Ms. LINDA T. SANCHEZ of California):

H.R. 4351. A bill to require the Secretary of Defense, acting through the Defense Contract Audit Agency, to review all defense contracts relating to reconstruction or troop support in Iraq involving any contractors, subcontractors, or Federal officers or employees that have been indicted or convicted for contracting improprieties; to the Committee on Armed Services.

By Mr. MILLER of Florida:

H.R. 4352. A bill to amend titles 10 and 38, United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors, and for other purposes; to the Committee on

Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MARKEY):

H.R. 4353. A bill to direct the Secretary of Homeland Security to notify passengers when they are flying on an aircraft carrying unscreened cargo; to the Committee on Homeland Security.

By Mr. WEINER (for himself and Ms. ROS-LEHTINEN):

H.R. 4354. A bill to amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4355. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Mr. LEWIS of California:

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes; to the Committee on Appropriations.

By Mr. CONYERS (for himself and Ms. NORTON):

H. Con. Res. 300. Concurrent resolution paying tribute to Shirley Horn in recognition of her many achievements and contributions to the world of jazz and American culture; to the Committee on Education and the Workforce.

By Mr. CONAWAY:

H. Con. Res. 301. Concurrent resolution expressing the sense of Congress that any bill or joint resolution that provides for the establishment of a new Federal program should contain a provision that eliminates one or more current Federal programs of equal or greater cost; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H. Con. Res. 302. Concurrent resolution supporting the national motto of the United States; to the Committee on the Judiciary.

By Mr. BAIRD (for himself, Mr. SOUDER, Mr. LARSEN of Washington, Mr. SIMMONS, Mr. CASE, Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. HINCHEY, Mr. TANNER, Mr. SALAZAR, Mr. SWEENEY, Mr. COOPER, Ms. HERSETH, Ms. MATSUI, Mr. ABERCROMBIE, Mr. PETERSON of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. WAMP, Mr. CLEAVER, Mr. PETERSON of Minnesota, Mr. BERRY, Mr. ROSS, and Mr. SCOTT of Georgia):

H. Res. 556. A resolution expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic; to the Committee on Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. SWEENEY):

H. Res. 557. A resolution urging the president to issue a proclamation declaring a Winter Outdoors Month to call attention to the need for all people to exercise and to get outdoors in the winter; to the Committee on Government Reform.

127.51 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 414: Mr. FARR and Mr. UDALL of New Mexico.

H.R. 415: Mr. ALEXANDER and Mrs. EMERSON.

H.R. 476: Mr. ROTHMAN.
 H.R. 501: Ms. LEE.
 H.R. 517: Mr. SHUSTER.
 H.R. 582: Mr. HOLT.
 H.R. 633: Mr. PALLONE.
 H.R. 687: Mr. SESSIONS.
 H.R. 697: Ms. SOLIS and Mr. CLEAVER.
 H.R. 698: Mr. CALVERT, Mr. BONNER, Mr. WALDEN of Oregon, Mr. PETERSON of Minnesota, Mrs. KELLY, Mr. GOHMERT, Mr. POE, Mr. ISSA, and Mr. ROYCE.
 H.R. 772: Mr. REHBERG.
 H.R. 808: Ms. CORRINE BROWN of Florida, Mr. MEEHAN, Mr. LIPINSKI, and Mr. ANDREWS.
 H.R. 896: Mr. LEACH, Ms. WOOLSEY, and Ms. MATSUI.
 H.R. 972: Mr. PASTOR, Mr. SMITH of Washington, Mr. FOSSELLA, and Mr. KLINE.
 H.R. 986: Mr. WALDEN of Oregon.
 H.R. 995: Mr. BUTTERFIELD.
 H.R. 1053: Mr. BOEHLERT and Mr. SCHWARZ of Michigan.
 H.R. 1059: Mr. MEEKS of New York.
 H.R. 1103: Mr. ROTHMAN.
 H.R. 1106: Mr. PETERSON of Minnesota.
 H.R. 1131: Mr. SCHIFF and Mr. ROHR-ABACHER.
 H.R. 1141: Mr. FEENEY and Mr. GINGREY.
 H.R. 1202: Mr. CHANDLER.
 H.R. 1259: Mrs. NAPOLITANO and Mr. SPRATT.
 H.R. 1297: Mr. MOORE of Kansas.
 H.R. 1298: Mr. SHERMAN.
 H.R. 1402: Mr. RUSH and Ms. NORTON.
 H.R. 1498: Mr. SCOTT of Georgia.
 H.R. 1521: Mr. ROTHMAN.
 H.R. 1554: Mr. STRICKLAND and Mr. ALLEN.
 H.R. 1582: Mr. DICKS and Mr. HONDA.
 H.R. 1648: Mrs. MCCARTHY.
 H.R. 1671: Mr. PETERSON of Minnesota.
 H.R. 1717: Mr. MENENDEZ.
 H.R. 1736: Mr. GEORGE MILLER of California and Mr. POMBO.
 H.R. 1849: Mr. ENGLISH of Pennsylvania.
 H.R. 1871: Mr. UDALL of Colorado.
 H.R. 2012: Mr. MOORE of Kansas, Mr. PASTOR, and Mr. FOSSELLA.
 H.R. 2061: Mr. CARTER.
 H.R. 2531: Mr. MCGOVERN.
 H.R. 2561: Mr. PAUL.
 H.R. 2565: Mr. BRADY of Pennsylvania.
 H.R. 2646: Mr. MORAN of Kansas.
 H.R. 2662: Ms. KAPTUR.
 H.R. 2716: Mr. ROTHMAN.
 H.R. 2761: Mr. BRADY of Pennsylvania.
 H.R. 2861: Mr. WELDON of Florida, Mr. MENENDEZ, Mr. ORTIZ, Mr. GINGREY, Mr. REYES, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, and Ms. JACKSON-LEE of Texas.
 H.R. 2932: Mr. JENKINS.
 H.R. 2943: Mrs. BIGGERT and Mr. VAN HOLLEN.
 H.R. 2952: Mr. BRADY of Texas, Mr. PETRI, and Mr. NEUGEBAUER.
 H.R. 2972: Mrs. JO ANN DAVIS of Virginia.
 H.R. 3042: Mr. ROTHMAN.
 H.R. 3095: Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. GUTKNECHT, Mr. DAVIS of Kentucky, Mr. SHADEGG, Mr. WESTMORELAND, and Mr. WELDON of Florida.
 H.R. 3195: Mr. BUTTERFIELD.
 H.R. 3268: Mr. ROHRABACHER.
 H.R. 3284: Mr. BUTTERFIELD.
 H.R. 3301: Ms. CARSON.
 H.R. 3326: Mr. SCHIFF and Ms. MATSUI.
 H.R. 3361: Mr. LYNCH.
 H.R. 3430: Mr. NORWOOD.
 H.R. 3476: Mr. MICA and Mr. BILIRAKIS.
 H.R. 3478: Mr. FOLEY, Mr. BOUSTANY, Mr. RYAN of Ohio, Mr. TURNER, Mrs. JO ANN DAVIS of Virginia, Mr. FILNER, Mr. PETERSON of Minnesota, Mr. GONZALEZ, Ms. MCKINNEY, Mrs. MILLER of Michigan, Mrs. MCCARTHY, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. STRICKLAND, Ms. SCHAKOWSKY, and Mr. WALDEN of Oregon.
 H.R. 3579: Mrs. MALONEY.
 H.R. 3582: Ms. BEAN.

H.R. 3616: Mr. MCDERMOTT.
 H.R. 3630: Mr. LOBIONDO.
 H.R. 3640: Mr. UDALL of New Mexico, Mr. MEEK of Florida, Mr. SANDERS, and Mr. DINGELL.
 H.R. 3641: Mr. BECERRA.
 H.R. 3642: Mr. BISHOP of Georgia, Mr. SANDERS, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. TOWNS, and Mr. ALLEN.
 H.R. 3698: Mr. INSLEE.
 H.R. 3734: Ms. CARSON.
 H.R. 3774: Mr. BUTTERFIELD.
 H.R. 3779: Mr. WOLF.
 H.R. 3792: Mrs. DAVIS of California.
 H.R. 3837: Mr. BRADY of Pennsylvania, Mr. FATTAH, Ms. VELÁZQUEZ, Mr. FARR, and Mr. HONDA.
 H.R. 3861: Mr. CONYERS, Mr. MELANCON, Ms. CARSON, Ms. HOOLEY, Ms. HERSETH, Mrs. DAVIS of California, Mr. BISHOP of New York, Mr. BOUCHER, Mr. ISRAEL, Mr. ALLEN, Mr. CASE, Mr. ETHERIDGE, Mr. POMEROY, Ms. SLAUGHTER, Mr. MORAN of Virginia, Ms. WATSON, Mr. DELAHUNT, Mr. MOORE of Kansas, Mr. EDWARDS, Mr. LIPINSKI, Mr. HOLDEN, Mr. HOLT, and Mr. MEEKS of New York.
 H.R. 3907: Mr. CONAWAY, Mr. KING of Iowa, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. MARCHANT, Mr. AKIN, Mr. SODREL, Mr. WELDON of Florida, Mr. GOHMERT, and Mr. COLE of Oklahoma.
 H.R. 3944: Mr. BUTTERFIELD.
 H.R. 3985: Mr. ETHERIDGE, Mr. MEEHAN, Mr. PETRI, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. PALLONE, Mr. SERRANO, Mr. EVANS, Mrs. DAVIS of California, Mr. SCOTT of Georgia, Mr. DEFazio, Mr. BOUCHER, Ms. KILPATRICK of Michigan, Mr. CARDOZA, Mr. PASTOR, Mr. COOPER, Mr. SPRATT, and Mr. CLAY.
 H.R. 4013: Mr. MATHESON.
 H.R. 4047: Mr. HOLT.
 H.R. 4049: Mr. GEORGE MILLER of California.
 H.R. 4059: Mr. TOM DAVIS of Virginia.
 H.R. 4071: Mr. BASS and Mr. HENSARLING.
 H.R. 4078: Mr. TERRY, Mr. MILLER of Florida, Mr. TAYLOR of North Carolina, and Mr. PAUL.
 H.R. 4098: Mr. JENKINS, Mr. PLATTS, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, and Mr. BACHUS.
 H.R. 4099: Mr. KLINE.
 H.R. 4145: Mr. MORAN of Virginia, Mr. DICKS, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Mr. SKELTON, Mr. CHANDLER, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. INSLEE, Mr. RAHALL, Mr. LARSEN of Washington, Mr. ETHERIDGE, and Ms. HERSETH.
 H.R. 4148: Ms. LEE.
 H.R. 4168: Mr. KENNEDY of Minnesota.
 H.R. 4200: Mr. GREEN of Wisconsin, Mr. FORTÚNO, Mr. CONAWAY, Mr. COBLE, Mrs. JO ANN DAVIS of Virginia, Mr. OSBORNE, Mr. TIBERI, Ms. PRYCE of Ohio, Mr. AKIN, Mr. CARTER, Mr. KLINE, and Mr. THORNBERRY.
 H.R. 4225: Mr. HONDA, Mr. GRJALVA, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. CONYERS, Mr. RUPPERSBERGER, Mr. KUCINICH, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. JEFFERSON, and Ms. WOOLSEY.
 H.R. 4229: Mr. STARK.
 H.R. 4238: Mr. POE.
 H.R. 4239: Mrs. CUBIN and Mr. DUNCAN.
 H.R. 4253: Mr. MILLER of Florida.
 H.R. 4263: Mr. BISHOP of New York.
 H.R. 4298: Mrs. JONES of Ohio and Mr. MCDERMOTT.
 H.R. 4300: Mr. GREEN of Wisconsin.
 H.R. 4313: Mrs. BONO, Mr. PETERSON of Minnesota, Mr. SIMPSON, and Mr. MILLER of Florida.
 H.R. 4321: Mr. KING of Iowa, Mr. WELDON of Florida, Mr. AKIN, Mr. GUTKNECHT, Mr. WESTMORELAND, Mr. HOSTETTLER, Mr. GOHMERT, Ms. FOXX, Mr. KINGSTON, and Mr. PENCE.
 H.R. 4323: Mr. SHAW and Mr. FORTÚNO.
 H.R. 4325: Mr. TOM DAVIS of Virginia.

H.R. 4326: Mr. FORBES and Mrs. DRAKE.
 H.R. 4330: Mr. ADERHOLT, Mr. DAVIS of Florida, Mr. DAVIS of Alabama, and Mr. WEXLER.
 H. Con. Res. 40: Mr. PALLONE.
 H. Con. Res. 42: Mr. VAN HOLLEN.
 H. Con. Res. 190: Ms. FOXX and Mr. SHERMAN.
 H. Con. Res. 207: Mrs. MCCARTHY, Ms. KILPATRICK of Michigan, Mr. SNYDER, Mr. BUTTERFIELD, and Mr. SKELTON.
 H. Con. Res. 230: Mr. HERGER and Mr. SCOTT of Georgia.
 H. Con. Res. 231: Ms. BALDWIN.
 H. Con. Res. 235: Mr. BAKER and Mr. COBLE.
 H. Con. Res. 272: Mr. SIMMONS, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mrs. MALONEY, Mr. MARSHALL, and Mr. GALLEGLY.
 H. Con. Res. 280: Mr. SHERMAN and Mr. SCOTT of Georgia.
 H. Con. Res. 284: Mr. SHERMAN.
 H. Con. Res. 292: Mr. UPON.
 H. Res. 223: Mr. KUCINICH.
 H. Res. 456: Ms. SCHWARTZ of Pennsylvania, Mr. WILSON of South Carolina, Mr. MCGOVERN, and Mr. SHERMAN.
 H. Res. 458: Mr. SHERMAN.
 H. Res. 477: Mr. SNYDER.
 H. Res. 487: Mr. SMITH of Washington, Mr. GOODE, Mr. HOYER, Mr. JACKSON of Illinois, Mr. RENZI, Mr. SHUSTER, Mrs. CAPITO, and Mr. HOLT.
 H. Res. 498: Ms. HERSETH and Mrs. MCCARTHY.
 H. Res. 521: Mr. ANDREWS.
 H. Res. 529: Mr. SCHIFF, Mr. WELLER, Mr. ISSA, Mr. WEXLER, Mr. SMITH of New Jersey, Ms. WOOLSEY, Mr. CARDOZA, Ms. LEE, Mrs. NAPOLITANO, and Ms. ROS-LEHTINEN.
 H. Res. 535: Ms. DELAURO and Mr. SHERMAN.
 H. Res. 545: Mr. PICKERING.
 H. Res. 546: Mr. BAIRD.
 H. Res. 547: Mrs. JO ANN DAVIS of Virginia and Mr. BISHOP of Utah.

¶127.52 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2669: Ms. WASSERMAN SCHULTZ.

THURSDAY, NOVEMBER 17, 2005 (128)

The House was called to order by the SPEAKER.

¶128.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, November 16, 2005.

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

¶128.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5266. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

5267. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Robert H. Foglesong, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5268. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5269. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas and Louisiana since September 20, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

5270. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Placement of Pregabalin Into Schedule V [Docket No. DEA-267F] received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Senior Vice President, Policy & Government Affairs, Verizon Wireless, transmitting a letter from Denny Strigl, CEO of Verizon Wireless, provided to Federal Communications Commission Chairman Kevin Martin regarding the company's efforts to serve customers impacted by Hurricane Katrina; to the Committee on Energy and Commerce.

5272. A letter from the Office of Independent Counsel, transmitting the annual report on Audit and Investigative Activities, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

5273. A letter from the Executive Director, Federal Reiterment Thrift Investment Board, transmitting a list of the five audit reports issued during fiscal year 2005 regarding the Agency and the Thrift Savings Plan; to the Committee on Government Reform.

5274. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5275. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter to Chairman Cropp and Members of the Council of the District of Columbia on the Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the Washington Convention Center."; to the Committee on Government Reform.

5276. A letter from the Office of the Special Counsel, transmitting the fiscal year 2005 reports required by the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5277. A letter from the Acting Deputy Secretary, Department of Defense, transmitting the Department's Seventeenth Report of the Federal Absentee Voting Act; to the Committee on House Administration.

5278. A letter from the Acting Inspector General, House of Representatives, transmitting the final report on the U.S. House of Representatives Child Care Center; to the Committee on House Administration.

5279. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal to Sabine River, Orange, TX [COTP Port Arthur-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5280. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule —

Safety Zone; Napa River, California [COTP San Francisco Bay 05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5281. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone — Motor Vessel ZHEN HUA; San Francisco Bay, California [COTP San Francisco Bay 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5282. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones for designated vessels; Savannah COTP Zone [COTP Savannah 04-065] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5283. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5284. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 731.5 to Mile Marker 731.9, South Sioux City, ONE [COTP St. Louis-04-047] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5285. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 203.0 to Mile Marker 205.0, Alton, IL [COTP St. Louis-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5286. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-04-060] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5287. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Ship Channel, Horn Island Ship Channel, Pascagoula, MS [COTP Mobile-04-062] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5288. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile 222 to Mile 225, Destin, FL [COTP Mobile-04-063] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5289. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile

Marker 122.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5290. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 126.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-012] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5291. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Below Head of Passes, Mile Marker Minus 18.0 to Mile Marker Minus 20.0, in the vicinity of the entrance to Southwest Pass, LA [COTP New Orleans-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5292. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 177.0 to Mile Marker 180.0, Above Head of Passes, Geismar, LA [COTP New Orleans-05-014] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5293. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 148.0 to Mile Marker 158.0, Above Head of Passes, Convent, LA [COTP New Orleans-05-015] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5294. A letter from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting the FY 2004 annual report on the Federal participation in the development and use of voluntary consensus standards, pursuant to Public Law 104-113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

5295. A letter from the Acting President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2004, Performance Budget for FY 2006, Performance and Accountability Report for FY 2004, and Report on Development and U.S. Effects on OPIC's FY 2004 projects and Report on Cooperation with Private Insurers, pursuant to 31 U.S.C. 9106; jointly to the Committees on Government Reform and International Relations.

128.3 MESSAGE FROM THE SENATE

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

S. 206. An Act to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 213. An Act to direct the Secretary of the Interior to convey certain Federal land to the Rio Arriba County, New Mexico.

S. 251. An Act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource

feasibility study for the Little Butte/Bear Creek Subbasins in Oregon.

S. 485. An Act to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 584. An Act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

S. 652. An Act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 695. An Act to suspend temporarily new shipper bonding privileges.

S. 761. An Act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

S. 777. An Act to designate Catoclin Mountain Park in the State of Maryland as the "Catoclin Mountain National Recreation Area", and for other purposes.

S. 819. An Act to authorize the Secretary of the Interior to reallocate costs of the Pactcola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 891. An Act to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska.

S. 895. An Act to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 958. An Act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the State of Maryland and Virginia and the District of Columbia as a National Historic Trail.

S. 1154. An Act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

S. 1238. An Act to amend the Public Lands Corps of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1338. An Act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on ground-water resources in the State of Alaska, and for other purposes.

S. 1627. An Act to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

¶128.4 PROVIDING FOR THE CONSIDERATION OF H. J. RES. 72

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 558):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H. J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided

and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 2. House Resolution 542 is laid on the table.

When said resolution was considered. After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mr. PUTNAM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶128.5 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H. R. 3010

Mrs. CAPITO, by direction of the Committee on Rules, called up the following resolution (H. Res. 559):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H. R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mrs. CAPITO, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mrs. CAPITO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶128.6 H. RES. 558—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 558) providing for consideration of the joint resolution (H. J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 407
affirmative } Nays 21

¶128.7 [Roll No. 595] YEAS—407

Abercrombie	DeLauro	Kanjorski
Ackerman	DeLay	Kaptur
Aderholt	Dent	Keller
Akin	Diaz-Balart, L.	Kelly
Alexander	Diaz-Balart, M.	Kennedy (MN)
Allen	Dicks	Kennedy (RI)
Baca	Dingell	Kildee
Bachus	Doggett	Kilpatrick (MI)
Baird	Doolittle	Kind
Baker	Doyle	King (IA)
Baldwin	Drake	King (NY)
Barrett (SC)	Dreier	Kingston
Barrow	Duncan	Kirk
Bartlett (MD)	Edwards	Kline
Barton (TX)	Ehlers	Knollenberg
Bass	Emanuel	Kolbe
Bean	Emerson	Kuhl (NY)
Beauprez	Engel	LaHood
Berkley	English (PA)	Langevin
Berman	Eshoo	Lantos
Berry	Etheridge	Larsen (IA)
Biggert	Evans	Larson (CT)
Billirakis	Everett	Latham
Bishop (GA)	Farr	LaTourette
Bishop (NY)	Fattah	Leach
Bishop (UT)	Feeney	Levin
Blackburn	Ferguson	Lewis (CA)
Blumenauer	Filner	Lewis (GA)
Blunt	Fitzpatrick (PA)	Lewis (KY)
Boehlert	Flake	Linder
Boehner	Foley	Lipinski
Bonilla	Forbes	LoBiondo
Bonner	Fortenberry	Lofgren, Zoe
Bono	Fossella	Lowey
Boozman	Fox	Lucas
Boren	Franks (AZ)	Lungren, Daniel E.
Boucher	Frelinghuysen	Lynch
Boustany	Gallely	Mack
Boyd	Garrett (NJ)	Maloney
Bradley (NH)	Gerlach	Manzullo
Brady (PA)	Gibbons	Marchant
Brady (TX)	Gilchrest	Marshall
Brown (OH)	Gillmor	Matheson
Brown (SC)	Gingrey	Matsui
Brown, Corrine	Gohmert	McCarthy
Brown-Waite,	Gonzalez	McCaul (TX)
Ginny	Goode	McCollum (MN)
Burgess	Goodlatte	McCotter
Burton (IN)	Gordon	McCrery
Butterfield	Granger	McDermott
Buyer	Graves	McGovern
Calvert	Green (WI)	McHenry
Camp	Green, Al	McHugh
Cannon	Green, Gene	McIntyre
Cantor	Gutierrez	McKeon
Capito	Gutknecht	McKinney
Capps	Hall	McMorris
Capuano	Harman	McNulty
Cardin	Harris	Meehan
Cardoza	Hart	Meek (FL)
Carnahan	Hastings (WA)	Meeks (NY)
Carson	Hayes	Melancon
Carter	Hayworth	Menendez
Case	Hefley	Mica
Castle	Hensarling	Michaud
Chabot	Herger	Miller-
Chandler	Herseth	McDonald
Chocola	Higgins	Miller (FL)
Clay	Hinchee	Miller (MI)
Cleaver	Hinojosa	Miller (NC)
Clyburn	Hobson	Miller, Gary
Coble	Hoekstra	Mollohan
Cole (OK)	Holden	Moore (KS)
Conaway	Holt	Moore (WI)
Costa	Hooley	Moran (KS)
Costello	Hostettler	Murphy
Cramer	Hoyer	Murtha
Crenshaw	Hulshof	Musgrave
Cubin	Hunter	Myrick
Cuellar	Hyde	Nadler
Culberson	Inglis (SC)	Napolitano
Cummings	Inslee	Neal (MA)
Cunningham	Israel	Neugebauer
Davis (AL)	Issa	Ney
Davis (CA)	Istook	Northup
Davis (FL)	Jefferson	Norwood
Davis (IL)	Jenkins	Nunes
Davis (KY)	Jindal	Nussle
Davis (TN)	Johnson (CT)	Oberstar
Davis, Jo Ann	Johnson (IL)	Obey
Davis, Tom	Johnson, E. B.	Oliver
Deal (GA)	Johnson, Sam	Ortiz
DeGette	Jones (NC)	Osborne
Delahunt	Jones (OH)	

Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Price (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger

NAYS—21

Andrews
Becerra
Conyers
Cooper
Crowley
DeFazio
Ford
Frank (MA)

NOT VOTING—5

Boswell
Moran (VA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 2 of House Resolution 558, H. Res. 542 was laid on the table.

128.8 H. RES. 559—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 559) waiving points of order against the conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 244 Nays 185

128.9 [Roll No. 596]

YEAS—244

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggett
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Hyde
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey

NAYS—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow

Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Finler
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchee
Holden
Holt
Honda
Hookey
Hoyer
Inslee
Israel

NOT VOTING—4

Barton (TX)
Boswell
Moran (VA)
Stark

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

128.10 H. RES. 500—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 500) recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 420 Nays 2

128.11 [Roll No. 597] YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus

Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehkert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake

Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herse
Higgins
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline

Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCauley (TX)
McCormack (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascarell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo

Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff

Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas

Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2
Kirk
Gohmert
Kirk
Boswell
Foxy
Chabot
Johnson (IL)
DeGette
Kolbe
Ford
McCreary
Moran (VA)
Nadler
Smith (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶128.12 FURTHER CONTINUING APPROPRIATIONS FY 2006

Mr. LEWIS of California, pursuant to House Resolution 558, called up for consideration the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes.

When said joint resolution was considered and read twice.

After debate, The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass to said joint resolution?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. LEWIS of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶128.13 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2006

Mr. REGULA, pursuant to House Resolution 559, called up the following conference report (Rept. No. 109-300):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,652,411,000 plus reimbursements, of which \$1,688,411,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which \$950,000,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$8,000,000 is available for the period July 1, 2006 through June 30, 2009 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That \$125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That \$7,936,000 shall be for carrying out section 172 of

the Workforce Investment Act of 1998: Provided further, That \$982,000 shall be for carrying out Public Law 102-530: Provided further, That, notwithstanding any other provision of law or related regulation, \$80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$75,053,000 for formula grants, \$5,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$504,000 for other discretionary purposes, and that the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which \$100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108-7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, \$20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107-117, \$5,000,000 are rescinded.

Of the funds provided under this heading in division F of Public Law 108-447 for Community-Based Job Training Grants, \$125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform

Act of 2002, Public Law 107-210), \$966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$125,312,000, together with not to exceed \$3,266,766,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which \$125,312,000, together with not to exceed \$700,000,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, \$465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$117,123,000, together

with not to exceed \$82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS (RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act, 2002 (Public Law 107-117, division B), \$120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$134,900,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of \$296,978,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$413,168,000, together with \$2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until

expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, \$13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$27,148,000;

(3) for periodic roll management and medical review, \$13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, \$74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$96,081,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer \$4,500,000 from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n-q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Dis-

ability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; \$24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; \$344,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$477,199,000, including not to exceed \$92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment acci-

dent which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

MINE SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$464,678,000, together with not to exceed \$77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY
SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$27,934,000.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$300,275,000, of which \$6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and \$29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2006, of which \$1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$29,500,000, of which \$7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$66,211,000, together with not to exceed \$5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$6,230,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

SEC. 102. Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall permanently establish and maintain an Office of Job Corps within the Office of the Secretary, in the Department of Labor, to carry out the functions (including duties, responsibilities, and procedures) of subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.). The Secretary shall appoint a senior member of the civil service to head that Office of Job Corps and carry out subtitle C. The Secretary shall transfer funds appropriated for the program carried out under that subtitle C, including the administration of such program, to the head of that Office of Job Corps. The head of that Office of Job Corps shall have contracting authority and shall receive support as necessary from the Assistant Secretary for Ad-

ministration and Management with respect to contracting functions and the Assistant Secretary for Policy with respect to research and evaluation functions.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 104. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 105. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 106. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 107. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

SEC. 108. The Secretary shall prepare and submit not later than July 1, 2006 to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2006 funds made available for section 171 of the Workforce Investment Act.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES
ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to ci-

vilian populations, \$6,539,661,000 of which \$64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which \$25,000,000 is for a Delta health initiative Rural Health, Education, and Workforce Infrastructure Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities): Provided, That of the funds made available under this heading, \$222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than \$40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That no more than \$45,000,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That \$4,000,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108-401: Provided further, That of the funds made available under this heading, \$285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That \$797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$117,108,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, \$39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$3,600,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$5,884,934,000, of which \$160,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which \$30,000,000 of the amounts available for immunization activities shall remain available until expended; of which \$530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which \$123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$109,021,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$463,000 for Health Marketing evaluations; (5) \$31,000,000 to carry out Public Health Research; and (6) \$87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further,

That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,841,774,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,951,270,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$393,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,722,146,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,550,260,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,459,395,000: Provided, That \$100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to \$30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,955,170,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,277,544,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$673,491,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$647,608,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,057,203,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$513,063,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$397,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$138,729,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$440,333,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,010,130,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,417,692,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$490,959,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$299,808,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,110,203,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$122,692,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$197,379,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$67,048,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$318,091,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$482,895,000, of which up to \$10,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of

the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed \$250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That the Office of AIDS Research within the Office of the Director, NIH may spend up to \$4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act: Provided further, That of the funds provided \$97,000,000 shall be for expenses necessary to support activities related to countering potential nuclear, radiological and chemical threats to civilian populations.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$81,900,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,237,813,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available

under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$16,000,000 to carry out national surveys on drug abuse; and (4) \$4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$318,695,000: Provided further, That not more than \$50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, \$62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D-16 and 1860D-31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,170,927,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That \$79,934,000, to remain available until September 30, 2007, is for con-

tract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional \$32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, \$1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$2,000,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$183,000,000, to remain available until September 30, 2006: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of such Act, and notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108-179), \$575,579,000, of which up to \$9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108-193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which \$992,000 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$270,490,624 shall be reserved by the States for activities authorized under section 658G, of which \$99,200,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS
(INCLUDING RESCISSION OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$8,922,213,000, of which \$18,000,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized

by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2006: Provided, That \$6,843,114,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2006, and remain available through September 30, 2007: Provided further, That \$701,590,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than \$7,367,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$65,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That \$15,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$11,000,000 shall be for payments to States to promote access for voters with disabilities, and of which \$4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That \$110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

Of the funds provided under this heading in Public Law 108-447 to carry out section 473A of

title IV of the Social Security Act (42 U.S.C. 670-679), \$22,500,000 are rescinded.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$90,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,852,800,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2007, \$1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,376,624,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$352,703,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, \$52,415,000 shall be for minority AIDS prevention and treatment activities; and \$5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR
HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$42,800,000: Provided, That in addition to amounts provided herein, \$18,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$31,682,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR
COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, \$183,589,000: Provided, That \$120,000,000 of amounts available for influenza preparedness shall remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct

costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this sec-

tion shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300a-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign

countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to “Disease Control, Research, and Training,” to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

(RESCISSION OF FUNDS)

SEC. 220. The unobligated balance in the amount of \$10,000,000 appropriated by Public Law 108-11 under the heading “Public Health and Social Services Emergency Fund” are rescinded.

SEC. 221. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

SEC. 222. None of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) prior to April 1, 2006.

SEC. 223. (a) For fiscal year 2006 and subject to subsection (b), the Secretary of Health and Human Services may waive the requirements of regulations promulgated under the Head Start Act (42 U.S.C. 9831 et seq.), for one or more vehicles used by a Head Start agency or an Early Head Start entity (or the designee of either) in transporting children enrolled in a Head Start program or an Early Head Start program if—

(1) such requirements pertain to child restraint systems or vehicle monitors;

(2) the agency or entity demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(3) waiving such requirements is in the best interest of the children involved.

(b) The Secretary of Health and Human Services may not issue any waiver under subsection (a) after September 30, 2006, or the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

SEC. 224. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2006 or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

(RESCISSION)

SEC. 225. The unobligated balance of the Health Professions Student Loan program authorized in Subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Services Act is rescinded.

(RESCISSION)

SEC. 226. The unobligated balance of the Nursing Student Loan program authorized by section 835 of the Public Health Services Act is rescinded.

SEC. 227. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2006”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$14,627,435,000, of which \$7,043,126,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006-2007: Provided, That \$6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to \$3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That \$2,269,843,000 shall be for targeted grants under section 1125: Provided further, That \$2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That \$9,424,000 shall be to carry out part E of title I: Provided further, That \$8,000,000 shall be available for section 1608 of the ESEA, of which \$1,465,000 shall be available for a continuation award for the comprehensive school reform clearinghouse previously funded under the heading “Innovation and Improvement” in title III of division F of Public Law 108-447.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,240,862,000, of which \$1,102,896,000 shall be for basic support payments under section 8003(b), \$49,966,000 shall be for payments for children with disabilities under section 8003(d), \$18,000,000 shall be for construction under section 8007(a), \$65,000,000 shall be for Federal property payments under section 8002, and \$5,000,000, to remain available until expended, shall be for facilities maintenance

under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005-2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,308,564,000, of which \$3,676,482,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which \$1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That \$411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That \$56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$31,693,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$945,947,000, of which \$95,000,000 shall become available on July 1, 2006 and remain available until September 30, 2007: Provided, That \$16,864,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than \$9,920,000 shall be provided to the National Board for Professional Teaching Standards, and not less than \$6,944,000 shall be provided to the American Board for the Certification of Teacher Excellence: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That \$36,981,000 shall be for subpart 2 of part B of title V: Provided further, That \$260,111,000 shall be available to carry out part D of title V of the ESEA, of which \$100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That five percent of such funds for competitive grants shall become available on October 1, 2005 for technical assistance, training, peer review of applications, program outreach and evaluation activities and that 95 percent shall become available on July 1, 2006 and remain available through September 30, 2007 for competitive grants.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$736,886,000, of which \$350,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105-244: Provided further, That \$350,000,000 shall be available for subpart 1 of part A of title IV and \$224,580,000 shall be available for subpart 2 of part A of title IV, of which \$1,449,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That \$132,901,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,194,000 may be used to carry out section 2345 and \$3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through

September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$11,770,607,000, of which \$6,141,604,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That \$12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, \$3,129,638,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That \$30,760,000 shall be used for carrying out the AT Act, including \$4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and \$3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$17,750,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$56,708,000, of which \$800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$108,079,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII-D of the Higher Education Amendments of 1998, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965

("ESEA"), \$2,012,282,000, of which \$1,216,558,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which \$791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, \$68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,096,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That \$94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005 and shall remain available through September 30, 2007, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: Provided further, That \$23,000,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$15,077,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006-2007 shall be \$4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, \$120,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$1,970,760,000: Provided, That \$9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007-2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the

use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That \$980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$239,790,000, of which not less than \$3,562,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended \$573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$522,695,000, of which \$271,560,000 shall be available until September 30, 2007: Provided, That of the amount provided to carry out title I, parts B and D of Public Law 107-279, not less than \$25,257,000 shall be for the national research and development centers authorized under section 133(c).

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$415,303,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart I of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, \$4,300,000,000, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), by adding at the end the following:

“(4) To authorize and develop cultural and educational programs relating to the Mississippi Band of Choctaw Indians.”;

(2) in section 5523(a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”; and

(3) in section 5525, by adding at the end the following:

“(4) For cultural and educational programs, not less than \$2,000,000 to the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”.

This title may be cited as the “Department of Education Appropriations Act, 2006”.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry

out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$316,212,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), \$520,087,000, to remain available until September 30, 2007: Provided, That not more than \$267,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than \$140,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to \$4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which \$7,000,000 shall be held in reserve as defined in Public Law 108-45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$16,445,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That \$27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That \$37,500,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That \$4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639):

Provided further, That \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than \$12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs,

including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2008, \$400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$30,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$35,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108-199 or Public Law 108-7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,031,000, including \$400,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, \$249,640,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$3,144,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD
RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$29,369,174,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, \$11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,079,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and

telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, \$119,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed \$119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, together with not to exceed \$66,400,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Serv-

ice is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the

agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. (a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(B) the applicant has been approved for adjudication of status under section 245(a); and

"(C) such reduction is necessary for the applicant to represent the United States at an international event.

"(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

"(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a \$1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

"(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account."

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

SEC. 519. (a) None of the funds made available in this Act may be used to request that a can-

didate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 520. None of the funds made available in this Act may be used to reimburse, or provide reimbursement for drugs approved to treat erectile dysfunction.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

RALPH REGULA,
ERNEST ISTOOK, JR.,
ROGER F. WICKER,
ANNE M. NORTHUP,
RANDY "DUKE"
CUNNINGHAM,
KAY GRANGER,
JOHN E. PETERSON,
DON SHERWOOD,
DAVE WELDON,
JIM WALSH,
JERRY LEWIS,

Managers on the Part of the House.

ARLEN SPECTER,
THAD COCHRAN,
JUDD GREGG,
KAY BAILEY HUTCHISON,
LARRY E. CRAIG,
TED STEVENS,
MIKE DEWINE,
RICHARD SHELBY,
PETE V. DOMENICI,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. TERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 209
negative } Nays 224

¶128.14

[Roll No. 598]

YEAS—209

Aderholt	Burton (IN)	Duncan
Akin	Buyer	Ehlers
Alexander	Calvert	English (PA)
Bachus	Camp	Everett
Baker	Cannon	Feeney
Barrett (SC)	Cantor	Ferguson
Bartlett (MD)	Capito	Flake
Barton (TX)	Carter	Foley
Bass	Chabot	Forbes
Beauprez	Chocola	Fortenberry
Biggert	Coble	Fossella
Bilirakis	Cole (OK)	Foxx
Bishop (UT)	Conaway	Franks (AZ)
Blackburn	Crenshaw	Frelinghuysen
Blunt	Cubin	Gallegly
Boehmert	Culberson	Garrett (NJ)
Boehner	Cunningham	Gilchrest
Bonilla	Davis (KY)	Gillmor
Bonner	Davis, Jo Ann	Gingrey
Bono	Davis, Tom	Gohmert
Boozman	Deal (GA)	Goode
Boustany	DeLay	Goodlatte
Bradley (NH)	Dent	Granger
Brady (TX)	Diaz-Balart, L.	Graves
Brown (SC)	Diaz-Balart, M.	Green (WI)
Brown-Waite,	Doolittle	Gutknecht
Ginny	Drake	Hall
Burgess	Dreier	Harris

Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce

Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Ruppersberger
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING-1

Boswell

So the conference report was not agreed to.

A motion to reconsider the vote whereby said conference report was not agreed to was, by unanimous consent, laid on the table.

128.15 H.J. RES. 72-UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business on passage of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes.

The question being put, Will the House pass said joint resolution?

The vote was taken by electronic device.

It was decided in the Yeas 413 affirmative Nays 16

128.16 [Roll No. 599] YEAS-413

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
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NAYS—16

Becerra	Ford	Lofgren, Zoe
Capuano	Frank (MA)	Stupak
Conyers	Grijalva	Tierney
Cooper	Hastings (FL)	Wu
DeFazio	Jackson (IL)	
Dingell	Kucinich	

NOT VOTING—4

Boswell	Edwards
Carnahan	Towns

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶128.17 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2006

On motion of Mr. REGULA, the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,787,806,000 plus reimbursements, of which \$1,791,518,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which \$986,288,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$10,000,000 is available for the period July 1, 2006 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That \$125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Train-

ing grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That \$7,936,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That \$982,000 shall be for carrying out Public Law 102-530: Provided further, That, notwithstanding any other provision of law or related regulation, \$80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$75,053,000 for formula grants, \$5,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$504,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which \$100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108-7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, \$20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107-38, \$5,000,000 are rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administrative action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses

under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$119,825,000: Provided, That amounts provided for in this Act for suicide prevention activities under the Garrett Lee Smith Memorial Act (Public Law 108-355) shall be increased by \$13,000,000: Provided further, That not to exceed \$3,201,000,000 (including not to exceed \$1,228,000,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including \$10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which \$132,825,000, together with not to exceed \$723,188,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

In addition to amounts made available above, and subject to the same terms and conditions, \$10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers, and \$30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: Provided, That not later

than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, \$465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$117,123,000, together with not to exceed \$82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS (RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act, 2002 (Public Law 107-117, division B), \$120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$134,900,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of \$296,978,000: Provided further, That obligations in excess of such amount may be in-

currred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$410,568,000, together with \$2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, \$13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$27,148,000;

(3) for periodic roll management and medical review, \$13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, \$74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$96,081,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n-q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; \$24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; \$344,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$477,491,000,

including not to exceed \$92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006 to September 30, 2007, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$280,490,000, includ-

ing purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$464,678,000, together with not to exceed \$77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$47,164,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$320,250,000, of which \$6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and \$29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court

in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2006, of which \$1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$29,500,000, of which \$7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$67,211,000, together with not to exceed \$5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$6,230,000.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 102. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 103. There is authorized to be appropriated such sums as may be necessary to the

Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 104. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 105. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

SEC. 106. Notwithstanding any other provision of law, \$125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), and of such amount, \$50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and \$75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, \$7,325,634,000, of which \$397,951,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activi-

ties, and of which \$64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which \$25,000,000 is for a Rural Health, Education, and Workforce Infrastructure Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities); Provided, That of the funds made available under this heading, \$222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That \$20,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: Provided further, That no more than \$99,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That \$13,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(r)(2)(B) of the Public Health Service Act: Provided further, That no more than \$45,000,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That \$9,859,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108-401: Provided further, That of the funds made available under this heading, \$285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That \$797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$121,396,250 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, \$39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113.

HEALTH EDUCATION ASSISTANCE PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as

amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$3,600,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$5,989,115,000, of which \$225,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which \$30,000,000 of the amounts available for immunization activities shall remain available until expended; of which \$542,000,000 shall remain available until expended for the Strategic National Stockpile; and of which \$123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$109,021,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$463,000 for Health Marketing evaluations; (5) \$31,000,000 to carry out Public Health Research; and (6) \$87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to

support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,960,828,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,023,381,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$405,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,767,919,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,591,924,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,547,136,000: Provided, That \$100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to \$30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$2,002,622,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,310,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$693,559,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$667,372,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,090,600,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$525,758,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$409,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$142,549,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$452,271,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,035,167,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,460,393,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$502,804,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$309,091,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,188,079,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That \$30,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$126,978,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$203,367,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$68,745,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$327,222,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the

jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$487,434,000, of which up to \$10,000,000 shall be used to carry out section 216 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed \$250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$113,626,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,261,783,000: Provided, That in addition

to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,803,000 to carry out subpart I of Part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of title XIX; (3) \$16,000,000 to carry out national surveys on drug abuse; (4) \$2,000,000 for mental health data collection; and (5) \$4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$323,695,000: Provided further, That not more than \$50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, \$62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$177,822,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D-16 and 1860D-31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,188,418,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in

accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That \$79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional \$32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: Provided further, That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b-2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$80,000,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which \$75,000,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services ("CMS") to conduct oversight of activities authorized in Titles I and II of Public Law 108-173, with oversight activities including those activities listed in 18 U.S.C. 1893(b), and of which \$5,000,000 is for the Medicaid program integrity activities, together with not less than \$20,000,000 made available to the Secretary by section 1817(k)(3) of the Social Security Act: Provided, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2006 shall include measures of the operational efficiency and impact on

fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, \$1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,883,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000, to remain available until expended: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108-179), \$552,040,000, of which up to \$9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108-193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

For an additional amount for the necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied children authorized by title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, \$19,100,000: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$9,000,832,000, of which \$22,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2006: Provided, That \$6,874,314,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2006 and remain available through September 30, 2007: Provided further, That \$708,895,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than \$7,492,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are dis-

tributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$95,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That \$14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which \$4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That \$101,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That the total amount made available under this heading shall be increased by \$10,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$90,000,000: Provided, That the Secretary shall undertake a family reunification effort in concert with national non-profit organizations engaged in similar efforts.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,852,800,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2007, \$1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,391,699,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$353,614,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, \$52,415,000 shall be for minority AIDS prevention and treatment activities; and \$5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$75,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$32,800,000: Provided, That in addition to amounts provided herein, \$12,350,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That funds transferred to this heading pursuant to section 220 of the Department of Health and Human Services Appropriations Act, 2005, shall remain available until September 30, 2006.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$31,682,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, \$8,158,589,000: Provided, That these funds shall be distributed at the discretion of the President, after consultation with the Chairman and Ranking Members of the House and Senate Committees on Appropriations, the Chairman and Ranking Members of the House and Senate Subcommittees on Labor, Health and Human Services, and Education Appropriations, the Chairman and Ranking Member of the Senate Health, Education, Labor, and Pensions Committee, and the Senate Majority and Minority Leaders: Provided further, That \$8,095,000,000 of amounts available for influenza and other potential pandemics preparedness is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006 and shall remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a

grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs

of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of

State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 216. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 217. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to “Disease Control, Research, and Training”, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 218. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

(RESCISSION OF FUNDS)

SEC. 219. The unobligated balance in the amount of \$10,000,000 appropriated by Public Law 108-11 under the heading “Public Health and Social Services Emergency Fund” are rescinded.

(RESCISSION OF FUNDS)

SEC. 220. \$15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act are rescinded.

SEC. 221. Funds appropriated for State Pharmaceutical Assistance Programs in Public Law 108-173 for fiscal year 2005 shall remain available through fiscal year 2006.

SEC. 222. Not later than June 30, 2006, the Secretary of Health and Human Services shall prepare and submit to Congress a report outlining—

(1) a detailed plan for expeditiously changing the numerical identifier used to identify medicare beneficiaries under the medicare program so that a beneficiary's social security account number is no longer displayed on the identification card issued to the beneficiary under such program or on any explanation of medicare benefits mailed to the beneficiary; and

(2) the costs of implementing such plan.

SEC. 223. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

SEC. 224. The Secretary of Health and Human Services shall use amounts appropriated under title II for the purchase of not less than 1,000,000 rapid oral HIV tests.

SEC. 225. (a) Notwithstanding any other provision of law, none of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) or any corresponding similar regulation or ruling—

(1) prior to April 1, 2006; and

(2) on or after April 1, 2006, unless the Secretary of Health and Human Services publishes—

(A) by not later than January 1, 2006, a proposed rule with respect to motorized or powered wheelchairs, followed by a 45-day period to comment on the proposed rule; and

(B) by not later than February 14, 2006, a final rule with respect to motorized or powered wheelchairs, followed by a 45-day transition period for implementation of the final rule.

(b)(1) Notwithstanding any other provision of law, with respect to a covered item consisting of a motorized or power wheelchair furnished during 2006, the Secretary of Health and Human Services shall reduce the payment amount otherwise applicable under section 1834 of the Social Security Act (42 U.S.C. 1395m) for such item by 1.5 percent.

(2) The payment reduction provided under paragraph (1) for 2006—

(A) shall not apply to a covered item consisting of a motorized or power wheelchair that is furnished after 2006; and

(B) shall not be taken into account in calculating the payment amounts applicable for such a covered item furnished after 2006.

SEC. 226. **TELEHEALTH.** (a) **APPROPRIATION.**—Of the amounts appropriated to the Health Resource and Services Administration, \$10,000,000 shall be to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c-14), of which—

(1) \$2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,500,000 individuals;

(2) \$5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) \$2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

SEC. 227. From amounts appropriated to the Health Resources and Services Administration, \$5,000,000 shall be available to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g).

SEC. 228. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term “medically inaccurate” means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

SEC. 229. For carrying out the Low-Vision Rehabilitation Services Demonstration Project by the Secretary of Health and Human Services, an additional \$5,000,000.

SEC. 230. (a) **FINDINGS.**—The Senate makes the following findings:

(1) Hospitals cannot provide patient care without physicians.

(2) It is particularly difficult for hospitals to provide patient care to uninsured patients.

(3) Medicaid disproportionate share hospital (DSH) payments provide payments to hospitals to provide care to uninsured patients.

(4) Hospitals that provide a large volume of care to uninsured patients incur significant costs.

(5) Since there is no other source of reimbursement for hospitals related to these costs, some States have permitted reimbursement of these physician costs through Medicaid DSH.

(6) The State of Virginia has approved the inclusion of physician services costs as hospital costs for Medicaid DSH purposes.

(7) Fifty percent of all indigent care in the State of Virginia is provided by its 2 academic medical centers.

(8) The financial viability of these academic medical centers is threatened if these costs cannot be included in Medicaid DSH reimbursement.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Senate is aware of an issue regarding the definition of “hospital costs” incurred by the State of Virginia for purposes of Medicaid reimbursement to that State and urges the Administrator of the Centers for Medicare & Medicaid Services to work with the State to resolve the pending issue.

SEC. 231. In addition to amounts appropriated under this Act, out of any money in the Treasury not otherwise appropriated an additional \$800,000 to carry out section 312 of the Public Health Service Act (42 U.S.C. 244).

SEC. 232. **ADDITIONAL PUBLIC HEALTH FUNDING.** (a) **MINORITY PUBLIC HEALTH.**—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$10,000,000 for the Office of Minority Health.

(b) **SICKLE CELL DISEASE.**—From amounts appropriated under the title for the Office of the Secretary of Health and Human Services, such Secretary shall make available and amount not to exceed \$2,000,000 of such amounts to provide funding for grants under paragraph (1) of section 712(c) of Public Law 108-357 (42 U.S.C. 300b-1 note).

(c) **OFFSET.**—Notwithstanding any other provision of this Act, amounts made available under this Act under the heading Program Management for the Centers for Medicare and Medicaid Services shall be reduced, on a pro rata basis, by an additional \$12,000,000.

SEC. 233. **MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.** From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred \$5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health).

SEC. 234. Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by \$50,000,000.

SEC. 235. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that lacks a provision that requires the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

SEC. 236. **LIMITATION ON TRAVEL AND CONFERENCES.** The appropriations for travel, conference programs and related expenses for the Department of Health and Human Services are reduced by \$15,000,000.

SEC. 237. In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not

otherwise appropriated, \$15,121,000 for activities authorized by the Help America Vote Act of 2002, of which \$13,500,000 shall be for payments to States to promote access for voters with disabilities, and of which \$8,621,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

SEC. 238. (a) Section 1310.12(a) of the Code of Federal Regulations shall not apply before June 30, 2006, to any agency or its designee that provides transportation services for children enrolled in a Head Start program or an Early Head Start program if such agency or designee places such children in child restraint systems (as defined in section 571.213 of the Code of Federal Regulations).

(b) Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking “(i) The” and inserting the following:

“(i) TRANSPORTATION SAFETY.—

“(1) REGULATIONS.—The”; and

(2) by adding at the end the following:

“(2) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary may waive, for a period of up to one year, the requirements of regulations promulgated under paragraph (1) of this subsection and section 1310.12(a) of the Code of Federal Regulations for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

“(i) such requirements pertain to child restraint systems and bus monitors;

“(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

“(iii) the waiver is in the best interest of the child.

“(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).”.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2006”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$14,525,135,000, of which \$6,935,826,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006–2007: Provided, That \$6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to \$3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That \$2,269,843,000 shall be for targeted grants under section 1125: Provided further, That \$2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That \$9,424,000 shall be to carry out part E of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,240,862,000, of which \$1,102,896,000 shall be for basic support payments under section 8003(b), \$49,966,000 shall be for payments for children with disabilities under section 8003(d), \$18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, \$65,000,000 shall be for Federal property payments under section 8002, and \$5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for

purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,457,953,000, of which \$3,821,042,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which \$1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That \$411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That \$56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$36,022,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$1,020,385,000: Provided, That \$10,000,000 shall be available to carry out section 2151(c) of the ESEA through an award to the National Board for Professional Teaching Standards: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That \$380,924,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$697,300,000, of which \$300,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That \$300,000,000 shall be available for subpart 1 of part A of title IV and \$232,807,000 shall be available for subpart 2 of part A of title IV: Provided further, That \$134,493,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,440,000 may be used to carry out section 2345 and \$3,087,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$11,774,107,000, of which \$6,145,104,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That \$12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (“the AT Act”), and the Helen Keller National Center Act, \$3,133,638,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the

purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That \$34,760,000 shall be used for carrying out the AT Act, including \$4,500,000 for State grants for protection and advocacy under section 5 of the AT Act and \$3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$18,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$57,279,000, of which \$800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$108,500,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII—D of the Higher Education Amendments of 1998, and subpart 11 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$1,923,766,000, of which \$1,127,806,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which \$791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, \$68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State’s absolute need as determined by calculating each State’s share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,096,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That \$4,960,000 shall be available to carry out part D of title V of the ESEA: Provided further, That \$24,000,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$15,103,795,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be \$4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, \$120,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), as amended, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$2,099,508,000: Provided, That \$9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That \$980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities, and shall be used by the Secretary of Education to develop, through consultation with the Secretaries of State, Commerce, Homeland Security, and Energy, institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to institutions of higher education of the United States for study and exchange activities: Provided further, That the strategic plan described in the preceding proviso shall make use of the Internet and other media resources, establish a clear division of responsibility and a mechanism of institutionalized cooperation between the Departments of Education, State, Commerce, Homeland Security, and Energy, and include streamlined procedures to facilitate international exchanges of foreign students, scholars, scientists, and exchange visitors: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$238,789,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM ACCOUNT

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended, \$573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$522,695,000, of which \$271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$411,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$49,408,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such

appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, \$4,300,000,000, pursuant to section 303 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), by adding at the end the following:

“(4) To authorize and develop cultural and educational programs relating to the Mississippi Band of Choctaw Indians.”;

(2) in section 5523(a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”; and

(3) in section 5525, by adding at the end the following:

“(4) For cultural and educational programs, not less than \$2,000,000 to the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”.

SEC. 307. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than \$1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SEC. 308. The Secretary of Education shall conduct a study to evaluate the effectiveness of violence prevention programs receiving funding under the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) based on, among other things, evidence of deterrent effect, strong research design, sustained effects, and multiple site replication. The study shall also include information on what regular assessment mechanisms exist to allow the Department of Education to evaluate the efficacy of such programs on an ongoing basis. Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall submit a report to Congress describing the findings of the study.

SEC. 309. There are appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

SEC. 310. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amount made available under the

heading Health Resources and Services Administration for construction and renovation is further reduced by \$4,900,000.

SEC. 311. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$7,000,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

SEC. 312. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS. (a) INCREASES.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional \$1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) OFFSET FROM CONSULTING EXPENSES.— (1) Notwithstanding any other provision of this Act, each amount provided by this Act for consulting expenses for the Department of Health and Human Services shall be reduced by the pro rata percentage required to reduce the total amount provided by this Act for such expenses by \$4,500,000.

(2) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing of the amounts by account of the reductions made pursuant to paragraph (1).

(c) REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

SEC. 313. In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

SEC. 314. INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS. (a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$4,800,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$7,650,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$2,850,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2).

(d) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$3,250,000 for English as a second lan-

guage programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(e) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$6,500,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(g) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$4,950,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

This title may be cited as the “Department of Education Appropriations Act, 2006”.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, \$4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$316,212,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: Provided further, That the Corporation shall use a portion of the funds made available under this heading to conduct an evaluation, after consultation with experts on national service programs and rural community leaders, of programs carried out under the national service laws (consisting of that Act and the National and Community Service Act of 1990) in rural areas, to determine utilization of the programs and to develop new and innovative strategies that would prioritize geographic diversity of the programs carried out under the national service laws to increase the presence of the programs in rural areas.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), \$546,243,000, to remain available until September 30, 2007: Provided, That not more than \$280,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than \$149,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which

up to \$4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which \$10,000,000 shall be held in reserve as defined in Public Law 108-45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$15,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That \$27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That \$42,656,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That \$4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than \$12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of con-

ducting grant application reviews, including the use of outside peer reviewers.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, \$400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2006, in addition to the

amounts provided above, \$35,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$40,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108-199 or Public Law 108-7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,439,000, including \$500,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, \$290,129,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$3,344,000.

NATIONAL LABOR RELATIONS BOARD
SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD
SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW
COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD
RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the

Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$29,510,574,000, to remain available until expended: Provided, That, notwithstanding the provisions of section 708(a) of the Social Security Act (42 U.S.C. 908(a)), the day designated for delivery of benefit payments under title XVI of such Act for October 2006 shall be the second day of such month: Provided further, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, \$11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,020,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: Provided further, That funds provided under this paragraph may be used to complete the processing of appeals received prior to July 1, 2005 under section 1852 and 1869 of the Social Security Act, notwithstanding section 931(b) of Public Law 108-173, and the Commissioner of the Social Security Administration may enter into a reimbursable agreement with the Secretary of Health and

Human Services to process such appeals received after June 30, 2005 and prior to October 1, 2005.

From funds provided under the first paragraph, not less than \$412,000,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, \$189,000,000, for additional continuing disability reviews, pursuant to section 404(b)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

In addition, \$119,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed \$119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, together with not to exceed \$67,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director

of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds appropriated in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government requires any health care professional to provide, assist in the performance of, or train others to perform abortions, in violation of that individual's religious beliefs or moral convictions.

(2) None of the funds appropriated in this Act shall be used by a Federal agency or program, or by a State or local government to require any hospital to perform or assist in the performance of an abortion, to train for, or to make its facilities available for the performance of an abortion, in violation of that institution's religious beliefs or moral convictions.

(3) Nothing in this section shall be construed to preempt or overrule any provision of

Title X, Medicaid, or Emergency Medical Treatment and Active Labor Act (EMTALA) statutes or any regulation issued thereunder which requires discussing or providing all medically appropriate information, services, or referring for services.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 515. (a) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees.

None of the funds made available by this Act may be reprogrammed unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

(b) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

SEC. 516. None of the funds made available in this Act may be used to reimburse, or provide reimbursement for drugs approved to treat erectile dysfunction.

SEC. 517. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3010 shall also be included in the conference report or joint statement accompanying H.R. 3010 in order to be considered as having been approved by both Houses of Congress.

SEC. 518. (a) This section may be cited as the "Diversity Visa Fairness Act of 2005".

(b)(1) Section 204(a)(1)(I)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) An alien who qualifies, through random selection, for a visa under section 203(c) or adjustment of status under section 245(a) shall remain eligible to receive such visa or adjustment of status beyond the end of the specific fiscal year for which the alien was selected if the alien—

"(aa) properly applied for such visa or adjustment of status during the fiscal year for which the alien was selected; and

"(bb) was notified by the Secretary of State, through the publication of the Visa Bulletin, that the application was authorized.".

(2)(A) Notwithstanding any other provision of law, a visa shall be available for an alien under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) if—

(i) such alien was eligible for and properly applied for an adjustment of status under section 245 of such Act (8 U.S.C. 1255) during any of the fiscal years 1998 through 2005;

(ii) the application submitted by such alien was denied because personnel of the Department of Homeland Security or the Immigration and Naturalization Service failed to adjudicate such application during the fiscal year in which such application was filed;

(iii) such alien moves to reopen such adjustment of status applications pursuant to procedures or instructions provided by the Secretary of Homeland Security or the Secretary of State; and

(iv) such alien has continuously resided in the United States since the date of submitting such application.

(B) A visa made available under subparagraph (A) may not be counted toward the numerical maximum for the worldwide level of set out in section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)).

(3) The amendment made by paragraph (1) shall take effect on October 1, 2005.

SEC. 519. (a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

“(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

“(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

“(B) the applicant has been approved for adjustment of status under section 245(a); and

“(C) such reduction is necessary for the applicant to represent the United States at an international event.

“(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

“(A) requests such expedited adjudication in order to represent the United States at an international event; and

“(B) demonstrates that such expedited adjudication is related to such representation.

“(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

“(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a \$1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

“(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account.”.

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

SEC. 520. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

SEC. 521. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 522. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.—(a) ESTIMATE.—The Secretary of Health and Human Services and the Secretary of Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107–300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children’s Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9853 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

SEC. 523. (a) Congress makes the following findings:

(1) The American Jobs Creation Act of 2004 permitted the outsourcing or privatization by the Internal Revenue Service of collection of unpaid and past due federal income taxes.

(2) The Internal Revenue Service is about to issue to private-sector debt collection companies tax collection contracts that will create up to 4,000 well paying private-sector jobs.

(3) If the same tax collection activities were conducted by Federal employees, Federal law would give preferences in employment to disabled veterans in filling those federal jobs.

(4) By enacting legislation to improve the Internal Revenue Service’s tax collection efforts and outsourcing or privatizing those efforts, Congress did not intend to curtail the Nation’s long-standing commitment to creating meaningful job opportunities for disabled veterans and other persons with severe disabilities.

(5) The contracts the Internal Revenue Service will execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate the creation of well paying jobs for disabled veterans and other persons with disabilities.

(b) It is the sense of the Senate that—

(1) the Secretary of the Treasury should, to the maximum extent practicable, ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program carried out under section 6306 of the Internal Revenue Code of 1986, as added by the American Jobs Creation Act of 2004, and

(2) the criteria applied by the Internal Revenue Service in awarding contracts to private-sector tax collection companies under such program should incorporate a preference for companies hiring disabled veterans and other disabled persons.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006”.

Mr. REGULA moved that the House insist on its disagreement to the amendment of the Senate.

After debate,

By unanimous consent, the previous question was ordered.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

So the motion to insist on its disagreement to the amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶128.18 RECESS—2:31 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o’clock and 31 minutes p.m., subject to the call of the Chair.

¶128.19 AFTER RECESS—8:18 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶128.20 PROVIDING FOR THE CONSIDERATION OF H.R. 4241

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 560):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 4241 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 3. After passage of H.R. 4241, it shall be in order to take from the Speaker’s table S. 1932 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4241 as passed by the House. All points of order against that motion are waived.

Pending consideration of said resolution.

¶128.21 POINT OF ORDER

Mr. MCDERMOTT made a point of order against consideration of said resolution, and said:

“Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against the consideration of this rule, H. Res. 560.

“Section 425 of that same act states that the point of order lies against legislation which imposes an unfunded mandate in excess of specified amounts against State or local governments.

“Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

“The first section of H. Res. 560 proposes to waive all points of order against consideration of the bill and against provisions in the bill, as amended.

“The legislation, H.R. 4241, brought up by the rule, includes provisions on child support enforcement, which the Congressional Budget Office informs us impose an intergovernmental mandate as defined by the Unfunded Mandates Reform Act.

“Therefore, I make a point of order that this rule may not be considered pursuant to section 426.”

The SPEAKER pro tempore, Mr. LAHOOD, responded to the point of order, and said:

"The gentleman from Washington, [Mr. McDERMOTT], makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

"In accordance with section 426(b)(2) of that Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

"Under section 426(b)(4) of the Act, the gentleman from Washington, [Mr. McDERMOTT] and the gentleman from Florida, [Mr. Putnam], each will control 10 minutes of debate on the question of consideration.

"Pursuant to section 426(b)(3) of the Act, after the debate, the Chair will put the question, to wit: 'Will the House now consider the resolution?'"

Mr. McDERMOTT was recognized to speak to the point of order and said:

"Mr. Speaker, Americans on the front line in protecting and defending our most vulnerable children have been sending out an SOS. They do not merely solve problems every day. They save lives.

"Their message is loud and clear. The child support provisions included in reconciliation undermine the Federal commitment to child support enforcement. Republican reconciliation is reckless disregard for safeguarding children.

"It is a license for people to break their promise of child support because enforcement will be lax. Eighty percent of the children receiving support live in low- and moderate-income families. The bill would reduce the share of child support enforcement costs that are paid by the Federal Government from 66 percent to 50 percent by 2010. Federal funding to the program would be cut by \$5 billion over the next 5 years, a nearly 40 percent cut in funding for the program by 2010. We make the money go away, but not the problems or the needs.

"The CBO estimated that child support provisions in the reconciliation bill would reduce collections sent to families by \$21 billion over the next 10 years.

"As a result, more deadbeat dads will be left off the hook, while more low-income families will look to State and Federal programs to make up the difference in lost income. But we will not be there, just like the deadbeat dads.

"In 2004, more than \$4 was collected for every dollar spent in the program. Even President Bush's 2006 budget cites the program as "effective" and "one of the highest rated block formula grants of all reviewed programs government-wide."

"A hard-working program will fall on hard times if we leave the reconciliation bill as it is. People will be hurt. Children will be hurt. Republicans will be responsible. And for what?

"Mr. Speaker, this is the season of giving, and Republicans are going to be very generous with those very few Americans rolling in dough.

"Republican leaders have scheduled their midnight express to roll through

town again tonight. Republicans will climb aboard to run over the American people in the dead of the night.

"Child Support Enforcement, that is not even in the baggage car. Republicans like doing things in the dark, behind closed doors, in the dead of night, hoping the American people will not notice.

"Well, not today. Today's light shines on their darkness. If one candle can curse the darkness, we are going to use a search light. It is the Republican season of giving, and here is what it means: we take from the sack of the poor children in this country 330,000 child-care dollars and put it in the rich sock. It is Christmas time. Take \$700 million from Social Security and put it in the rich stocking. Take child support, \$21 billion from Child Support Enforcement and put it in the rich stocking.

"Take Medicaid from the poor, \$10 billion, and put it in the rich stocking. Student loans, \$14 billion. I take \$14 billion from student loans and give that to the rich stocking. And food stamps from 300,000 tables we take and put it in the rich stocking. Finally, foster children, \$600 million from foster children in this country goes into the sock, later tomorrow, of the rich because we have taken it from the poor and we have given it to the rich.

"That is what this bill before us is all about. Tonight in the dead of night you are going to give to the rich who do not need it and take from the needy who cannot afford to lose it. You will disguise this as a Christmas stocking with presents, just in time for the holidays. But it is a heavy-handed club used on the American people. The heartland is not heartless. Not even the dead of the night will hide what you intend to do to the American people tonight. Even the rich will be ashamed. I wonder if the Republicans will. They should be.

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

Mr. PUTNAM was recognized to speak to the point of order and said:

"Mr. Speaker, the gentleman's clever props, notwithstanding the holiday stockings, I would point out to the gentleman who repeatedly referred to this being done in the dead of night that in his home district it is 5:30 in the afternoon and people are driving home from work. So for the dead of night on the west coast, the people on the east coast will know that we are not working a nine to five job and that we are pushing ahead with the agenda of reforming the inefficiencies that lay in government.

"I would also point out to the gentleman that between 1999 and 2003, total child support enforcement administrative expenditures went up almost 30 percent; 29 percent between 1999 and 2003, as the case load declined 8 percent. Again, their rhetoric does not match well with the facts.

"Mr. Speaker, the gentleman is utilizing the rules that are at his disposal, and I think that it is appropriate that he do that. It is a positive reflection on

this House that these types of tools are available to the minority to stymie the progress, and we appreciate the gentleman's ability to use those. But it would be important to have the facts be accurate, and the facts are that these administrative costs that are being discussed in this bill are a shift in what has been a double-dipping practice that has been used by States to draw down Federal dollars and then collect administrative costs as if the original Federal dollar had been generated in that State in the first place. This is not, as the gentleman has characterized, the Grinch or any other mean-spirited person taking treats from children or from their holiday stockings that have arrived a month and a half early.

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

Mr. LEVIN was recognized to speak to the point of order and said:

"Mr. PUTNAM, I will read you the facts from the Congressional Budget Office estimate, that this action will result in a reduction over the next 10 years of \$24 billion in child support. That is the Congressional Budget estimate, and that takes into account adjustments the States might make in providing more money for administration. This is the most callous, callous reflection of your fiscal irresponsibility. You have driven yourselves and this country into so much debt, now you are reaching into the homes of this country. This is antifamily. This is antikids. There is no defense of it.

"This money is for administrative purposes. We have been paying two-thirds. The result of it, and it was part of welfare reform, is that child support has gone up and up. The kids have benefited. And now what you are going to do is to reduce those benefits. And we will hear from your side, oh, child support is going to go up, anyway. This is a fact and I close with this. CBO says if anyone votes for this, they are going to reduce child support payments over 10 years by \$24 billion. I say to you, you go home, you face the kids in your district, you face the parents in your district, and you tell them you voted for this. If you won't tell them, we will."

Mr. PUTNAM was recognized to speak further and said:

"Mr. Speaker, I appreciate the gentleman's reference to the CBO numbers. We also have the CBO numbers. They are available on a bipartisan basis. The CBO numbers clearly show that total collections will continue to go up. \$24.8 billion in 2006, \$26 billion in 2010, \$31.7 billion by 2015. The gentleman has referred to this provision as the most callous part of the deficit reduction package. I hope that everyone else on his team remembers that because you can only have one number one. You can only have one most egregious part.

"So as we get into the discussions about Medicaid and food stamps and student loans and all the things that we heard about this morning when we

were talking about the continuing resolution, let us remember that this one is the most egregious, that this one is the most callous because you can only have one number one. I know that this is nothing but the first salvo in a historic debate about the direction that this country is heading.

"I agree with the gentleman that it is important that we go back to our districts and we talk about these plans, because the fact of the matter is we have a plan. And the fact of the matter is that you don't. The fact of the matter is that you can criticize all you want about where we have chosen to reform government, to find efficiencies, to better deliver services to the people who need them the most while you can go home and criticize the changes that we offer without having to defend your own plan.

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

Mr. POMEROY was recognized to speak to the point of order and said:

"This chart says it all. CBO estimates lower spending on child support program leads to lower collections to the tune of \$21 billion. It is truly stunning to me that Republicans in this House would line up together to cut the funds used to collect child support. I just never expected to see them give deadbeat dads a pass, those deadbeat dads who refuse to pay what they owe for the upbringing of their own children.

"The majority Members of this body are quick to boast of their support for family values. Well, I ask you this, what kind of family value is it that cuts back on the efforts to make deadbeat dads pay what they owe, when deadbeat dads walk away from their obligations? It won't be you smug in your own comfortable life who will feel the pain. It will be young mothers who can't pay rent. It will be little children whose lives are upended by financial abandonment. For every dollar we spend collecting on child support, we collect more than \$4. In North Dakota, that means for every dollar collected, the Federal Government gets \$2.78 back in recoveries and costs forgone.

"State governments also gain, which is precisely why the Congressional Budget Office has found this to be an unfunded mandate. When Republicans cut child support collections, deadbeat dads win. State governments lose. That is why tonight's proposal is an unfunded mandate and must be stopped.

"CBO has estimated by cutting collections \$4.9 billion as you do, we lose more than \$24 billion in support not collected. That hits children. That hits families. And that hits States which is what makes this an unfunded mandate. Support the effort to stop this unfunded mandate. Support the effort to block this cut in child support enforcement."

Mr. COSTA was recognized to speak to the point of order and said:

"Mr. Speaker, I rise in support of the point of order from the gentleman from Washington. I am here to speak to my

colleagues, but especially the 235 of you who, like me, served in legislatures throughout the country prior to coming to Congress. The fiscal sleight of hand that we are undertaking here today is simply that of a financial shell game, and the loser is already clear, it is our States. You don't have to take my word for it.

"The Congressional Budget Office has spoken and they have identified that the reduction in child support without a change in the requirements is a violation of the Unfunded Mandates Reform Act of 1995 that many of you were here that supported on a bipartisan basis. It is a violation of the law.

"We can play this ridiculous game of pretend and safely ensconce ourselves in these walls but do you truly believe that the actions today will go unnoticed and that State legislatures are not watching what we do? I know that the National Conference of State Legislatures is watching. I hope that ALEC is watching, too, and I suspect that the National Governors Association is taking notes. I can assure you that they are tuning in to C-SPAN and taking careful notice of today's proceedings because besides illegal, today's vote will have a direct impact on their ability to serve the people of their States, the same people who live in our districts.

"In fact, President Ronald Reagan's promise of federalism today is nowhere in this Chamber. President Reagan's famous debate line with Mr. Mondale is frighteningly apropos in this exercise: "There you go again." And yes, here we go again attempting to balance our Federal budget on the backs of 50 States."

Mr. TIAHRT was recognized to speak to the point of order and said:

"I thank the gentleman from Florida for yielding.

"We have heard a lot about what devastation from this small little act we are going tonight to try to reform welfare and improve the system of delivering the services and goods to those who are truly in trouble in our culture.

"One of the things that is surprising to me, though, is that there is really no plan on the other side. I have seen in the hallways of the office buildings that house Members of Congress offices hold billboards that are put up about the Federal deficit and how we must do something about the Federal deficit, but I have yet to see a plan to try to deal with the deficit that the Democrats themselves are complaining about.

"Blue Dog Democrats, each in front of their office, have billboards that says the Federal deficit so much for each family to pay back, we have got to do something about it, but there is no plan. There are more plans on the television show West Wing than the Democrats have here in the United States House of Representatives. There are more plans on the other political shows about how to deal with the problems of today but we get no plans or help from the other side.

"So what I think we ought to see here is some Blue Dog Democrats that are the type of dogs that will actually hunt. Dogs that we have some bite instead of the bark, because right now all we hear is a lot of noise and we don't have any action or plan. We are hearing complaining about how we are trying to improve the system.

"I will give you one example quickly. In Kansas, delivering Medicaid is only correct three out of four times. One out of four times the payment is inaccurate. We need to reform that system. You would not get on an airplane today if you had a three out of four chance of getting to your destination. You would not start a trip today if you had only a three out of four chance of getting to your destination. When we make a Medicaid payment in the State of Kansas, our State government is wrong 24 percent of the time. This legislation has reforms in it to help improve our Medicaid system, so those who are truly in need get the services they require.

"But we cannot do that according to the other side. We need to pass this legislation, reform the welfare system, and do the right thing about the Federal budget."

Mr. MCDERMOTT was recognized to speak further and said:

"He says a whole lot, but he has no one else to speak, Mr. Speaker, because they want the people to believe that this is a fight between Democrats and Republicans. But it is not true. In reality, Republican Governors oppose these child support cuts, including Governor Schwarzenegger of California. Republicans in the Senate oppose these cuts including Senator CORNYN of Texas. Religious organizations oppose these cuts, including the Conference of Catholic Bishops. All program administrators and poverty experts oppose these cuts. Cutting child support payments to needy families is a policy supported only by the extreme right wing which currently is running the House of Representatives. I urge the Members to vote "no" on this motion."

Mr. PUTNAM was recognized to speak further and said:

"Mr. Speaker, this is an important opening to the grand debate that we are unveiling here this evening about the direction of entitlement spending and the direction of Federal spending in this Congress and for our Nation. We have heard an awful lot about the term "cuts" and we have seen the cute props and we have heard the first of what will be many metaphors of snatching food from the mouths of children and all kinds of heated rhetoric. But at the end of the day, the numbers don't lie. The numbers are that child support collections under this proposal continue to go up.

"Do they go up as fast as the Democrats would like? Apparently not, judging by the rhetoric. But only in Washington and only in their rhetoric is that a cut. The bottom line is that this next fiscal year, 2006, it is \$23.8 billion.

By 2010, it is \$26 billion. And by 2015, it is almost \$32 billion. Under every arithmetic, old math, new math, poor school districts, wealthy school districts, all across America, those numbers are going up. Those numbers mean more money to those States for the important task of enforcing child support responsibilities by all noncustodial parents.

“So despite the references to the smugness, despite the fact that we have been accused of being in the pockets of deadbeat dads, the numbers continue to climb for administrative costs. None of these even affect the actual program. They are defending the administration of the program instead of the outcome of that program, which is more money getting to those families, more fathers, more mothers who are noncustodial living up to their obligations. That is really what it ought to be about, is it not, the outcome? Not the administrative fees, that are going up anyway?”

“Mr. Speaker, I appreciate the fact that the rule has given the gentleman this opportunity for us to open the debate in this way. Unfortunately his rhetoric outpaces the facts. I would urge the Members to reject this proposal and allow us to move forward with reforming government.

“With that, I would ask the Members to vote ‘yes’.”

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCDERMOTT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 224
Nays 198

128.22

[Roll No. 600]

YEAS—224

Aderholt	Calvert	English (PA)
Akin	Camp	Everett
Alexander	Cannon	Feeney
Bachus	Cantor	Ferguson
Baker	Capito	Fitzpatrick (PA)
Barrett (SC)	Carter	Flake
Bartlett (MD)	Castle	Foley
Barton (TX)	Chabot	Forbes
Bass	Chocola	Fossella
Beauprez	Coble	Foxo
Biggert	Cole (OK)	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (UT)	Crenshaw	Galleghy
Blackburn	Cubin	Garrett (NJ)
Blunt	Culberson	Gerlach
Boehkert	Cunningham	Gibbons
Boehner	Davis (KY)	Gilchrest
Bonilla	Davis, Jo Ann	Gillmor
Bonner	Davis, Tom	Gingrey
Bono	Deal (GA)	Gohmert
Boozman	DeLay	Goode
Boustany	Dent	Goodlatte
Brady (NH)	Diaz-Balart, L.	Granger
Brady (TX)	Diaz-Balart, M.	Graves
Brown (SC)	Doolittle	Green (WI)
Brown-Waite,	Drake	Gutknecht
Ginny	Dreier	Hall
Burgess	Duncan	Harris
Burton (IN)	Ehlers	Hart
Buyer	Emerson	Hastert

Hastings (WA)	McCrery	Royce
Hayes	McHenry	Ryan (WI)
Hayworth	McHugh	Ryun (KS)
Hefley	McKeon	Saxton
Hensarling	McMorris	Schmidt
Herger	Mica	Schwarz (MI)
Hobson	Miller (FL)	Sensenbrenner
Hostettler	Miller (MI)	Sessions
Hulshof	Miller, Gary	Shadegg
Hunter	Moran (KS)	Shaw
Inglis (SC)	Murphy	Shays
Issa	Musgrave	Sherwood
Istook	Myrick	Shimkus
Jenkins	Neugebauer	Shuster
Jindal	Ney	Simmons
Johnson (CT)	Northup	Simpson
Johnson (IL)	Norwood	Smith (NJ)
Johnson, Sam	Nunes	Smith (TX)
Jones (NC)	Nussle	Sodrel
Keller	Osborne	Souder
Kelly	Otter	Stearns
Kennedy (MN)	Oxley	Sullivan
King (IA)	Paul	Sweeney
King (NY)	Pearce	Tancredo
Kingston	Pence	Taylor (NC)
Kirk	Peterson (PA)	Terry
Kline	Petri	Thomas
Knollenberg	Pickering	Thornberry
Kolbe	Pitts	Tiahrt
Kuhl (NY)	Platts	Tiberi
LaHood	Poe	Turner
Latham	Pombo	Upton
LaTourette	Porter	Walsh
Leach	Price (GA)	Wamp
Lewis (CA)	Pryce (OH)	Weldon (FL)
Lewis (KY)	Putnam	Weldon (PA)
Linder	Ramstad	Weller
LoBiondo	Regula	Westmoreland
Lucas	Rehberg	Whitfield
Lungren, Daniel	Renzi	Wicker
E.	Reynolds	Wilson (NM)
Mack	Rogers (AL)	Wilson (SC)
Manzullo	Rogers (KY)	Wolf
Marchant	Rogers (MI)	Young (AK)
McCaul (TX)	Rohrabacher	
McCotter	Ros-Lehtinen	

NAYS—198

Abercrombie	Doggett	Lofgren, Zoe
Ackerman	Doyle	Lowey
Allen	Edwards	Lynch
Andrews	Emanuel	Maloney
Baca	Eshoo	Markey
Baird	Etheridge	Marshall
Baldwin	Evans	Matheson
Barrow	Farr	Matsui
Bean	Fattah	McCarthy
Becerra	Filner	McCollum (MN)
Berkley	Ford	McDermott
Berman	Frank (MA)	McGovern
Berry	Gonzalez	McIntyre
Bishop (GA)	Gordon	McKinney
Bishop (NY)	Green, Al	McNulty
Blumenauer	Green, Gene	Meehan
Boren	Grijalva	Meek (FL)
Boucher	Gutierrez	Meeks (NY)
Boyd	Harman	Melancon
Brady (PA)	Hastings (FL)	Menendez
Brown (OH)	Hereth	Michaud
Brown, Corrine	Higgins	Millender-
Butterfield	Hinchev	McDonald
Capps	Hinojosa	Miller (NC)
Capuano	Holden	Miller, George
Cantor	Holt	Moore (KS)
Cardoza	Honda	Moore (WI)
Carnahan	Hooley	Moran (VA)
Carson	Hoyer	Murtha
Case	Insee	Nadler
Chandler	Israel	Napolitano
Clay	Jackson (IL)	Neal (MA)
Cleaver	Jackson-Lee	Oberstar
Clyburn	(TX)	Obey
Conyers	Jefferson	Olver
Cooper	Johnson, E. B.	Ortiz
Cooper	Jones (OH)	Owens
Costa	Kanjorski	Pallone
Costello	Kaptur	Pascarell
Cramer	Kennedy (RI)	Pastor
Crowley	Kildee	Payne
Cuellar	Kilpatrick (MI)	Pelosi
Cummings	Kind	Peterson (MN)
Davis (AL)	Kucinich	Pomeroy
Davis (CA)	Langevin	Price (NC)
Davis (FL)	Lantos	Rahall
Davis (IL)	DeFazio	Rangel
Davis (TN)	Larsen (WA)	Reichert
DeFazio	Larson (CT)	Reyes
DeGette	Lee	Ross
DeLahunt	Levin	Rothman
Delahunt	Lewis (GA)	Roybal-Allard
DeLauro	Lipinski	
Dicks		
Dingell		

Ruppersberger	Slaughter	Van Hollen
Rush	Smith (WA)	Velázquez
Sabo	Snyder	Visclosky
Salazar	Solis	Wasserman
Sánchez, Linda	Spratt	Schultz
T.	Stark	Waters
Sanchez, Loretta	Strickland	Watson
Sanders	Stupak	Watt
Schakowsky	Tanner	Waxman
Schiff	Tauscher	Weiner
Schwartz (PA)	Taylor (MS)	Wexler
Scott (GA)	Thompson (CA)	Woolsey
Scott (VA)	Thompson (MS)	Wu
Serrano	Tierney	Wynn
Sherman	Udall (CO)	
Skelton	Udall (NM)	

NOT VOTING—12

Boswell	Hoekstra	Ryan (OH)
Cardin	Hyde	Towns
Engel	Mollohan	Walden (OR)
Fortenberry	Radanovich	Young (FL)

So the House decided to consider said resolution.

A motion to reconsider the vote whereby consideration of said resolution was agreed to was, by unanimous consent, was laid on the table.

After debate, Mr. PUTNAM submitted the following amendment:

Add at the end the following:
SEC. 4. Notwithstanding any other provision of this resolution, the amendment considered as adopted under the first section of this resolution shall be modified as specified in section 5.

SEC. 5. The modification referred to in section 4 is as follows:

Page 13, strike lines 5 through 11, and insert the following:

“(a) ELIGIBLE HOUSEHOLDS.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended—

“(1) in section 5—
“(A) in the 2d sentence of subsection (a); and
“(B) in subsection (j);

by striking ‘receives benefits’ each place it appears and inserting ‘in fiscal years 2006 through 2010 receives cash assistance, and in any other fiscal year receives benefits.’;

“(2) in section 5(a) by adding at the end the following:

‘Notwithstanding any other provisions of this Act except sections 6(b), 6(d)(2), and 6(g) and section 3(i)(4), households in which each member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and that have a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, shall be eligible to participate in the food stamp program.’; and

“(3) in section 5(j) by adding at the end the following:

‘Notwithstanding subsections (a) through (i), a State agency shall consider a member of a household in which each household member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and which has a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section

673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, to have satisfied the resource limitations prescribed under subsection (g).”

Page 331, at the end of line 13, add the following: “Such method shall provide that not less than 25 percent of such funds shall be allocated among States the population of which (as determined according to data collected by the United States Census Bureau) as of July 1, 2004, was more than 105 percent of the population of the respective State (as so determined) as of April 1, 2000.”

On motion of Mr. PUTNAM, the previous question was ordered on the resolution and the amendment to their adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

The question being put, *viva voce*,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶128.23 BUDGET RECONCILIATION

Mr. NUSSLE, pursuant to House Resolution 560, called up the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for the fiscal year 2006.

Pending consideration of said bill.

The following amendment, recommended by the Committee on Rules, printed in House Report 109-303, as modified, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deficit Reduction Act of 2005”.

SEC. 2. TABLE OF TITLES.

The table of titles is as follows:

- TITLE I—COMMITTEE ON AGRICULTURE
- TITLE II—COMMITTEE ON EDUCATION AND THE WORKFORCE
- TITLE III—COMMITTEE ON ENERGY AND COMMERCE
- TITLE IV—COMMITTEE ON FINANCIAL SERVICES
- TITLE V—COMMITTEE ON THE JUDICIARY
- TITLE VI—COMMITTEE ON RESOURCES
- TITLE VII—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
- TITLE VIII—COMMITTEE ON WAYS AND MEANS

**TITLE I—COMMITTEE ON AGRICULTURE
SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Agricultural Reconciliation Act of 2005”.

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

Sec. 1001. Short title; table of contents.

Subtitle A—Commodity Programs

Sec. 1101. Percentage reduction in amount of direct payments for covered commodities and peanuts.

Sec. 1102. Reduction in percentage of direct payment amount authorized to be paid in advance.

Sec. 1103. Cotton competitiveness provisions.

Subtitle B—Conservation

Sec. 1201. Limitations on use of Commodity Credit Corporation funds to carry out watershed rehabilitation program.

Sec. 1202. Conservation security program.

Sec. 1203. Limitations on use of Commodity Credit Corporation funds to carry out agricultural management assistance program.

Subtitle C—Energy

Sec. 1301. Termination of use of Commodity Credit Corporation funds to carry out renewable energy systems and energy efficiency improvements program.

Subtitle D—Rural Development

Sec. 1401. Enhanced access to broadband telecommunications services in rural areas.

Sec. 1402. Value-added agricultural product market development grants.

Sec. 1403. Rural business investment program.

Sec. 1404. Rural business strategic investment grants.

Sec. 1405. Rural firefighters and emergency personnel grants.

Subtitle E—Research

Sec. 1501. Initiative for Future Food and Agriculture Systems.

Subtitle F—Nutrition

Sec. 1601. Eligible households.

Sec. 1602. Availability of commodities for the emergency food assistance program.

Sec. 1603. Residency requirement.

Sec. 1604. Disaster food stamp program.

Subtitle A—Commodity Programs

SEC. 1101. PERCENTAGE REDUCTION IN AMOUNT OF DIRECT PAYMENTS FOR COVERED COMMODITIES AND PEANUTS.

(a) **COVERED COMMODITIES.**—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (c), by striking “The amount” and inserting “Except as provided in subsection (e), the amount”; and

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

“(e) **DIRECT PAYMENT AMOUNT REDUCTION.**—Notwithstanding subsection (c), for the 2006 and 2007 crop years (and the 2008 and 2009 crop years if direct payments are provided under this section for those crop years), the Secretary shall reduce the total amount of the direct payment to be paid to the producers on a farm for a covered commodity for the crop year concerned by an amount equal to 1 percent of the direct payment amount otherwise determined for that farm for that covered commodity for that crop year. No reduction shall be made under the authority of this subsection if direct payments are made for the 2010 or any subsequent crop year of a covered commodity.”

(b) **PEANUTS.**—Section 1303 of such Act (7 U.S.C. 7953) is amended—

(1) in subsection (d), by striking “The amount” and inserting “Except as provided in subsection (f), the amount”; and

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

“(f) **DIRECT PAYMENT AMOUNT REDUCTION.**—Notwithstanding subsection (d), for the 2006 and 2007 crops of peanuts (and the 2008 and

2009 crops of peanuts if direct payments are provided under this section for those crops), the Secretary shall reduce the total amount of the direct payment to be paid to the producers on a farm for that crop of peanuts by an amount equal to 1 percent of the direct payment amount otherwise determined for that farm for that crop of peanuts. No reduction shall be made under the authority of this subsection if direct payments are made for the 2010 or any subsequent crop of peanuts.”

SEC. 1102. REDUCTION IN PERCENTAGE OF DIRECT PAYMENT AMOUNT AUTHORIZED TO BE PAID IN ADVANCE.

(a) **COVERED COMMODITIES.**—Section 1103(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(d)(2)) is amended in the first sentence by striking “2007 crop years” and inserting “2005 crop years and up to 40 percent of the direct payment for a covered commodity for each of the 2006 and 2007 crop years”.

(b) **PEANUTS.**—Section 1303(e)(2) of such Act (7 U.S.C. 7953(e)(2)) is amended in the first sentence by striking “2007 crop years” and inserting “2005 crop years and up to 40 percent of the direct payment for each of the 2006 and 2007 crop years”.

SEC. 1103. COTTON COMPETITIVENESS PROVISIONS.

(a) **REPEAL OF AUTHORITY TO ISSUE COTTON USER MARKETING CERTIFICATES.**—Section 1207 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7937) is amended—

(1) by striking the section heading and inserting the following: “**UPLAND COTTON IMPORT QUOTAS.**”;

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “, adjusted for the value of any certificate issued under subsection (a),”; and

(ii) in subparagraph (C), by striking “, for the value of any certificates issued under subsection (a)”; and

(B) in paragraph (4), by striking “subsection (c)” and inserting “subsection (b)”; and

(5) in subsection (b)(2), as so redesignated, by striking “subsection (b)” and inserting “subsection (a)”.

(b) **CONFORMING AMENDMENT.**—Section 136 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236) is repealed.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on August 1, 2006.

Subtitle B—Conservation

SEC. 1201. LIMITATIONS ON USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT WATERSHED REHABILITATION PROGRAM.

(a) **FISCAL YEAR 2007 FUNDING.**—Subparagraph (E) of section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by striking “\$65,000,000” and inserting “\$50,000,000”.

(b) **TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.**—Such section is further amended by striking “, to remain available until expended” in the matter preceding subparagraph (A).

(c) **RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.**—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1202. CONSERVATION SECURITY PROGRAM.

(a) **FUNDING.**—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter before paragraph (1), by striking “For” and inserting “Except as otherwise provided in this subsection, for”; and

(2) in paragraph (3), by striking “not more than \$6,037,000,000” and all that follows through “2014.” and inserting the following: “not more than—

“(A) \$2,213,000,000 for the period of fiscal years 2006 through 2010; and

“(B) \$5,729,000,000 for the period of fiscal years 2006 through 2015.”.

(b) DURATION.—Section 1238A(a) of such Act (16 U.S.C. 3838a(a)) is amended by striking “2007” and inserting “2011”.

SEC. 1203. LIMITATIONS ON USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by inserting before the period at the end the following: “, except fiscal years 2007 through 2010”; and

(2) in clauses (ii) and (iii), by striking “2007” both places it appears and inserting “2006”.

Subtitle C—Energy

SEC. 1301. TERMINATION OF USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS PROGRAM.

Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)) is amended by striking “2007” and inserting “2006”.

Subtitle D—Rural Development

SEC. 1401. ENHANCED ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) TERMINATION OF FISCAL YEAR 2007 FUNDING.—Subparagraph (B) of section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)) is amended by striking “for each of fiscal years 2006 and 2007” and inserting “for fiscal year 2006”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended by striking “, to remain available until expended” both places it appears.

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1402. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

(a) TERMINATION OF FISCAL YEAR 2007 FUNDING.—Section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1621 note) is amended by striking “October 1, 2006” and inserting “October 1, 2005”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended by striking “, to remain available until expended”.

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1403. RURAL BUSINESS INVESTMENT PROGRAM.

(a) TERMINATION OF FISCAL YEAR 2007 AND SUBSEQUENT FUNDING.—Subsection (a)(1) of section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-18) is amended by inserting after “necessary” the following: “through fiscal year 2006”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended—

(1) by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1404. RURAL BUSINESS STRATEGIC INVESTMENT GRANTS.

(a) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Subsection (a) of section 385E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd-4) is amended by striking “, to remain available until expended.”.

(b) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1405. RURAL FIREFIGHTERS AND EMERGENCY PERSONNEL GRANTS.

(a) TERMINATION OF FISCAL YEAR 2007 FUNDING.—Section 6405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655(c)) is amended by striking “2007” and inserting “2006”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended by striking “, to remain available until expended”.

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

Subtitle E—Research

SEC. 1501. INITIATIVE FOR FUTURE FOOD AND AGRICULTURE SYSTEMS.

(a) TERMINATION OF FISCAL YEAR 2007, 2008, AND 2009 TRANSFERS.—Subsection (b)(3)(D) of section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is amended by striking “2006” and inserting “2009”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FISCAL YEAR 2006 FUNDS.—Paragraph (6) of subsection (f) of such section is amended to read as follows:

“(6) AVAILABILITY OF FUNDS.—

“(A) TWO-YEAR AVAILABILITY.—Except as provided in subparagraph (B), funds for grants under this section shall be available to the Secretary for obligation for a 2-year period beginning on the date of the transfer of the funds under subsection (b).

“(B) EXCEPTION FOR FISCAL YEAR 2006 TRANSFER.—In the case of the funds required to be transferred by subsection (b)(3)(C), the funds shall be available to the Secretary for obligation for the 1-year period beginning on October 1, 2005.”.

Subtitle F—Nutrition

SEC. 1601. ELIGIBLE HOUSEHOLDS.

(a) ELIGIBLE HOUSEHOLDS.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended—

“(1) in section 5—

“(A) in the 2d sentence of subsection (a); and

“(B) in subsection (j);

by striking ‘receives benefits’ each place it appears and inserting ‘in fiscal years 2006 through 2010 receives cash assistance, and in any other fiscal year receives benefits.’;

“(2) in section 5(a) by adding at the end the following:

‘Notwithstanding any other provisions of this Act except sections 6(b), 6(d)(2), and 6(g) and section 3(i)(4), households in which each member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and that have a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin

Islands of the United States, and Guam, respectively, shall be eligible to participate in the food stamp program.’; and

“(3) in section 5(j) by adding at the end the following:

‘Notwithstanding subsections (a) through (i), a State agency shall consider a member of a household in which each household member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and which has a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, to have satisfied the resource limitations prescribed under subsection (g).’.

(b) EXTENSIONS.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended in—

(1) section 11(t)(1);

(2) section 16—

(A) in subparagraphs (A)(vii) and (E)(i) of subsection (h)(1); and

(B) in subparagraphs (A) and (B)(ii) of subsection (k)(3);

(3) section 17(b)(1)(B)(vi);

(4) section 18(a); and

(5) section 19(a)(2)(A)(ii);

by striking “2007” each place it appears and inserting “2011”.

SEC. 1602. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended—

(1) by striking “2007,” and inserting “2005 and for each of the fiscal years 2007 through 2011”;;

(2) by inserting “, and for fiscal year 2006 the Secretary shall purchase \$152,000,000,” before “of a variety”;; and

(3) by adding at the end the following: “Of the funds used to purchase commodities in accordance with this subsection for fiscal year 2006, \$12,000,000 shall be used to purchase commodities for distribution to States that received a Presidential designation of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5206) as a result of Hurricane Katrina or Hurricane Rita and States contiguous to those States.”.

SEC. 1603. RESIDENCY REQUIREMENT.

Section 402(a)(2)(L) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(L)) is amended by striking “5 years or more” and inserting “7 years or more effective until September 30, 2010, and for a period of 5 years or more beginning” and inserting the following:

“for a period—

“(1) effective until September 30, 2010—

“(A) for an alien—

“(i) I who is 60 years of age or older;

or

“(II) with respect to whom—

“(aa) an application for naturalization under Immigration and Nationality Act is approved; or

“(bb) such application is pending under such Act and no previous application for naturalization has been rejected under such Act; and

“(ii) who is a member of a household that receives food stamp benefits; as of the date of the enactment of the Agricultural Reconciliation Act of 2005, of 5 years or more; and

“(B) for an alien with respect to whom subparagraph (A) does not apply, of 7 years or more; and

“(2) effective beginning on October 1, 2010, of 5 years or more; beginning”.

(c) CERTIFICATION FOR SCHOOL LUNCH PROGRAM.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended—

- (1) in subsection (b)(12)—
- (A) in subparagraph (A)—
- (i) in clause (v), by striking “; or” and inserting a semicolon;
- (ii) in clause (vi), by striking the period and inserting “; or”; and
- (iii) by adding at the end the following new clause:

“(vii) a member of a household in which each member receives or is eligible to receive non-cash or in-kind benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.”; and

(B) in subparagraph (B), by striking “or assistance” and inserting “, benefits, or assistance”; and

(2) in subsection (d)(2)—

(A) in subparagraph (D), by striking “; or” and inserting a semicolon;

(B) in subparagraph (E), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(F) documentation has been provided to the local educational agency showing that the household is one in which each member receives or is eligible to receive non-cash or in-kind benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.”.

SEC. 1604. DISASTER FOOD STAMP PROGRAM.

Notwithstanding section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)), the Secretary of Agriculture is authorized, at the discretion of the Secretary, to pay to State agencies 100 percent of the administrative costs incurred in the certification of, and issuance of benefits to, applicant households that become eligible to receive food stamp benefits under the disaster food stamp program eligibility standards in effect during the Presidentially declared emergency in response to Hurricane Katrina or Hurricane Rita.

TITLE II—COMMITTEE ON EDUCATION AND THE WORKFORCE

SECTION 2000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

TITLE II—COMMITTEE ON EDUCATION AND THE WORKFORCE

Sec. 2000. Table of contents.

Subtitle A—Welfare Reform

PART 1—SHORT TITLE; REFERENCES

Sec. 2001. Short title.

Sec. 2002. References.

PART 2—TANF

Sec. 2011. Universal engagement and family self-sufficiency plan requirements.

Sec. 2012. Work participation requirements.

Sec. 2013. Work-related performance improvement.

Sec. 2014. Report on coordination.

Sec. 2015. Fatherhood program.

Sec. 2016. State option to make TANF programs mandatory partners with one-stop employment training centers.

Sec. 2017. Sense of the Congress.

Sec. 2018. Prohibition on offshoring.

PART 3—CHILD CARE

Sec. 2021. Short title.

- Sec. 2022. Goals.
- Sec. 2023. Authorization of appropriations.
- Sec. 2024. Application and plan.
- Sec. 2025. Activities to improve the quality of child care.
- Sec. 2026. Reports and audits.
- Sec. 2027. Report by Secretary.
- Sec. 2028. Definitions.
- Sec. 2029. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.

PART 4—STATE AND LOCAL FLEXIBILITY

Sec. 2041. Program coordination demonstration projects.

PART 5—EFFECTIVE DATE

Sec. 2051. Effective date.

Subtitle B—Higher Education

Sec. 2101. Short title.

PART 1—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

- Sec. 2111. References; effective date.
- Sec. 2112. Modification of 50/50 Rule.
- Sec. 2113. Reauthorization of Federal Family Education Loan Program.
- Sec. 2114. Loan limits.
- Sec. 2115. Interest rates and special allowances.
- Sec. 2116. Additional loan terms and conditions.
- Sec. 2117. Consolidation loan changes.
- Sec. 2118. Deferment of student loans for military service.
- Sec. 2119. Loan forgiveness for service in areas of national need.
- Sec. 2120. Unsubsidized Stafford loans.
- Sec. 2121. Elimination of termination dates from Taxpayer-Teacher Protection Act of 2004.
- Sec. 2122. Loan fees from lenders.
- Sec. 2123. Additional administrative provisions.
- Sec. 2124. Funds for administrative expenses.
- Sec. 2125. Significantly simplifying the student aid application process.
- Sec. 2126. Additional need analysis amendments.
- Sec. 2127. Definition of eligible program.
- Sec. 2128. Distance education.
- Sec. 2129. Student eligibility.
- Sec. 2130. Institutional refunds.
- Sec. 2131. College access initiative.
- Sec. 2132. Cancellation of Student Loan Indebtedness For Survivors of Victims of the September 11, 2001, Attacks.
- Sec. 2133. Independent evaluation of distance education programs.
- Sec. 2134. Disbursement of student loans.

PART 2—HIGHER EDUCATION RELIEF

- Sec. 2141. References.
- Sec. 2142. Waivers and modifications.
- Sec. 2143. Cancellation of institutional repayment by colleges and universities affected by a Gulf hurricane disaster.
- Sec. 2144. Cancellation of student loans for cancelled enrollment periods.
- Sec. 2145. Temporary deferment of student loan repayment.
- Sec. 2146. No affect on grant and loan limits.
- Sec. 2147. Teacher loan relief.
- Sec. 2148. Expanding information dissemination regarding eligibility for Pell Grants.
- Sec. 2149. Procedures.
- Sec. 2150. Termination of authority.
- Sec. 2151. Definitions.

Subtitle C—Pensions

Sec. 2201. Increases in PBGC premiums.

Subtitle A—Welfare Reform

PART 1—SHORT TITLE; REFERENCES

SEC. 2001. SHORT TITLE.

This subtitle may be cited as the “Personal Responsibility, Work, and Family Promotion Act of 2005”.

SEC. 2002. REFERENCES.

Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

PART 2—TANF

SEC. 2011. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

“(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

“(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).”.

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

“(b) FAMILY SELF-SUFFICIENCY PLANS.—

“(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

“(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

“(B) establish for each family that includes such an individual, in consultation with the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

“(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

“(D) monitor the participation of each such individual in the activities specified in the self-sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

“(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

“(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

“(A) in the case of a family that, as of October 1, 2005, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

“(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

“(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

“(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from—

“(A) requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being; or

“(B) using job search or other appropriate job readiness or work activities to assess the

employability of individuals and to determine appropriate future engagement activities.”.

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting “OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN” after “RATES”; and

(B) in subparagraph (A), by inserting “or 408(b)” after “407(a)”.

SEC. 2012. WORK PARTICIPATION REQUIREMENTS.

(a) ELIMINATION OF SEPARATE PARTICIPATION RATE REQUIREMENTS FOR 2-PARENT FAMILIES.—

(1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a) and (b) by striking paragraph (2).

(2) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraph (1)(B)”.

(3) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking subparagraph (B).

(4) Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended by striking “paragraphs (1)(B)(i) and (2)(B) of subsection (b)” and inserting “subsection (b)(1)(B)(i)”.

(b) WORK PARTICIPATION REQUIREMENTS.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

“SEC. 407. WORK PARTICIPATION REQUIREMENTS.

“(a) PARTICIPATION RATE REQUIREMENTS.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

“(1) 50 percent for fiscal year 2006;

“(2) 55 percent for fiscal year 2007;

“(3) 60 percent for fiscal year 2008;

“(4) 65 percent for fiscal year 2009; and

“(5) 70 percent for fiscal year 2010 and each succeeding fiscal year.

“(b) CALCULATION OF PARTICIPATION RATES.—

“(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

“(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

“(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

“(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

“(ii) 160 multiplied by the number of counted families for the State for the month.

“(B) COUNTED FAMILIES DEFINED.—

“(i) IN GENERAL.—In subparagraph (A), the term ‘counted family’ means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

“(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term ‘counted family’ shall not include—

“(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance;

“(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age; or

“(III) a family that is subject to a sanction under this part or part D, but that has not been subject to such a sanction for more than 3 months (whether or not consecutive) in the preceding 12-month period.

“(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAM-

ILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term ‘counted family’ may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

“(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ‘work-eligible individual’ means an individual—

“(i) who is married or a single head of household; and

“(ii) whose needs are (or, but for sanctions under this part or part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.”.

(c) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

“(i) the average monthly number of families that received assistance under the State program funded under this part during the base year.”.

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking “and eligibility criteria” and all that follows through the close parenthesis and inserting “and the eligibility criteria in effect during the then applicable base year”.

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

“(C) BASE YEAR DEFINED.—In this paragraph, the term ‘base year’ means, with respect to a fiscal year—

“(i) if the fiscal year is fiscal year 2006, fiscal year 1996;

“(ii) if the fiscal year is fiscal year 2007, fiscal year 1998;

“(iii) if the fiscal year is fiscal year 2008, fiscal year 2001; or

“(iv) if the fiscal year is fiscal year 2009 or any succeeding fiscal year, the then 4th preceding fiscal year.”.

(d) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) SUPERACHIEVER CREDIT.—

“(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

“(i) the amount (if any) of the superachiever credit applicable to the State; or

“(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

“(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

“(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

“(D) DEFINITIONS.—In this paragraph:

“(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term ‘State caseload for fiscal year 2001’ means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

“(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term ‘State caseload for fiscal year 1995’ means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.”.

(e) COUNTABLE HOURS.—Section 407 (42 U.S.C. 607) is amended by striking sub-

sections (c) and (d) and inserting the following:

“(c) COUNTABLE HOURS.—

“(1) DEFINITION.—In subsection (b)(2), the term ‘countable hours’ means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

“(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

“(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

“(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

“(3) SPECIAL RULES.—For purposes of paragraph (1):

“(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

“(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

“(ii) QUALIFIED ACTIVITY DEFINED.—The term ‘qualified activity’ means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

“(I) substance abuse counseling or treatment;

“(II) rehabilitation treatment and services;

“(III) work-related education or training directed at enabling the family member to work;

“(IV) job search or job readiness assistance; and

“(V) any other activity that addresses a purpose specified in section 401(a).

“(iii) LIMITATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

“(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

“(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

“(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

“(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

“(C) PARENTAL PARTICIPATION IN SCHOOLS.—Each work-eligible individual in a family shall make verified visits at least twice per school year to the school of each of the individual’s minor dependent children required to attend school under the law of the State in which the minor children reside, during the period in which the family receives assistance under the program funded under this part. Hours spent in such activity may be specified by the State as countable hours for purposes of paragraph (2)(B).

“(d) DIRECT WORK ACTIVITY.—In this section, the term ‘direct work activity’ means—
“(1) unsubsidized employment;
“(2) subsidized private sector employment;
“(3) subsidized public sector employment;
“(4) on-the-job training;
“(5) supervised work experience; or
“(6) supervised community service.”.

(f) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

“(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

“(i) if the failure is partial or persists for not more than 1 month—

“(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

“(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

“(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

“(B) SPECIAL RULE.—

“(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

“(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.”.

(g) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking “work activity described in subsection (d)” and inserting “direct work activity”.

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting “OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN” after “WORK”.

SEC. 2013. WORK-RELATED PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a)(1) (42 U.S.C. 602(a)) is amended—

(1) in subparagraph (A), by adding at the end the following:

“(vii) The document shall—

“(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

“(II) include specific, numerical, and measurable performance objectives for accomplishing subclause (I); and

“(III) describe the methodology that the State will use to measure State performance in relation to each such objective.

“(viii) Describe any strategies and programs the State may be undertaking to address—

“(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

“(II) services for struggling and non-compliant families, and for clients with special problems; and

“(III) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act.”; and

(2) in subparagraph (B), by striking clause (iv).

(b) REPORT ON ANNUAL PERFORMANCE IMPROVEMENT.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

“(c) ANNUAL REPORT ON PERFORMANCE IMPROVEMENT.—Beginning with fiscal year 2007, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to the matter described in section 402(a)(1)(A)(vii).”.

(c) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking “long-term private sector jobs,” and inserting “private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages.”.

(d) PERFORMANCE IMPROVEMENT.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

“(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the work-related purposes of this part.”.

SEC. 2014. REPORT ON COORDINATION.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 2015. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005”.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) is amended by adding at the end the following:

“SEC. 117. FATHERHOOD PROGRAM.

“(a) IN GENERAL.—Title IV (42 U.S.C. 601-679b) is amended by inserting after part B the following:

“PART C—FATHERHOOD PROGRAM

“SEC. 441. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

“(1) In approximately 84 percent of cases where a parent is absent, that parent is the father.

“(2) If current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18.

“(3) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father’s lack of job skills.

“(4) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

“(5) An estimated 19,400,000 children (27 percent) live apart from their biological father.

“(6) Forty percent of children under age 18 not living with their biological father had not seen their father even once in the last 12 months, according to national survey data.

(b) PURPOSES.—The purposes of this part are:

(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

(C) Improving fathers’ ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

'(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

'(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

'SEC. 442. DEFINITIONS.

'In this part, the terms "Indian tribe" and "tribal organization" have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

'SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

'(a) IN GENERAL.—The Secretary may make grants for fiscal years 2006 through 2010 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

'(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

'(1) PROJECT DESCRIPTION.—A statement including—

'(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

'(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

'(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under

title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

'(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under \$25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

'(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

'(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

'(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

'(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(d) CONSIDERATIONS IN AWARDING GRANTS.—

'(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

'(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

'(e) FEDERAL SHARE.—

'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be

available for a share of the cost of such project in such fiscal year equal to—

'(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

'(B) up to 100 percent, in the case of a project under subsection (c).

'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

'(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

'(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

'(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

'(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

'(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

'(1) QUALIFICATIONS.—

'(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

'(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

'(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

'(i) provide for the project to be conducted in at least 3 major metropolitan areas;

'(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

'(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

'(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

'(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

'(i) in consultation with the evaluator selected pursuant to section 446, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

'(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

'(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(d) FEDERAL SHARE.—

'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 445. ECONOMIC INCENTIVE DEMONSTRATION PROJECTS.

'(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for two to five projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). Drawing on the success of economic-incentive programs in demonstrating strong employment effects for low-income mothers, projects shall test the use of economic incentives combined with a comprehensive approach to addressing employment barriers to encourage non-custodial parents to enter the workforce and to contribute financially and emotionally to their children. The Secretary may make grants based on the level of inno-

vation, comprehensiveness, and likelihood to achieve the goal of increased employment by the applicant.

'(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

'(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

'(2) EXPERIENCE ADDRESSING MULTIPLE BARRIERS TO EMPLOYMENT.—The organization must have experience in conducting such programs and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

'(3) NEGOTIATED AGREEMENTS WITH STATE AND LOCAL AGENCIES FOR APPROPRIATE POLICY CHANGES TO ADDRESS BARRIERS TO EMPLOYMENT.—The organization must have agreements in place with State and local government agencies, including State or local agencies responsible for child support enforcement and workforce development, to incorporate appropriate policy changes proposed to address barriers to employment.

'(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

'(1) QUALIFICATIONS.—

'(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

'(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

'(A) IN GENERAL.—A detailed description of the proposed project design and how the project will be carried out, which shall—

'(i) state how the project will address each of the 4 objectives specified in section 441(b)(1);

'(ii) state how the project will address employment barriers across programs (such as child support, criminal justice, and workforce development programs) using both sanctions and compliance along with monetary incentives for obtaining employment, with earning subsidies contingent upon work and child support payment;

'(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

'(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

'(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

'(i) in consultation with the evaluator selected pursuant to section 446, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random as-

signment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

'(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

'(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(d) FEDERAL SHARE.—

'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 446. EVALUATION.

'(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

'(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

'(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

'(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

'(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

'(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

'(1) An implementation evaluation report covering the first 24 months of the activities

under this part to be completed by 36 months after initiation of such activities.

“(2) A final report on the evaluation to be completed by September 30, 2013.

SEC. 447. PROJECTS OF NATIONAL SIGNIFICANCE.

“The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

“(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

“(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

“(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

“(4) RESEARCH.—Conducting research related to the purposes of this part.

SEC. 448. NONDISCRIMINATION.

“The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

SEC. 449. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

“(a) AUTHORIZATION.—There are authorized to be appropriated \$20,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this part.

“(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 35 percent shall be available for the costs of the multicounty, multicounty, multistate demonstration projects under section 444, the economic incentives demonstration projects under section 445, evaluations under section 446, and projects of national significance under section 447, with not less than \$5,000,000 allocated to the economic incentives demonstration project under section 445.”

“(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.”

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

“Sec. 117. Fatherhood program.”

SEC. 2016. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

“(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded

under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.”

SEC. 2017. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 2018. PROHIBITION ON OFFSHORING.

Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) PROHIBITION ON OFFSHORING.—A State to which a grant is made under section 403 shall not use any part of the grant—

“(A) to enter into a contract with an entity that, directly or through a subcontractor, provides any service, activity or function described under this part at a location outside the United States; or

“(B) to reduce employment in the United States through use of 1 or more employees outside the United States.”

PART 3—CHILD CARE

SEC. 2021. SHORT TITLE.

This part may be cited as the “Caring for Children Act of 2005”.

SEC. 2022. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking “encourage” and inserting “assist”;

(2) by amending paragraph (4) to read as follows:

“(4) to assist States to provide child care to low-income parents;”

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

“(5) to encourage States to improve the quality of child care available to families;

“(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and”

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking “through (5)” and inserting “through (7)”.

SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking “is” and inserting “are”, and

(2) by striking “\$1,000,000,000 for each of the fiscal years 1996 through 2002” and inserting “\$2,300,000,000 for fiscal year 2006, \$2,500,000,000 for fiscal year 2007, \$2,700,000,000 for fiscal year 2008, \$2,900,000,000 for fiscal year 2009, and \$3,100,000,000 for fiscal year 2010”.

SEC. 2024. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

“(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—

“(i) CERTIFICATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

“(I) the promotion of informed child care choices, including information about the

quality and availability of child care services;

“(II) research and best practices on children’s development, including early cognitive development;

“(III) the availability of assistance to obtain child care services; and

“(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, Head Start programs, Early Head Start programs, services and activities under section 619 and part C of the Individuals with Disabilities Education Act, and the medicaid and SCHIP programs under titles XIX and XXI of the Social Security Act.

“(ii) INFORMATION.—Information provided to parents shall be in plain language and, to the extent practicable, be in a language that such parents can understand.”, and

(2) by inserting after subparagraph (H) the following:

“(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start programs, Early Head Start programs, Early Reading First, Even Start, Ready-To-Learn Television, services and activities under section 619 and part C of the Individuals with Disabilities Education Act, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education consistent with the goals of this Act, without displacing services provided by the current early care and education delivery system.

“(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

“(K) CHILD CARE SERVICE QUALITY.—

(i) CERTIFICATION.—For each fiscal year after fiscal year 2006, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

(ii) STRATEGY.—For each fiscal year after fiscal year 2006, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in the State available from eligible child care providers, and include in such strategy—

“(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

“(II) a description of measures for evaluating the quality improvements generated by the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

“(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

“(IV) for each fiscal year after fiscal year 2006, a report on the progress made to achieve such targets during the then preceding fiscal year.

“(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

“(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, are limited English proficient, work nontraditional hours, or require child care services for infants or toddlers.”.

SEC. 2025. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

“A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services and other means, that are designed to improve the quality of child care services in the State available from eligible child care providers. Such activities include—

“(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

“(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

“(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

“(4) other activities deemed by the State to improve the quality of child care services provided in such State.”.

SEC. 2026. REPORTS AND AUDITS.

Section 658K(a)(1)(B)(iii) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(1)(B)(iii)) is amended by inserting “ethnicity, primary language,” after “race.”.

SEC. 2027. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

“SEC. 658L. REPORT BY SECRETARY.

“(a) REPORT REQUIRED.—Not later than October 1, 2007, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

“(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

“(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

“(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

“(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).”.

SEC. 2028. DEFINITIONS.

(a) ELIGIBLE CHILDREN.—Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking “85 percent of the State median income” and inserting “income lev-

els as established by the State, prioritized by need.”.

(b) LIMITED ENGLISH PROFICIENT.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

“(9) LIMITED ENGLISH PROFICIENT.—The term ‘limited English proficient’ means with respect to an individual, that such individual—

“(A)(i) was not born in the United States or has a native language that is not English;

“(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

“(II) comes from an environment in which a language that is not English has had a significant impact on such individual’s level of English language proficiency; or

“(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

“(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to deny such individual—

“(i) the ability to successfully achieve in classrooms in which the language of instruction is English; or

“(ii) the opportunity to fully participate in society.”.

SEC. 2029. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) WAIVER AUTHORITY.—For such period up to June 30, 2006, and to such extent as the Secretary considers to be appropriate, the Secretary of Health and Human Service may waive or modify, for any affected State, and any State serving significant numbers of individuals adversely affected by a Gulf hurricane disaster, provisions of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to Federal income limitations on eligibility to receive child care services for which assistance is provided under such Act,

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act,

(3) relating to limitations on the use of funds under section 658G of the Child Care and Development Block Grant Act of 1990, and

(4) preventing children designated as evacuees from receiving priority for child care services provided under such Act, except that children residing in a State and currently receiving services should not lose such services in order to accommodate evacuee children, for purposes of easing State fiscal burdens and providing child care services to children orphaned, or of families displaced, as a result of a Gulf hurricane disaster.

(b) DEFINITIONS.—For purposes of this section:

(1) AFFECTED STATE.—The term “affected State” means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(2) GULF HURRICANE DISASTER.—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(3) INDIVIDUAL ADVERSELY AFFECTED BY A GULF HURRICANE DISASTER.—The term “individual adversely affected by a Gulf hurricane disaster” means an individual who, on Au-

gust 29, 2005, was living, working, or attending school in an area in which the President has declared to exist a Gulf hurricane disaster.

PART 4—STATE AND LOCAL FLEXIBILITY
SEC. 2041. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term “administering Secretary” means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term “qualified program” means—

(A) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(B) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(C) activities funded under the Wagner-Peyser Act;

(D) activities funded under the Adult Education and Family Literacy Act; or

(E) activities funded under the Child Care and Development Block Grant Act of 1990;

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing

and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(D) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(E) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(F) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing pro-

gram achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

PART 5—EFFECTIVE DATE

SEC. 2051. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Subtitle B—Higher Education

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the “Higher Education Budget Reconciliation Act of 2005”.

PART 1—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 2111. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this part, the amendments made by this part shall be effective on the date of enactment of this Act.

SEC. 2112. MODIFICATION OF 50/50 RULE.

Section 102(a)(3) (20 U.S.C. 1002(a)(3)) is amended—

(1) in subparagraph (A), by inserting “(excluding courses offered by telecommunications as defined in section 484(l)(4))” after “courses by correspondence”; and

(2) in subparagraph (B), by inserting “(excluding courses offered by telecommunications as defined in section 484(l)(4))” after “correspondence courses”.

SEC. 2113. REAUTHORIZATION OF FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 421(b)(5) (20 U.S.C. 1071(b)(5)) is amended by striking “an administrative cost allowance” and inserting “a loan processing and issuance fee”.

(b) EXTENSION OF AUTHORITY.—

(1) FEDERAL INSURANCE LIMITATIONS.—Section 424(a) (20 U.S.C. 1074(a)) is amended—

(A) by striking “2004” and inserting “2012”; and

(B) by striking “2008” and inserting “2016”.

(2) GUARANTEED LOANS.—Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(A) by striking “2004” and inserting “2012”; and

(B) by striking “2008” and inserting “2016”.

(3) CONSOLIDATION LOANS.—Section 428C(e) (20 U.S.C. 1078-3(e)) is amended by striking “2004” and inserting “2012”.

SEC. 2114. LOAN LIMITS.

(a) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A) (20 U.S.C. 1075(a)(1)(A)) is amended—

(1) in clause (i)(I), by striking “\$2,625” and inserting “\$3,500”; and

(2) in clause (ii)(I), by striking “\$3,500” and inserting “\$4,500”.

(b) GUARANTEE LIMITS.—Section 428(b)(1)(A) (20 U.S.C. 1078(b)(1)(A)) is amended—

(1) in clause (i)(I), by striking “\$2,625” and inserting “\$3,500”; and

(2) in clause (ii)(I), by striking “\$3,500” and inserting “\$4,500”.

(c) COUNTING OF CONSOLIDATION LOANS AGAINST LIMITS.—Section 428(a)(3)(B) (20 U.S.C. 1078-3(a)(3)(B)) is amended by adding at the end the following new clause:

“(i) Loans made under this section shall, to the extent used to pay off the outstanding principal balance on loans made under this title, excluding capitalized interest, be counted against the applicable limitations on aggregate indebtedness contained in sections 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan made, insured, or guaranteed under part B or part D of title IV of the Higher Education Act of 1965 for which the first disbursement of principal is made on or after July 1, 2007.

SEC. 2115. INTEREST RATES AND SPECIAL ALLOWANCES.

(a) FFEL INTEREST RATES.—Section 427A (20 U.S.C. 1077a(k)) is amended—

(1) in subsection (k)—

(A) by striking “, AND BEFORE JULY 1, 2006” in the heading of such subsection; and

(B) by striking “, and before July 1, 2006,” each place it appears in paragraphs (1), (2), and (3);

(2) by striking subsection (l); and

(3) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(b) DIRECT LOAN INTEREST RATES.—Section 455(b) (20 U.S.C. 1087e(b)) is amended—

(1) in paragraph (6)—

(A) by striking “, AND BEFORE JULY 1, 2006” in the heading of such paragraph; and

(B) by striking “, and before July 1, 2006,” each place it appears in subparagraphs (A), (B), and (C);

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(c) CONSOLIDATION LOAN INTEREST RATES.—

(1) FFEL LOANS.—Section 427A(k) (20 U.S.C. 1077a(k)) is further amended—

(A) in the heading of paragraph (4), by inserting “BEFORE JULY 1, 2006” after “LOANS”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) CONSOLIDATION LOANS ON OR AFTER JULY 1, 2006.—

“(A) BORROWER ELECTION.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender on or after July 1, 2006, the applicable rate of interest shall, at the election of the borrower at the time of application for the loan, be either at the rate determined under subparagraph (B) or the rate determined under subparagraph (C).

“(B) VARIABLE RATE.—Except as provided in subparagraph (D), the rate determined under this subparagraph shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and, for such 12-month period, not be more than—

“(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

“(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

“(C) FIXED RATE.—Except as provided in subparagraph (D), the rate determined under this subparagraph shall be determined for the duration of the term of the loan on the July 1 that is or precedes the date on which the application is received by an eligible lender, and shall be, for such duration, not more than—

“(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to the June 1 immediately preceding such July 1; plus

“(ii) 3.3 percent,

except that such rate shall not exceed 8.25 percent.

“(D) CONSOLIDATION OF PLUS LOANS.—In the case of any such consolidation loan that is used to repay loans each of which was made under section 428B or was a Federal Direct PLUS Loan (or both), the rates determined under clauses (B) and (C) shall be determined—

“(i) by substituting ‘3.1 percent’ for ‘2.3 percent’;

“(ii) by substituting ‘4.1 percent’ for ‘3.3 percent’; and

“(iii) by substituting ‘9.0 percent’ for ‘8.25 percent’.”

(2) DIRECT LOANS.—Section 455(b)(6) (20 U.S.C. 1087e(b)(6)) is further amended—

(A) in the heading of subparagraph (D), by inserting “BEFORE JULY 1, 2006” after “LOANS”

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following:

“(E) CONSOLIDATION LOANS ON OR AFTER JULY 1, 2006.—

“(i) BORROWER ELECTION.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Consolidation Loan for which the application is received by the Secretary on or after July 1, 2006, the applicable rate of interest shall, at the election of the borrower at the time of application for the loan, be either at the rate determined under clause (ii) or the rate determined under clause (iii).

“(ii) VARIABLE RATE.—Except as provided in clause (iv), the rate determined under this clause shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and, for such 12-month period, be equal to—

“(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

“(II) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

“(iii) FIXED RATE.—Except as provided in clause (iv), the rate determined under this clause shall be determined for the duration of the term of the loan on the July 1 that is or precedes the date on which the application is received by the Secretary, and shall be, for such duration, equal to—

“(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to the June 1 immediately preceding such July 1; plus

“(II) 3.3 percent,

except that such rate shall not exceed 8.25 percent.

“(iv) CONSOLIDATION OF PLUS LOANS.—In the case of any such Federal Direct Consolidation Loan that is used to repay loans each of which was made under section 428B or was a Federal Direct PLUS Loan (or both), the rates determined under clauses (ii) and (iii) shall be determined—

“(I) by substituting ‘3.1 percent’ for ‘2.3 percent’;

“(II) by substituting ‘4.1 percent’ for ‘3.3 percent’; and

“(III) by substituting ‘9.0 percent’ for ‘8.25 percent’.”

(d) CONSOLIDATION LOAN CONFORMING AMENDMENT.—Section 428C(c)(1)(A)(ii) (20 U.S.C. 1078-3(c)(1)(A)(ii)) is amended by striking “section 427A(l)(3)” and inserting “section 427A(k)(5)”.

(e) CONFORMING AMENDMENTS FOR SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Subparagraph (I) of section 438(b)(2) (20 U.S.C. 1087-1(b)(2)) is amended—

(A) by striking clause (ii) and inserting the following:

“(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and for which the applicable interest rate is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent’.”;

(B) in clause (iii),

(i) by striking “or (l)(2)”; and

(ii) by striking “, subject to clause (v) of this subparagraph”;

(C) in clause (iv)—

(i) by striking “or (l)(3)” and inserting “or (k)(5)”; and

(ii) by striking “, subject to clause (vi) of this subparagraph”;

(D) by striking clauses (v), (vi), and (vii) and inserting the following:

“(v) RECAPTURE OF EXCESS INTEREST.—

“(I) EXCESS CREDITED.—With respect to a loan on which the applicable interest rate is determined under section 427A(k) and for which the first disbursement of principal is made on or after July 1, 2006, if the applicable interest rate for any 3-month period exceeds the special allowance support level applicable to such loan under this subparagraph for such period, then an adjustment shall be made by calculating the excess interest in the amount computed under subclause (II) of this clause, and by crediting the excess interest to the Government not less often than annually.

“(II) CALCULATION OF EXCESS.—The amount of any adjustment of interest on a loan to be made under this subsection for any quarter shall be equal to—

“(aa) the applicable interest rate minus the special allowance support level determined under this subparagraph; multiplied by

“(bb) the average daily principal balance of the loan (not including unearned interest added to principal) during such calendar quarter; divided by

“(cc) four.

“(III) SPECIAL ALLOWANCE SUPPORT LEVEL.—For purposes of this clause, the term ‘special allowance support level’ means, for any loan, a number expressed as a percentage equal to the sum of the rates determined under subclauses (I) and (III) of clause (i), and applying any substitution rules applicable to such loan under clauses (ii), (iii), and (iv) in determining such sum.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall not apply with respect to any special allowance payment made under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1) before July 1, 2006.

SEC. 2116. ADDITIONAL LOAN TERMS AND CONDITIONS.

(a) FEDERAL DEFAULT FEES.—

(1) IN GENERAL.—Subparagraph (H) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(H)) is amended to read as follows:

“(H) provides—

“(i) for loans for which the first disbursement of principal is made before July 1, 2006, for the collection of a single insurance premium equal to not more than 1.0 percent of the principal amount of the loan, by deduction proportionately from each installment

payment of the proceeds of the loan to the borrower, and ensures that the proceeds of the premium will not be used for incentive payments to lenders; or

“(i) for loans for which the first disbursement of principal is made on or after July 1, 2006, for the collection and deposit into the Federal Student Loan Reserve Fund under section 422A of a Federal default fee of 1.0 percent of the principal amount of such loan, which shall be deducted proportionately from each installment payment of the proceeds of the loan to the borrower prior to payment to the borrower, and ensures that the proceeds of the Federal default fee will not be used for incentive payments to lenders.”

(2) UNSUBSIDIZED LOANS.—Section 428H(h) (20 U.S.C. 1078–8(h)) is amended by adding at the end the following new sentence: “Effective for loans for which the first disbursement of principal is made on or after July 1, 2006, in lieu of the insurance premium authorized under the preceding sentence, each State or nonprofit private institution or organization having an agreement with the Secretary under section 428(b)(1) shall collect and deposit into the Federal Student Loan Reserve Fund under section 422A a Federal default fee of 1.0 percent of the principal amount of the loan, obtained by deduction proportionately from each installment payment of the proceeds of the loan to the borrower. The Federal default fee shall not be used for incentive payments to lenders.”

(3) VOLUNTARY FLEXIBLE AGREEMENTS.—Section 428A(a)(1) (20 U.S.C. 1078–1(a)(1)) is amended—

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; or”; and

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

“(C) the Federal default fee required by section 428(b)(1)(H) and the second sentence of section 428H(h).”

(b) DISBURSEMENT.—Section 428(b)(1)(N) (20 U.S.C. 1078(b)(1)(N)) is amended—

(1) in clause (i), by inserting “(including an eligible foreign institution, except as provided in clause (ii))” after “institution”; and

(2) in clause (ii), by striking “or at an eligible foreign institution”.

(c) REPAYMENT PLANS.—

(1) FFEL LOANS.—Section 428(b)(9)(A) (20 U.S.C. 1078(b)(9)(A)) is amended—

(A) by inserting before the semicolon at the end of clause (ii) the following: “, and the Secretary may not restrict the proportions or ratios by which such payments may be graduated with the informed agreement of the borrower”;

(B) by striking “and” at the end of clause (iii);

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following new clause:

“(iv) a delayed repayment plan under which the borrower makes scheduled payments for not more than 2 years that are annually not less than the amount of interest due or \$600, whichever is greater, and then makes payments in accordance with clause (i), (ii), or (iii); and”.

(2) DIRECT LOANS.—Section 455(d)(1) (20 U.S.C. 1087e(d)(1)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) a standard repayment plan, consistent with subsection (a)(1) of this section and with section 428(b)(9)(A)(i);

“(B) a graduated repayment plan, consistent with section 428(b)(9)(A)(ii);

“(C) an extended repayment plan, consistent with section 428(b)(9)(A)(v), except

that the borrower shall annually repay a minimum amount determined by the Secretary in accordance with section 428(b)(1)(L);

“(D) a delayed repayment plan under which the borrower makes scheduled payments for not more than 2 years that are annually not less than the amount of interest due or \$600, whichever is greater, and then makes payments in accordance with subparagraph (A), (B), or (C); and”.

(d) ORIGINATION FEES.—

(1) FFEL PROGRAM.—Paragraph (2) of section 438(c) (20 U.S.C. 1087–1(c)) is amended—

(A) by striking the designation and heading of such paragraph and inserting the following:

“(2) AMOUNT OF ORIGINATION FEES.—

“(A) IN GENERAL.—”; and

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

“(B) SUBSEQUENT REDUCTIONS.—Subparagraph (A) shall be applied to loans made under this part (other than loans made under sections 428C and 439(o))—

“(i) by substituting ‘2.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2007;

“(ii) by substituting ‘1.5 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

“(iii) by substituting ‘1.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

“(iv) by substituting ‘0.5 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

“(v) by substituting ‘0.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.”

(2) DIRECT LOAN PROGRAM.—Subsection (c) of section 455 (20 U.S.C. 1087e(c)) is amended to read as follows:

“(c) LOAN FEE.—

“(1) IN GENERAL.—The Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of loan.

“(2) SUBSEQUENT REDUCTION.—Paragraph (1) shall be applied to loans made under this part, other than Federal Direct Consolidation loans and Federal Direct PLUS loans—

“(A) by substituting ‘not more or less than 3.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2007;

“(B) by substituting ‘not more or less than 2.5 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

“(C) by substituting ‘not more or less than 2.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

“(D) by substituting ‘not more or less than 1.5 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

“(E) by substituting ‘not more or less than 1.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.

“(3) WAIVERS AND REPAYMENT INCENTIVES PROHIBITED.—Beginning with loans made on or after July 1, 2006, the Secretary is prohibited—

“(A) from waiving any amount of the loan fee prescribed under this section as part of a repayment incentive in section 455(b)(7); and

“(B) from providing any repayment incentive before the borrower enters repayment.”.

(e) CONSOLIDATION LOAN OFFSET CHARGE.—

(1) FFEL CONSOLIDATION LOANS.—Section 438(c) (20 U.S.C. 1087–1(c)) is further amended—

(A) in paragraph (1)(A), by inserting after “paragraph (2) of this subsection” the following: “and the amount the lender is authorized to collect as a consolidation loan offset charge in accordance with paragraph (9) of this subsection”;

(B) in paragraph (1)(B)—

(i) by inserting “and the consolidation loan offset charge” after “origination fee”; and

(ii) by inserting “and consolidation loan offset charges” after “origination fees”;

(C) in paragraphs (3) and (4), by inserting “and consolidation loan offset charge” after “origination fee” each place it appears;

(D) in paragraph (5)—

(i) by inserting “or consolidation loan offset charge” after “origination fee”; and

(ii) by inserting “or consolidation loan offset charges” after “origination fees”;

(E) in paragraph (7)—

(i) by inserting “and consolidation loan offset charges” after “origination fees”; and

(ii) by striking “428A or”; and

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

“(9) CONSOLIDATION LOAN OFFSET CHARGE.—For any loan under section 428C, the lender is authorized to collect a consolidation loan offset charge in an amount not to exceed 1.0 percent of the principal amount of the loan. Such amount may be added to the principal amount of the loan for repayment by the borrower.”

(2) DIRECT LOANS.—Section 455(c) (20 U.S.C. 1087e(c)), as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new paragraph:

“(4) CONSOLIDATION LOAN OFFSET CHARGES.—For any Federal Direct Consolidation Loan, the Secretary shall collect a consolidation loan offset charge in an amount not more or less than 1.0 percent of the principal amount of the loan. Such amount may be added to the principal amount of the loan for repayment by the borrower. Such amount is not subject to the requirements of paragraph (3) of this subsection.”

SEC. 2117. CONSOLIDATION LOAN CHANGES.

(a) CROSS-CONSOLIDATION BETWEEN PROGRAMS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)—

(A) by inserting “or under section 455(g)” after “under this section” both places it appears;

(B) by inserting “under both sections” after “terminates”

(C) by striking “and” at the end of subclause (III);

(D) by striking the period at the end of subclause (IV) and inserting “; and”; and

(E) by adding at the end the following new subclause:

“(V) an individual may obtain a subsequent consolidation loan under section 455(g) only for the purposes of obtaining an income contingent repayment plan, and only if the loan has been submitted to the guaranty agency for default aversion.”; and

(2) in subsection (b)(5), by striking the first sentence and inserting the following: “In the event that a lender with an agreement under subsection (a)(1) of this section denies a consolidation loan application submitted to it by an eligible borrower under this section, or denies an application submitted to it by such a borrower for a consolidation loan with income-sensitive repayment terms, the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. The Secretary shall offer such a loan to a borrower who has defaulted, for the purpose of resolving the default.”

(b) REPEAL OF IN-SCHOOL CONSOLIDATION.—

(1) DEFINITION OF REPAYMENT PERIOD.—Section 428(b)(7)(A) (20 U.S.C. 1078(b)(7)(A)) is amended by striking “shall begin—” and all that follows through “earlier date,” and inserting the following: “shall begin the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).”.

(2) CONFORMING CHANGE TO ELIGIBLE BORROWER DEFINITION.—Section 428C(a)(3)(A)(i)(I) (20 U.S.C. 1078-3(a)(3)(A)(i)(I)) is amended by inserting “as determined under section 428(b)(7)(A)” after “repayment status”.

(c) INTEREST PAYMENT REBATE FEE.—Section 428C(f)(2) (20 U.S.C. 1078-2(f)(2)) is amended—

(1) by striking “SPECIAL RULE.—” and inserting “SPECIAL RULES.—(A)”;

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

“(B) For consolidation loans based on applications received on or after July 1, 2006, if 90 percent or more of the total principal and accrued unpaid interest outstanding on the loans held, directly or indirectly, by any holder is comprised of principal and accrued unpaid interest owed on consolidation loans, the rebate described in paragraph (1) for such holder shall be equal to 1.30 percent of the principal plus accrued unpaid interest on such loans.”.

(d) ADDITIONAL AMENDMENTS.—Section 428C (20 U.S.C. 1078-3) is amended—

(1) in subsection (a)(3), by striking subparagraph (C); and

(2) in subsection (b)(1)—

(A) by striking everything after “under this section” the first place it appears in subparagraph (A) and inserting the following: “and that, if all the borrower’s loans under this part are held by a single holder, the borrower has notified such holder that the borrower is seeking to obtain a consolidation loan under this section;”;

(B) by striking “(i) which” and all that follows through “and (ii)” in subparagraph (C);

(C) by striking “and” at the end of subparagraph (E);

(D) by redesignating subparagraph (F) as subparagraph (G); and

(E) by inserting after subparagraph (E) the following new subparagraph:

“(F) that the lender of the consolidation loan shall, upon application for such loan, provide the borrower with a clear and conspicuous notice of at least the following information:

“(i) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

“(ii) the effects of consolidation on a borrower’s underlying loan benefits, including loan forgiveness, cancellation, deferment, and reduced interest rates on those underlying loans;

“(iii) the ability of the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans;

“(iv) that borrower benefit programs may vary among different loan holders, and a description of how the borrower benefits may vary among different loan holders;

“(v) the tax benefits for which borrowers may be eligible;

“(vi) the consequences of default; and

“(vii) that by making the application the applicant is not obligated to agree to take the consolidation loan; and”.

(e) EFFECTIVE DATE FOR SINGLE HOLDER AMENDMENT.—The amendment made by subsection (d)(2)(A) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078-3) for which the application is received by an eligible lender on or after July 1, 2006.

(f) CONFORMING AMENDMENTS TO DIRECT LOAN PROGRAM.—Section 455 (20 U.S.C. 1087e) is amended

(1) in subsection (a)(1) by inserting “428C,” after “428B.”;

(2) in subsection (a)(2)—

(A) by striking “and” at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

“(C) section 428C shall be known as ‘Federal Direct Consolidation Loans’; and”;

(3) in subsection (g)—

(A) by striking the second sentence; and

(B) by adding at the end the following new sentences: “To be eligible for a consolidation loan under this part, a borrower must meet the eligibility criteria set forth in section 428C(a)(3). The Secretary, upon application for such a loan, shall comply with the requirements applicable to a lender under section 428C(b)(1)(F).”.

SEC. 2118. DEFERMENT OF STUDENT LOANS FOR MILITARY SERVICE.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) by striking “or” at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(b) DIRECT LOANS.—Section 455(f)(2) (20 U.S.C. 1087e(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) not in excess of 3 years during which the borrower—

“(i) is serving on active duty during a war or other military operation or national emergency; or

“(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(c) PERKINS LOANS.—Section 464(c)(2)(A) (20 U.S.C. 1087d(c)(2)(A)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency;”.

(d) DEFINITIONS.—Section 481 (20 U.S.C. 1088) is amended by adding at the end the following new subsection:

“(d) DEFINITIONS FOR MILITARY DEFERMENTS.—For purposes of parts B, D, and E of this title:

“(1) ACTIVE DUTY.—The term ‘active duty’ has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

“(2) MILITARY OPERATION.—The term ‘military operation’ means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

“(3) NATIONAL EMERGENCY.—The term ‘national emergency’ means the national emer-

gency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

“(4) SERVING ON ACTIVE DUTY.—The term ‘serving on active duty during a war or other military operation or national emergency’ means service by an individual who is—

“(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

“(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

“(5) QUALIFYING NATIONAL GUARD DUTY.—

The term ‘qualifying National Guard duty during a war or other military operation or national emergency’ means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds.”.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after July 1, 1993, to an individual who is a new borrower (within the meaning of section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on or after such date.

SEC. 2119. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078-11) is amended to read as follows:

“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

“(a) PURPOSES.—The purposes of this section are—

“(1) to encourage highly trained individuals to enter and continue in service in areas of national need; and

“(2) to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to repay, pursuant to subsections (c)(2) and (d), a qualified loan amount for a loan made, insured, or guaranteed under this part or part D (other than loans made under section 428B and 428C and comparable loans made under part D), for any new borrower after the date of enactment of the Higher Education Budget Reconciliation Act of 2005, who—

“(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (c); and

“(B) is not in default on a loan for which the borrower seeks forgiveness.

“(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis pursuant to the designation

under subsection (c) and subject to the availability of appropriations.

“(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

“(C) AREAS OF NATIONAL NEED.—

“(1) STATUTORY CATEGORIES.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time and is any of the following:

“(A) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or child care facility in a low-income community, and who is involved directly in the care, development and education of infants, toddlers, or young children through age five.

“(B) NURSES.—An individual who is employed—

“(i) as a nurse in a clinical setting; or

“(ii) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(C) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

“(i) in an elementary or secondary school as a teacher of a critical foreign language; or

“(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

“(D) LIBRARIANS.—An individual who is employed as a librarian in—

“(i) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

“(ii) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

“(E) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

“(i) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

“(ii) (I) is employed as a teacher of bilingual education; or

“(II) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

“(F) FIRST RESPONDERS IN LOW-INCOME COMMUNITIES.—An individual who—

“(i) is employed as a firefighter, police officer, or emergency medical technician; and

“(ii) serves as such in a low-income community.

“(G) CHILD WELFARE WORKERS.—An individual who—

“(i) has obtained a degree in social work or a related field with a focus on serving children and families; and

“(ii) is employed in public or private child welfare services.

“(H) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

“(I) ADDITIONAL AREAS OF NATIONAL NEED.—An individual who is employed in an area designated by the Secretary under paragraph (2) and has completed a baccalaureate or advanced degree related to such area.

“(2) DESIGNATION OF ADDITIONAL AREAS OF NATIONAL NEED.—After consultation with appropriate Federal, State, and community-based agencies and organizations, the Secretary shall designate additional areas of national need in which an individual may be employed full-time to be eligible for loan repayment under this section. In making such designations, the Secretary shall take into account the extent to which—

“(A) the national interest in the area is compelling;

“(B) the area suffers from a critical lack of qualified personnel; and

“(C) other Federal programs support the area concerned.

“(d) QUALIFIED LOAN AMOUNT.—Subject to the availability of appropriations, the Secretary shall repay not more than \$5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth consecutive school, academic, or calendar year, as appropriate, described in subsection (b)(1).

“(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under section 428 or 428H.

“(f) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

“(h) DEFINITIONS.—In this section

“(1) CHILD CARE FACILITY.—The term ‘child care facility’ means a facility, including a home, that—

“(A) provides for the education and care of children from birth through age 5; and

“(B) meets any applicable State or local government licensing, certification, approval, or registration requirements.

“(2) CRITICAL FOREIGN LANGUAGE.—The term ‘critical foreign language’ includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

“(3) EARLY CHILDHOOD EDUCATOR.—The term ‘early childhood educator’ means an early childhood educator employed in an eligible preschool program who has completed a baccalaureate or advanced degree in early childhood development, early childhood edu-

cation, or in a field related to early childhood education.

“(4) ELIGIBLE PRESCHOOL PROGRAM.—The term ‘eligible preschool program’ means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

“(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

“(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) a nonprofit or community based organization; or

“(D) a child care program, including a home.

“(5) LOW-INCOME COMMUNITY.—In this subsection, the term ‘low-income community’ means a community in which 70 percent of households earn less than 85 percent of the State median household income.

“(6) NURSE.—The term ‘nurse’ means a nurse who meets all of the following:

“(A) The nurse graduated from—

“(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

“(ii) a nursing center; or

“(iii) an academic health center that provides nurse training.

“(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

“(C) The nurse holds one or more of the following:

“(i) A graduate degree in nursing, or an equivalent degree.

“(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(7) SPEECH-LANGUAGE PATHOLOGIST.—The term ‘speech-language pathologist’ means a speech-language pathologist who meets all of the following:

“(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

“(B) the speech-language pathologist meets or exceeds the qualifications described in section 1861(l)(3) of the Social Security Act (42 U.S.C. 1395x(3)).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

SEC. 2120. UNSUBSIDIZED STAFFORD LOANS.

(a) AMENDMENT.—Section 428H(d)(2)(C) (20 U.S.C. 1078-8(d)(2)(C)) is amended by striking “\$10,000” and inserting “\$12,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to loans for which the first disbursement of principal is made on or after July 1, 2007.

SEC. 2121. ELIMINATION OF TERMINATION DATES FROM TAXPAYER-TEACHER PROTECTION ACT OF 2004.

(a) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS

OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C. 1087-1(b)(2)(B)) is amended—

(1) in clause (iv), by striking “and before January 1, 2006,”; and

(2) in clause (v)(II)—

(A) by striking “and before January 1, 2006,” each place it appears in divisions (aa) and (bb); and

(B) by striking “, and before January 1, 2006” in division (cc).

(b) ADDITIONAL LIMITATION ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C. 1087-1(b)(2)(B)) is further amended by adding at the end thereof the following new clause:

“(vi) Notwithstanding clauses (i), (ii), and (v), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, as the case may be, for a holder of loans—

“(I) that were made or purchased on or after October 1, 2005; or

“(II) that were not earning a quarterly rate of special allowance determined under clauses (i) or (ii) of subparagraph (B) of this paragraph (20 U.S.C. 1087-1(b)(2)(b)) as of October 1, 2005.”.

(c) ELIMINATION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (20 U.S.C. 1078-10 note) is amended by striking “, and before October 1, 2005”.

(d) ADDITIONAL CHANGES TO TEACHER LOAN FORGIVENESS PROVISIONS.—

(1) FFEL PROVISIONS.—Section 428J (20 U.S.C. 1078-10) is amended—

(A) in subsection (b)(1)(B), by inserting after “1965” the following: “, or meets the requirements of subsection (g)(3)”;

(B) in subsection (c)(3)—

(i) by striking “and” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(iii) by inserting after subparagraph (B) the following new subparagraph:

“(C) an elementary or secondary school teacher who primarily teaches reading—

“(i) who meets the requirements of subsection (b);

“(ii) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

“(iii) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

“(I) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

“(II) as having such credential.”; and

(C) in subsection (g), by adding at the end the following new paragraph:

“(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (a)(1)(B), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher must be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test must equal or exceed the average passing score of those 5 States.”.

(2) DIRECT LOAN PROVISIONS.—Section 460 (20 U.S.C. 1087j) is amended—

(A) in subsection (b)(1)(A)(ii), by inserting after “1965” the following: “, or meets the requirements of subsection (g)(3)”;

(B) in subsection (c)(3)—

(i) by striking “and” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(iii) by inserting after subparagraph (B) the following new subparagraph:

“(C) an elementary or secondary school teacher who primarily teaches reading—

“(i) who meets the requirements of subsection (b);

“(ii) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

“(iii) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

“(I) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

“(II) as having such credential.”; and

(C) in subsection (g), by adding at the end the following new paragraph:

“(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (a)(1)(ii), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher must be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test must equal or exceed the average passing score of those 5 States.”.

(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (a)(1)(ii), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher must be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test must equal or exceed the average passing score of those 5 States.”.

(4) INCREASE INSURANCE FOR EXCEPTIONAL PERFORMANCE.—Section 428I (20 U.S.C. 1078-9) is amended to read as follows:

“SEC. 428I. SPECIAL INSURANCE AND REINSURANCE RULES FOR EXCEPTIONAL PERFORMANCE.

“(a) DESIGNATION OF LENDERS AND SERVICERS.—

“(1) IN GENERAL.—Whenever the Secretary determines that an eligible lender or servicer meets the performance measures required by paragraph (2), the Secretary shall designate that eligible lender or servicer, as the case may be, for exceptional performance. The Secretary shall notify each appropriate guaranty agency of the eligible lenders and servicers designated under this section.

“(2) PERFORMANCE MEASURES.—

“(A) In determining whether to award a lender or servicer the exceptional performance designation, the Secretary shall require that the lender or servicer be performing at or above the 95 percentile of the industry, and demonstrate improved performance against the lender’s or servicer’s average of the last 3 years on the factors described in subparagraph (B).

“(B) The factors on which the Secretary shall require improvement shall include—

“(i) delinquency rates;

“(ii) the rate at which delinquent accounts are restored to good standing;

“(iii) default rates;

“(iv) the rate of rejected claims; and

“(v) any other such measures as determined by the Secretary.

“(C) In addition, the Secretary shall not make any award of such a designation unless the consequence of the designation is cost-neutral to the Federal Government.

“(3) ADDITIONAL INFORMATION ON LENDERS AND SERVICERS.—Each appropriate guaranty agency shall provide the Secretary with such other information in its possession regarding an eligible lender or servicer desiring designation as may relate to the Secretary’s determination under paragraph (1), including but not limited to any information suggesting that the application of a lender or servicer for designation should not be approved.

“(4) DETERMINATIONS BY THE SECRETARY.—

“(A) The Secretary shall designate an eligible lender or servicer for exceptional performance if the eligible lender or servicer meets the performance measures required by paragraph (2).

“(B) The Secretary shall make the determination under paragraph (1) based upon the

“(I) the fourth sentence of subparagraph (A) by substituting ‘100 percent’ for ‘95 percent’;

“(II) subparagraph (B)(i) by substituting ‘100 percent’ for ‘85 percent’; and

“(III) subparagraph (B)(ii) by substituting ‘100 percent’ for ‘75 percent’.

“(ii) For purposes of clause (i) of this subparagraph, the term ‘exempt claims’ means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender’s or the institution’s knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon.”.

(b) REDUCTION OF INSURANCE PERCENTAGE.—

(1) INSURANCE PERCENTAGE REDUCTION.—Section 428(b)(1)(G) as amended by subsection (a)(1) is further amended by inserting after the matter inserted by such subsection the following: “, except, for any loan for which the first disbursement of principal is made on or after July 1, 2006, the preceding provisions of this subparagraph shall be applied by substituting ‘96 percent’ for ‘98 percent’”.

(2) INCREASE INSURANCE FOR EXCEPTIONAL PERFORMANCE.—Section 428I (20 U.S.C. 1078-9) is amended to read as follows:

“SEC. 428I. SPECIAL INSURANCE AND REINSURANCE RULES FOR EXCEPTIONAL PERFORMANCE.

“(a) DESIGNATION OF LENDERS AND SERVICERS.—

“(1) IN GENERAL.—Whenever the Secretary determines that an eligible lender or servicer meets the performance measures required by paragraph (2), the Secretary shall designate that eligible lender or servicer, as the case may be, for exceptional performance. The Secretary shall notify each appropriate guaranty agency of the eligible lenders and servicers designated under this section.

“(2) PERFORMANCE MEASURES.—

“(A) In determining whether to award a lender or servicer the exceptional performance designation, the Secretary shall require that the lender or servicer be performing at or above the 95 percentile of the industry, and demonstrate improved performance against the lender’s or servicer’s average of the last 3 years on the factors described in subparagraph (B).

“(B) The factors on which the Secretary shall require improvement shall include—

“(i) delinquency rates;

“(ii) the rate at which delinquent accounts are restored to good standing;

“(iii) default rates;

“(iv) the rate of rejected claims; and

“(v) any other such measures as determined by the Secretary.

“(C) In addition, the Secretary shall not make any award of such a designation unless the consequence of the designation is cost-neutral to the Federal Government.

“(3) ADDITIONAL INFORMATION ON LENDERS AND SERVICERS.—Each appropriate guaranty agency shall provide the Secretary with such other information in its possession regarding an eligible lender or servicer desiring designation as may relate to the Secretary’s determination under paragraph (1), including but not limited to any information suggesting that the application of a lender or servicer for designation should not be approved.

“(4) DETERMINATIONS BY THE SECRETARY.—

“(A) The Secretary shall designate an eligible lender or servicer for exceptional performance if the eligible lender or servicer meets the performance measures required by paragraph (2).

“(B) The Secretary shall make the determination under paragraph (1) based upon the

documentation submitted by the eligible lender or servicer as specified in regulation, such other information as provided by any guaranty agency under paragraph (3), and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

“(C) The Secretary shall inform the eligible lender or servicer and the appropriate guaranty agency that its application for designation as an exceptional performance lender or servicer has been approved or disapproved.

“(5) TRANSITION.—

“(A) Any eligible lender or servicer designated for exceptional performance as of the day before the date of enactment of the Higher Education Budget Reconciliation Act of 2005 shall continue to be so designated, and subject to the requirements of this section as in effect on that day (including revocation), until the performance standards described in paragraph (2) are established.

“(B) The Secretary shall not designate any additional eligible lenders or servicers for exceptional performance until those performance standards are established.

“(b) PAYMENT TO LENDERS AND SERVICERS.—A guaranty agency shall pay, to each eligible lender or servicer (as agent for an eligible lender) designated under subsection (a), 98 percent of the unpaid principal and interest of all loans for which claims are submitted for payment by that eligible lender or servicer for the one-year period following the receipt by the guaranty agency of the notification of designation under this section, or until the guaranty agency receives notice from the Secretary that the designation of the lender or servicer under subsection (a)(2) has been revoked.

“(c) REVOCATION AUTHORITY.—

“(1) The Secretary shall revoke the designation of a lender or a servicer under subsection (a) if the Secretary determines that the lender or servicer has failed to meet the performance standards required by subsection (a)(2).

“(2) Notwithstanding any other provision of this section, a designation under subsection (a) may be revoked at any time by the Secretary, in the Secretary’s discretion, if the Secretary determines that the eligible lender or servicer has failed to meet the criteria and performance standards established by the Secretary in regulation, or if the Secretary believes the lender or servicer may have engaged in fraud in securing designation under subsection (a), or is failing to service loans in accordance with program regulations.

“(d) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of guaranty agencies to require the submission of claims documentation evidencing servicing performed on loans, except that the guaranty agency may not require greater documentation than that required for lenders and servicers not designated under subsection (a).

“(e) SPECIAL RULE.—Reimbursements made by the Secretary on loans submitted for claim by an eligible lender or loan servicer designated for exceptional performance under this section shall not be subject to additional review by the Secretary or repurchase by the guaranty agency for any reason other than a determination by the Secretary that the eligible lender or loan servicer engaged in fraud or other purposeful misconduct in obtaining designation for exceptional performance.

“(f) LIMITATION.—Nothing in this section shall be construed to affect the processing of claims on student loans of eligible lenders not subject to this section.

“(g) CLAIMS.—A lender or servicer designated under subsection (a) failing to service loans or otherwise comply with applica-

ble program regulations shall be considered in violation of section 3729 of title 31, United States Code.

“(h) TERMINATION.—The Secretary may terminate the designation of lenders and servicers under this section if he determines that termination would be in the fiscal interest of the United States.

“(i) DEFINITIONS.—As used in this section—

“(1) the term ‘eligible loan’ means a loan made, insured, or guaranteed under this part; and

“(2) the term ‘servicer’ means an entity servicing and collecting student loans that—

“(A) has substantial experience in servicing and collecting consumer loans or student loans;

“(B) has an independent financial audit annually which is furnished to the Secretary and any other parties designated by the Secretary;

“(C) has business systems which are capable of meeting the requirements of this part;

“(D) has adequate personnel who are knowledgeable about the student loan programs authorized by this part; and

“(E) does not have any owner, majority shareholder, director, or officer of the entity who has been convicted of a felony.”

(3) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this subsection shall apply with respect to loans for which the first disbursement of principal is made on or after July 1, 2006.

(c) DOCUMENTATION OF FORBEARANCE AGREEMENTS.—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (3)(A)(i)—

(A) by striking “in writing”; and

(B) by inserting “and documented in accordance with paragraph (10)” after “approval of the insurer”; and

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

“(10) DOCUMENTATION OF FORBEARANCE AGREEMENTS.—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice to the borrower from the lender, and by recording the terms in the borrower’s file.”

(d) CONSOLIDATION OF DEFAULTED LOANS.—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (2)(A)—

(A) by inserting “(i)” after “including”; and

(B) by inserting before the semicolon at the end the following: “and (ii) requirements establishing procedures to preclude consolidation lending from being an excessive proportion of guaranty agency recoveries on defaulted loans under this part”;

(2) in paragraph (2)(D), by striking “paragraph (6)” and inserting “paragraph (6)(A)”; and

(3) in paragraph (6)—

(A) by inserting “(A)” before “For the purpose of paragraph (2)(D).”; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

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

“(B) A guaranty agency shall—

“(i) on or after October 1, 2006—

“(I) not charge the borrower collection costs in an amount in excess of 18.5 percent of the outstanding principal and interest of a defaulted loan that is paid off through consolidation by the borrower under this title; and

“(II) remit to the Secretary a portion of the collection charge under subclause (I) equal to 8.5 percent of the outstanding principal and interest of such defaulted loan; and

“(ii) on and after October 1, 2009, remit to the Secretary the entire amount charged under clause (i)(I) with respect to each de-

faulted loan that is paid off with excess consolidation proceeds.

“(C) For purposes of subparagraph (B), the term ‘excess consolidation proceeds’ means, with respect to any guaranty agency for any Federal fiscal year beginning on or after October 1, 2009, the proceeds of consolidation of defaulted loans under this title that exceed 45 percent of the agency’s total collections on defaulted loans in such Federal fiscal year.”

(e) COLLECTION RETENTION PERCENTAGES.—Clause (ii) of section 428(c)(6)(B) (20 U.S.C. 1078(c)(6)(B)), as redesignated by subsection (d)(3) of this section, is amended to read as follows:

“(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

“(I) beginning on October 1, 2003, and ending on October 1, 2006, this clause shall be applied by substituting ‘23 percent’ for ‘24 percent’; and

“(II) beginning on October 1, 2006, this clause shall be applied by substituting ‘20 percent’ for ‘24 percent’.”

(f) VOLUNTARY FLEXIBLE AGREEMENTS.—Section 428A (20 U.S.C. 1078-1) is amended—

(1) in subsection (a)(1)(B), by striking “unless the Secretary” and all that follows through “designated guarantor”;

(2) by striking paragraph (2) of subsection (a);

(3) in paragraph (4)(B) of subsection (a), by striking “and any waivers provided to other guaranty agencies under paragraph (2)”;

(4) by redesignating paragraphs (3) and (4) of subsection (a) as paragraphs (2) and (3), respectively; and

(5) by striking paragraph (3) of subsection (c) and inserting the following:

“(3) NOTICE TO INTERESTED PARTIES.—Once the Secretary reaches a tentative agreement in principle under this section, the Secretary shall publish in the Federal Register a notice that invites interested parties to comment on the proposed agreement. The notice shall state how to obtain a copy of the tentative agreement in principle and shall give interested parties no less than 30 days to provide comments. The Secretary may consider such comments prior to providing the notices pursuant to paragraph (2).”

(g) FRAUD: REPAYMENT REQUIRED.—Section 428B(a)(1) (20 U.S.C. 1078-2(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) in the case of a parent who has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, such parent has completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud; and”

(h) DEFAULT REDUCTION PROGRAM.—Section 428F(a)(1) (20 U.S.C. 1078-6(a)(1)) is amended—

(1) in subparagraph (A), by striking “consecutive payments for 12 months” and inserting “9 payments made within 20 days of the due date during 10 consecutive months”;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) A guaranty agency may charge the borrower and retain collection costs in an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of sale of a loan rehabilitated under subparagraph (A).”

(i) FINANCIAL AND ECONOMIC LITERACY.—

(1) DEFAULT REDUCTION PROGRAM.—Section 428F is further amended by adding at the end the following:

“(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate, each program described under subsection (b) shall include making financial and economic education materials available to the borrower.”

(2) PROGRAM ASSISTANCE FOR BORROWERS.—Section 432(k)(1) (20 U.S.C. 1082(k)(1)) is amended by striking “and offering” and all that follows through the period and inserting “, offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.”

(j) CREDIT BUREAU ORGANIZATION AGREEMENTS.—Section 430A(a) (20 U.S.C. 1080a(a)) is amended by striking “agreements with credit bureau organizations” and inserting “an agreement with each national credit bureau organization (as described in section 603(p) of the Fair Credit Reporting Act)”

(k) UNIFORM ADMINISTRATIVE AND CLAIMS PROCEDURE.—Section 432(1)(H) (20 U.S.C. 1082(1)(H)) is amended by inserting “and anticipated graduation date” after “status change”.

(l) DEFAULT REDUCTION MANAGEMENT.—Section 432 is further amended—

(1) by striking subsection (n); and

(2) by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(m) SCHOOLS AS LENDERS.—Paragraph (2) of section 435(d) (20 U.S.C. 1085(d)(2)) is amended to read as follows:

“(2) REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

“(A) IN GENERAL.—To be an eligible lender under this part, an eligible institution—

“(i) shall employ at least one person whose full-time responsibilities are limited to the administration of programs of financial aid for students attending such institution;

“(ii) shall not be a home study school;

“(iii) shall not—

“(I) make a loan to any undergraduate student;

“(II) make a loan other than a loan under section 428 or 428H to a graduate or professional student; or

“(III) make a loan to a borrower who is not enrolled at that institution;

“(iv) shall award any contract for financing, servicing, or administration of loans under this title on a competitive basis;

“(v) shall offer loans that carry an origination fee or an interest rate, or both, that are less than such fee or rate authorized under the provisions of this title;

“(vi) shall not have a cohort default rate (as defined in section 435(m)) greater than 10 percent;

“(vii) shall, for any year for which the institution engages in activities as an eligible lender, provide for a compliance audit conducted in accordance with section 428(b)(1)(U)(iii)(I), and the regulations thereunder, and submit the results of such audit to the Secretary; and

“(viii) shall use any proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department of Education, and any proceeds from the sale or other disposition of loans, for need-based grant programs.

“(B) ADMINISTRATIVE EXPENSES.—An eligible lender under subparagraph (A) shall be permitted to use a portion of the proceeds described in subparagraph (A)(viii) for reasonable and direct administrative expenses.

“(C) SUPPLEMENT, NOT SUPPLANT.—An eligible lender under subparagraph (A) shall ensure that the proceeds described in subparagraph (A)(viii) are used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.”

(n) DISABILITY DETERMINATIONS.—Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: “In making such determination of perma-

nent and total disability, the Secretary shall not require a borrower who has been certified as permanently and totally disabled by the Department of Veterans Affairs or the Social Security Administration to present further documentation of disability for purposes of this title.”

(o) TREATMENT OF FALSELY CERTIFIED BORROWERS.—Section 437(c)(1) (20 U.S.C. 1087(c)(1)) is amended by inserting “or parent’s eligibility” after “such student’s eligibility”.

(p) PERFECTION OF SECURITY INTERESTS.—Section 439(d) (20 U.S.C. 1087-2(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(q) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)) is amended—

(A) by striking “and” at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(2) Section 428(a)(3)(A)(v) (20 U.S.C. 1078(a)(3)(A)(v)) is amended—

(A) by striking “or” at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting “; or”; and

(C) by adding after subclause (II) the following new subclause:

“(III) in the case of a loan disbursed through an escrow agent, 3 days before the first disbursement of the loan.”

(3) Section 428(c)(1)(A) (20 U.S.C. 1078(c)(1)(A)) is amended by striking “45 days” in the last sentence and inserting “30 days”.

(4) Section 428(i)(1) (20 U.S.C. 1078(i)(1)) is amended by striking “21 days” in the third sentence and inserting “10 days”.

(5) Section 428G(e) (20 U.S.C. 1078-7(e)) is amended by striking “, made to a student to cover the cost of attendance at an eligible institution outside the United States.”

(6) Section 428H(e) (20 U.S.C. 1078-8(e)) is amended by striking paragraph (6) and inserting the following:

“(6) TIME LIMITS ON BILLING INTEREST.—A lender may not receive interest on a loan under this section from a borrower for any period that precedes the dates described in section 428(a)(3)(A)(v).”

(7) Section 432(m)(1)(B) (20 U.S.C. 1082(m)(1)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end; and

(B) in clause (ii), by striking “; and” and inserting a period.

(8) Section 438(b)(4)(B) (20 U.S.C. 1087-1(b)(4)(B)) is amended by striking “shall be computed” and all that follows through “to the loan” and inserting “described in subparagraph (A) shall be computed using the interest rate described in section 3902(a) of title 31, United States Code.”

SEC. 2124. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458 is amended to read as follows:

“SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

“(a) ADMINISTRATIVE EXPENSES.—

“(1) MANDATORY FUNDS FOR FISCAL YEAR 2006.—For fiscal year 2006, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

“(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

“(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsections (b) and (c),

not to exceed (from such funds not otherwise appropriated) \$820,000,000 in fiscal year 2006.

“(2) AUTHORIZATION FOR ADMINISTRATIVE COSTS BEGINNING IN FISCAL YEAR 2007.—For each of the fiscal years 2007 through 2011, there are authorized to be appropriated such sums as may be necessary for administrative costs under this part and part B, including the costs of the direct student loan programs under this part.

“(3) CONTINUING MANDATORY FUNDS FOR ACCOUNT MAINTENANCE FEES.—For each of the fiscal years 2007 through 2011, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b).

“(4) ACCOUNT MAINTENANCE FEES.—Account maintenance fees under paragraph (3) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

“(5) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

“(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(3) shall not exceed the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

“(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education’s annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.”

SEC. 2125. SIGNIFICANTLY SIMPLIFYING THE STUDENT AID APPLICATION PROCESS.

(a) EXPANDING THE AUTO-ZERO AND FURTHER SIMPLIFYING THE SIMPLIFIED NEEDS TEST.—

(1) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by striking clause (i) of subparagraph (A) and inserting the following:

“(i) the student’s parents file, or are eligible to file, a form described in paragraph (3) or certify that they are not required to file an income tax return, and the student files, or is eligible to file, such a form or certifies that the student is not required to file an income tax return, or the student’s parents, or the student, received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

(II) by striking clause (i) of subparagraph (B) and inserting the following:

“(i) the student (and the student’s spouse, if any) files, or is eligible to file, a form described in paragraph (3) or certifies that the student (and the student’s spouse, if any) is not required to file an income tax return, or the student (and the student’s spouse, if any) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

(ii) in paragraph (3), by striking “A student or family files a form described in this subsection, or subsection (c), as the case may be, if the student or family, respectively, files” and inserting “In the case of an independent student, the student, or in the case of a dependent student, the parent, files a form described in this subsection, or subsection (c), as the case may be, if the student or parent, as appropriate, files”;

(B) in subsection (c)—

(i) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) the student’s parents file, or are eligible to file, a form described in subsection (b)(3) or certify that they are not required to file an income tax return, and the student files, or is eligible to file, such a form or certifies that the student is not required to file an income tax return, or the student’s parents, or the student, received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined in subsection (d); and”;

(ii) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) the student (and the student’s spouse, if any) files, or is eligible to file, a form described in subsection (b)(3) or certifies that the student (and the student’s spouse, if any) is not required to file an income tax return, or the student (and the student’s spouse, if any) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined in subsection (d); and”;

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

“(d) DEFINITION OF MEANS-TESTED FEDERAL BENEFIT PROGRAM.—For the purposes of this section, the term ‘means-tested Federal benefit program’ means a mandatory spending program of the Federal Government, other than a program under this title, in which eligibility for the program’s benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as the supplemental security income program under title XVI of the Social Security Act, the food stamp program under the Food Stamp Act of 1977, the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act, the temporary assistance to needy families program established under part A of title IV of the Social Security Act, and the women, infants and children program established under Section 17 of the Child Nutrition Act of 1966, and other programs identified by the Secretary.

“(e) REPORTING REQUIREMENTS.—The Secretary shall regularly evaluate the impact of the eligibility guidelines in subsections (b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A) and (c)(2)(A) of this section. In particular, the Secretary shall evaluate whether using receipt of benefits under a means-tested Federal benefit program (as defined in subsection (d)) for eligibility continues to target the Simplified Needs Test, to the greatest extent possible, for use by low- and moderate-income students and their families.”

(b) IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS.—

(1) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(A) by striking paragraphs (1), (2), and (5); (B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

“(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the ‘Free Applica-

tion for Federal Student Aid’ or the ‘FAFSA’.

“(2) EARLY ESTIMATES.—

“(A) IN GENERAL.—The Secretary shall permit applicants to complete such forms as described in this subsection in the 4 years prior to enrollment in order to obtain a non-binding estimate of the family contribution, as defined in section 473. The estimate shall clearly and conspicuously indicate that it is only an estimate of family contribution, and may not reflect the actual family contribution of the applicant that shall be used to determine the grant, loan, or work assistance that the applicant may receive under this title when enrolled in a program of postsecondary education. Such applicants shall be permitted to update information submitted on forms described in this subsection using the process required under paragraph (5)(A).

“(B) EVALUATION.—Two years after the early estimates are implemented under this paragraph and from data gathered from the early estimates, the Secretary shall evaluate the differences between initial, non-binding early estimates and the final financial aid award made available under this title.

“(C) REPORT.—The Secretary shall provide a report to the authorizing committees on the results of the evaluation.

“(3) PAPER FORMAT.—

“(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

“(B) EZ FAFSA.—

“(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the ‘EZ FAFSA’, to be used for applicants meeting the requirements of section 479(c).

“(ii) REDUCED DATA REQUIREMENTS.—The form under this subparagraph shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

“(iii) STATE DATA.—The Secretary shall include on the form under this subparagraph such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State’s data if that State does not permit its applicants for State assistance to use the form under this subparagraph.

“(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the form under this subparagraph, and the data collected by means of the form under this subparagraph shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

“(v) TESTING.—The Secretary shall conduct appropriate field testing on the form under this subparagraph.

“(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

“(i) IN GENERAL.—The Secretary shall—

“(I) develop a form that uses skip logic to simplify the application process for applicants; and

“(II) make all efforts to encourage applicants to utilize the electronic forms described in paragraph (4).

“(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application

forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that is downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

“(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and phase out the paper form described in subparagraph (A) of this paragraph. The Secretary’s report will specifically address the impact of the digital divide on the following student populations: dependent students, independent students without dependents, and independent students with dependents other than a spouse.

“(4) ELECTRONIC FORMAT.—

“(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

“(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to complete data required by any State other than the applicant’s State of residence.

“(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

“(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsection (c) of section 479 and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under subsection (b) of section 479.

“(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

“(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award state financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to complete data required by any State other than the applicant’s State of residence.

“(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

“(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

“(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

“(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph

shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, and an expected family contribution has been calculated by the Secretary, except as may be permitted under this title.

“(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted with an electronic signature.

“(5) STREAMLINING.—

“(A) STREAMLINED REAPPLICATION PROCESSES.—

“(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title—

“(I) in the academic year succeeding the year in which such applicant first applied for financial assistance under this title; or

“(II) in any succeeding academic years.

“(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

“(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

“(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

“(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

“(B) REDUCTION OF DATA ELEMENTS.—

“(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the Higher Education Budget Reconciliation Act of 2005 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements following the date of enactment. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards the reduction referred to in this paragraph unless those data elements are reduced for all applicants.

“(ii) REPORT.—The Secretary shall annually report to the House of Representatives and the Senate on the progress made of reducing data elements.

“(6) STATE REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for State need-based fi-

ancial aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based financial aid.

“(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award State need-based financial aid and other application requirements that the States may impose.

“(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

“(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

“(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

“(ii) of the State-specific data that the State agency requires for delivery of State need-based financial aid.

“(E) STATE NOTIFICATION TO THE SECRETARY.—

“(i) IN GENERAL.—Each State agency shall notify the Secretary—

“(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid; and

“(II) the State-specific data that the State agency requires for delivery of State need-based financial aid.

“(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid—

“(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

“(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection.

“(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

“(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection; and

“(II) not require any resident of that State to complete any data previously required by that State under this section.

“(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

“(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ-FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee by any entity for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the

FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form, worksheet, or other document for which a fee is charged shall be used to complete the FAFSA.

“(B) NOTICE.—Any entity that provides to students or parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

“(i) the FAFSA is a free Federal student aid application;

“(ii) the FAFSA can be completed without professional assistance; and

“(iii) includes the current Internet address for the FAFSA on the Department's web site.

“(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to January 1 of the student's planned year of enrollment.”

(2) MASTER CALENDAR.—Section 482(a)(1)(B) (20 U.S.C. 1089) is amended to read as follows:

“(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478, 479(c)(2)(C), and 483(a)(6) published in the Federal Register;”

(c) INCREASING ACCESS TO TECHNOLOGY.—Section 483 (20 U.S.C. 1090) is further amended by adding at the end the following:

“(f) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(c).”

(d) EXPANDING THE DEFINITION OF AN INDEPENDENT STUDENT.—Section 480(d) (20 U.S.C. 1087vv(d)) is amended by striking paragraph (2) and inserting the following:

“(2) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;”

SEC. 2126. ADDITIONAL NEED ANALYSIS AMENDMENTS.

(a) INCOME PROTECTION ALLOWANCE FOR DEPENDENT STUDENTS.—

(1) AMENDMENT.—Section 475(g)(2)(D) (20 U.S.C. 1087oo(g)(2)(D)) is amended by striking “\$2,200” and inserting “\$3,000”.

(2) CONFORMING AMENDMENT.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended by adding at the end the following new paragraph:

“(3) REVISED AMOUNTS AFTER INCREASE.—Notwithstanding paragraph (2), for each academic year after academic year 2006–2007, the Secretary shall publish in the Federal Register a revised income protection allowance for the purpose of section 475(g)(2)(D). Such revised allowance shall be developed by increasing the dollar amount contained in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2005 and the December next preceding the beginning of such academic year, and rounding the result to the nearest \$10.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2006.

(b) EMPLOYMENT EXPENSE ALLOWANCE.—Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(1) by striking “476(b)(4)(B).”; and

(2) by striking “meals away from home, apparel and upkeep, transportation, and house-keeping services” and inserting “food away from home, apparel, transportation, and household furnishings and operations”.

(c) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking “(a) IN GENERAL.—” and inserting the following:

“(a) AUTHORITY TO MAKE ADJUSTMENTS.—

“(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—”;

(2) by inserting before “Special circumstances may” the following:

“(2) SPECIAL CIRCUMSTANCES DEFINED.—”;

(3) by inserting “a student’s status as a ward of the court at any time prior to attaining 18 years of age, a student’s status as an individual who was adopted at or after age 13, a student’s status as a homeless or unaccompanied youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act),” after “487.”;

(4) by inserting before “Adequate documentation” the following:

“(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—”;

(5) by inserting before “No student” the following:

“(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—”.

(d) TREATING ACTIVE DUTY MEMBERS OF THE ARMED FORCES AS INDEPENDENT STUDENTS.—Section 480(d)(3) (20 U.S.C. 1087vv(d)(3)) is amended by inserting before the semicolon at the end the following: “or is currently serving on active duty in the Armed Forces for other than training purposes”.

(e) EXCLUDABLE INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”;

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

“(5) any part of any distribution from a qualified tuition program established under section 529 of the Internal Revenue Code of 1986 that is not includable in gross income under such section 529.”.

(f) TREATMENT OF SAVINGS PLANS.—

(1) AMENDMENT.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(A) in paragraph (1), by inserting “qualified tuition programs established under section 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529), except as provided in paragraph (2),” after “tax shelters.”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) A qualified tuition program shall not be considered an asset of a dependent student under section 475 of this part. The value of a qualified tuition program for purposes of determining the assets of parents or independent students shall be—

“(A) the refund value of any tuition credits or certificates purchased under section 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529) on behalf of a beneficiary; or

“(B) the current balance of any account which is established under such section for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account.”.

(2) CONFORMING AMENDMENT.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended—

(A) by striking “; TUITION PREPAYMENT PLANS” in the heading of such subsection;

(B) by striking paragraph (2);

(C) in paragraph (3), by inserting “, or a distribution that is not includable in gross income under section 529 of such Code,” after “1986”; and

(D) by redesignating paragraph (3) as paragraph (2).

(g) TREATMENT OF FAMILY OWNERSHIP OF SMALL BUSINESSES.—Section 480(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(f)(3)), as redesignated by subsection (f) of this section, is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following new subparagraph:

“(C) a small business with not more than 100 full-time or full-time equivalent employees (or any part of such a small business) that is owned and controlled by the family.”.

(h) DESIGNATED ASSISTANCE.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding after paragraph (2) (as redesignated by subsection (f)(2)(D) of this section) the following new paragraph:

“(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both estimated financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either estimated financial assistance or cost of attendance, it shall be excluded from both.”.

SEC. 2127. DEFINITION OF ELIGIBLE PROGRAM.

Section 481(b) (20 U.S.C. 1088(b)) is amended by adding at the end the following new paragraph:

“(3) For purposes of this title, an eligible program includes an instructional program that utilizes direct assessment of student learning, or recognizes the direct assessment of student learning, in lieu of credit hours or clock hours as the measure of student learning. In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to be eligible. The Secretary shall provide an annual report to Congress identifying the programs made eligible under this paragraph.”.

SEC. 2128. DISTANCE EDUCATION.

(a) DISTANCE EDUCATION: ELIGIBLE PROGRAM.—Section 481(b) (20 U.S.C. 1088(b)) is amended by adding after paragraph (3) (as added by section 2127 of this Act) the following new paragraph:

“(4) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for the purposes of this title if the program is offered by an institution, other than a foreign institution, that has been evaluated and determined (before or after the date of enactment of this paragraph) to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

“(A) is recognized by the Secretary under subpart 2 of Part H; and

“(B) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3).”.

(b) CORRESPONDENCE COURSES.—Section 484(l)(1) (20 U.S.C. 1091(l)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “for a program of study of 1 year or longer”; and

(B) by striking “unless the total” and all that follows through “courses at the institution”; and

(2) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—Subparagraph (A) does not apply to an institution or school de-

scribed in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998.”.

SEC. 2129. STUDENT ELIGIBILITY.

(a) FRAUD: REPAYMENT REQUIRED.—Section 484(a) (20 U.S.C. 1091(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting “; and”;

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

“(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud.”.

(b) TECHNICAL AMENDMENT.—Section 484(b)(5) (20 U.S.C. 1091(b)(5)) is amended by inserting “or parent (on behalf of a student)” after “student”.

(c) LOAN INELIGIBILITY BASED ON INVOLUNTARY CIVIL COMMITMENT FOR SEXUAL OFFENSES.—Section 484(b)(5) (20 U.S.C. 1091(b)(5)) is further amended by inserting before the period the following: “, and no student who is subject to an involuntary civil commitment upon completion of a period of incarceration for a sexual offense (as determined under regulations of the Secretary) is eligible to receive a loan under this title”.

(d) FREELY ASSOCIATED STATES.—Section 484(j) (20 U.S.C. 1091(j)) is amended by inserting “and shall be eligible only for assistance under subpart 1 of part A thereafter,” after “part C.”.

(e) VERIFICATION OF INCOME DATE.—Paragraph (1) of section 484(q) (20 U.S.C. 1091(q)) is amended to read as follows:

“(1) CONFIRMATION WITH IRS.—The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the information specified in section 6103(l)(13) of the Internal Revenue Code of 1986 reported by applicants (including parents) under this title on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.”.

(f) SUSPENSION OF ELIGIBILITY FOR DRUG OFFENSES.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended by striking everything preceding the table and inserting the following:

“(1) IN GENERAL.—A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table.”.

SEC. 2130. INSTITUTIONAL REFUNDS.

Section 484B (20 U.S.C. 1091b) is amended—

(1) in subsection (a)(1), by inserting “subpart 4 of part A or” after “received under”;

(2) in subsection (a)(2), by striking “takes a leave” and by inserting “takes one or more leaves”;

(3) in subsection (a)(3)(B)(ii), by inserting “(as determined in accordance with subsection (d))” after “student has completed”;

(4) in subsection (a)(4), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—After determining the eligibility of the student for a late disbursement or post-withdrawal disbursement (as required in regulations prescribed by the Secretary), the institution of higher education shall contact the borrower and obtain

confirmation that the loan funds are still required by the borrower. In making such contact, the institution shall explain to the borrower the borrower's obligation to repay the funds following any such disbursement. The institution shall document in the borrower's file the result of such contact and the final determination made concerning such disbursement.”;

(5) in subsection (b)(1), by inserting “no later than 45 days from the determination of withdrawal” after “return”;

(6) in subsection (b)(2), by amending subparagraph (C) to read as follows:

“(C) GRANT OVERPAYMENT REQUIREMENTS.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

“(I) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

“(II) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

“(ii) MINIMUM.—A student shall not be required to return amounts of \$50 or less.”; and

(7) in subsection (d), by striking “(a)(3)(B)(i)” and inserting “(a)(3)(B)”.

SEC. 2131. COLLEGE ACCESS INITIATIVE.

Part G is further amended by inserting after section 485C (20 U.S.C. 1092c) the following new section:

“SEC. 485D. COLLEGE ACCESS INITIATIVE.

“(a) STATE-BY-STATE INFORMATION.—The Secretary shall direct each guaranty agency with which the Secretary has an agreement under section 428(c) to provide to the Secretary the information necessary for the development of web links and access for students and families to a comprehensive listing of the postsecondary education opportunities, programs, publications, Internet Web sites, and other services available in the States for which such agency serves as the designated guarantor.

“(b) GUARANTY AGENCY ACTIVITIES.—

“(1) PLAN AND ACTIVITY REQUIRED.—Each guaranty agency with which the Secretary has an agreement under section 428(c) shall develop a plan and undertake the activity necessary to gather the information required under subsection (a) and to make such information available to the public and to the Secretary in a form and manner as prescribed by the Secretary.

“(2) ACTIVITIES.—Each guaranty agency shall undertake such activities as are necessary to promote access to postsecondary education for students through providing information on college planning, career preparation, and paying for college. The guaranty agency shall publicize such information and coordinate such activities with other entities that either provide or distribute such information in the States for which such guaranty agency serves as the designated guarantor.

“(3) FUNDING.—The activities required by this section may be funded from the guaranty agency's operating account established pursuant to section 422B and, to the extent funds remain, from earnings on the restricted account established pursuant to section 422(h)(4).

“(c) ACCESS TO INFORMATION.—

“(1) SECRETARY'S RESPONSIBILITY.—The Secretary shall ensure the availability of the information provided by the guaranty agencies in accordance with this section to students, parents, and other interested individuals, through web links or other methods prescribed by the Secretary.

“(2) GUARANTY AGENCY RESPONSIBILITY.—The guaranty agencies shall ensure that the information required by this section is available without charge in printed format for

students and parents requesting such information.

“(3) PUBLICITY.—Within 270 days after the date of enactment of the Higher Education Budget Reconciliation Act of 2005, the Secretary and guaranty agencies shall publicize the availability of the information required by this section, with special emphasis on ensuring that populations that are traditionally underrepresented in postsecondary education are made aware of the availability of such information.”.

SEC. 2132. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SURVIVORS OF VICTIMS OF THE SEPTEMBER 11, 2001, ATTACKS.

(a) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE PUBLIC SERVANT.—The term “eligible public servant” means an individual who, as determined in accordance with regulations of the Secretary—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001.

(2) ELIGIBLE VICTIM.—The term “eligible victim” means an individual who, as determined in accordance with regulations of the Secretary, died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001.

(3) ELIGIBLE PARENT.—The term “eligible parent” means the parent of an eligible victim if—

(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim.

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

(5) FEDERAL STUDENT LOAN.—The term “Federal student loan” means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) RELIEF FROM INDEBTEDNESS.—

(1) IN GENERAL.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary, including any consolidation loan that was used jointly by the eligible public servant and his or her spouse to repay the Federal student loans of the spouse and the eligible public servant;

(B) the portion incurred on behalf of the eligible victim (other than an eligible public servant), of a Federal student loan that is a consolidation loan that was used jointly by the eligible victim and his or her spouse, as determined in accordance with regulations of the Secretary, to repay the Federal student loans of the eligible victim and his or her spouse;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim.

(2) METHOD OF DISCHARGE OR CANCELLATION.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) FACILITATION OF CLAIMS.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness under this section.

(d) AVAILABILITY OF FUNDS FOR PAYMENTS.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans as required by this section.

(e) APPLICABLE TO OUTSTANDING DEBT.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001. Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 2133. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2007; and

(2) a final report regarding such evaluation not later than December 31, 2009.

SEC. 2134. DISBURSEMENT OF STUDENT LOANS.

Section 422(d) of the Higher Education Amendments of 1998 (Public Law 105-244; 112 Stat. 1696) is amended by adding at the end the following new sentence: “Such amendments shall also be effective on and after July 1, 2006.”.

PART 2—HIGHER EDUCATION RELIEF**SEC. 2141. REFERENCES.**

References in this part to “the Act” are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2142. WAIVERS AND MODIFICATIONS.

Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education is authorized to waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act, or any student or institutional eligibility provisions in the Act, as the Secretary of Education deems necessary in connection with a Gulf hurricane disaster to ensure that—

(1) the calculation of expected family contribution under section 474 of the Act used in the determination of need for student financial assistance under title IV of the Act for any affected student (and the determination of such need for his or her family, if applicable), is modified to reflect any changes in the financial condition of such affected student and his or her family resulting from a Gulf hurricane disaster; and

(2) institutions of higher education, systems of institutions, or consortia of institutions that are located in an area affected by a Gulf hurricane disaster, or that are serving affected students, are eligible, notwithstanding section 486(d) of the Act, to apply for participation in the distance education demonstration program under section 486 of the Act, except that the Secretary of Education shall include in reports under section 486(f) of the Act an identification of those institutions, systems, and consortia that were granted participation in the demonstration program due to a Gulf hurricane disaster.

SEC. 2143. CANCELLATION OF INSTITUTIONAL REPAYMENT BY COLLEGES AND UNIVERSITIES AFFECTED BY A GULF HURRICANE DISASTER.

Notwithstanding any provision of title IV of the Act or any regulation issued thereunder, the Secretary of Education shall cancel any obligation of an affected institution to return or repay any funds the institution received before the date of enactment of this Act for, or on behalf of, its students under subpart 1 or 3 of part A or parts B, C, D, or E of title IV of the Act for any cancelled enrollment period.

SEC. 2144. CANCELLATION OF STUDENT LOANS FOR CANCELLED ENROLLMENT PERIODS.

(a) **LOAN FORGIVENESS AUTHORIZED.**—Notwithstanding any provision of title IV of the Act, the Secretary shall discharge all loan amounts under parts B and D of title IV of the Act, and cancel any loan made under part E of such title, disbursed to, or on behalf of, an affected student for a cancelled enrollment period.

(b) **REIMBURSEMENT.**—The Secretary of Education shall—

(1) reimburse each affected institution for any amounts discharged under subsection (a) with respect to a loan under part E of title IV of the Act in the same manner as is required by section 465(b) of the Act with respect to a loan cancelled under section 465(a) of the Act; and

(2) reimburse lenders for the purpose of discharging any loan amounts disbursed to, or on behalf of, an affected student under part B of title IV of the Act for a cancelled enrollment period.

(c) **LIMITATION ON CONSOLIDATION LOANS.**—A loan amount for a loan made under section 428C of the Act or a Federal Direct Consolidation Loan may be eligible for discharge under this section only to the extent that such loan amount was used to repay a loan to an affected student for a cancelled enrollment period.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 2145. TEMPORARY DEFERMENT OF STUDENT LOAN REPAYMENT.

An affected individual who is a borrower of a qualified student loan or a qualified parent loan shall be granted a deferment, not in excess of 6 months, during which periodic installments of principal need not be paid, and interest—

(1) shall accrue and be paid by the Secretary, in the case of a loan made under section 428, 428B, 428C, or 428H of the Act;

(2) shall accrue and be paid by the Secretary to the Perkins loan fund held by the institution of higher education that made the loan, in the case of a loan made under part E of title IV of the Act; and

(3) shall not accrue, in the case of a Federal Direct Loan made under part D of such title.

SEC. 2146. NO AFFECT ON GRANT AND LOAN LIMITS.

Notwithstanding any provision of title IV of the Act or any regulation issued thereunder, no grant or loan funds received by an affected student under title IV of the Act for a cancelled enrollment period shall be counted against such affected student's annual or aggregate grant or loan limits for the receipt of grants or loans under that title.

SEC. 2147. TEACHER LOAN RELIEF.

The Secretary of Education may waive the requirement of sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 that the 5 years of qualifying service be consecutive academic years for any teacher whose employment was interrupted if—

(1) the teacher was employed in qualifying service, at the time of a Gulf hurricane disaster, in a school located in an area affected by a Gulf hurricane disaster; and

(2) the teacher resumes qualifying service not later than the beginning of academic year 2006-2007 in that school or any other school in which employment is qualifying service under such section.

SEC. 2148. EXPANDING INFORMATION DISSEMINATION REGARDING ELIGIBILITY FOR PELL GRANTS.

(a) **IN GENERAL.**—The Secretary of Education shall make special efforts, in conjunction with State efforts, to notify affected students and if applicable, their parents, who qualify for means-tested Federal benefit programs, of their potential eligibility for a maximum Pell Grant, and shall disseminate such informational materials as the Secretary of Education deems appropriate.

(b) **MEANS-TESTED FEDERAL BENEFIT PROGRAM.**—For the purpose of this section, the term “means-tested Federal benefit program” means a mandatory spending program of the Federal Government, other than a program under the Act, in which eligibility for the program's benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as the supplemental security income program under title XVI of the Social Security Act, the food stamp program under the Food Stamp Act of 1977, the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act, the temporary assistance to needy families program established under part A of title IV of the Social Security Act, and the women, infants, and children program established under section 17 of the Child Nutrition Act of 1966, and other programs identified by the Secretary of Education.

SEC. 2149. PROCEDURES.

(a) **DEADLINES AND PROCEDURES.**—Sections 482(c) and 492 of the Act (20 U.S.C. 1089(c), 1098a) shall not apply to any waivers, modi-

fications, or actions initiated by the Secretary of Education under this part.

(b) **CASE-BY-CASE BASIS.**—The Secretary of Education is not required to exercise any waiver or modification authority under this part on a case-by-case basis.

SEC. 2150. TERMINATION OF AUTHORITY.

The authority of the Secretary of Education to issue waivers or modifications under this part shall expire at the conclusion of the 2005-2006 academic year, but the expiration of such authority shall not affect the continuing validity of any such waivers or modifications after such academic year.

SEC. 2151. DEFINITIONS.

For the purposes of this part, the following terms have the following meanings:

(1) **AFFECTED INDIVIDUAL.**—The term “affected individual” means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and—

(A) who is an affected student; or

(B) whose primary place of employment or residency was, as of August 29, 2005, in an area affected by a Gulf hurricane disaster.

(2) **AFFECTED INSTITUTION.**—The term “affected institution” means an institution of higher education that—

(A) is located in an area affected by a Gulf hurricane disaster; and

(B) has temporarily ceased operations as a consequence of a Gulf hurricane disaster, as determined by the Secretary of Education.

(3) **AFFECTED STATE.**—The term “affected State” means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(4) **AFFECTED STUDENT.**—The term “affected student” means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and who—

(A) was enrolled or accepted for enrollment, as of August 29, 2005, at an institution of higher education in an area affected by a Gulf hurricane disaster;

(B) was a dependent student enrolled or accepted for enrollment at an institution of higher education that is not in an area affected by a Gulf hurricane disaster, but whose parents resided or were employed, as of August 29, 2005, in an area affected by a Gulf hurricane disaster; or

(C) was enrolled or accepted for enrollment at an institution of higher education, as of August 29, 2005, and whose attendance was interrupted because of a Gulf hurricane disaster.

(5) **AREA AFFECTED BY A GULF HURRICANE DISASTER.**—The term “area affected by a Gulf hurricane disaster” means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(6) **CANCELLED ENROLLMENT PERIOD.**—The term “cancelled enrollment period” means any period of enrollment at an affected institution during the academic year 2005.

(7) **GULF HURRICANE DISASTER.**—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(8) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 102 of the Higher Education Act of 1965, except that the term does not include institutions under subsection (a)(1)(C) of that section.

(9) **QUALIFIED STUDENT LOAN.**—The term “qualified student loan” means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, other than a loan under section

428B of such title or a Federal Direct Plus loan.

(10) QUALIFIED PARENT LOAN.—The term “qualified parent loan” means a loan made under section 428B of title IV of the Higher Education Act of 1965 or a Federal Direct Plus loan.

Subtitle C—Pensions

SEC. 2201. INCREASES IN PBGC PREMIUMS.

(a) FLAT-RATE PREMIUMS.—Clause (i) of section 4006(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended by striking “\$19” and inserting “\$30”.

(b) ADJUSTMENT FOR INFLATION.—Paragraph (3) of section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following new subparagraph:

“(F) For each plan year beginning after 2006, there shall be substituted for the \$30 dollar amount in subparagraph (A)(i) the amount equal to the product derived by multiplying the premium rate, as in effect under this paragraph immediately prior to such plan year for basic benefits guaranteed by the corporation under section 4022 for single-employer plans, by the ratio of—

“(i) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(ii) the national average wage index (as so defined) for the first of the 3 calendar years preceding the calendar year in which the plan year begins,

with such product, if not a multiple of \$1, being rounded to the next higher multiple of \$1 where such product is a multiple of \$0.50 but not of \$1, and to the nearest multiple of \$1 in any other case.”

(c) ADDITIONAL DISCRETIONARY INCREASE.—Paragraph (3) of section 4006(a) of such Act (as amended by subsection (b) of this section) is further amended by adding at the end the following new subparagraph:

“(G)(i) The corporation may increase under this subparagraph, effective for plan years commencing with or during any calendar year after 2006, the premium rate otherwise in effect under this section for basic benefits guaranteed by it under section 4022 for single-employer plans if the corporation determines that such increase is necessary to achieve actuarial soundness in the plan termination insurance program under this title.

“(ii) The amount of any premium rate described in clause (i), as increased under this subparagraph for plan years commencing with or during any calendar year, may not exceed by more than 20 percent the amount of the premium rate, in effect under this paragraph for plan years commencing with or during such calendar year for basic benefits guaranteed by the corporation under section 4022 for single-employer plans, as determined for plan years commencing with or during such calendar year without regard to this subparagraph.

“(iii) The preceding provisions of this subparagraph shall apply in connection with plan years commencing with or during any calendar year only if—

“(I) the corporation transmits to each House of the Congress and to the Comptroller General its proposal for the increase in the premium rate for plan years commencing with or during such calendar year, subject to Congressional review under chapter 8 of title 5 of the United States Code (relating to Congressional review of agency rulemaking) not later than 120 calendar days after the beginning of the preceding calendar year, and

“(II) a joint resolution disapproving such increase has not been enacted as provided in section 802 of such title, within the 60-day period described in section 802(a) of such title.

The proposal transmitted by the corporation shall include a description of the methodologies and assumptions used in formulating its proposal. At the time of the transmittal of any such proposal to each House of the Congress pursuant to subclause (I), the corporation shall transmit a copy of such proposal to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Any such proposal shall, for purposes of chapter 8 of such title 5, be treated as a rule which is a major rule.”

(d) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—Subsection (a) of section 4006 of such Act (29 U.S.C. 1306) is amended by adding at the end the following:

“(7) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—

“(A) IN GENERAL.—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to \$1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

“(B) SPECIAL RULE FOR PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.—If the plan is terminated under 4041(c)(2)(B)(ii) or under section 4042 and, as of the termination date, a person who is (as of such date) a contributing sponsor of the plan or a member of such sponsor’s controlled group has filed or has had filed against such person a petition seeking reorganization in a case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or a case described in section 4041(c)(2)(B)(i) filed by or against such person has been converted, as of such date, to such a case in which reorganization is sought), subparagraph (A) shall not apply to such plan until the date of the discharge of such person in such case.

“(C) APPLICABLE 12-MONTH PERIOD.—For purposes of subparagraph (A)—

“(i) IN GENERAL.—The term ‘applicable 12-month period’ means—

“(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

“(II) each of the first two 12-month periods immediately following the period described in subclause (I).

“(ii) PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.—In any case in which the requirements of subparagraph (B) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the earliest date as of which each such person is discharged in the case described in such clause in connection with such person.

“(D) COORDINATION WITH SECTION 4007.—

“(i) Notwithstanding section 4007—

“(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

“(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

“(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.”

(e) CONFORMING AMENDMENTS.—

(1) Section 4006(a)(2) of such Act (29 U.S.C. 1306(a)(2)) is amended, in the matter following subparagraph (E), by inserting “para-

graph (3)(G) of this subsection or” after “Except as provided in”.

(2) Section 4006(b)(1) of such Act (29 U.S.C. 1306(b)(1)) is amended by inserting “or a proposal for a premium rate increase under subsection (a)(3)(G)” after “or (E)”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (d) shall apply with respect to terminations for which the termination date occurs on or after the date of the enactment of this Act.

(B) TREATMENT OF CASES IN BANKRUPTCY.—In any case in which the requirements of subparagraph (B) of section 4007(a)(7) of the Employee Retirement Income Security Act of 1974 (as added by subsection (d)) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the amendment made by subsection (d) shall apply with respect to any such termination described in such subparagraph (B), notwithstanding subparagraph (A) of this paragraph, if the case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (referred to in such subparagraph (B)) commenced after October 26, 2005.

(3) SPECIAL RULE IF SUBSEQUENT SAVINGS ENACTED.—The amendments made by this section shall not take effect if, after the date of enactment of this Act and before January 1, 2006, a Federal law is enacted which—

(A) provides for decreases in Federal outlays which in the aggregate are less than the decreases in Federal outlays by reason of the amendments made by this section; and

(B) specifically provides that such decreases are to be in lieu of the decreases in Federal outlays by reason of the amendments made by this section.

TITLE III—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Medicaid

Sec. 3100. Short title of subtitle; rule of construction with regard to Katrina evacuees.

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS

- Sec. 3101. Federal upper limit (FUL).
- Sec. 3102. Collection and submission of utilization data for certain physician administered drugs.
- Sec. 3103. Improved regulation of drugs sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act.
- Sec. 3104. Children’s hospital participation in section 340B drug discount program.
- Sec. 3105. Improving patient outcomes through greater reliance on science and best practices.

CHAPTER 2—REFORM OF ASSET TRANSFER RULES

- Sec. 3111. Lengthening look-back period; change in beginning date for period of ineligibility.
- Sec. 3112. Disclosure and treatment of annuities and of large transactions.
- Sec. 3113. Application of “income-first” rule in applying community spouse’s income before assets in providing support of community spouse.
- Sec. 3114. Disqualification for long-term care assistance for individuals with substantial home equity.

Sec. 3115. Enforceability of continuing care retirement communities (CCRC) and life care community admission contracts.

CHAPTER 3—FLEXIBILITY IN COST SHARING AND BENEFITS

Sec. 3121. State option for alternative medicaid premiums and cost sharing.
 Sec. 3122. Special rules for cost sharing for prescription drugs.
 Sec. 3123. Emergency room copayments for non-emergency care.
 Sec. 3124. Use of benchmark benefit packages.
 Sec. 3125. State option to establish non-emergency medical transportation program.
 Sec. 3126. Exempting women covered under breast or cervical cancer program.

CHAPTER 4—EXPANDED ACCESS TO CERTAIN BENEFITS

Sec. 3131. Expanded access to home and community-based services for the elderly and disabled.
 Sec. 3132. Optional choice of self-directed personal assistance services (cash and counseling).
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 Sec. 3134. Health opportunity accounts.

CHAPTER 5—OTHER PROVISIONS

Sec. 3141. Increase in medicaid payments to insular areas.
 Sec. 3142. Managed care organization provider tax reform.
 Sec. 3143. Medicaid transformation grants.
 Sec. 3144. Enhancing third party identification and payment.
 Sec. 3145. Improved enforcement of documentation requirements.
 Sec. 3146. Reforms of targeted case management.
 Sec. 3147. Emergency services furnished by non-contract providers for medicaid managed care enrollees.
 Sec. 3148. Adjustment in computation of medicaid FMAP to disregard an extraordinary employer pension contribution.

Subtitle B—Katrina Health Care Relief

Sec. 3201. Targeted medicaid relief for States affected by Hurricane Katrina.
 Sec. 3202. State high risk health insurance pool funding.
 Sec. 3203. Recomputation of HPSA, MUA, and MUP designations within Hurricane Katrina affected areas.
 Sec. 3204. Waiver of certain requirements applicable to the provision of health care in areas impacted by Hurricane Katrina.
 Sec. 3205. FMAP hold harmless for Katrina impact.

Subtitle C—Katrina and Rita Energy Relief

Sec. 3301. Hurricanes Katrina and Rita energy relief.

Subtitle D—Digital Television Transition

Sec. 3401. Short title.
 Sec. 3402. Findings.
 Sec. 3403. Analog spectrum recovery: hard deadline.
 Sec. 3404. Auction of recovered spectrum.
 Sec. 3405. Digital Television Conversion Fund.
 Sec. 3406. Public Safety Interoperable Communications Fund.
 Sec. 3407. NYC 9/11 Digital Transition Fund.
 Sec. 3408. Low-power television transition provisions.
 Sec. 3409. Consumer education regarding analog televisions.
 Sec. 3410. Additional provisions.

Sec. 3411. Deployment of broadband wireless technologies.

Sec. 3412. Sense of Congress.

Sec. 3413. Band plan revision required.

Subtitle A—Medicaid

SEC. 3100. SHORT TITLE OF SUBTITLE; RULE OF CONSTRUCTION WITH REGARD TO KATRINA EVACUEES.

(a) SHORT TITLE.—This subtitle may be cited as the “Medicaid Reconciliation Act of 2005”.

(b) RULE OF CONSTRUCTION WITH REGARD TO KATRINA EVACUEES.—None of the provisions of the following chapters of this subtitle shall apply during the 11-month period beginning September 1, 2005, to individuals entitled to medical assistance under title XIX of the Social Security Act by reason of their residence in a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS

SEC. 3101. FEDERAL UPPER LIMIT (FUL).

(a) IN GENERAL.—Subsection (e) of section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended to read as follows:

“(e) PHARMACY REIMBURSEMENT LIMITS.—

“(1) FEDERAL UPPER LIMIT FOR INGREDIENT COST OF COVERED OUTPATIENT DRUGS.—

“(A) IN GENERAL.—Subject to subparagraph (B), no Federal financial participation shall be available for payment for the ingredient cost of a covered outpatient drug in excess of the Federal upper limit for that drug established under paragraph (2).

“(B) OPTIONAL CARVE OUT.—A State may elect not to apply subparagraph (A) to payment for either or both of the following:

“(i) Drugs dispensed by specialty pharmacies (such as those dispensing only immunosuppressive drugs), as defined by the Secretary.

“(ii) Drugs administered by a physician in a physician’s office.

“(2) FEDERAL UPPER LIMIT.—

“(A) IN GENERAL.—Except as provided in subparagraph (D) and subject to paragraph (5), the Federal upper limit established under this paragraph for the ingredient cost of a—

“(i) single source drug, is 106 percent of the RAMP (as defined in subparagraph (B)(i)) for that drug; and

“(ii) multiple source drug, is 120 percent of the volume weighted average RAMP (as determined under subparagraph (C)) for that drug.

A drug product that is a single source drug and that becomes a multiple source drug shall continue to be treated under this subsection as a single source drug until the Secretary determines that there are sufficient data to compile the volume weighted average RAMP for that drug.

“(B) RAMP AND RELATED PROVISIONS.—For purposes of this subsection:

“(i) RAMP DEFINED.—The term ‘RAMP’ means, with respect to a covered outpatient drug by a manufacturer for a calendar quarter and subject to clauses (ii) and (iii), the average price paid to a manufacturer for the drug in the United States in the quarter by wholesalers for drugs distributed to retail pharmacies, excluding service fees that are paid by the manufacturer to an entity and that represent fair market value for a bona-fide service provided by the entity.

“(ii) SALES EXEMPTED FROM COMPUTATION.—The RAMP under clause (i) shall exclude any of the following:

“(I) Sales exempt from inclusion in the determination of best price under subsection (c)(1)(C)(i).

“(II) Such other sales as the Secretary identifies as sales to an entity that are merely nominal in amount under subsection (c)(1)(C)(ii)(III).

“(iii) SALE PRICE NET OF DISCOUNTS.—In calculating the RAMP under clause (i), such RAMP shall include any of the following:

“(I) Cash discounts and volume discounts.

“(II) Free goods that are contingent upon any purchase requirement.

“(III) Sales at a nominal price that are contingent upon any purchase requirement or agreement.

“(IV) Chargebacks, rebates (not including rebates provided under an agreement under this section), or any other direct or indirect discounts.

“(V) Any other price concessions, which may be based on recommendations of the Inspector General of the Department of Health and Human Services, that would result in a reduction of the cost to the purchaser.

“(iv) RETAIL PHARMACY.—For purposes of this subsection, the term ‘retail pharmacy’ does not include mail-order only pharmacies or any pharmacy at a nursing facility or home.

“(C) VOLUME WEIGHTED AVERAGE RAMP DEFINED.—For purposes of this subsection, for all drug products included within the same multiple source drug billing and payment code (or such other methodology as may be specified by the Secretary), the volume weighted average RAMP is the volume weighted average of the RAMPs reported under subsection (b)(3)(A)(iv) determined by—

“(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

“(I) the manufacturer’s RAMP (as defined in subparagraph (B)); and

“(II) the total number of units specified under section 1847A(b)(2) sold; and

“(ii) dividing the sum determined under clause (i) by the sum of the total number of units under clause (i)(II) for all National Drug Codes assigned to such drug products.

“(D) EXCEPTION FOR INITIAL SALES PERIODS.—

“(i) IN GENERAL.—In the case of a single source drug during an initial sales period (not to exceed 2 calendar quarters) in which data on sales for the drug are not sufficiently available from the manufacturer to compute the RAMP or the volume weighted average RAMP under subparagraph (C), the Federal upper limit for the ingredient cost of such drug during such period shall be the wholesale acquisition cost (as defined in clause (ii)) for the drug.

“(ii) WHOLESALE ACQUISITION COST.—For purposes of clause (i), the term ‘wholesale acquisition cost’ means, with respect to a single source drug, the manufacturer’s list price for the drug to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug or biological pricing data.

“(E) UPDATES; DATA COLLECTION.—

“(i) FREQUENCY OF DETERMINATION.—The Secretary shall update the Federal upper limits applicable under this paragraph on at least a quarterly basis, taking into account the most recent data collected for purposes of determining such limits and the Food and Drug Administration’s most recent publication of ‘Approved Drug Products with Therapeutic Equivalence Evaluations’.

“(ii) COLLECTION OF DATA.—Data on RAMP is collected under subsection (b)(3)(A)(iv).

“(F) AUTHORITY TO ENTER CONTRACTS.—The Secretary may enter into contracts with appropriate entities to determine RAMPs and other data necessary to calculate the Federal upper limit for a covered outpatient drug established under this subsection and to calculate that payment limit.

“(3) DISPENSING FEES.—

“(A) IN GENERAL.—A State which provides medical assistance for covered outpatient drugs shall pay a dispensing fee for each covered outpatient drug in accordance with this paragraph. A State may vary the amount of such dispensing fees, including taking into account the special circumstances of pharmacies that are serving rural or underserved areas or that are sole community pharmacies, so long as such variation is consistent with subparagraph (B).

“(B) DISPENSING FEE PAYMENT FOR MULTIPLE SOURCE DRUGS.—A State shall establish a dispensing fee under this title for a covered outpatient drug that is treated as a multiple source drug under paragraph (2)(A) (whether or not it may be an innovator multiple source drug) in an amount that is not less than \$8 per prescription unit. The Secretary shall define what constitutes a prescription unit for purposes of the previous sentence.

“(4) EFFECT ON STATE MAXIMUM ALLOWABLE COST LIMITATIONS.—This section shall not supersede or affect provisions in effect prior to January 1, 1991, or after December 31, 1994, relating to any maximum allowable cost limitation established by a State for payment by the State for covered outpatient drugs, and rebates shall be made under this section without regard to whether or not payment by the State for such drugs is subject to such a limitation or the amount of such a limitation.

“(5) EVALUATION OF USE OF RETAIL SURVEY PRICE METHODOLOGY.—

“(A) IN GENERAL.—The Secretary may develop a methodology to set the Federal upper limit based on the reported retail survey price, as most recently reported under subparagraph (C), instead of a percentage of RAMP or volume weighted average RAMP as described in paragraph (2).

“(B) INITIAL APPLICATION.—For 2007, the Secretary may use this methodology for a limited number of covered outpatient drugs, including both single source and multiple source drugs, selected by the Secretary in a manner so as to be representative of the classes of drugs dispensed under this title.

“(C) DETERMINATION OF RETAIL SURVEY PRICE FOR COVERED OUTPATIENT DRUGS.—

“(i) USE OF VENDOR.—The Secretary may contract services for the determination of retail survey prices for covered outpatient drugs that represent a nationwide average of pharmacy sales costs for such drugs, net of all discounts and rebates. Such a contract shall be awarded for a term of 2 years.

“(ii) USE OF COMPETITIVE BIDDING.—In contracting for such services, the Secretary shall competitively bid for an outside vendor that has a demonstrated history in—

“(I) surveying and determining, on a representative nationwide basis, retail prices for ingredient costs of prescription drugs;

“(II) working with retail pharmacies, commercial payers, and States in obtaining and disseminating such price information; and

“(III) collecting and reporting such price information on at least a monthly basis.

“(iii) ADDITIONAL PROVISIONS.—A contract with a vendor under this subparagraph shall include such terms and conditions as the Secretary shall specify, including the following:

“(I) The vendor must monitor the marketplace and report to the Secretary each time there is a new covered outpatient drug available nationwide.

“(II) The vendor must update the Secretary no less often than monthly on the retail survey prices for multiple source drugs.

“(III) The vendor must apply methods for independently confirming retail survey prices.

“(iv) AVAILABILITY OF INFORMATION TO STATES.—Information on retail survey prices obtained under this subparagraph, including applicable information on single source drugs, shall be provided to States on an ongoing, timely basis.

“(D) STATE USE OF RETAIL SURVEY PRICE DATA.—

“(i) DISTRIBUTION OF PRICE DATA.—The Secretary shall devise and implement a means for electronic distribution to each State agency designated under section 1902(a)(5) with responsibility for the administration or supervision of the administration of the State plan under this title of the retail survey price determined under this paragraph.

“(ii) AUTHORITY TO ESTABLISH PAYMENT RATES BASED ON DATA.—A State may use the price data received in accordance with clause (i) in establishing payment rates for the ingredient costs and dispensing fees for covered outpatient drugs dispensed to individuals eligible for medical assistance under this title.

“(6) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review of—

“(A) the Secretary’s determinations of Federal upper limits, RAMPs, and volume weighted average RAMPs under this subsection, including the assignment of National Drug Codes to billing and payment classes;

“(B) the Secretary’s disclosure to States of the average manufacturer prices, RAMPs, volume weighted average RAMPs, and retail survey prices;

“(C) determinations under this subsection by the Secretary of covered outpatient drugs which are dispensed by a specialty pharmacy or administered by a physician in a physician’s office;

“(D) the contracting and calculations process under this subsection; and

“(E) the method to allocate rebates, chargebacks, and other price concessions to a quarter if specified by the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) REPORTING RAMP-RELATED INFORMATION.—Subsection (b)(3)(A) of such section is amended—

(A) by striking “and” at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting “; and”; and

(C) by inserting after clause (iii) the following new clause:

“(iv) for calendar quarters beginning on or after July 1, 2006, in conjunction with reporting required under clause (i) and by National Drug Code (including package size)—

“(I) the manufacturer’s RAMP (as defined in subsection (e)(2)(B)(i)) and the total number of units required to compute the volume weighted average RAMP under subsection (e)(2)(C);

“(II) if required to make payment under subsection (e)(2)(D), the manufacturer’s wholesale acquisition cost, as defined in clause (ii) of such subsection; and

“(III) information on those sales that were made at a nominal price or otherwise described in subsection (e)(2)(B)(ii)(II); for all covered outpatient drugs.”.

(2) DISCLOSURE TO STATES.—Subsection (b)(3)(D) of such section is amended—

(A) by striking “and” at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting “; and”; and

(C) by inserting after clause (iii) the following new clause:

“(iv) to States to carry out this title.”.

(3) LIMITATIONS ON FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (10)(A), by striking “and” at the end;

(B) in paragraph (10)(B), by striking “or” at the end and inserting “and”;

(C) by adding at the end of paragraph (10) the following:

“(C) with respect to any amount expended for the ingredient cost of a covered outpatient drug that exceeds the Federal upper limit for that drug established and applied under section 1927(e); or”;

(D) in paragraph (21), as inserted by section 104(b) of Public Law 109-91, by inserting before the period at the end the following: “or described in subparagraph (B) or (C) of section 1927(d)(2)”.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section take effect with respect to a State on the later of—

(1) January 1, 2007; or

(2) the date that is 6 months after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(d) GAO STUDY ON DISPENSING FEES “, ESTIMATED PAYMENT AMOUNTS, AND PHARMACY ACQUISITION COSTS”.—The Comptroller General of the United States shall conduct a study on the appropriateness in payment levels to pharmacies for dispensing fees under the medicaid program, including payment to specialty pharmacies “, and on whether the estimated average payment amounts to pharmacies for covered outpatient drugs under the medicaid program after implementation of the amendments made by this section are below the average prices paid by pharmacies for acquiring such drugs.” Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on such study.

(e) SECRETARIAL AUTHORITY TO DELAY IMPLEMENTATION.—The Secretary of Health and Human Services may delay the implementation of the amendments made by subsections (a) and (b)(3)(C) for a period of not more than 1 year, if the Comptroller General finds, in the study conducted under subsection (d), that the estimated average payment amounts to pharmacies for covered outpatient drugs under the medicaid program after implementation of such amendments are below the average prices paid by pharmacies for acquiring such drugs. If the Secretary delays the implementation of such amendments under this subsection, the Secretary shall transmit to Congress, prior to the termination of the period of delay, a report containing specific recommendations for legislation to establish a more equitable payment system.

(f) IG REPORT ON USE OF RAMP AND RETAIL SURVEY PRICES.—Not later than 2 years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the appropriateness of using RAMPs and retail survey prices, rather than the average manufacturer prices or other price measures, as the basis for establishing a Federal upper limit for reimbursement for covered outpatient drugs under the medicaid program.

SEC. 3102. COLLECTION AND SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.

(a) IN GENERAL.—Section 1927(a) of the Social Security Act (42 U.S.C. 1396r-8(a)) is amended by adding at the end the following new paragraph:

“(7) REQUIREMENT FOR SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.—

“(A) SINGLE SOURCE DRUGS.—In order for payment to be available under section 1903(a)

for a covered outpatient drug that is a single source drug that is physician administered (as determined by the Secretary), and that is administered on or after January 1, 2006, the State shall provide for the submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section for drugs administered for which payment is made under this title.

“(B) MULTIPLE SOURCE DRUGS.—

(i) IN GENERAL.—Not later than January 1, 2007, the information shall be submitted under subparagraph (A) using National Drug Code codes unless the Secretary specifies that an alternative coding system should be used.

(ii) IDENTIFICATION OF MOST FREQUENTLY PHYSICIAN ADMINISTERED MULTIPLE SOURCE DRUGS.—Not later than January 1, 2007, the Secretary shall publish a list of the 20 physician administered multiple source drugs that the Secretary determines have the highest dollar volume of physician administered drugs dispensed under this title. The Secretary may modify such list from year to year to reflect changes in such volume.

(iii) REQUIREMENT.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is a multiple source drug that is physician administered (as determined by the Secretary), that is on the list published under clause (ii), and that is administered on or after January 1, 2008, the State shall provide for the submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section.

“(C) HARDSHIP WAIVER.—The Secretary may delay the application of subparagraph (A) or (B), or both, in the case of a State to prevent hardship to States which require additional time to implement the reporting system required under the respective subparagraph.”

(b) LIMITATION ON PAYMENT.—Section 1903(i)(10) of such Act (42 U.S.C. 1396b(i)(10)), as amended by section 3101(b)(3), is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking “or” at the end of subparagraph (C) and inserting “and”; and

(3) by adding at the end the following new subparagraph:

“(D) with respect to covered outpatient drugs described in section 1927(a)(7), unless information respecting utilization data and coding on such drugs that is required to be submitted under such section is submitted in accordance with such section; or”.

SEC. 3103. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505(c) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) INCLUSION WITH OTHER REPORTED AVERAGE MANUFACTURER AND BEST PRICES.—Section 1927(b)(3)(A) of the Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)) is amended—

(1) by striking clause (i) and inserting the following:

“(i) not later than 30 days after the last day of each rebate period under the agreement—

“(I) on the average manufacturer price (as defined in subsection (k)(1)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act); and

“(II) for single source drugs and innovator multiple source drugs (including all such

drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), on the manufacturer’s best price (as defined in subsection (c)(1)(C)) for such drugs for the rebate period under the agreement;”; and

(2) in clause (ii), by inserting “(including for such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)” after “drugs”.

(b) CONFORMING AMENDMENTS.—Section 1927 of such Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (c)(1)(C)—

(A) in clause (i), in the matter preceding subclause (I), by inserting after “or innovator multiple source drug of a manufacturer” the following: “(including any other such drug of a manufacturer that is sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)”;

(B) in clause (ii)—

(i) in subclause (II), by striking “and” at the end;

(ii) in subclause (III), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(IV) in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, shall be inclusive of the lowest price for such authorized drug available from the manufacturer during the rebate period to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States, excluding those prices described in subclauses (I) through (IV) of clause (i).”; and

(2) in subsection (k)—

(A) in paragraph (1)—

(i) by striking “The term” and inserting the following:

“(A) IN GENERAL.—The term”;

(ii) by adding at the end the following:

“(B) INCLUSION OF SECTION 505(c) DRUGS.—In the case of a manufacturer that approves, allows, or otherwise permits any drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, such term shall be inclusive of the average price paid for such authorized drug by wholesalers for drugs distributed to the retail pharmacy class of trade, after deducting customary prompt pay discounts.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3104. CHILDREN’S HOSPITAL PARTICIPATION IN SECTION 340B DRUG DISCOUNT PROGRAM.

(a) IN GENERAL.—Section 1927(a)(5)(B) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)(B)) is amended by inserting before the period at the end the following: “and a children’s hospital described in section 1886(d)(1)(B)(iii) which meets the requirements of clauses (i) and (iii) of section 340B(b)(4)(L) of the Public Health Service Act and which would meet the requirements of clause (ii) of such section if that clause were applied by taking into account the percentage of care provided by the hospital to patients eligible for medical assistance under a State plan under this title”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs purchased on or after the date of the enactment of this Act.

SEC. 3105. IMPROVING PATIENT OUTCOMES THROUGH GREATER RELIANCE ON SCIENCE AND BEST PRACTICES.

(a) IN GENERAL.—Section 1927 of Social Security Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (d)(5)—

(A) in the matter before subparagraph (A), by striking “providing for such approval—” and inserting “providing for such approval meets the following requirements:”;

(B) in subparagraph (A)—

(i) by inserting “The system” before “provides”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “except” and inserting “Except”;

(ii) by inserting “the system” before “provides”; and

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

“(C) The system provides that an atypical antipsychotic or antidepressant single source drug may be placed on a list of drugs subject to prior authorization only where a drug use review board has determined, based on the strength of the scientific evidence and standards of practice, including assessing peer-reviewed medical literature, pharmaco-economic studies, outcomes research data and such other information as the board determines to be appropriate, that placing the drug on prior approval or otherwise imposing restrictions on its use is not likely to harm patients or increase overall medical costs.

“(D) The system provides that where a response is not received to a request for authorization of an atypical antipsychotic or antidepressant drug prescribed within 24 hours after the prescription is transmitted, payment is made for a 30 day supply of a medication that the prescriber certifies is medically necessary.”; and

(2) in subsection (g)(3)(C), by inserting after clause (iii) the following new clause:

“(iv) The development and oversight of prior authorization programs described in subsection (d)(5).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2007.

CHAPTER 2—REFORM OF ASSET TRANSFER RULES

SEC. 3111. LENGTHENING LOOK-BACK PERIOD; CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.

(a) LENGTHENING LOOK-BACK PERIOD FOR ALL DISPOSALS TO 5 YEARS.—Section 1917(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(B)(i)) is amended by inserting “or in the case of any other disposal of assets made on or after the date of the enactment of the Medicaid Reconciliation Act of 2005” before “, 60 months”.

(b) CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.—Section 1917(c)(1)(D) of such Act (42 U.S.C. 1396p(c)(1)(D)) is amended—

(1) by striking “(D) The date” and inserting “(D)(i) In the case of a transfer of asset made before the date of the enactment of the Medicaid Reconciliation Act of 2005, the date”; and

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

“(ii) In the case of a transfer of asset made on or after the date of the enactment of the Medicaid Reconciliation Act of 2005, the date specified in this subparagraph is the first day of a month during or after which assets have been transferred for less than fair market value, or the date on which the individual is eligible for medical assistance under the State plan and is receiving services described in subparagraph (C) but for the application of the penalty period, whichever is later, and which does not occur during any other period of ineligibility under this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made on or after the date of the enactment of this Act.

(d) AVAILABILITY OF HARDSHIP WAIVERS.—Each State shall provide for a hardship waiver process in accordance with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C. 1396p(c)(2)(D))—

(1) under which an undue hardship exists when application of the transfer of assets provision would deprive the individual—

(A) of medical care such that the individual's health or life would be endangered; or

(B) of food, clothing, shelter, or other necessities of life; and

(2) which provides for—

(A) notice to recipients that an undue hardship exception exists;

(B) a timely process for determining whether an undue hardship waiver will be granted; and

(C) a process under which an adverse determination can be appealed.

(e) ADDITIONAL PROVISIONS ON HARDSHIP WAIVERS.—

(1) APPLICATION BY FACILITY.—Section 1917(c)(2) of the Social Security Act (42 U.S.C. 1396p(c)(2)) is amended—

(A) by striking the semicolon at the end of subparagraph (D) and inserting a period; and

(B) by adding after and below such subparagraph the following:

“The procedures established under subparagraph (D) shall permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the legal guardian of the individual.”

(2) AUTHORITY TO MAKE BED HOLD PAYMENTS FOR HARDSHIP APPLICANTS.—Such section is further amended by adding at the end the following: “While an application for an undue hardship waiver is pending under subparagraph (D) in the case of an individual who is a resident of a nursing facility, if the application meets such criteria as the Secretary specifies, the State may provide for payments for nursing facility services in order to hold the bed for the individual at the facility, but not in excess of payments for 30 days.”

SEC. 3112. DISCLOSURE AND TREATMENT OF ANNUITIES AND OF LARGE TRANSACTIONS.

(a) IN GENERAL.—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e)(1) In order to meet the requirements of this section for purposes of section 1902(a)(18), a State shall require, as a condition for the provision of medical assistance for services described in subsection (c)(1)(C)(i) (relating to long-term care services) for an individual, the application of the individual for such assistance (including any recertification of eligibility for such assistance) shall disclose the following:

“(A) A description of any interest the individual or community spouse has in an annuity (or similar financial instrument which provides for the conversion of a countable asset to a noncountable asset, as may be specified by the Secretary), regardless of whether the annuity is irrevocable or is treated as an asset.

“(B) Full information (as specified by the Secretary) concerning any transaction involving the transfer or disposal of assets during the previous period of 60 months, if the transaction exceeded \$100,000, without regard to whether the transfer or disposal was for fair market value. For purposes of applying the previous sentence under this subsection, all transactions of \$5,000 or more occurring within a 12-month period shall be treated as a single transaction. The dollar amounts specified in the first and second sentences of this subparagraph shall be increased, beginning with 2007, from year to year based on

the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000 in the case of the first sentence and \$100 in the case of the second sentence.

Such application or recertification form shall include a statement that under paragraph (2) the State becomes a remainder beneficiary under such an annuity or similar financial instrument by virtue of the provision of such medical assistance.

“(2)(A) In the case of any annuity in which an institutionalized individual or community spouse has an interest, if medical assistance is furnished to the individual for services described in subsection (c)(1)(C)(i), by virtue of the provision of such assistance the State becomes the remainder beneficiary in the first position for the total amount of such medical assistance paid on behalf of the individual under this title (or, where there is a community spouse or minor or disabled child in such first position, in the position immediately succeeding the position of such spouse or child or both).

“(B) In the case of disclosure concerning an annuity under paragraph (1)(A), the State shall notify the issuer of the annuity of the right of the State under subparagraph (A) as a preferred remainder beneficiary in the annuity for medical assistance furnished to the individual. Nothing in this paragraph shall be construed as preventing such an issuer from notifying persons with any other remainder interest of the State's remainder interest under subparagraph (A).

“(C) In the case of such an issuer receiving notice under subparagraph (B), the State may require the issuer to notify the State when there is a change in the amount of income or principal being withdrawn from the amount that was being withdrawn at the time of the most recent disclosure described in paragraph (1)(A). A State shall take such information into account in determining the amount of the State's obligations for medical assistance or in the individual's eligibility for such assistance.

“(3)(A) For purposes of subsection (c)(1), a transaction described in paragraph (1)(B) shall be deemed as the transfer of an asset for less than fair market value unless the individual demonstrates to the satisfaction of the State that the transfer of the asset was for fair market value.

“(B) The Secretary may provide guidance to States on categories of arms length transactions (such as the purchase of a commercial annuity) that could be generally treated as a transfer of asset for fair market value.

“(4) Nothing in this subsection shall be construed as preventing a State from denying eligibility for medical assistance for an individual based on the income or resources derived from an annuity described in paragraph (1)(A).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions (including the purchase of an annuity) occurring on or after the date of the enactment of this Act.

SEC. 3113. APPLICATION OF “INCOME-FIRST” RULE IN APPLYING COMMUNITY SPOUSE'S INCOME BEFORE ASSETS IN PROVIDING SUPPORT OF COMMUNITY SPOUSE.

(a) IN GENERAL.—Section 1924(d) of the Social Security Act (42 U.S.C. 1396r-5(d)) is amended by adding at the end the following new paragraph:

“(6) APPLICATION OF ‘INCOME FIRST’ RULE FOR FUNDING COMMUNITY SPOUSE MONTHLY INCOME ALLOWANCE.—For purposes of this subsection and subsection (e), any transfer or allocation made from an institutionalized spouse to meet the need of a community spouse for a community spouse monthly income allowance under paragraph (1)(B) shall

be first made from income of the institutionalized spouse and then only when the income is not available from the resources of such institutionalized spouse.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers and allocations made on or after the date of the enactment of this Act by individuals who become institutionalized spouses on or after such date.

SEC. 3114. DISQUALIFICATION FOR LONG-TERM CARE ASSISTANCE FOR INDIVIDUALS WITH SUBSTANTIAL HOME EQUITY.

(a) IN GENERAL.—Section 1917 of the Social Security Act, as amended by section 3112, is further amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f)(1) Notwithstanding any other provision of this title, subject to paragraph (2), in determining eligibility of an individual for medical assistance with respect to nursing facility services or other long-term care services, the individual shall not be eligible for such assistance if the individual's equity interest in the individual's home exceeds \$750,000. The dollar amount specified in the preceding sentence shall be increased, beginning with 2011, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000.

“(2) Paragraph (1) shall not apply with respect to an individual if—

“(A) the spouse of such individual, or

“(B) such individual's child who is under age 21, or (with respect to States eligible to participate in the State program established under title XVI) is blind or permanently and totally disabled, or (with respect to States which are not eligible to participate in such program) is blind or disabled as defined in section 1614,

is lawfully residing in the individual's home.

“(3) Nothing in this subsection shall be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the individual's total equity interest in the home.

“(4) The Secretary shall establish a process whereby paragraph (1) is waived in the case of a demonstrated hardship.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who are determined eligible for medical assistance with respect to nursing facility services or other long-term care services based on an application filed on or after January 1, 2006.

SEC. 3115. ENFORCEABILITY OF CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) AND LIFE CARE COMMUNITY ADMISSION CONTRACTS.

(a) ADMISSION POLICIES OF NURSING FACILITIES.—Section 1919(c)(5) of the Social Security Act (42 U.S.C. 1396r(c)(5)) is amended—

(1) in subparagraph (A)(i)(II), by inserting “subject to clause (v),” after “(II)”; and

(2) by adding at the end of subparagraph (B) the following new clause:

“(v) TREATMENT OF CONTINUING CARE RETIREMENT COMMUNITIES ADMISSION CONTRACTS.—Notwithstanding subclause (II) of subparagraph (A)(i), subject to subsections (c) and (d) of section 1924, contracts for admission to a State licensed, registered, certified, or equivalent continuing care retirement community or life care community, including services in a nursing facility that is part of such community, may require residents to spend on their care resources declared for the purposes of admission before applying for medical assistance.”

(b) TREATMENT OF ENTRANCE FEES.—Section 1917 of such Act (42 U.S.C. 1396p), as amended by sections 3112(a) and 3114(a), is amended by redesignating subsection (g) as

subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) TREATMENT OF ENTRANCE FEES OF INDIVIDUALS RESIDING IN CONTINUING CARE RETIREMENT COMMUNITIES.—

“(1) IN GENERAL.—For purposes of determining an individual’s eligibility for, or amount of, benefits under a State plan under this title, the rules specified in paragraph (2) shall apply to individuals residing in continuing care retirement communities or life care communities that collect an entrance fee on admission from such individuals.

“(2) TREATMENT OF ENTRANCE FEE.—For purposes of this subsection, an individual’s entrance fee in a continuing care retirement community or life care community shall be considered a resource available to the individual to the extent that—

“(A) the individual has the ability to use the entrance fee, or the contract provides that the entrance fee may be used, to pay for care should other resources or income of the individual be insufficient to pay for such care;

“(B) the individual is eligible for a refund of any remaining entrance fee when the individual dies or terminates the continuing care retirement community or life care community contract and leaves the community; and

“(C) the entrance fee does not confer an ownership interest in the continuing care retirement community or life care community.

“(3) TREATMENT IN RELATION TO SPOUSAL SHARE.—To the extent that an entrance fee is determined to be an available resource to an individual applying for medical assistance and the individual has a community spouse as defined in section 1924(h), the entrance fee shall be considered in the computation of spousal share pursuant to section 1924(c).”

CHAPTER 3—FLEXIBILITY IN COST SHARING AND BENEFITS

SEC. 3121. STATE OPTION FOR ALTERNATIVE MEDICAID PREMIUMS AND COST SHARING.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by inserting after section 1916 the following new section:

“STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING

“SEC. 1916A. (a) STATE FLEXIBILITY.—

“(1) IN GENERAL.—Notwithstanding sections 1916 and 1902(a)(10)(B), a State, at its option and through a State plan amendment, may impose premiums and cost sharing for any group of individuals (as specified by the State) and for any type of services (and may vary such premiums and cost sharing among such groups or types, including through the use of tiered cost sharing for prescription drugs) consistent with the limitations established under this section. Nothing in this section shall be construed as superseding (or preventing the application of) section 1916(g).

“(2) DEFINITIONS.—In this section:

“(A) PREMIUM.—The term ‘premium’ includes any enrollment fee or similar charge.

“(B) COST SHARING.—The term ‘cost sharing’ includes any deduction, deductible, copayment, or similar charge.

“(b) LIMITATIONS ON EXERCISE OF AUTHORITY.—

“(1) INDIVIDUALS WITH FAMILY INCOME BELOW 100 PERCENT OF POVERTY LEVEL.—In the case of an individual whose family income does not exceed 100 percent of the Federal poverty level applicable to a family of the size involved, subject to subsections (c)(2) and (e)(2)(A), the limitations otherwise provided under subsections (a) and (b) of section 1916 shall continue to apply and no premium will be imposed under the plan, except that the total annual aggregate amount of cost sharing imposed (including any increased cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not

exceed 5 percent of the family income of the family involved for the year involved.

“(2) INDIVIDUALS WITH FAMILY INCOME ABOVE 100 PERCENT OF POVERTY LEVEL.—In the case of an individual whose family income exceeds 100 percent of the Federal poverty level applicable to a family of the size involved, the total annual aggregate amount of premiums and cost sharing imposed (including any increase and cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not exceed 5 percent of the family income of the family involved for the year involved.

“(3) ADDITIONAL LIMITATIONS.—

“(A) PREMIUMS.—No premiums shall be imposed under this section with respect to the following:

“(i) Individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including individuals with respect to whom adoption or foster care assistance is made available under part E of title IV without regard to age.

“(ii) Pregnant women.

“(iii) Any terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(iv) Any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual’s income required for personal needs.

“(B) COST SHARING.—Subject to the succeeding provisions of this section, no cost sharing shall be imposed under this section with respect to the following:

“(i) Services furnished to individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including services furnished to individuals with respect to whom adoption or foster care assistance is made available under part E of title IV without regard to age.

“(ii) Preventive services (such as well baby and well child care and immunizations) provided to children under 18 years of age regardless of family income.

“(iii) Services furnished to pregnant women, if such services relate to the pregnancy or to any other medical condition which may complicate the pregnancy.

“(iv) Services furnished to a terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(v) Services furnished to any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual’s income required for personal needs.

“(vi) Emergency services (as defined by the Secretary for purposes of section 1916(a)(2)(D)).

“(vii) Family planning services and supplies described in section 1905(a)(4)(C).

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from exempting additional classes of individuals from premiums under this section or from exempting additional individuals or services from cost sharing under this section.

“(4) INDEXING NOMINAL AMOUNTS.—In applying section 1916 under paragraph (1) with respect to cost sharing that is ‘nominal’ in amount, the Secretary shall increase such ‘nominal’ amounts for each year (beginning with 2006) by the annual percentage increase

in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner.”

“(5) DETERMINATIONS OF FAMILY INCOME.—In applying this subsection, family income shall be determined in a manner specified by the State for purposes of this subsection, including the use of such disregards as the State may provide. Family income shall be determined for such period and at such periodicity as the State may provide under this title.

“(6) POVERTY LINE DEFINED.—For purposes of this section, the term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(7) CONSTRUCTION.—Nothing in this section shall be construed—

“(A) as preventing a State from further limiting the premiums and cost sharing imposed under this section beyond the limitations provided under this subsection;

“(B) as affecting the authority of the Secretary through waiver to modify limitations on premiums and cost sharing under this subsection; or

“(C) as affecting any such waiver of requirements in effect under this title before the date of the enactment of this section with regard to the imposition of premiums and cost sharing.

“(d) ENFORCEABILITY OF PREMIUMS AND OTHER COST SHARING.—

“(1) PREMIUMS.—Notwithstanding section 1916(c)(3) and section 1902(a)(10)(B), a State may, at its option, condition the provision of medical assistance for an individual upon prepayment of a premium authorized to be imposed under this section, or may terminate eligibility for such medical assistance on the basis of failure to pay such a premium but shall not terminate eligibility of an individual for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days. A State may apply the previous sentence for some or all groups of beneficiaries as specified by the State and may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.

“(2) COST SHARING.—Notwithstanding section 1916(e) or any other provision of law, a State may permit a provider participating under the State plan to require, as a condition for the provision of care, items, or services to an individual entitled to medical assistance under this title for such care, items, or services, the payment of any cost sharing authorized to be imposed under this section with respect to such care, items, or services. Nothing in this paragraph shall be construed as preventing a provider from reducing or waiving the application of such cost sharing.”

(b) CONFORMING AMENDMENT.—Section 1916(f) of such Act (42 U.S.C. 1396o(f)) is amended by inserting “and section 1916A” after “(b)(3)”.

(c) GAO STUDY OF IMPACT OF PREMIUMS AND COST SHARING.—The Comptroller General of the United States shall conduct a study on the impact of premiums and cost sharing under the medicaid program on access to, and utilization of, services. Not later than January 1, 2008, the Comptroller General shall submit to Congress a report on such study.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cost sharing imposed for items and services furnished on or after January 1, 2006.

SEC. 3122. SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 3121, is amended by inserting after subsection (b) the following new subsection:

“(c) SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In order to encourage beneficiaries to use drugs (in this subsection referred to as ‘preferred drugs’) identified by the State as the least (or less) costly effective prescription drugs within a class of drugs (as defined by the State), with respect to one or more groups of beneficiaries specified by the State, subject to paragraphs (2) and (5), the State may—

“(A) provide an increase in cost sharing (above the nominal level otherwise permitted under section 1916 or subsection (b)), but subject to paragraphs (2) and (3) with respect to drugs that are not preferred drugs within a class; and

“(B) waive or reduce the cost sharing otherwise applicable for preferred drugs within such class and shall not apply any such cost sharing for such preferred drugs for individuals for whom cost sharing may not otherwise be imposed under subsection (b)(3)(B).

“(2) LIMITATIONS.—

“(A) BY INCOME GROUP AS A MULTIPLE OF NOMINAL AMOUNTS.—In no case may the increase in cost sharing under paragraph (1)(A) with respect to a non-preferred drug exceed, in the case of an individual whose family income is—

“(i) below 100 percent of the poverty line applicable to a family of the size involved, the amount of nominal cost sharing (as otherwise determined under subsection (b));

“(ii) at least 100 percent, but below 150 percent, of the poverty line applicable to a family of the size involved, two times the amount of nominal cost sharing (as otherwise determined under subsection (b)); or

“(iii) at least 150 percent of the poverty line applicable to a family of the size involved, three times the amount of nominal cost sharing (as otherwise determined under subsection (b)).

“(B) LIMITATION TO NOMINAL FOR EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing due to the application of subsection (b)(3), any increase in cost sharing under paragraph (1)(A) with respect to a non-preferred drug may not exceed a nominal amount (as otherwise determined under subsection (b)).

“(C) CONTINUED APPLICATION OF AGGREGATE CAP.—In addition to the limitations imposed under subparagraphs (A) and (B), any increase in cost sharing under paragraph (1)(A) continues to be subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be.

“(D) TRICARE PHARMACY BENEFIT PROGRAM LIMITATIONS.—In no case may a State—

“(i) treat as a non-preferred drug under this subsection a drug that is treated as a preferred drug under the TRICARE pharmacy benefit program established under section 1074g of title 10, United States Code, as such program is in effect on the date of the enactment of this section; or

“(ii) impose cost sharing under this subsection that exceeds the cost sharing imposed under the standards under such pharmacy benefit program, as such program is in effect as of the date of the enactment of this section.

“(3) WAIVER.—In carrying out paragraph (1), a State shall provide for the application of cost sharing levels applicable to a preferred drug in the case of a drug that is not a preferred drug if the prescribing physician determines that the preferred drug for treatment of the same condition either would not be as effective for the individual or would

have adverse effects for the individual or both.

“(4) EXCLUSION AUTHORITY.—Nothing in this subsection shall be construed as preventing a State from excluding from paragraph (1) specified drugs or classes of drugs.

“(5) PRIOR AUTHORIZATION AND APPEALS PROCESS.—A State may not provide for increased cost sharing under this subsection unless the State has implemented for outpatient prescription drugs a system for prior authorization and an appeals process for determinations relating to prior authorization.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost sharing imposed for items and services furnished on or after October 1, 2006.

SEC. 3123. EMERGENCY ROOM COPAYMENTS FOR NON-EMERGENCY CARE.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 3121 and as amended by section 3122, is further amended by adding at the end the following new subsection:

“(e) STATE OPTION FOR IMPOSING COST SHARING FOR NON-EMERGENCY CARE FURNISHED IN AN HOSPITAL EMERGENCY ROOM.—

“(1) IN GENERAL.—Notwithstanding section 1916 or the previous provisions of this section, but subject to the limitations of paragraph (2), a State may, by amendment to its State plan under this title, impose cost sharing for non-emergency services furnished to an individual (within one or more groups of individuals specified by the State) in a hospital emergency department under this subsection if the following conditions are met:

“(A) ACCESS TO NON-EMERGENCY ROOM PROVIDER.—The individual has actually available and accessible (as such terms are applied by the Secretary under section 1916(b)(3)) an alternate non-emergency services provider with respect to such services.

“(B) NOTICE.—The physician or hospital must inform the beneficiary after the appropriate screening assessment, but before providing the non-emergency services, of the following:

“(i) The hospital may require the payment of the State specified cost sharing before the service can be provided.

“(ii) The name and location of an alternate non-emergency services provider (described in subparagraph (A)) that is actually available and accessible (as described in such subparagraph).

“(iii) The fact that such alternate provider can provide the services without the imposition of the increase in cost sharing described in clause (i).

“(iv) The hospital provides a referral to coordinate scheduling of this treatment.

Nothing in this subsection shall be construed as preventing a State from applying (or waiving) cost sharing otherwise permissible under this section to services described in clause (iii).

“(2) LIMITATIONS.—

“(A) FOR POOREST BENEFICIARIES.—In the case of an individual described in subsection (b)(1), the cost sharing imposed under this subsection may not exceed twice the amount determined to be nominal under this section, subject to the percent of income limitation otherwise applicable under subsection (b)(1).

“(B) APPLICATION TO EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing under subsection (b)(3), a State may impose cost sharing under paragraph (1) for care in an amount that does not exceed a nominal amount (as otherwise determined under subsection (b)) so long as no cost sharing is imposed to receive such care through an outpatient department or other alternative health care provider in the geographic area of the hospital emergency department involved.

“(C) CONTINUED APPLICATION OF AGGREGATE CAP.—In addition to the limitations imposed under subparagraphs (A) and (B), any increase in cost sharing under paragraph (1) continues to be subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be.

“(3) CONSTRUCTION.—Nothing in this section shall be construed—

“(A) to limit a hospital’s obligations with respect to screening and stabilizing treatment of an emergency medical condition under section 1867; or

“(B) to modify any obligations under either State or Federal standards relating to the application of a prudent-layperson standard with respect to payment or coverage of emergency services by any managed care organization.

“(4) DETERMINATION STANDARD.—No hospital or physician that makes a determination with respect to the imposition of cost sharing under this subsection shall be liable in any civil action or proceeding for such determination absent a finding by clear and convincing evidence of gross negligence by the hospital or physician. The previous sentence shall not affect any liability under section 1867 or otherwise applicable under State law based upon the provision (or failure to provide) care.

“(5) DEFINITIONS.—For purposes of this subsection:

“(A) NON-EMERGENCY SERVICES.—The term ‘non-emergency services’ means any care or services furnished in a emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment screening required to be provided by the hospital under section 1867.

“(B) ALTERNATE NON-EMERGENCY SERVICES PROVIDER.—The term ‘alternative non-emergency services provider’ means, with respect to non-emergency services for the diagnosis or treatment of a condition, a health care provider, such as a physician’s office, health care clinic, community health center, hospital outpatient department, or similar health care provider, that provides clinically appropriate services for such diagnosis or treatment of the condition within a clinically appropriate time of the provision of such non-emergency services and that is participating in the program under this title.”

(b) GRANT FUNDS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

“(x) PAYMENTS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—

“(1) PAYMENTS.—In addition to the payments otherwise provided under subsection (a), subject to paragraph (2), the Secretary shall provide for payments to States under such subsection for the establishment of alternate non-emergency service providers (as defined in section 1916A(f)(5)(B)), or networks of such providers.

“(2) LIMITATION.—The total amount of payments under this subsection shall be equal to, and shall not exceed, \$100,000,000 during the four-year period beginning with 2006. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

“(3) PREFERENCE.—In providing for payments to States under this subsection, the Secretary shall provide preference to States that establish, or provide for, alternate non-emergency services providers or networks of such providers that—

“(A) serve rural or underserved areas where beneficiaries under this title may not

have regular access to providers of primary care services; or

“(B) are in partnership with local community hospitals.

“(4) FORM AND MANNER OF PAYMENT.—Payment to a State under this subsection shall be made only upon the filing of such application in such form and in such manner as the Secretary shall specify. Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to non-emergency services furnished on or after the date of the enactment of this Act.

SEC. 3124. USE OF BENCHMARK BENEFIT PACKAGES.

Title XIX of the Social Security Act is amended by redesignating section 1936 as section 1937 and by inserting after section 1935 the following new section:

“STATE FLEXIBILITY IN BENEFIT PACKAGES

“SEC. 1936. (a) STATE OPTION OF PROVIDING BENCHMARK BENEFITS.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, a State, at its option as a State plan amendment, may provide for medical assistance under this title to individuals within one or more groups of individuals specified by the State through enrollment in coverage that provides—

“(i) benchmark coverage described in subsection (b)(1) and, for a qualifying child, benchmark dental coverage as defined in subparagraph (F); or

“(ii) benchmark equivalent coverage described in subsection (b)(2) and, for a qualifying child, benchmark dental coverage as defined in subparagraph (F).

“(B) LIMITATION.—The State may only exercise the option under subparagraph (A) for eligibility categories that had been established before the date of the enactment of this section.

“(C) OPTION OF WRAP-AROUND BENEFITS.—In the case of coverage described in subparagraph (A), a State, at its option, may provide such wrap-around or additional benefits as the State may specify.

“(D) TREATMENT AS MEDICAL ASSISTANCE.—Payment of premiums for such coverage under this subsection shall be treated as payment of other insurance premiums described in the third sentence of section 1905(a).

“(E) QUALIFYING CHILD DEFINED.—For purposes of subparagraph (A), the term ‘qualifying child’ means a child under 18 years of age with a family income below 133 percent of the poverty line applicable to a family of the size involved.

“(F) BENCHMARK DENTAL COVERAGE.—For purposes of subparagraph (A), the term ‘benchmark dental coverage’ means, with respect to a State, dental benefits coverage that is equivalent to or better than the dental coverage offered under the dental benefit plan that covers the greatest number of individuals in the State who are not entitled to medical assistance under this title.

“(2) APPLICATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a State may require that a full-benefit eligible individual (as defined in subparagraph (C)) within a group obtain benefits under this title through enrollment in coverage described in paragraph (1)(A). A State may apply the previous sentence to individuals within one or more groups of such individuals.

“(B) LIMITATION ON APPLICATION.—A State may not require under subparagraph (A) an individual to obtain benefits through enrollment described in paragraph (1)(A) if the individual is within one of the following categories of individuals:

“(i) MANDATORY PREGNANT WOMEN AND CHILDREN.—The individual is a pregnant

woman or child under 18 years of age who is required to be covered under the State plan under section 1902(a)(10)(A)(i).

“(ii) DUAL ELIGIBLES.—The individual is entitled to benefits under any part of title XVIII.

“(iii) TERMINALLY ILL HOSPICE PATIENTS.—The individual is terminally ill and is receiving benefits for hospice care under this title.

“(iv) ELIGIBLE ON BASIS OF INSTITUTIONALIZATION.—The individual is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual’s income required for personal needs.

“(v) MEDICALLY FRAIL AND SPECIAL MEDICAL NEEDS INDIVIDUALS.—The individual is medically frail or otherwise an individual with special medical needs (as identified in accordance with regulations of the Secretary).

“(vi) BENEFICIARIES QUALIFYING FOR LONG-TERM CARE SERVICES.—The individual qualifies based on medical condition for medical assistance for long-term care services described in section 1917(c)(1)(C).

“(C) FULL-BENEFIT ELIGIBLE INDIVIDUALS.—

“(i) IN GENERAL.—For purposes of this paragraph, subject to clause (ii), the term ‘full-benefit eligible individual’ means for a State for a month an individual who is determined eligible by the State for medical assistance for all services defined in section 1905(a) which are covered under the State plan under this title for such month under section 1902(a)(10)(A) or under any other category of eligibility for medical assistance for all such services under this title, as determined by the Secretary.

“(ii) EXCLUSION OF MEDICALLY NEEDY AND SPEND-DOWN POPULATIONS.—Such term shall not include an individual determined to be eligible by the State for medical assistance under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise eligible based on a reduction of income based on costs incurred for medical or other remedial care.

“(b) BENCHMARK BENEFIT PACKAGES.—

“(1) IN GENERAL.—For purposes of subsection (a)(1), each of the following coverage shall be considered to be benchmark coverage:

“(A) FEHBP-EQUIVALENT HEALTH INSURANCE COVERAGE.—The standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5, United States Code.

“(B) STATE EMPLOYEE COVERAGE.—A health benefits coverage plan that is offered and generally available to State employees in the State involved.

“(C) COVERAGE OFFERED THROUGH HMO.—The health insurance coverage plan that—

“(i) is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act), and

“(ii) has the largest insured commercial, non-medicare enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved.

“(2) BENCHMARK-EQUIVALENT COVERAGE.—For purposes of subsection (a)(1), coverage that meets the following requirement shall be considered to be benchmark-equivalent coverage:

“(A) INCLUSION OF BASIC SERVICES.—The coverage includes benefits for items and services within each of the following categories of basic services:

“(i) Inpatient and outpatient hospital services.

“(ii) Physicians’ surgical and medical services.

“(iii) Laboratory and x-ray services.

“(iv) Well-baby and well-child care, including age-appropriate immunizations.

“(v) Other appropriate preventive services, as designated by the Secretary.

“(B) AGGREGATE ACTUARIAL VALUE EQUIVALENT TO BENCHMARK PACKAGE.—The coverage has an aggregate actuarial value that is at least actuarially equivalent to one of the benchmark benefit packages described in paragraph (1).

“(C) SUBSTANTIAL ACTUARIAL VALUE FOR ADDITIONAL SERVICES INCLUDED IN BENCHMARK PACKAGE.—With respect to each of the following categories of additional services for which coverage is provided under the benchmark benefit package used under subparagraph (B), the coverage has an actuarial value that is equal to at least 75 percent of the actuarial value of the coverage of that category of services in such package:

“(i) Coverage of prescription drugs.

“(ii) Mental health services.

“(iii) Vision services.

“(iv) Hearing services.

“(3) DETERMINATION OF ACTUARIAL VALUE.—The actuarial value of coverage of benchmark benefit packages shall be set forth in an actuarial opinion in an actuarial report that has been prepared—

“(A) by an individual who is a member of the American Academy of Actuaries;

“(B) using generally accepted actuarial principles and methodologies;

“(C) using a standardized set of utilization and price factors;

“(D) using a standardized population that is representative of the population involved;

“(E) applying the same principles and factors in comparing the value of different coverage (or categories of services);

“(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

“(G) taking into account the ability of a State to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under this title that results from the limitations on cost sharing under such coverage.

The actuary preparing the opinion shall select and specify in the memorandum the standardized set and population to be used under subparagraphs (C) and (D).

“(4) COVERAGE OF RURAL HEALTH CLINIC AND FQHC SERVICES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark equivalent coverage under this section unless—

“(A) the individual has access, through such coverage or otherwise, to services described in subparagraphs (B) and (C) of section 1905(a)(2); and

“(B) payment for such services is made in accordance with the requirements of section 1902(bb).”.

SEC. 3125. STATE OPTION TO ESTABLISH NON-EMERGENCY MEDICAL TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking “and” at the end;

(2) in paragraph (67) by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (67) the following:

“(68) at the option of the State and notwithstanding paragraph (10)(B) or (23), provide for the establishment of a non-emergency medical transportation brokerage program in order to more cost-effectively provide transportation for individuals eligible for medical assistance under the State plan who need access to medical care or services

and have no other means of transportation which—

“(A) may include a wheelchair van, taxi, stretcher car, bus passes and tickets, secured transportation, and such other transportation as the Secretary determines appropriate; and

“(B) may be conducted under contract with a broker who—

“(i) is selected through a competitive bidding process based on the State’s evaluation of the broker’s experience, performance, references, resources, qualifications, and costs;

“(ii) has oversight procedures to monitor beneficiary access and complaints and ensure that transport personnel are licensed, qualified, competent, and courteous;

“(iii) is subject to regular auditing and oversight by the State in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services; and

“(iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on the prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

(c) **IG REPORT ON UTILIZATION.**—Not later than January 1, 2007, the Inspector General of the Department of Health and Human Services shall submit to Congress a report that examines the non-emergency medical transportation brokerage programs implemented under section 1902(a)(68) of the Social Security Act, as inserted by subsection (a). The report shall include findings regarding conflicts of interest and improper utilization of transportation services under such programs, as well as recommendations for improvements in such programs.

SEC. 3126. EXEMPTING WOMEN COVERED UNDER BREAST OR CERVICAL CANCER PROGRAM.

Notwithstanding any other provision of law, none of provisions of the previous sections of this chapter, or amendments made by such sections, shall apply to women who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XVIII) and 1902(aa) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII), 1396a(aa)).

CHAPTER 4—EXPANDED ACCESS TO CERTAIN BENEFITS

SEC. 3131. EXPANDED ACCESS TO HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY AND DISABLED.

(a) **IN GENERAL.**—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking “and” at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27) the following new paragraph:

“(28) subject to section 1902(cc), home and community-based services (within the scope of services described in paragraph (4)(B) of section 1915(c) for which the Secretary has the authority to approve a waiver and not including room and board) provided pursuant to a written plan of care for individuals—

“(A) who are 65 years of age or older, who are disabled (as defined under the State plan), who are persons with developmental disabilities or mental retardation or persons with related conditions, or who are within a subgroup thereof under the State plan;

“(B) with respect to whom there has been a determination, in the manner described in paragraph (1) of such section, that but for the provision of such services the individuals

would require the level of care provided in a hospital, a nursing facility, or an intermediate care facility for the mentally retarded the cost of which could be reimbursed under the State plan; and

“(C) who qualify for medical assistance under the eligibility standards in effect in the State (which may include standards in effect under an approved waiver) as of the date of the enactment of this paragraph; and”.

(b) **CONDITIONS.**—Section 1902 of such Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(cc) **PROVISION OF HOME AND COMMUNITY-BASED SERVICES UNDER STATE PLAN.**—

“(1) **CONDITIONS.**—A State may provide home and community-based services under section 1905(a)(28), other than through a waiver or demonstration project under section 1915 or 1115, only if the following conditions are met:

“(A) **EXPIRATION OF PREVIOUS WAIVER.**—Any State waiver or demonstration project under either such section with respect to services for individuals described in such section has expired.

“(B) **INFORMATION.**—The State must monitor and report to the Secretary, in a form and manner specified by the Secretary and on a quarterly basis, enrollment and expenditures for provision of such services under such section.

“(2) **OPTIONS.**—Notwithstanding any other provision of this title, in a State’s provision of services under section 1905(a)(28)—

“(A) a State is not required to comply with the requirements of section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability), and section 1902(a)(10)(C)(i)(III) (relating to income and resource rules applicable in the community);

“(B) a State may limit the number of individuals who are eligible for such services and may establish waiting lists for the receipt of such services; and

“(C) a State may limit the amount, duration, and scope of such services.

Nothing in this section shall be construed as applying the previous sentence to any items or services other than home and community-based services provided under section 1905(a)(28).

“(3) **USE OF ELECTRONIC DATA.**—The State shall permit health care providers to comply with documentation and data requirements imposed with respect to home and community-based services through the maintenance of data in electronic form rather than in paper form.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to home and community-based services furnished on or after October 1, 2006.

SEC. 3132. OPTIONAL CHOICE OF SELF-DIRECTED PERSONAL ASSISTANCE SERVICES (CASH AND COUNSELING).

(a) **EXEMPTION FROM CERTAIN REQUIREMENTS.**—Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

“(1)(1) A State may provide, as ‘medical assistance’, payment for part or all of the cost of self-directed personal assistance services (other than room and board) under the plan which are provided pursuant to a written plan of care to individuals with respect to whom there has been a determination that, but for the provision of such services, the individuals would require and receive personal care services under the plan, or home and community-based services provided pursuant to a waiver under subsection (c). Self-directed personal assistance services may not be provided under this subsection to individuals who reside in a home or property that is owned, operated, or controlled by a provider of services, not related by blood or marriage.

“(2) The Secretary shall not grant approval for a State self-directed personal assistance

services program under this section unless the State provides assurances satisfactory to the Secretary of the following:

“(A) Necessary safeguards have been taken to protect the health and welfare of individuals provided services under the program, and to assure financial accountability for funds expended with respect to such services.

“(B) The State will provide, with respect to individuals who—

“(i) are entitled to medical assistance for personal care services under the plan, or receive home and community-based services under a waiver granted under subsection (c);

“(ii) may require self-directed personal assistance services; and

“(iii) may be eligible for self-directed personal assistance services,

an evaluation of the need for personal care under the plan, or personal services under a waiver granted under subsection (c).

“(C) Such individuals who are determined to be likely to require personal care under the plan, or home and community-based services under a waiver granted under subsection (c) are informed of the feasible alternatives, if available under the State’s self-directed personal assistance services program, at the choice of such individuals, to the provision of personal care services under the plan, or personal assistance services under a waiver granted under subsection (c).

“(D) The State will provide for a support system that ensures participants in the self-directed personal assistance services program are appropriately assessed and counseled prior to enrollment and are able to manage their budgets. Additional counseling and management support may be provided at the request of the participant.

“(E) The State will provide to the Secretary an annual report on the number of individuals served and total expenditures on their behalf in the aggregate. The State shall also provide an evaluation of overall impact on the health and welfare of participating individuals compared to non-participants every three years.

“(3) A State may provide self-directed personal assistance services under the State plan without regard to the requirements of section 1902(a)(1) and may limit the population eligible to receive these services and limit the number of persons served without regard to section 1902(a)(10)(B).

“(4)(A) For purposes of this subsection, the term ‘self-directed personal assistance services’ means personal care and related services, or home and community-based services otherwise available under the plan under this title or subsection (c), that are provided to an eligible participant under a self-directed personal assistance services program under this section, under which individuals, within an approved self-directed services plan and budget, purchase personal assistance and related services, and permits participants to hire, fire, supervise, and manage the individuals providing such services.

“(B) At the election of the State—

“(i) a participant may choose to use any individual capable of providing the assigned tasks including legally liable relatives as paid providers of the services; and

“(ii) the individual may use the individual’s budget to acquire items that increase independence or substitute (such as a microwave oven or an accessibility ramp) for human assistance, to the extent that expenditures would otherwise be made for the human assistance.

“(5) For purpose of this section, the term ‘approved self-directed services plan and budget’ means, with respect to a participant, the establishment of a plan and budget for the provision of self-directed personal assistance services, consistent with the following requirements:

“(A) SELF-DIRECTION.—The participant (or in the case of a participant who is a minor child, the participant’s parent or guardian, or in the case of an incapacitated adult, another individual recognized by State law to act on behalf of the participant) exercises choice and control over the budget, planning, and purchase of self-directed personal assistance services, including the amount, duration, scope, provider, and location of service provision.

“(B) ASSESSMENT OF NEEDS.—There is an assessment of the needs, strengths, and preferences of the participants for such services.

“(C) SERVICE PLAN.—A plan for such services (and supports for such services) for the participant has been developed and approved by the State based on such assessment through a person-centered process that—

“(i) builds upon the participant’s capacity to engage in activities that promote community life and that respects the participant’s preferences, choices, and abilities; and

“(ii) involves families, friends, and professionals in the planning or delivery of services or supports as desired or required by the participant.

“(D) SERVICE BUDGET.—A budget for such services and supports for the participant has been developed and approved by the State based on such assessment and plan and on a methodology that uses valid, reliable cost data, is open to public inspection, and includes a calculation of the expected cost of such services if those services were not self-directed. The budget may not restrict access to other medically necessary care and services furnished under the plan and approved by the State but not included in the budget.

“(E) APPLICATION OF QUALITY ASSURANCE AND RISK MANAGEMENT.—There are appropriate quality assurance and risk management techniques used in establishing and implementing such plan and budget that recognize the roles and responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan and budget based upon the participant’s resources and capabilities.

“(G) A State may employ a financial management entity to make payments to providers, track costs, and make reports under the program. Payment for the activities of the financial management entity shall be at the administrative rate established in section 1903(a).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2006.

SEC. 3133. EXPANSION OF STATE LONG-TERM CARE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) is amended—

(1) in clause (ii), by inserting “or which has a State plan amendment that provides for a qualified State long-term care insurance partnership (as defined in clause (iii))” after “1993.”; and

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

“(iii) For purposes of this paragraph, the term ‘qualified State long-term care insurance partnership’ means an approved State plan amendment under this title that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy (including a certificate issued under a group insurance contract), if the following requirements are met:

“(I) The policy covers an insured who was a resident of such State when coverage first became effective under the policy.

“(II) The policy is a qualified long-term care insurance policy (as defined in section

7702B(b) of the Internal Revenue Code of 1986) issued on or after the first day of the first calendar quarter in which the plan amendment was submitted to the Secretary.

“(III) If the policy does not provide some level of inflation protection, the insured was offered, before the policy was sold, a long-term care insurance policy that provides some level of inflation protection.

“(IV) The State Medicaid agency under section 1902(a)(5) provides information and technical assistance to the State insurance department on the insurance department’s role of assuring that any individual who sells a long-term care insurance policy under the partnership receives training or demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.

“(V) The issuer of the policy provides regular reports to the Secretary that include, in accordance with regulations of the Secretary (promulgated after consultation with the States), notification regarding when all benefits provided under the policy have been paid and the amount of such benefits paid, when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.

“(VI) The State does not impose any requirement affecting the terms or benefits of such a policy unless the State imposes such requirement on long-term care insurance policies without regard to whether the policy is covered under the partnership or is offered in connection with such a partnership.

In the case of a long-term care insurance policy which is exchanged for another such policy, subclause (I) shall be applied based on the coverage of the first such policy that was exchanged.

“(iv) The Secretary—

“(I) as appropriate, shall provide copies of the reports described in clause (iii)(V) to the State involved; and

“(II) shall promote the education of consumers regarding qualified State long-term care insurance partnerships.

“(v) The Secretary, in consultation with other appropriate Federal agencies, issuers of long-term care insurance, the National Association of Insurance Commissioners, and State insurance commissioners, shall develop recommendations for Congress to authorize and fund a uniform minimum data set to be reported electronically by all issuers of long-term care insurance policies under qualified State long-term care insurance partnerships to a secure, centralized electronic query and report-generating mechanism that the State, the Secretary, and other Federal agencies can access.”

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as affecting the treatment of long-term care insurance policies that will be, are, or were provided under a State plan amendment described in section 1917(b)(1)(C)(ii) of the Social Security Act that was approved as of May 14, 1993.

(c) EFFECTIVE DATE.—A State plan amendment that provides for a qualified State long-term care insurance partnership under the amendments made by subsection (a) may provide that such amendment is effective for long-term care insurance policies issued on or after a date, specified in the amendment, that is not earlier than the first day of the first calendar quarter in which the plan amendment was submitted to the Secretary of Health and Human Services.

(d) STANDARDS FOR RECIPROCAL RECOGNITION AMONG PARTNERSHIP STATES.—In order to permit portability in long-term care insurance policies purchased under State long-term care insurance partnerships, the Sec-

retary of Health and Human Services may develop, in consultation with the States and the National Association of Insurance Commissioners, uniform standards for reciprocal recognition of such policies among States with qualified State long-term care insurance partnerships.

SEC. 3134. HEALTH OPPORTUNITY ACCOUNTS.

Title XIX of the Social Security Act, as amended by section 3124, is amended—

(1) by redesignating section 1937 as section 1938; and

(2) by inserting after section 1936 the following new section:

“HEALTH OPPORTUNITY ACCOUNTS

“SEC. 1937. (a) AUTHORITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall establish a demonstration program under which States may provide under their State plans under this title (including such a plan operating under a statewide waiver under section 1115) in accordance with this section for the provision of alternative benefits consistent with subsection (c) for eligible population groups in one or more geographic areas of the State specified by the State. An amendment under the previous sentence is referred to in this section as a ‘State demonstration program’.

“(2) INITIAL DEMONSTRATION.—The demonstration program under this section shall begin on January 1, 2006. During the first 5 years of such program, the Secretary shall not approve more than 10 State demonstration programs, with each State demonstration program covering one or more geographic areas specified by the State. After such 5-year period—

“(A) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that a State demonstration program previously implemented has been unsuccessful, such a demonstration program may be extended or made permanent in the State; and

“(B) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that all State demonstration programs previously implemented were unsuccessful, other States may implement State demonstration programs.

“(3) APPROVAL.—The Secretary shall not approve a State demonstration program under paragraph (1) unless the program includes the following:

“(A) Creating patient awareness of the high cost of medical care.

“(B) Providing incentives to patients to seek preventive care services.

“(C) Reducing inappropriate use of health care services.

“(D) Enabling patients to take responsibility for health outcomes.

“(E) Providing enrollment counselors and ongoing education activities.

“(F) Providing transactions involving health opportunity accounts to be conducted electronically and without cash.

“(G) Providing access to negotiated provider payment rates consistent with this section.

Nothing in this section shall be construed as preventing a State demonstration program from providing incentives for patients obtaining appropriate preventive care (as defined for purposes of section 223(c)(2)(C) of the Internal Revenue Code of 1986), such as additional account contributions for an individual demonstrating healthy prevention practices.

“(4) NO REQUIREMENT FOR STATEWIDENESS.—Nothing in this section or any other provision of law shall be construed to require that a State must provide for the implementation

of a State demonstration program on a Statewide basis.

“(5) REPORTS.—The Secretary shall periodically submit to Congress reports regarding the success of State demonstration programs.

“(b) ELIGIBLE POPULATION GROUPS.—

“(1) IN GENERAL.—A State demonstration program under this section shall specify the eligible population groups consistent with paragraphs (2) and (3).

“(2) ELIGIBILITY LIMITATIONS DURING INITIAL DEMONSTRATION PERIOD.—During the initial 5 years of the demonstration program under this section, a State demonstration program shall not apply to any of the following individuals:

“(A) Individuals who are 65 years of age or older.

“(B) Individuals who are disabled, regardless of whether or not their eligibility for medical assistance under this title is based on such disability.

“(C) Individuals who are eligible for medical assistance under this title only because they are (or were within the previous 60 days) pregnant.

“(D) Individuals who have been eligible for medical assistance for a continuous period of less than 3 months.

“(3) ADDITIONAL LIMITATIONS.—A State demonstration program shall not apply to any individual within a category of individuals described in section 1936(a)(2)(B).

“(4) LIMITATIONS.—

“(A) STATE OPTION.—This subsection shall not be construed as preventing a State from further limiting eligibility.

“(B) ON ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.—Insofar as the State provides for eligibility of individuals who are enrolled in medicaid managed care organizations, such individuals may participate in the State demonstration program only if the State provides assurances satisfactory to the Secretary that the following conditions are met with respect to any such organization:

“(i) In no case may the number of such individuals enrolled in the organization who participate in the program exceed 5 percent of the total number of individuals enrolled in such organization.

“(ii) The proportion of enrollees in the organization who so participate is not significantly disproportionate to the proportion of such enrollees in other such organizations who participate.

“(iii) The State has provided for an appropriate adjustment in the per capita payments to the organization to account for such participation, taking into account differences in the likely use of health services between enrollees who so participate and enrollees who do not so participate.

“(5) VOLUNTARY PARTICIPATION.—An eligible individual shall be enrolled in a State demonstration program only if the individual voluntarily enrolls. Except in such hardship cases as the Secretary shall specify, such an enrollment shall be effective for a period of 12 months, but may be extended for additional periods of 12 months each with the consent of the individual.

“(c) ALTERNATIVE BENEFITS.—

“(1) IN GENERAL.—The alternative benefits provided under this section shall consist, consistent with this subsection, of at least—

“(A) coverage for medical expenses in a year for items and services for which benefits are otherwise provided under this title after an annual deductible described in paragraph (2) has been met; and

“(B) contribution into a health opportunity account.

Nothing in subparagraph (A) shall be construed as preventing a State from providing for coverage of preventive care (referred to in subsection (a)(3)) within the alternative

benefits without regard to the annual deductible.

“(2) ANNUAL DEDUCTIBLE.—The amount of the annual deductible described in paragraph (1)(A) shall be at least 100 percent, but no more than 110 percent, of the annualized amount of contributions to the health opportunity account under subsection (d)(2)(A)(i), determined without regard to any limitation described in subsection (d)(2)(C)(i)(II).

“(3) ACCESS TO NEGOTIATED PROVIDER PAYMENT RATES.—

“(A) FEE-FOR-SERVICE ENROLLEES.—In the case of an individual who is participating in a State demonstration program and who is not enrolled with a medicaid managed care organization, the State shall provide that the individual may obtain demonstration program medicaid services from—

“(i) any participating provider under this title at the same payment rates that would be applicable to such services if the deductible described in paragraph (1)(A) was not applicable; or

“(ii) any provider at payment rates that do not exceed 125 percent of the payment rate that would be applicable to such services furnished by a participating provider under this title if the deductible described in paragraph (1)(A) was not applicable.

“(B) TREATMENT UNDER MEDICAID MANAGED CARE PLANS.—In the case of an individual who is participating in a State demonstration program and is enrolled with a medicaid managed care organization, the State shall enter into an arrangement with the organization under which the individual may obtain demonstration program medicaid services from any provider under such organization at payment rates that do not exceed the payment rate that would be applicable to such services if the deductible described in paragraph (1)(A) was not applicable.

“(C) COMPUTATION.—The payment rates described in subparagraphs (A) and (B) shall be computed without regard to any cost sharing that would be otherwise applicable under sections 1916 and 1916A.

“(D) DEFINITIONS.—For purposes of this paragraph:

“(i) The term ‘demonstration program medicaid services’ means, with respect to an individual participating in a State demonstration program, services for which the individual would be provided medical assistance under this title but for the application of the deductible described in paragraph (1)(A).

“(ii) The term ‘participating provider’ means—

“(I) with respect to an individual described in subparagraph (A), a health care provider that has entered into a participation agreement with the State for the provision of services to individuals entitled to benefits under the State plan; or

“(II) with respect to an individual described in subparagraph (B) who is enrolled in a medicaid managed care organization, a health care provider that has entered into an arrangement for the provision of services to enrollees of the organization under this title.

“(4) NO EFFECT ON SUBSEQUENT BENEFITS.—Except as provided under paragraphs (1) and (2), alternative benefits for an eligible individual shall consist of the benefits otherwise provided to the individual, including cost sharing relating to such benefits.

“(5) OVERRIDING COST SHARING AND COMPARABILITY REQUIREMENTS FOR ALTERNATIVE BENEFITS.—The provisions of this title relating to cost sharing for benefits (including sections 1916 and 1916A) shall not apply with respect to benefits to which the annual deductible under paragraph (1)(A) applies. The provisions of section 1902(a)(10)(B) (relating to comparability) shall not apply with respect to the provision of alternative benefits (as described in this subsection).

“(6) TREATMENT AS MEDICAL ASSISTANCE.—Subject to subparagraphs (D) and (E) of subsection (d)(2), payments for alternative benefits under this section (including contributions into a health opportunity account) shall be treated as medical assistance for purposes of section 1903(a).

“(7) USE OF TIERED DEDUCTIBLE AND COST SHARING.—

“(A) IN GENERAL.—A State—

“(i) may vary the amount of the annual deductible applied under paragraph (1)(A) based on the income of the family involved so long as it does not favor families with higher income over those with lower income; and

“(ii) may vary the amount of the maximum out-of-pocket cost sharing (as defined in subparagraph (B)) based on the income of the family involved so long as it does not favor families with higher income over those with lower income.

“(B) MAXIMUM OUT-OF-POCKET COST SHARING.—For purposes of subparagraph (A)(ii), the term ‘maximum out-of-pocket cost sharing’ means, for an individual or family, the amount by which the annual deductible level applied under paragraph (1)(A) to the individual or family exceeds the balance in the health opportunity account for the individual or family.

“(8) CONTRIBUTIONS BY EMPLOYERS.—Nothing in this section shall be construed as preventing an employer from providing health benefits coverage consisting of the coverage described in paragraph (1)(A) to individuals who are provided alternative benefits under this section.

“(d) HEALTH OPPORTUNITY ACCOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘health opportunity account’ means an account that meets the requirements of this subsection.

“(2) CONTRIBUTIONS.—

“(A) IN GENERAL.—No contribution may be made into a health opportunity account except—

“(i) contributions by the State under this title; and

“(ii) contributions by other persons and entities, such as charitable organizations.

“(B) STATE CONTRIBUTION.—A State shall specify the contribution amount that shall be deposited under subparagraph (A)(i) into a health opportunity account.

“(C) LIMITATION ON ANNUAL STATE CONTRIBUTION PROVIDED AND PERMITTING IMPOSITION OF MAXIMUM ACCOUNT BALANCE.—

“(i) IN GENERAL.—A State—

“(I) may impose limitations on the maximum contributions that may be deposited under subparagraph (A)(i) into a health opportunity account in a year;

“(II) may limit contributions into such an account once the balance in the account reaches a level specified by the State; and

“(III) subject to clauses (ii) and (iii) and subparagraph (D)(i), may not provide contributions described in subparagraph (A)(i) to a health opportunity account on behalf of an individual or family to the extent the amount of such contributions (including both State and Federal shares) exceeds, on an annual basis, \$2,500 for each individual (or family member) who is an adult and \$1,000 for each individual (or family member) who is a child.

“(ii) INDEXING OF DOLLAR LIMITATIONS.—For each year after 2006, the dollar amounts specified in clause (i)(III) shall be annually increased by the Secretary by a percentage that reflects the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

“(iii) BUDGET NEUTRAL ADJUSTMENT.—A State may provide for dollar limitations in excess of those specified in clause (i)(III) (as increased under clause (ii)) for specified individuals if the State provides assurances satisfactory to the Secretary that contributions

otherwise made to other individuals will be reduced in a manner so as to provide for aggregate contributions that do not exceed the aggregate contributions that would otherwise be permitted under this subparagraph.

“(D) LIMITATIONS ON FEDERAL MATCHING.—

“(i) STATE CONTRIBUTION.—A State may contribute under subparagraph (A)(i) amounts to a health opportunity account in excess of the limitations provided under subparagraph (C)(i)(III), but no Federal financial participation shall be provided under section 1903(a) with respect to contributions in excess of such limitations.

“(ii) NO FFP FOR PRIVATE CONTRIBUTIONS.—No Federal financial participation shall be provided under section 1903(a) with respect to any contributions described in subparagraph (A)(ii) to a health opportunity account.

“(E) APPLICATION OF DIFFERENT MATCHING RATES.—The Secretary shall provide a method under which, for expenditures made from a health opportunity account for medical care for which the Federal matching rate under section 1903(a) exceeds the Federal medical assistance percentage, a State may obtain payment under such section at such higher matching rate for such expenditures.

“(3) USE.—

“(A) GENERAL USES.—

“(i) IN GENERAL.—Subject to the succeeding provisions of this paragraph, amounts in a health opportunity account may be used for payment of such health care expenditures as the State specifies.

“(ii) GENERAL LIMITATION.—In no case shall such account be used for payment for health care expenditures that are not payment of medical care (as defined by section 213(d) of the Internal Revenue Code of 1986).

“(iii) STATE RESTRICTIONS.—In applying clause (i), a State may restrict payment for—

“(I) providers of items and services to providers that are licensed or otherwise authorized under State law to provide the item or service and may deny payment for such a provider on the basis that the provider has been found, whether with respect to this title or any other health benefit program, to have failed to meet quality standards or to have committed one or more acts of fraud or abuse; and

“(II) items and services insofar as the State finds they are not medically appropriate or necessary.

“(iv) ELECTRONIC WITHDRAWALS.—The State demonstration program shall provide for a method whereby withdrawals may be made from the account for such purposes using an electronic system and shall not permit withdrawals from the account in cash.

“(B) MAINTENANCE OF HEALTH OPPORTUNITY ACCOUNT AFTER BECOMING INELIGIBLE FOR PUBLIC BENEFIT.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, if an account holder of a health opportunity account becomes ineligible for benefits under this title because of an increase in income or assets—

“(I) no additional contribution shall be made into the account under paragraph (2)(A)(i);

“(II) subject to clause (iii), the balance in the account shall be reduced by 25 percent; and

“(III) subject to the succeeding provisions of this subparagraph, the account shall remain available to the account holder for withdrawals under the same terms and conditions as if the account holder remained eligible for such benefits.

“(ii) SPECIAL RULES.—Withdrawals under this subparagraph from an account—

“(I) shall be available for the purchase of health insurance coverage; and

“(II) may, subject to clause (iv), be made available (at the option of the State) for

such additional expenditures (such as job training and tuition expenses) specified by the State (and approved by the Secretary) as the State may specify.

“(iii) EXCEPTION FROM 25 PERCENT SAVINGS TO GOVERNMENT FOR PRIVATE CONTRIBUTIONS.—Clause (i)(II) shall not apply to the portion of the account that is attributable to contributions described in paragraph (2)(A)(ii). For purposes of accounting for such contributions, withdrawals from a health opportunity account shall first be attributed to contributions described in paragraph (2)(A)(i).

“(iv) CONDITION FOR NON-HEALTH WITHDRAWALS.—No withdrawal may be made from an account under clause (ii)(II) unless the account holder has participated in the program under this section for at least 1 year.

“(v) NO REQUIREMENT FOR CONTINUATION OF COVERAGE.—An account holder of a health opportunity account, after becoming ineligible for medical assistance under this title, is not required to purchase high-deductible or other insurance as a condition of maintaining or using the account.

“(4) ADMINISTRATION.—A State may coordinate administration of health opportunity accounts through the use of a third party administrator and reasonable expenditures for the use of such administrator shall be reimbursable to the State in the same manner as other administrative expenditures under section 1903(a)(7).

“(5) TREATMENT.—Amounts in, or contributed to, a health opportunity account shall not be counted as income or assets for purposes of determining eligibility for benefits under this title.

“(6) UNAUTHORIZED WITHDRAWALS.—A State may establish procedures—

“(A) to penalize or remove an individual from the health opportunity account based on nonqualified withdrawals by the individual from such an account; and

“(B) to recoup costs that derive from such nonqualified withdrawals.”

CHAPTER 5—OTHER PROVISIONS

SEC. 3141. INCREASE IN MEDICAID PAYMENTS TO INSULAR AREAS.

Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), by inserting “and subject to paragraph (3)” after “subsection (f)”;

and

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

“(3) FISCAL YEARS 2006 AND 2007 FOR CERTAIN INSULAR AREAS.—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for fiscal year 2006 and fiscal year 2007 shall be increased by the following amounts:

“(A) For Puerto Rico, \$12,000,000 for fiscal year 2006 and \$12,000,000 for fiscal year 2007.

“(B) For the Virgin Islands, \$2,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007.

“(C) For Guam, \$2,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007.

“(D) For the Northern Mariana Islands, \$1,000,000 for fiscal year 2006 and \$2,000,000 for fiscal year 2007.

“(E) For American Samoa, \$2,000,000 for fiscal year 2006 and \$4,000,000 for fiscal year 2007.

Such amounts shall not be taken into account in applying paragraph (2) for fiscal year 2007 but shall be taken into account in applying such paragraph for fiscal year 2008 and subsequent fiscal years.”

SEC. 3142. MANAGED CARE ORGANIZATION PROVIDER TAX REFORM.

(a) IN GENERAL.—Section 1903(w)(7)(A)(viii) of the Social Security Act (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

“(viii) Services of managed care organizations (including health maintenance organizations, preferred provider organizations, and such other similar organizations as the Secretary may specify by regulation).”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) shall be effective as of the date of the enactment of this Act.

(2) GRANDFATHER.—

(A) IN GENERAL.—Subject to subparagraph (B), in the case of a State that has had approved as of the date of the enactment of this Act a provider tax on services described in section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by subsection (a), such amendment shall be effective as of October 1, 2008.

(B) TRANSITION RULE FOR FISCAL YEAR 2009.—In the case of a State described in subparagraph (A), the amount of any reduction in payment under subsection (a)(1) of section 1903 of the Social Security Act (42 U.S.C. 1396b) that would otherwise be required under subsection (w) of such section for calendar quarters in fiscal year 2009 because of the amendment made by section (a) shall be reduced by one-half.

SEC. 3143. MEDICAID TRANSFORMATION GRANTS.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b), as amended by section 3123, is amended by adding at the end the following new subsection:

“(y) MEDICAID TRANSFORMATION PAYMENTS.—

“(1) IN GENERAL.—In addition to the payments provided under subsection (a), subject to paragraph (4), the Secretary shall provide for payments to States for the adoption of innovative methods to improve the effectiveness and efficiency in providing medical assistance under this title.

“(2) PERMISSIBLE USES OF FUNDS.—The following are examples of innovative methods for which funds provided under this subsection may be used:

“(A) Methods for reducing patient error rates through the implementation and use of electronic health records, electronic clinical decision support tools, or e-prescribing programs.

“(B) Methods for improving rates of collection from estates of amounts owed under this title.

“(C) Methods for reducing waste, fraud, and abuse under the program under this title, such as reducing improper payment rates as measured by annual payment error rate measurement (PERM) project rates.

“(D) Implementation of a medication risk management program as part of a drug use review program under section 1927(g).

“(E) Methods in reducing, in clinically appropriate ways, expenditures under this title for covered outpatient drugs, particularly in the categories of greatest drug utilization, by increasing the utilization of generic drugs through the use of education programs and other incentives to promote greater use of generic drugs.”

“(3) APPLICATION; TERMS AND CONDITIONS.—

“(A) IN GENERAL.—No payments shall be made to a State under this subsection unless the State applies to the Secretary for such payments in a form, manner, and time specified by the Secretary.

“(B) TERMS AND CONDITIONS.—Such payments are made under such terms and conditions consistent with this subsection as the Secretary prescribes.

“(C) ANNUAL REPORT.—Payment to a State under this subsection is conditioned on the State submitting to the Secretary an annual report on the programs supported by such payment. Such report shall include information on—

“(A) the specific uses of such payment;

“(B) an assessment of quality improvements and clinical outcomes under such programs; and

“(C) estimates of cost savings resulting from such programs.

“(4) FUNDING.—

“(A) LIMITATION ON FUNDS.—The total amount of payments under this subsection shall be equal to, and shall not exceed—

“(i) \$50,000,000 for fiscal year 2007; and

“(ii) \$50,000,000 for fiscal year 2008.

This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

“(B) ALLOCATION OF FUNDS.—The Secretary shall specify a method for allocating the funds made available under this subsection among States. Such method shall provide preference for States that design programs that target health providers that treat significant numbers of medicaid beneficiaries. Such method shall provide that not less than 25 percent of such funds shall be allocated among States the population of which (as determined according to data collected by the United States Census Bureau as of July 1, 2004, was more than 105 percent of the population of the respective State (as so determined) as of April 1, 2000.

“(C) FORM AND MANNER OF PAYMENT.—Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a). There is no requirement for State matching funds to receive payments under this subsection.

“(5) MEDICATION RISK MANAGEMENT PROGRAM.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘medication risk management program’ means a program for targeted beneficiaries that ensures that covered outpatient drugs are appropriately used to optimize therapeutic outcomes through improved medication use and to reduce the risk of adverse events.

“(B) ELEMENTS.—Such program may include the following elements:

“(i) The use of established principles and standards for drug utilization review and best practices to analyze prescription drug claims of targeted beneficiaries and identify outlier physicians.

“(ii) On an ongoing basis provide outlier physicians—

“(I) a comprehensive pharmacy claims history for each targeted beneficiary under their care;

“(II) information regarding the frequency and cost of relapses and hospitalizations of targeted beneficiaries under the physician’s care; and

“(III) applicable best practice guidelines and empirical references.

“(iii) Monitor outlier physician’s prescribing, such as failure to refill, dosage strengths, and provide incentives and information to encourage the adoption of best clinical practices.

“(C) TARGETED BENEFICIARIES.—For purposes of this paragraph, the term ‘targeted beneficiaries’ means medicaid eligible beneficiaries who are identified as having high prescription drug costs and medical costs, such as individuals with behavioral disorders or multiple chronic diseases who are taking multiple medications.”.

SEC. 3144. ENHANCING THIRD PARTY IDENTIFICATION AND PAYMENT.

(a) CLARIFICATION OF THIRD PARTIES LEGALLY RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE.—Section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by inserting “, including self-insured plans” after “health insurers”; and

(B) by striking “and health maintenance organizations” and inserting “health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service”; and

(2) in subparagraph (G)—

(A) by inserting “a self-insured plan,” after “1974.”; and

(B) by striking “and a health maintenance organization” and inserting “a health maintenance organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service”.

(b) REQUIREMENT FOR THIRD PARTIES TO PROVIDE THE STATE WITH COVERAGE ELIGIBILITY AND CLAIMS DATA.—Section 1902(a)(25) of such Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by adding “and” after the semicolon at the end; and

(3) by inserting after subparagraph (H), the following:

“(I) that the State shall provide assurances satisfactory to the Secretary that the State has in effect laws requiring health insurers, including self-insured plans, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, as a condition of doing business in the State, to—

“(i) provide eligibility and claims payment data with respect to an individual who is eligible for, or is provided, medical assistance under the State plan, upon the request of the State;

“(ii) accept the subrogation of the State to any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan;

“(iii) respond to any inquiry by the State regarding a claim for payment for any health care item or service submitted not later than 3 years after the date of the provision of such health care item or service; and

“(iv) agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on January 1, 2006.

(2) DELAYED EFFECTIVE DATE.—In the case of a State plan under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 3145. IMPROVED ENFORCEMENT OF DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i), as amended by section 104 of Public Law 109-91—

(A) by striking the period at the end of paragraph (21) and inserting “; or”; and

(B) by inserting after paragraph (21) the following new paragraph:

“(22) with respect to amounts expended for medical assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of subsection (z) is met.”; and

(2) by adding at the end, as amended by sections 3123 and 3143, the following new subsection:

“(z)(1) For purposes of subsection (i)(22), the requirement of this subsection is, with respect to an individual declaring to be a citizen or national of the United States, that, subject to paragraph (2), there is presented satisfactory documentary evidence of citizenship or nationality (as defined in paragraph (3)) of the individual.

“(2) The requirement of paragraph (1) shall not apply to an alien who is eligible for medical assistance under this title—

“(A) and is entitled to or enrolled for benefits under any part of title XVIII;

“(B) on the basis of receiving supplemental security income benefits under title XVI; or

“(C) on such other basis as the Secretary may specify under which satisfactory documentary evidence of citizenship or nationality had been previously presented.

“(3)(A) For purposes of this subsection, the term ‘satisfactory documentary evidence of citizenship or nationality’ means—

“(i) any document described in subparagraph (B); or

“(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

“(B) The following are documents described in this subparagraph:

“(i) A United States passport.

“(ii) Form N-550 or N-570 (Certificate of Naturalization).

“(iii) Form N-560 or N-561 (Certificate of United States Citizenship).

“(iv) Such other document as the Secretary may specify, by regulation, that provides proof of United States citizenship or nationality and that provides a reliable means of documentation of personal identity.

“(C) The following are documents described in this subparagraph:

“(i) A certificate of birth in the United States.

“(ii) Form FS-545 or Form DS-1350 (Certification of Birth Abroad).

“(iii) Form I-97 (United States Citizen Identification Card).

“(iv) Form FS-240 (Report of Birth Abroad of a Citizen of the United States).

“(v) Such other document (not described in subparagraph (B)(iv)) as the Secretary may specify that provides proof of United States citizenship or nationality.

“(D) The following are documents described in this subparagraph:

“(i) Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.

“(ii) Any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.

“(E) A reference in this paragraph to a form includes a reference to any successor form.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations of initial eligibility for medical assistance made on or after July 1, 2006, and to redeterminations of eligibility made on or after such date in the case of individuals for whom the requirement of section 1903(z) of the Social Security Act, as added by such amendments, was not previously met.

SEC. 3146. REFORMS OF TARGETED CASE MANAGEMENT.

(a) IN GENERAL.—Section 1915(g) of the Social Security Act (42 U.S.C. 1396n(g)) is amended by striking paragraph (2) and inserting the following:

“(2) For purposes of this subsection:

“(A)(i) The term ‘case management services’ means services which will assist individuals eligible under the plan in gaining access to needed medical, social, educational, and other services.

“(ii) Such term includes the following:

“(I) Assessment of an eligible individual to determine service needs, including activities that focus on needs identification, to determine the need for any medical, educational, social, or other services. Such assessment activities include the following:

“(aa) Taking client history.

“(bb) Identifying the needs of the individual, and completing related documentation.

“(cc) Gathering information from other sources such as family members, medical providers, social workers, and educators, if necessary, to form a complete assessment of the eligible individual.

“(II) Development of a specific care plan based on the information collected through an assessment, that specifies the goals and actions to address the medical, social, educational, and other services needed by the eligible individual, including activities such as ensuring the active participation of the eligible individual and working with the individual (or the individual’s authorized health care decision maker) and others to develop such goals and identify a course of action to respond to the assessed needs of the eligible individual.

“(III) Referral and related activities to help an individual obtain needed services, including activities that help link eligible individuals with medical, social, educational providers or other programs and services that are capable of providing needed services, such as making referrals to providers for needed services and scheduling appointments for the individual.

“(IV) Monitoring and follow-up activities, including activities and contacts that are necessary to ensure the care plan is effectively implemented and adequately addressing the needs of the eligible individual, and which may be with the individual, family members, providers, or other entities and conducted as frequently as necessary to help determine such matters as—

“(aa) whether services are being furnished in accordance with an individual’s care plan;

“(bb) whether the services in the care plan are adequate; and

“(cc) whether there are changes in the needs or status of the eligible individual, and if so, making necessary adjustments in the care plan and service arrangements with providers.

“(iii) Such term does not include the direct delivery of an underlying medical, educational, social, or other service to which an eligible individual has been referred, including, with respect to the direct delivery of foster care services, services such as (but not limited to) the following:

“(I) Research gathering and completion of documentation required by the foster care program.

“(II) Assessing adoption placements.

“(III) Recruiting or interviewing potential foster care parents.

“(IV) Serving legal papers.

“(V) Home investigations.

“(VI) Providing transportation.

“(VII) Administering foster care subsidies.

“(VIII) Making placement arrangements.

“(B) The term ‘targeted case management services’ means case management services that are furnished without regard to the re-

quirements of section 1902(a)(1) and section 1902(a)(10)(B) to specific classes of individuals or to individuals who reside in specified areas.

“(3) With respect to contacts with individuals who are not eligible for medical assistance under the State plan or, in the case of targeted case management services, individuals who are eligible for such assistance but are not part of the target population specified in the State plan, such contacts—

“(A) are considered an allowable case management activity, when the purpose of the contact is directly related to the management of the eligible individual’s care; and

“(B) are not considered an allowable case management activity if such contacts relate directly to the identification and management of the noneligible or nontargeted individual’s needs and care.

“(4)(A) In accordance with section 1902(a)(25), Federal financial participation only is available under this title for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program.

“(B) A State shall allocate the costs of any part of such services which are reimbursable under another federally funded program in accordance with OMB Circular A-87 (or any related or successor guidance or regulations regarding allocation of costs among federally funded programs) under an approved cost allocation program.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 3147. EMERGENCY SERVICES FURNISHED BY NON-CONTRACT PROVIDERS FOR MEDICAID MANAGED CARE ENROLL- EES.

(a) IN GENERAL.—Section 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)) is amended by adding at the end the following new subparagraph:

“(D) EMERGENCY SERVICES FURNISHED BY NON-CONTRACT PROVIDERS.—Any provider of emergency services that does not have in effect a contract with a medicaid managed care entity that establishes payment amounts for services furnished to a beneficiary enrolled in the entity’s medicaid managed care plan must accept as payment in full the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that it could collect if the beneficiary received medical assistance under this title other than through enrollment in such an entity.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007.

SEC. 3148. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for a State for a fiscal year (beginning with fiscal year 2006), any significantly disproportionate employer pension contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION CONTRIBUTION.—For purposes of subsection (a), a significantly disproportionate employer pension contribution described in this subsection with respect to a State for a fiscal year is an employer contribution towards pensions that is allocated to such State for a period if the aggregate

amount so allocated exceeds 50 percent of the total increase in personal income in that State for the period involved.

Subtitle B—Katrina Health Care Relief**SEC. 3201. TARGETED MEDICAID RELIEF FOR STATES AFFECTED BY HURRICANE KATRINA.**

(a) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR MEDICAL ASSISTANCE PROVIDED IN KATRINA IMPACTED AREAS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on May 15, 2006, the Federal matching rate for providing medical assistance for such items and services under a State Medicaid plan to any individual residing in a Katrina impacted parish or county (as defined in subsection (c)(1)) or to a Katrina Survivor (as defined in subsection (b)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) APPLICATION TO CHILD HEALTH ASSISTANCE.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in paragraph (1), the Federal matching rate for providing child health assistance for such items and services under a State child health plan under title XXI of such Act in a Katrina impacted parish or county or to a Katrina Survivor, and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) KATRINA SURVIVOR.—For purposes of subsection (a), the term “Katrina Survivor” means an individual who, on any day during the week preceding August 28, 2005, had a primary residence in a major disaster parish or county (as defined in subsection (c)).

(c) DEFINITIONS.—For purposes of this section:

(1) KATRINA IMPACTED PARISH OR COUNTY.—The term “Katrina impacted parish or county” means any parish in the State of Louisiana, any county in the State of Mississippi, and any major disaster parish or county in the State of Alabama.

(2) MAJOR DISASTER PARISH OR COUNTY.—A major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, as of September 14, 2005, warrants individual assistance from the Federal Government under such Act.

SEC. 3202. STATE HIGH RISK HEALTH INSURANCE POOL FUNDING.

There are hereby authorized and appropriated \$90,000,000 for fiscal year 2006 for grants under subsection (b)(1) of section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45). The amount so appropriated shall be treated as if it had been appropriated under subsection (c)(2) of such section.

SEC. 3203. RECOMPUTATION OF HPSA, MUA, AND MUP DESIGNATIONS WITHIN HURRICANE KATRINA AFFECTED AREAS.

(a) IN GENERAL.—For purposes of the Public Health Service Act (42 U.S.C. 201 et seq.), the Secretary of Health and Human Services shall conduct a review of all Hurricane Katrina disaster areas and, as appropriate taking into account the lack of availability of health care providers and services due to Hurricane Katrina—

(1) shall designate such areas as health professional shortage areas or medically underserved areas; and

(2) shall designate one of more populations of each such area as a medically underserved population.

(b) **HURRICANE KATRINA DISASTER AREA DEFINED.**—For purposes of this section, the term “Hurricane Katrina disaster area” means an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

SEC. 3204. WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO THE PROVISION OF HEALTH CARE IN AREAS IMPACTED BY HURRICANE KATRINA.

(a) **ELIGIBLE AREA.**—

(1) **DEFINITION.**—In this section, the term “eligible area” means an area identified by the Secretary of Health and Human Services pursuant to paragraph (2).

(2) **IDENTIFICATION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall identify areas that—

(A) have been directly impacted by Hurricane Katrina; or

(B) are located in a State which has absorbed a significant number of Hurricane Katrina evacuees.

(b) **HEALTH CENTERS.**—For the purpose of determining whether an entity located in an eligible area qualifies as a health center under section 330 of the Public Health Service Act (42 U.S.C. 254b):

(1) **BOARD COMPOSITION.**—

(A) **WAIVER.**—The Secretary of Health and Human Services shall waive any requirement that a majority of the governing board of the entity be consumers of the entity’s health care services.

(B) **RULE OF CONSTRUCTION.**—This paragraph shall not be construed as requiring the Secretary of Health and Human Services to waive a requirement that the governing board of the entity include representation of the consumers of the entity’s health care services.

(2) **MEDICALLY UNDERSERVED POPULATION.**—

(A) **DETERMINATION.**—At the request of the entity, the Secretary of Health and Human Services shall determine whether, taking into consideration any change in population associated with Hurricane Katrina, the entity serves a medically underserved population (as that term is defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))).

(B) **DEADLINE.**—The Secretary of Health and Human Services shall make a determination under subparagraph (A) not later than 60 days after the date on which the Secretary receives the request for the determination.

(C) **RESTRICTION.**—The Secretary of Health and Human Services shall not make any determination under this paragraph on whether a population has ceased to qualify as a medically underserved population under section 330 of the Public Health Service Act (42 U.S.C. 254b).

(3) **REQUIRED PRIMARY HEALTH SERVICES.**—The Secretary of Health and Human Services shall waive any requirement for the entity to provide primary health services described in clause (iii), (iv), or (v) of section 330(b)(1) of the Public Health Service Act (42 U.S.C. 254b(b)(1)).

(c) **NATIONAL HEALTH SERVICE CORPS.**—Notwithstanding the provisions of subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) requiring that members of the National Health Service Corps be assigned to health professional shortage areas, the Secretary of Health and Human Services may assign members of the

National Health Service Corps to any eligible area.

(d) **TERMINATION OF AUTHORITY.**—The authority vested by this section in the Secretary of Health and Human Services and the Secretary of Homeland Security shall terminate on the date that is 2 years after enactment of this Act. The Secretary of Health and Human Services may not grant any waiver under subsection (b)(1) or (b)(3) and may not make any assignment of personnel under subsection (c), and the Secretary of Homeland Security may not allow any agreement under subsection (d), for a period extending beyond such date.

SEC. 3205. FMAP HOLD HARMLESS FOR KATRINA IMPACT.

Notwithstanding any other provision of law, for purposes of titles XIX and XXI of the Social Security Act, the Secretary of Health and Human Services in computing the Federal medical assistance percentage under section 1905(b) of such (42 U.S.C. 1396d(b)) for any year after 2006 for a State that the Secretary determines has a significant number of evacuees who were evacuated to, and live in, the State as a result of Hurricane Katrina as of October 1, 2005, the Secretary shall disregard such evacuees (and income attributable to such evacuees).

Subtitle C—Katrina and Rita Energy Relief
SEC. 3301. HURRICANES KATRINA AND RITA ENERGY RELIEF.

(a) **FINDINGS.**—The Congress finds the following:

(1) Hurricanes Katrina and Rita severely disrupted crude oil and natural gas production in the Gulf of Mexico. The Energy Information Administration estimates that as a result of these two hurricanes, the amount of shut in crude oil production nearly doubled to almost 1,600,000 barrels per day, and the amount of natural gas production shut in also doubled to about 8,000,000,000 cubic feet per day. The hurricanes also initially shut down most of the crude oil refinery capacity in the Gulf of Mexico region. These disruptions led to significantly higher prices for crude oil, refined oil products, and natural gas.

(2) These production and supply disruptions are expected to lead to significantly higher heating costs for consumers this winter. The Energy Information Administration projects an increase in residential natural gas heating expenditures of 32 percent to 61 percent over last winter, with the Midwest seeing the largest increase. Winter heating oil expenditures are projected to increase by 30 percent to 41 percent over last winter, again with the Midwest seeing the largest increase. Propane expenditures for home heating are projected to increase 20 percent to 36 percent over last winter, with the Midwest seeing the largest projected increase. Expenditures for home heating using electricity are expected to increase by 2 percent to 9 percent over last winter, with the South seeing the largest increase. Overall, average home heating expenditures this winter are projected to increase about 33 percent, assuming a normal winter. These significant increases in home heating costs this winter will particularly harm low-income consumers. The Low-Income Home Energy Assistance Program is designed to assist these low income consumers in this situation. Accordingly, Congress seeks a one-time only supplement to the Low-Income Home Energy Assistance Program fund to assist low income consumers with the additional home heating expenditures that they will face this winter as a result of Hurricanes Katrina and Rita.

(b) **RELIEF.**—In addition to amounts otherwise made available, there shall be directly available to the Secretary of Health and Human Services for a 1-time only obligation

and expenditure \$1,000,000,000 for fiscal year 2006 for allocation under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), for the sole purpose of providing assistance to offset the anticipated higher energy costs caused by Hurricane Katrina and Hurricane Rita.

(c) **SUNSET.**—The provisions of this section shall terminate, be null and void, and have no force and effect whatsoever after September 30, 2006. No monies provided for under this section shall be available after such date.

Subtitle D—Digital Television Transition

SEC. 3401. SHORT TITLE.

This subtitle may be cited as the “Digital Television Transition Act of 2005”.

SEC. 3402. FINDINGS.

The Congress finds the following:

(1) A loophole in current law is stalling the digital television (DTV) transition and preventing the return of spectrum for critical public safety and wireless broadband uses.

(A) In 1996, to facilitate the DTV transition, Congress gave each full-power television broadcaster an extra channel of spectrum to broadcast in digital format while continuing to broadcast in analog format on its original channel. Each broadcaster was supposed to eventually return either the original or additional channel and broadcast exclusively in digital format on the remaining channel.

(B) In 1997, Congress earmarked for public safety use some of the spectrum the broadcasters are supposed to return. Congress designated the rest of the spectrum to be auctioned for advanced commercial applications, such as wireless broadband services. Congress set December 31, 2006, as the deadline for broadcasters to return the spectrum for public safety and wireless use.

(C) A loophole, however, allows broadcasters in a market to delay the return of the spectrum until more than 85 percent of television households in that market have at least one television with access to digital broadcast channels using a digital television receiver, a digital-to-analog converter box, or cable or satellite service. Experts forecast it will take many more years to meet the 85-percent test nationwide.

(2) Eliminating the 85-percent test and setting a “hard deadline” will close the loophole, making possible the nationwide clearing necessary to complete the DTV transition and free the spectrum for public safety use.

(A) Some police officers, firefighters, and rescue personnel already have equipment to communicate over the spectrum the broadcasters are supposed to return, and are just awaiting the turnover. Many more public safety officials cannot purchase equipment or begin planning without a date certain for the availability of the spectrum.

(B) Five years to the day before September 11, 2001, an advisory committee report to the Federal Communications Commission (FCC) noted that public safety officials desperately needed more spectrum to better communicate with each other in times of emergency. The 9/11 Commission has specifically recognized the importance of clearing for public safety use the spectrum at issue here, especially following the terrorist attacks on the Pentagon and the World Trade Center. The spectrum is also important for communications during natural disasters.

(3) The certainty of a nationwide hard deadline will enable consumers, industry, and government to take the necessary steps to make the transition as smooth as possible.

(A) Under existing law, once a market meets the 85-percent penetration test, the remaining 15 percent of households in the market would lose access to broadcast programming unless they obtain a digital television receiver, a digital-to-analog converter box, or cable or satellite service.

(B) Determining when the 85-percent test in current law has been met in a particular market would be extremely difficult for the FCC to accomplish. Moreover, because no one can predict precisely when any market will meet the 85-percent test, and because different markets will meet the test at different times, consumers, industry, and government cannot adequately plan on a either a local or nationwide basis.

(C) With a hard deadline, government, industry, and consumer groups can develop concrete plans for consumer education. Manufacturers can build large quantities of low-cost digital-to-analog converter boxes for consumers who wish to continue using their analog televisions. Clearing the spectrum on a unified, nationwide basis will also enable the government to maximize the revenue from the auction. Some of that revenue can be used to help make the converter boxes available.

(D) The deadline will have little impact on most television households. The vast majority of households already subscribe to cable or satellite services. Allowing cable and satellite operators to convert digital broadcasts into an analog-viewable format will enable their subscribers that wish to continue using analog televisions to do so.

(4) Setting a hard deadline will bring consumers and the economy the benefits of the DTV transition faster.

(A) DTV offers sharper and wider pictures, and CD-quality sound. Even consumers with analog televisions connected to a converter box or cable or satellite service will receive better service than they did before the transition.

(B) Once the transition is complete, broadcasters can redirect the resources they currently expend running both analog and digital stations and focus on programming that capitalizes on the advanced features of digital transmissions. Manufacturers can also increase the production of televisions and other consumer electronics equipment that takes advantage of these features, which will also drive down prices.

(C) The cleared spectrum can be used to bring cutting-edge wireless services to public safety officials and consumers. This spectrum travels greater distances at lower costs, and more easily penetrates buildings and foliage. Consequently, it is ideal to bring mobile broadband services not only to urban areas, but to rural areas as well, which currently have very few cost-effective broadband options.

(D) The increase in DTV programming, services, and equipment, and the provision of products and services that use the cleared spectrum, will improve America's global competitiveness and result in significant investment and innovation, boosting our economy and fostering new jobs.

SEC. 3403. ANALOG SPECTRUM RECOVERY: HARD DEADLINE.

(a) AMENDMENTS.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) in subparagraph (A), by striking “December 31, 2006” and inserting “December 31, 2008”;

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking “or (B)”;

(4) in subparagraph (D), by striking “subparagraph (C)(i)” and inserting “subparagraph (B)(i)”; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) IMPLEMENTATION.—

(1) DTV ALLOTMENT TABLE OF IN-CORE CHANNELS FOR FULL-POWER STATIONS.—The Federal Communications Commission shall—

(A) release by December 31, 2006, a report and order in MB Docket No. 03–15 assigning all full-power broadcast television stations authorized in the digital television service a channel between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive);

(B) release by July 31, 2007, any reconsideration of such report and order; and

(C) not adopt any further changes between July 31, 2007, and January 1, 2009, to the channels assigned to full-power broadcast television stations for the provision of digital television service unless doing so is necessary for reasons of public safety or necessary to prevent a delay in the end of broadcasting by full-power stations in the analog television service.

(2) STATUS REPORTS.—Beginning with a report on January 31, 2006, and ending with a report on July 31, 2007, the Commission shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate every six months on the status of international coordination with Canada and Mexico of the digital television service table of allotments.

(3) TERMINATIONS OF ANALOG LICENSES AND BROADCASTING.—The Federal Communications Commission shall take such actions as are necessary to terminate all licenses for full-power television stations in the analog television service and to require the cessation of broadcasting by full-power stations in the analog television service by January 1, 2009.

(4) ADDITIONAL UNLICENSED SPECTRUM FOR WIRELESS BROADBAND.—The Commission shall, within one year after the date of enactment of this Act, issue a final order in the matter of Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186).

(c) TECHNICAL AMENDMENT.—Paragraph (15) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as added by section 203(b) of the Commercial Spectrum Enhancement Act (P.L. 108–494; 118 Stat. 3993), is redesignated as paragraph (16) of such section.

SEC. 3404. AUCTION OF RECOVERED SPECTRUM.

(a) DEADLINE FOR AUCTION.—Section 309(j)(15)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)) is amended by adding at the end the following new clauses:

“(v) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bidding not later than January 7, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(i) not later than June 30, 2008.

“(vi) RECOVERED ANALOG SPECTRUM.—For purposes of clause (v), the term ‘recovered analog spectrum’ means the spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than—

“(I) the spectrum required by section 337 to be made available for public safety services; and

“(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition Act of 2005.”

(b) EXTENSION OF AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of such Act is repealed.

(c) STUDY OF AUCTION AUTHORITY.—

(1) INQUIRY AND STUDY REQUIRED.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall initiate an ongoing inquiry and study—

(A) to evaluate the participation of women, minorities, and small businesses in the auction process, including the percentage of winning bidders that are women, minorities, and small businesses; and

(B) to assess the efforts made by the Commission to ensure that women, minorities, and small businesses are able to successfully participate in the auction process.

(2) REPORT.—The Commission shall submit a report to the Congress on the results of the inquiry and study required by paragraph (1) at least biennially beginning not later than one year after the date of enactment of this Act.

SEC. 3405. DIGITAL TELEVISION CONVERSION FUND.

(a) RESERVATION OF AUCTION PROCEEDS TO ASSIST CONVERSION.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B) or subparagraph (D)” and inserting “subparagraphs (B), (D), and (E)”; and

(2) in subparagraph (C)(i), by inserting before the semicolon at the end the following: “, except as otherwise provided in subparagraph (E)(i)”; and

(3) by adding at the end the following new subparagraph:

“(E) TRANSFER OF REVENUES FOR DIGITAL TELEVISION CONVERSION.—

“(i) PROCEEDS FOR DTV CONVERSION FUND.—Notwithstanding subparagraph (A), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum—

“(I) \$990,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Digital Television Conversion Fund’, and be available exclusively to carry out section 159 of the National Telecommunications and Information Administration Organization Act;

“(II) \$500,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Public Safety Interoperable Communications Fund’, and be available exclusively to carry out section 160 of such Act;

“(III) \$30,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘NYC 9/11 Digital Transition Fund’, and be available exclusively to carry out section 161 of such Act;

“(IV) \$3,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Low-Power Digital-to-Analog Conversion Fund’, and be available exclusively to carry out section 162 of such Act; and

“(V) the remainder of such proceeds shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

“(i) RECOVERED ANALOG SPECTRUM.—For purposes of clause (i), the term ‘recovered analog spectrum’ has the meaning provided in paragraph (15)(C)(vi).”

(b) CONVERTER BOX PROGRAM.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following new section:

“SEC. 159. DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

“(a) CREATION OF PROGRAM.—The Assistant Secretary—

“(1) shall use the funds available under subsection (d) of this section to implement and administer a program through which households in the United States may obtain, upon request, up to two coupons that can be

applied toward the purchase of digital-to-analog converter boxes, subject to the restrictions in this section and the regulations created thereunder; and

“(2) may award one or more contracts (including a contract with another Federal agency) for the administration of some or all of the program.

“(b) PROGRAM SPECIFICATIONS.—

“(1) FORM OF COUPON REQUEST.—The regulations under this section shall prescribe the contents of the coupon request form and the information any household seeking a coupon shall provide on the form. The coupon request form shall be required to include instructions for its use and also describe, at a minimum, the requirements and limitations of the program, the ways in which the form and the information the household provides will be used, and to whom the form and the information will be disclosed.

“(2) DISTRIBUTION OF COUPON REQUEST FORMS.—

“(A) PAPER AND ELECTRONIC FORMS.—The Assistant Secretary shall provide for the distribution of paper coupon request forms at Government buildings, including post offices. The Assistant Secretary shall provide for the availability to households of electronic coupon request forms, and may permit such forms to be submitted electronically.

“(B) ADDITIONAL DISTRIBUTION.—If the Assistant Secretary determines that doing so would make the program more successful and easier for consumers to participate in, paper and electronic coupon request forms shall also be distributed by such private entities as the Assistant Secretary shall specify (such as retailers, manufacturers, broadcasters, religious organizations, and consumer groups) and shall be distributed in the manner specified by the Assistant Secretary.

“(3) LIMITATIONS.—

“(A) TWO-PER-HOUSEHOLD MAXIMUM.—A household may obtain coupons only by making a request as required by the regulations under this section. Any request must be made between January 1, 2008, and January 31, 2009, inclusive. The Assistant Secretary shall ensure that each requesting household receives no more than two coupons.

“(B) NO COMBINATIONS OF COUPONS.—Two coupons may not be used in combination toward the purchase of a single digital-to-analog converter box.

“(C) DURATION.—All coupons shall expire 3 months after issuance.

“(4) DISTRIBUTION OF COUPONS.—

“(A) Coupons shall be distributed to requesting households by mail and each coupon shall be issued in the name of a member of the requesting household, and shall include a unique identification number as well as any other measures the Assistant Secretary deems necessary to minimize fraud, counterfeiting, duplication, and other unauthorized use.

“(B) Included on or provided with each coupon shall be, at a minimum, instructions for the coupon's use and a description of the coupon's limitations.

“(C) The Assistant Secretary shall expend not more than \$160,000,000 on administrative expenses and shall ensure that the sum of all administrative expenses for the program and the total maximum value of all the coupons redeemed, and issued but not expired, does not exceed \$990,000,000.

“(D) The Assistant Secretary may expend up to \$5,000,000 of the administrative expenses on the public outreach program required by section 330(d)(4) of the Communications Act of 1934 (47 U.S.C. 330(d)(4)). Such funds may be used for grants to the Association of Public Television Stations, in partnership with noncommercial educational television broadcast stations (as defined section 397(6) of the Communications Act of 1934

(47 U.S.C. 397(6))) to carry out such public outreach.

“(5) QUALIFYING PURCHASES.—

“(A) QUALIFYING BOX.—The regulations shall specify methods for determining and identifying the converter boxes that meet the definition in subsection (g).

“(B) COUPON VALUE.—The value of each coupon shall be \$40.

“(6) REDEMPTION OF COUPONS.—No coupon shall be redeemed except upon submission of reasonable proof that the individual redeeming the coupon is the individual named on the coupon, and such additional information as is required by the regulations under this section. In the case of retail distribution of digital-to-analog converter boxes over the Internet or by telephone, submission of a valid credit card number issued in the name of the household member, the unique identification number on the coupon, the address of the household, and such other information as is required by the regulations under this section shall be reasonable proof of identity, except that the redemption of coupons over the Internet or by telephone shall be prohibited if the Assistant Secretary determines that such redemption would be unreasonably susceptible to fraud or other abuse.

“(7) RETAILER CERTIFICATION.—

“(A) Any retailer desiring to qualify for coupon reimbursement under this section shall, in accordance with the regulations under this section, be required to undergo a certification process to qualify for participation in the program.

“(B) As part of the certification process, retailers shall be informed of the program's details and their rights and obligations, including their obligations to honor all valid coupons that are tendered in the authorized manner, and to keep a reasonable number of eligible converter boxes in stock.

“(8) COUPON REIMBURSEMENT AND RETAILER AUDITING.—

“(A) REIMBURSEMENT.—The regulations under this section shall establish the process by which retailers may seek and obtain reimbursement for the coupons, and shall include the option for retailers to seek and obtain reimbursement electronically.

“(B) AUDITS.—Such regulations shall establish procedures for the auditing of retailer reimbursements.

“(9) APPEALS.—The regulations under this section shall establish an appeals process for the review and resolution of complaints—

“(A) by a household alleging that—

“(i) the household was improperly denied a coupon;

“(ii) a valid coupon properly tendered was not honored; or

“(iii) the household was otherwise harmed by another violation of this section or such regulations; or

“(B) by a retailer of digital-to-analog converter boxes alleging that the retailer was improperly denied reimbursement for a valid coupon properly tendered and accepted under this section or such regulations.

All such complaints shall be resolved within 30 days after receipt of the complaint.

“(10) ENFORCEMENT.—The regulations under this section shall provide for the termination of eligibility to participate in the program for retailers or households that engage in fraud, misrepresentation, or other misconduct in connection with the program, or that otherwise violate this section or such regulations.

“(11) PROGRESS REPORT.—Beginning with a report on March 31, 2008, and ending with a report on June 30, 2009, the Assistant Secretary shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, every three months summarizing the progress of coupon distribution

and redemption, including how many coupons are being distributed and redeemed, and how quickly.

“(c) PRIVACY.—The program under this section shall ensure that personally identifiable information collected in connection with the program under this section is not used or shared for any other purpose than as described in this section, except as otherwise required or authorized by law. For purposes of this subsection, the term ‘personally identifiable information’ shall have the same meaning as provided in section 338(i)(2).

“(d) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—From the Digital Television Conversion Fund established by section 309(j)(8)(E)(i)(I) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008 and 2009. Any sums that remain unexpended in the Fund at the end of fiscal year 2009 shall revert to and be deposited in the general fund of the Treasury.

“(2) CREDIT.—The Assistant Secretary may borrow from the Treasury such sums as may be necessary not to exceed \$990,000,000 to implement and administer the program in accordance with this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Conversion Fund under section 309(j)(8)(E) of such Act.

“(e) ENERGY STANDARDS REQUIRED.—

“(1) STANDARD.—The maximum energy consumption for the passive standby mode of a digital-to-analog converter box shall be no more than 9 watts.

“(2) ENFORCEMENT.—The Secretary of Energy shall enforce the requirements of paragraph (1). Any converter box that the Secretary of Energy determines is not in compliance with the requirements of paragraph (1) shall not be eligible for purchase with assistance made available under this section.

“(3) PREEMPTION.—No State or any political subdivision thereof may establish or enforce any law, rule, regulation, or other provision having the force of law that regulates the energy output, usage, or consumption standards for a digital-to-analog converter box.

“(f) IMPLEMENTATION.—The Secretary of Commerce shall promulgate, within 9 months after the date of enactment of the Digital Television Transition Act of 2005, such regulations as are necessary to carry out this section.

“(g) DEFINITION.—For purposes of this section:

“(1) DIGITAL-TO-ANALOG CONVERTER BOX.—The term ‘digital-to-analog converter box’ means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on television receivers designed to receive and display signals only in the analog television service.

“(2) HOUSEHOLD.—The term ‘household’ means the residents at a residential street or rural route address, and shall not include a post office box.

“(3) STANDBY PASSIVE MODE.—The term ‘standby passive mode’ means a low power state the digital-to-analog converter device enters while connected to a power source which fulfills not the main function but can be switched into another mode by means of an internal or external signal.”.

SEC. 3406. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS FUND.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 159 (as added by section 3405(b) of this Act) the following new section:

"SEC. 160. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS FUND.

"(a) PROGRAM AUTHORIZED.—From the funds available under subsection (f), the Assistant Secretary shall carry out a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications.

"(b) TERMS AND CONDITIONS OF GRANTS.—In order to obtain a grant under this section, a public safety agency shall—

"(1) submit an application to the Assistant Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Assistant Secretary shall require;

"(2) agree that, if awarded a grant, the public safety agency will submit annual reports to the Assistant Secretary for the duration of the grant award period with respect to—

"(A) the expenditure of grant funds; and

"(B) progress toward acquiring and deploying interoperable communications systems funded by the grant;

"(3) agree to provide, from non-Federal sources, not less than 20 percent of the costs of acquiring and deploying the interoperable communications systems acquired and deployed with funds provided under this section; and

"(4) agree to remit to the Assistant Secretary any grant funds that remain unexpended at the end of the 3-year period of the grant.

"(c) DURATION OF GRANT; RECOVERY OF UNUSED FUNDS.—Grants under this section shall be awarded in the form of a single grant for a period of not more than 3 years. At the end of 3 years, any grant funds that remain unexpended shall be remitted by the grantee to the Assistant Secretary, and, subject to subsection (f)(2), may be awarded to other eligible grant recipients. At the end of fiscal year 2010, any such reawarded grant funds that remain unexpended shall be remitted by the grantee to the Assistant Secretary and may not be reawarded to other grantees.

"(d) OVERSIGHT OF EXPENDITURES.—The Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce, not later than 6 months after the first award of a grant under this section and every 6 months thereafter until October 1, 2010, a report—

"(1) identifying, on a State-by-State basis, using the information submitted under subsection (b)(2), the results of the program, including an identification, on a State-by-State basis, of—

"(A) the public safety agencies awarded a grant;

"(B) the amount of the grant;

"(C) the specified use for the grant; and

"(D) how each such grant was spent; and

"(2) stating the cumulative total of the amount of grants awarded, and the balance, if any, remaining in the Public Safety Interoperable Communications Fund; and

"(3) in the final such report, stating the amount in the Fund that reverted to the general fund of the Treasury.

"(e) REGULATIONS.—The Secretary is authorized to prescribe such regulations as are necessary to carry out this section.

"(f) AVAILABILITY OF FUNDS.—

"(1) AVAILABILITY.—From the Public Safety Interoperable Communications Fund established by section 309(j)(8)(E)(i)(II) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

"(2) REVERSION.—Any sums that remain unexpended in the Fund at the end of fiscal

year 2010 shall revert to and be deposited in the general fund of the Treasury.

"(g) DEFINITIONS.—For purposes of this section:

"(1) PUBLIC SAFETY AGENCY.—The term 'public safety agency' means any State or local government entity, or nongovernmental organization authorized by such entity, whose sole or principal purpose is to protect the safety of life, health, or property.

"(2) INTEROPERABLE COMMUNICATIONS SYSTEMS.—The term 'interoperable communications systems' means communications systems which enable public safety agencies to share information amongst local, State, and Federal public safety agencies in the same area via voice or data signals.

"(3) REALLOCATED PUBLIC SAFETY SPECTRUM.—The term 'reallocated public safety spectrum' means the bands of spectrum located at 764–776 megahertz and 794–806 megahertz, inclusive."

SEC. 3407. NYC 9/11 DIGITAL TRANSITION FUND.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 160 (as added by section 3406 of this Act) the following new section:

"SEC. 161. NYC 9/11 DIGITAL TRANSITION FUND.

"(a) FUNDS AVAILABLE.—From the NYC 9/11 Digital Transition Fund established by section 309(j)(8)(E)(i)(III) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2006 through 2008. Any sums that remain unexpended in the Fund at the end of fiscal year 2008 shall revert to and be deposited in the general fund of the Treasury. The Assistant Secretary may borrow from the Treasury such sums as may be necessary not to exceed \$30,000,000 to implement and administer the program in accordance with this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the NYC 9/11 Digital Transition Fund under section 309(j)(8)(E) of such Act.

"(b) USE OF FUNDS.—The sums available under subsection (a) shall be made available by the Assistant Secretary by grant to be used to reimburse the Metropolitan Television Alliance for costs incurred in the design and deployment of a temporary digital television broadcast system to ensure that, until a permanent facility atop the Freedom Tower is constructed, the members of the Metropolitan Television Alliance can provide the New York City area with an adequate digital television signal as determined by the Federal Communications Commission.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the Federal Communications Commission's authority with respect to licensing and interference regulation.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'Metropolitan Television Alliance' means the organization formed by New York City television broadcast station licensees to locate new shared facilities as a result of the attacks on September 11, 2001 and the loss of use of shared facilities that housed broadcast equipment.

"(2) The term 'New York City area' means the five counties comprising New York City and counties of northern New Jersey in immediate proximity to New York City (Bergen, Essex, Union and Hudson Counties)."

SEC. 3408. LOW-POWER TELEVISION TRANSITION PROVISIONS.

(a) REMOVAL AND RELOCATION.—Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended—

(1) in paragraph (1), by striking "person who" and inserting "full-power television station licensee that";

(2) in paragraph (2), by striking "746 megahertz" and inserting "698 megahertz"; and

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

"(3) CONTINUATION OF LOW-POWER BROADCASTING.—Subject to section 336(f) of the Communications Act (47 U.S.C. 336(f)), a low-power television station, television translator station, or television booster station (as defined by Commission regulations) may operate above 698 megahertz on a secondary basis in accordance with Commission rules, including rules governing completion of the digital television service transition for low-power broadcasters."

(b) EXEMPTION FROM DEADLINE.—Section 309(j)(14)(A) of such Act (47 U.S.C. 309(j)(14)(A)) is amended by inserting "full-power" before "television broadcast license".

(c) ADVANCED TELEVISION SERVICES.—Section 336(f)(4) of such Act (47 U.S.C. 336(f)(4)) is amended by inserting "or other low-power station" after "television translator station" in the first sentence.

(d) LOW-POWER TELEVISION DIGITAL-TO-ANALOG CONVERSION.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 161 (as added by section 3407 of this Act) the following new section:

"SEC. 162. LOW-POWER TELEVISION DIGITAL-TO-ANALOG CONVERSION.

"(a) CREATION OF PROGRAM.—The Assistant Secretary shall use the funds available under subsection (d) from the Low-Power Digital-to-Analog Conversion Fund to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for transmission on the low-power television station's analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before December 31, 2008.

"(b) ELIGIBLE STATIONS.—For purposes of this section, an eligible low-power television station shall be a low-power television broadcast station, Class A television station, television translator station, or television booster station—

"(1) that is itself broadcasting exclusively in analog format; and

"(2) that has not purchased a digital-to-analog conversion device prior to enactment of this section.

"(c) QUALIFYING DEVICES AND AMOUNTS.—The Assistant Secretary—

"(1) may determine the types of digital-to-analog conversion devices for which an eligible low-power broadcast television station may receive compensation under this section; and

"(2) shall determine the maximum amount of compensation such a low-power television broadcast station may receive based on the average cost of such digital-to-analog conversion devices during the time period such low-power broadcast television station purchased the digital-to-analog conversion device, but in no case shall such compensation exceed \$400.

"(d) FUNDS AVAILABLE.—From the Low-Power Digital-to-Analog Conversion Fund established by section 309(j)(8)(E)(i)(IV) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008 and 2009. Any sums that remain unexpended in such Fund at the end of fiscal year 2009 shall revert to and be deposited in the general fund of the Treasury."

(e) REPORT AND ORDER REQUIRED.—The Federal Communications Commission shall, not later than December 31, 2008, issue a report and order specifying the methods and

schedule by which the Commission will complete the digital television service transition for low-power broadcasters.

SEC. 3409. CONSUMER EDUCATION REGARDING ANALOG TELEVISIONS.

(a) COMMISSION AUTHORITY.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following new subsection:

“(z) Require the consumer education measures specified in section 330(d) in the case of apparatus designed to receive television signals that—

“(1) are shipped in interstate commerce or manufactured in the United States;

“(2) have an integrated display screen or are sold in a bundle with a display screen; and

“(3) are not capable of receiving broadcast signals in the digital television service.”.

(b) CONSUMER EDUCATION REQUIREMENTS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(1) in subsection (d), by striking “sections 303(s), 303(u), and 303(x)” and inserting “subsections (s), (u), (x), and (z) of section 303”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

“(d) CONSUMER EDUCATION REGARDING ANALOG TELEVISION RECEIVERS.—

“(1) REQUIREMENTS FOR MANUFACTURERS.—Any manufacturer of any apparatus described in section 303(z) shall—

“(A) place in a conspicuous place on any such apparatus that such manufacturer ships in interstate commerce or manufactures in the United States after 180 days after the date of enactment of the Digital Television Transition Act of 2005, a label containing, in clear and conspicuous print, the warning language required by paragraph (3); and

“(B) also include after 180 days after the date of enactment of the Digital Television Transition Act of 2005, such warning language on the outside of the retail packaging of such apparatus, in a conspicuous place and in clear and conspicuous print, in a manner that cannot be removed.

“(2) REQUIREMENTS FOR RETAIL DISTRIBUTORS.—Any retail distributor shall place conspicuously in the vicinity of each apparatus described in section 303(z) that such distributor displays for sale or rent after 45 days after the date of enactment of the Digital Television Transition Act of 2005, a sign containing, in clear and conspicuous print, the warning language required by paragraph (3). In the case of a retail distributor vending such apparatus via direct mail, catalog, or electronic means, such as displays on the Internet, the warning language required by such paragraph shall be prominently displayed, in clear and conspicuous print, in the vicinity of any language describing the product.

“(3) WARNING LANGUAGE.—The warning language required by this paragraph shall read as follows: ‘This television has only an analog broadcast tuner. After December 31, 2008, television broadcasters will broadcast only in digital format. You will then need to connect this television to a digital-to-analog converter box or cable or satellite service if you wish to receive broadcast programming. The device, if any, that a cable or satellite subscriber will need to connect to an analog television will depend on the cable or satellite service provider. The television should continue to work as before, however, with devices such as VCRs, digital video recorders, DVD players, and video game systems. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission’s website at: www.fcc.gov.’.

“(4) COMMISSION AND NTIA OUTREACH.—Beginning within one month after the date of

enactment of the Digital Television Transition Act of 2005, the Commission and the National Telecommunications and Information Administration shall engage, either jointly or separately, in a public outreach program, including the distribution of materials on their web sites and in Government buildings, such as post offices, to educate consumers regarding the digital television transition. The Commission and the National Telecommunications and Information Administration may seek public comment in crafting their public outreach program, and may seek the assistance of private entities, such as broadcasters, manufacturers, retailers, cable and satellite operators, and consumer groups in administering the public outreach program. The program shall educate consumers about—

“(A) the deadline for termination of analog television broadcasting;

“(B) the options consumers have after such termination to continue to receive broadcast programming; and

“(C) the converter box program under section 159 of the National Telecommunications and Information Administration Organization Act.

“(5) ADDITIONAL DISCLOSURES.—

“(A) ANNOUNCEMENTS AND NOTICES REQUIRED.—From January 1, 2008, through December 31, 2008—

“(i) each television broadcaster shall air, at a minimum, two 60-second public service announcements per day, one during the 8 to 9 a.m. hour and one during the 8 to 9 p.m. hour; and

“(ii) each multichannel video program distributor (as such term is defined in section 602 of this Act) shall include a notice in any periodic bill.

“(B) CONTENTS OF ANNOUNCEMENTS AND NOTICES.—The announcements and notices required by subparagraphs (A)(i) and (A)(ii), respectively, shall state, at a minimum, that: ‘After December 31, 2008, television broadcasters will broadcast only in digital format. You will then no longer be able to receive broadcast programming on analog-only televisions unless those televisions are connected to a digital-to-analog converter box or a cable or satellite service. The device, if any, that a cable or satellite subscriber will need to connect to an analog television will depend on the cable or satellite service provider. Analog-only televisions should continue to work as before, however, with devices such as VCRs, digital video recorders, DVD players, and video game systems. You may be eligible for up to two coupons toward the purchase of up to two converter-boxes. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission’s website at: www.fcc.gov.’.

“(6) REPORT REQUIRED.—Beginning January 31, 2006, and ending July 31, 2008, the Commission and the National Telecommunications and Information Administration, either jointly or separately, shall submit reports every six months to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the Commission’s and such Administration’s consumer education efforts, as well as the consumer education efforts of broadcasters, cable and satellite operators, consumer electronics manufacturers, retailers, and consumer groups. The Commission and such Administration may solicit public comment in preparing their reports.”.

(c) PRESERVING AND EXPEDITING TUNER MANDATES.—The Federal Communications Commission—

(1) shall, within 30 days after the date of enactment of this Act revise the digital television reception capability implementation schedule under section 15.117(i) of its regula-

tions (47 CFR 15.117(i)) to require, in the case of television reception devices that have, or are sold in a bundle with, display screens sized 13 to 24 inches, inclusive, that 100 percent of all such units must include digital television tuners effective March 1, 2007; and

(2) shall not make any other changes that extend or otherwise delay the digital television reception capability implementation schedule for television reception devices that have, or are sold in a bundle with, display screens.

SEC. 3410. ADDITIONAL PROVISIONS.

(a) DIGITAL-TO-ANALOG CONVERSION.—Section 614(b) of the Communications Act of 1934 (47 U.S.C. 534(b)) is amended by adding at the end the following new paragraphs:

“(11) CARRIAGE OF DIGITAL FORMATS.—

“(A) PRIMARY VIDEO STREAM.—With respect to any television station that is transmitting broadcast programming exclusively in the digital television service in a local market, a cable operator of a cable system in that market shall carry the station’s primary video stream and program-related material in the digital format transmitted by that station, without material degradation, if the licensee for that station—

“(i) relies on this section or section 615 to obtain carriage of the primary video stream and program-related material on that cable system in that market; and

“(ii) permits the cable system to carry without compensation any other programming broadcast by that station that is carried on that system.

“(B) MULTIPLE FORMATS PERMITTED.—A cable operator of a cable system may offer the primary video stream and program-related material of a local television station described in subparagraph (A) in any analog or digital format or formats, whether or not doing so requires conversion from the format transmitted by the local television station, so long as—

“(i) the cable operator offers the primary video stream and program-related material in the converted analog or digital format or formats without material degradation; and

“(ii) also offers the primary video stream and program-related material in the manner or manners required by this paragraph.

“(C) TRANSITIONAL CONVERSIONS.—Notwithstanding the requirement in subparagraph (A) to carry the primary video stream and program-related material in the digital format transmitted by the local television station, but subject to the prohibition on material degradation, until January 1, 2014—

“(i) a cable operator—

“(I) shall offer the primary video stream and program-related material in the format or formats necessary for such stream and material to be viewable on analog and digital televisions; and

“(II) may convert the primary video stream and program-related material to standard-definition digital format in lieu of offering it in the digital format transmitted by the local television station;

“(ii) notwithstanding clause (i), a cable operator of a cable system with an activated capacity of 550 megahertz or less—

“(I) shall offer the primary video stream and program-related material of the local television station described in subparagraph (A), converted to an analog format; and

“(II) may, but shall not be required to, offer the primary video stream and program-related material in any digital format or formats.

“(D) LOCATION AND METHOD OF CONVERSION.—

“(i) A cable operator of a cable system may perform any conversion permitted or required by this paragraph at any location, from the cable head-end to the customer premises, inclusive.

“(ii) Notwithstanding any other provision of this Act other than the prohibition on material degradation, a cable operator may use switched digital video technology to accomplish any conversion or transmission permitted or required by this paragraph.

“(E) CONVERSIONS NOT TREATED AS DEGRADATION.—Any conversion permitted or required by this paragraph shall not, by itself, be treated as a material degradation.

“(F) CARRIAGE OF PROGRAM-RELATED MATERIAL.—The obligation to carry program-related material under this paragraph is effective only to the extent technically feasible.

“(G) DEFINITION OF STANDARD-DEFINITION FORMAT.—For purposes of this paragraph, a stream shall be in standard definition digital format if such stream meets the criteria for such format as specified in the standard recognized by the Commission in section 73.682 of its rules (47 CFR 73.682) or a successor regulation.”.

(b) TIERING.—Clause (iii) of section 623(b)(7)(A) of such Act (47 U.S.C. 543(b)(7)(A)(iii)) is amended to read as follows:

“(iii) Both of the following signals:

“(I) the primary video stream and program-related material of any television broadcast station that is provided by the cable operator to any subscriber in an analog format, and

“(II) the primary video stream and program-related material—

“(aa) of any television broadcast station that is transmitting exclusively in digital format, and

“(bb) that is provided by the cable operator to any subscriber in a digital format,

but excluding a signal that is secondarily transmitted by a satellite carrier beyond the local service area of such station.”.

(c) COMPARABLE TREATMENT OF SATELLITE CARRIERS.—Section 338 of the Communications Act of 1934 (47 U.S.C. 338) is amended—

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

“(I) SPECIFIC CARRIAGE OBLIGATIONS AFTER DIGITAL TRANSITION.—

“(1) CARRIAGE OF DIGITAL FORMATS.—With respect to any television station that requests carriage under this section and that is transmitting broadcast programming exclusively in the digital television service in a local market in the contiguous United States (hereafter in this paragraph referred to as an eligible requesting station), a satellite carrier carrying the digital signal of any other local television station in that local market shall carry the eligible requesting station’s primary video stream and program-related material, without material degradation, if the licensee for that eligible requesting station—

“(A) relies on this section to obtain carriage of the primary video stream and program-related material by that satellite carrier in that market; and

“(B) permits the satellite carrier to carry without compensation any other programming broadcast by that local station that is carried on that system.

“(2) FORMATTING OF PRIMARY VIDEO STREAM.—A satellite carrier must offer the primary video stream and program-related material of an eligible requesting station in the digital format transmitted by the station if the satellite carrier carries the primary video stream of any other local television station in that local market in the same digital format.

“(3) MULTIPLE FORMATS PERMITTED.—A satellite carrier may offer the primary video stream and program-related material of an eligible requesting station in any analog or digital format or formats, whether or not doing so requires conversion from the format transmitted by that eligible requesting station, so long as—

“(A) the satellite carrier offers the primary video stream and program-related material in the converted analog or digital format or formats without material degradation; and

“(B) also offers the primary video stream and program-related material in the manner or manners required by this subsection.

“(4) TRANSITIONAL CONVERSIONS.—Notwithstanding any requirement in paragraphs (1) and (2) to carry the primary video stream and program-related material in the digital format transmitted by the local television station, but subject to the prohibition on material degradation, until January 1, 2014, a satellite carrier—

“(A) shall offer the primary video stream and program-related material of any local television broadcast station required to be carried under paragraph (1) in the format necessary for such stream to be viewable on analog and digital televisions; and

“(B) may convert the primary video stream and program-related material to standard-definition format in lieu of offering it in the digital format transmitted by the local television station.

“(5) LOCATION AND METHOD OF CONVERSION.—A satellite carrier may perform any conversion permitted or required by this subsection at any location, from the local receive facility to the customer premises, inclusive.

“(6) CONVERSIONS NOT TREATED AS DEGRADATION.—Any conversion permitted or required by this subsection shall not, by itself, be treated as a material degradation.

“(7) CARRIAGE OF PROGRAM-RELATED MATERIAL.—The obligation to carry program-related material under this subsection is effective only to the extent technically feasible.

“(8) DEFINITION OF STANDARD-DEFINITION FORMAT.—For purposes of this subsection, a stream shall be in standard definition digital format if such stream meets the criteria for such format as specified in the standard recognized by the Commission in section 73.682 of its rules (47 CFR 73.682) or a successor regulation.”;

(2) in subsection (b)(1), by striking “subsection (a)” and inserting “subsection (a) or (I)”;

(3) in subsection (c)(1), by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (I)”;

(4) in subsection (c)(2), by striking “subsection (a)” and inserting “subsections (a) and (I)”.

(d) DEADLINE.—The Federal Communications Commission shall revise its regulations to implement the amendments made by this section within one year after the date of enactment of this Act.

SEC. 3411. DEPLOYMENT OF BROADBAND WIRELESS TECHNOLOGIES.

Not later than 45 days after the effective date of this Act, the Commission shall initiate a rulemaking to assess the necessity of rechannelizing the spectrum located between 767–773 megahertz and 797–803 megahertz to accommodate broadband applications. Such rulemaking shall be completed within 180 days.

SEC. 3412. SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The wireless communications industry in the United States is becoming increasingly concentrated: there are currently no ownership limitations on wireless companies, and the five largest wireless carriers in the United States control nearly 90 percent of United States wireless subscribership.

(2) Over 90 percent of households receive their broadband services through either cable or digital subscriber line (DSL) service, and most cable and DSL providers are heavily concentrated within their geographic markets.

(3) Under the Omnibus Budget and Reconciliation Act of 1993, Congress tasked the Federal Communications Commission to promote economic opportunity by disseminating wireless communications licenses among a wide variety of applicants, including small businesses and rural telephone companies.

(4) Upcoming auctions for the returned analog broadcast spectrum in the 700 megahertz band that will be cleared following the transition from analog to digital broadcast television and Advanced Wireless Services (AWS) in the 1710–1755 megahertz and 2110–2155 megahertz bands will likely be the last reallocation opportunities for commercial wireless communications services and wireless broadband services in the foreseeable future.

(5) In the near term, wireless broadband presents the most promising opportunity to provide a third option (other than cable modem or DSL service) for broadband Internet access for most consumers, and the spectrum in the 700 megahertz band is considered “beachfront” property by telecommunications carriers because wireless signals at this frequency range pass easily through buildings, trees, and other interference.

(6) The 700 megahertz band offers a historic opportunity to provide the equivalent of a “third wire” into the home – an alternative to telephone or cable broadband access that will create new competition and incentives for new entrants, innovation, and broader service offerings.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Federal Communications Commission should disseminate wireless communications licenses consistent with the findings in subsection (a) and do so utilizing its existing authority under section 309(j) of the Communications Act of 1934, which requires the Commission to promote the following objectives:

(1) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

(2) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses and rural telephone companies;

(3) recovery for the public of a portion of the value of the public spectrum resource made available for commercial use and avoidance of unjust enrichment through the methods employed to award uses of that resource; and

(4) efficient and intensive use of the electromagnetic spectrum.

SEC. 3413. BAND PLAN REVISION REQUIRED.

(a) PROCEEDING REQUIRED.—The Federal Communications Commission shall commence a proceeding no later than June 1, 2006, to reevaluate the band plan for the auction of the unauctioned portions of the lower 700 megahertz band (currently designated as Blocks A, B, and E).

(b) RECONFIGURATION REQUIRED.—The Federal Communications Commission shall reconfigure the band plan to license spectrum for Block B of such portion according to Cellular Market Areas (i.e., Metropolitan Statistical Areas (“MSAs”) and Rural Service Areas (“RSAs”)) to facilitate the offering of competitive wireless services by regional and smaller wireless carriers.

TITLE IV—COMMITTEE ON FINANCIAL SERVICES

SECTION 4000. TABLE OF CONTENTS.

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Sec. 4000. Table of contents.

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Subtitle A—Deposit Insurance Reform

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the “Federal Deposit Insurance Reform Act of 2005”.

SEC. 4002. MERGING THE BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) REPEAL OF OUTDATED MERGER PROVISION.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4003. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) NET AMOUNT OF INSURED DEPOSIT.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3).”; and

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

“(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this

Act, the term ‘standard maximum deposit insurance amount’ means—

“(i) until the effective date of final regulations prescribed pursuant to section 4009(a)(2) of the Federal Deposit Insurance Reform Act of 2005, \$100,000; and

“(ii) on and after such effective date, \$130,000, adjusted as provided under subparagraph (F).”

“(F) INFLATION ADJUSTMENT.—

“(i) IN GENERAL.—By April 1 of 2007, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

“(I) \$130,000; and

“(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

“(ii) ROUNDING.—If the amount determined under clause (ii) for any period is not a multiple of \$10,000, the amount so determined shall be rounded to the nearest \$10,000.

“(iii) PUBLICATION AND REPORT TO THE CONGRESS.—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

“(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

“(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

“(iv) 6-MONTH IMPLEMENTATION PERIOD.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.”

(b) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

“(D) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

“(i) PASS-THROUGH INSURANCE.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

“(ii) PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

“(iii) DEFINITIONS.—For purposes of this subparagraph, the following definitions shall apply:

“(I) CAPITAL STANDARDS.—The terms ‘well capitalized’ and ‘adequately capitalized’ have the same meanings as in section 38.

“(II) EMPLOYEE BENEFIT PLAN.—The term ‘employee benefit plan’ has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan de-

scribed in section 457 of the Internal Revenue Code of 1986.

“(III) PASS-THROUGH DEPOSIT INSURANCE.—The term ‘pass-through deposit insurance’ means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.”

(c) DOUBLING OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking “\$100,000” and inserting “2 times the standard maximum deposit insurance amount (as determined under paragraph (1)).”

(d) INCREASED INSURANCE COVERAGE FOR MUNICIPAL DEPOSITS.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), “such depositor shall” and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking “(2)(A) Notwithstanding” and all that follows through “a depositor who is—” and inserting the following:

“(2) MUNICIPAL DEPOSITORS.—

“(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

“(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

“(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the standard maximum deposit insurance amount (as determined under paragraph (1)).

“(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

“(i) \$2,000,000; or

“(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

“(C) MUNICIPAL DEPOSIT PARITY.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

“(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term ‘in-State municipal depositor’ means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

“(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term ‘municipal depositor’ means a depositor that is—”;

(3) by striking “(B) The” and inserting the following:

“(F) AUTHORITY TO LIMIT DEPOSITS.—The”; and

(4) by striking “depositor referred to in subparagraph (A) of this paragraph” each place such term appears and inserting “municipal depositor”.

(e) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS.—

Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking "\$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(F) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking "\$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

"(a) INSURANCE LOGO.—

"(1) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

"(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than \$100, which the Corporation may recover for its use."

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking "\$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking "\$100,000" each place such term appears and inserting "an amount equal to the standard maximum deposit insurance amount"; and

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

"(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act."

(g) CONFORMING CHANGE TO CREDIT UNION SHARE INSURANCE FUND.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) INSURED AMOUNTS PAYABLE.—

"(1) NET INSURED AMOUNT.—

"(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) AGGREGATION.—Determination of the net amount of share insurance under sub-

paragraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.":

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking "his account" and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor or member who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS OR MEMBERS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

"(i) \$2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—":

(iii) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(iv) by striking "depositor or member referred to in subparagraph (A)" and inserting "municipal depositor or member"; and

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

"(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

"(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

"(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

"(A) until the effective date of final regulations prescribed pursuant to section 4009(a)(2) of the Federal Deposit Insurance Reform Act of 2005, \$100,000; and

"(B) on and after such effective date, \$130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act."

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking "\$100,000" and inserting "2 times the standard maximum share insurance amount (as determined under paragraph (1))".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 4009(a)(2) take effect.

SEC. 4004. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) SETTING ASSESSMENTS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

"(B) FACTORS TO BE CONSIDERED.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

"(i) The estimated operating expenses of the Deposit Insurance Fund.

"(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

"(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

"(iv) The risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

"(v) Any other factors the Board of Directors may determine to be appropriate."; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) BASE RATE FOR ASSESSMENTS.—

“(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1). No insured depository institution shall be barred from the lowest-risk category solely because of size.

“(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.”

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

“(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

“(A) the end of the 3-year period beginning on the due date of the assessment; or

“(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.”

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

“(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

“(1) IN GENERAL.—Subject to paragraph (3), any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

“(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

“(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

“(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

“(3) SPECIAL RULE FOR SMALL ASSESSMENT AMOUNTS.—If the amount of the assessment which an insured depository institution fails or refuses to pay is less than \$10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (1) shall not exceed \$100 for each day that such violation continues.

“(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.”

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking “at a rate determined in accordance with such Act” and inserting “at ½ the assessment rate otherwise applicable for such insured depository institution”.

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking “Board of Governors of the Federal Reserve System, and the”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: “Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).”

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking “semiannual” where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking “semiannual”; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking “semiannual”;

(B) in paragraph (2)(A), by striking “semiannual”; and

(C) in paragraph (3), by striking “semiannual period” and inserting “initial assessment period”.

(6) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking “semiannual”.

(7) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking “semiannual period” and inserting “assessment period”.

(8) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking “semiannual period” and inserting “assessment period”.

(9) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking “the Board and”;

(B) in subparagraph (J) of paragraph (2), by striking “the Board” and inserting “the Corporation”;

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

“(A) CORPORATION.—The term ‘Corporation’ means the Federal Deposit Insurance Corporation.”; and

(D) in subparagraph (C) of paragraph (3), by striking “Board” and inserting “Corporation”.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 4009(a)(5) take effect.

SEC. 4005. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

“(3) DESIGNATED RESERVE RATIO.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve

ratio applicable with respect to the Deposit Insurance Fund.

“(ii) NOT LESS THAN ANNUAL REDETERMINATION.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

“(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

“(i) may not exceed 1.4 percent of estimated insured deposits; and

“(ii) may not be less than 1.15 percent of estimated insured deposits.

“(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

“(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

“(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

“(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

“(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

“(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking “(y) The term” and inserting (y) Definitions Relating to Deposit Insurance Fund.—

“(1) DEPOSIT INSURANCE FUND.—The term”;

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

“(2) DESIGNATED RESERVE RATIO.—The term ‘designated reserve ratio’ means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).”

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 4009(a)(1) take effect.

SEC. 4006. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

“(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

“(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State

insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

“(i) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

“(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

“(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

“(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

“(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.”

SEC. 4007. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

“(e) REFUNDS, DIVIDENDS, AND CREDITS.—

“(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

“(A) refund the amount of the excess payment to the insured depository institution; or

“(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

“(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

“(A) RESERVE RATIO IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS.—Whenever the reserve ratio of the Deposit Insurance Fund exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.4 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.

“(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.4 PERCENT.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

“(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

“(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

“(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

“(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

“(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

“(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

“(IV) Such other factors as the Corporation may determine to be appropriate.

“(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

“(3) CREDIT POOL.—

“(A) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

“(i) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

“(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

“(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term ‘eligible insured depository institution’ means any insured depository institution that—

“(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

“(II) is a successor to any insured depository institution described in subclause (I).

“(iv) APPLICATION OF CREDITS.—

“(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(E), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

“(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

“(v) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

“(vi) PREDECESSOR DEFINED.—For purposes of this paragraph, the term ‘predecessor’, when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

“(B) ON-GOING CREDIT POOL.—

“(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (v) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

“(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be awarded by the Corporation under this subparagraph during any period in which—

“(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

“(II) the reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

“(iii) CRITERIA FOR DETERMINATION.—In determining the amounts of any assessment credits under this subparagraph, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

“(4) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

“(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.”

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 4005(b) of this subtitle) is amended by adding at the end the following new paragraph:

“(3) RESERVE RATIO.—The term ‘reserve ratio’, when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.”

SEC. 4008. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 4005(a) of this subtitle) is amended by adding at the end the following new subparagraph:

“(E) DIP RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

“(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made, the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 10-year period beginning upon the implementation of the plan.

“(iii) RESTRICTION ON ASSESSMENT CREDITS.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

“(iv) LIMITATION ON RESTRICTION.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

“(I) the amount of the assessment; or

“(II) the amount equal to 3 basis points of the institution’s assessment base.

“(v) TRANSPARENCY.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”.

SEC. 4009. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 4005 of this subtitle);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 4003 of this subtitle;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 4007 of this subtitle);

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 4007 of this subtitle, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this subtitle.

(b) RULE OF CONSTRUCTION.—No provision of this subtitle or any amendment made by this subtitle shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulations prescribed under subsection (a).

SEC. 4010. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) STUDY BY COMPTROLLER GENERAL.—

(1) STUDY REQUIRED.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) REPORT TO THE CONGRESS.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) STUDY OF FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.—

(1) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(c) STUDY REGARDING APPROPRIATE DEPOSIT BASE IN DESIGNATING RESERVE RATIO.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) REPORT.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(d) STUDY OF RESERVE METHODOLOGY AND ACCOUNTING FOR LOSS.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2004, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act). The Corporation shall obtain comments on the design of the study from the Comptroller General.

(2) FACTORS TO BE INCLUDED.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act, containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate. Before submitting the report to Congress, the Board of Directors shall provide a draft of the report to the Comptroller General for comment.

SEC. 4011. BI-ANNUAL FDIC SURVEY AND REPORT ON INCREASING THE DEPOSIT BASE BY ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

“SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

“(a) SURVEY REQUIRED.—

“(1) IN GENERAL.—The Corporation shall conduct a bi-annual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the ‘unbanked’) into the conventional finance system.

“(2) FACTORS AND QUESTIONS TO CONSIDER.—In conducting the survey, the Corporation shall take the following factors and questions into account:

“(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

“(B) Which financial education efforts appear to be the most effective in bringing ‘unbanked’ individuals and families into the conventional finance system?

“(C) What efforts are insured institutions making at converting ‘unbanked’ money order, wire transfer, and international remittance customers into conventional account holders?”

“(D) What cultural, language and identification issues as well as transaction costs appear to most prevent ‘unbanked’ individuals from establishing conventional accounts?”

“(E) What is a fair estimate of the size and worth of the ‘unbanked’ market in the United States?”

“(b) REPORTS.—The Chairperson of the Board of Directors shall submit a bi-annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the Corporation’s findings and conclusions with respect to the survey conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.”

SEC. 4012. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

“(B) includes any former savings association.”; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 4005(b) of this subtitle) and inserting the following new paragraph:

“(1) DEPOSIT INSURANCE FUND.—The term ‘Deposit Insurance Fund’ means the Deposit Insurance Fund established under section 11(a)(4).”;

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking “the Bank Insurance Fund or the Savings Association Insurance Fund,” and inserting “the Deposit Insurance Fund.”;

(3) in section 5(c)(4), by striking “deposit insurance fund” and inserting “Deposit Insurance Fund”;

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3) (and any funds resulting from the application of such paragraph (2) prior to its repeal shall be deposited into the general fund of the Deposit Insurance Fund);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking “reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7” and inserting “the reserve ratio of the Deposit Insurance Fund”;

(B) by striking subparagraph (B) and inserting the following:

“(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.”;

(C) by striking “(1) UNINSURED INSTITUTIONS.—”; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking “Bank Insurance Fund or the Savings Association Insurance Fund” and inserting “Deposit Insurance Fund”;

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking “Bank Insurance Fund or the Sav-

ings Association Insurance Fund” and inserting “Deposit Insurance Fund”;

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking “deposit insurance fund” each place that term appears and inserting “Deposit Insurance Fund”;

(B) in paragraph (1)(D), by striking “each deposit insurance fund” and inserting “the Deposit Insurance Fund”;

(C) in paragraph (5) (as so redesignated by section 4004(e)(4) of this subtitle)—

(i) by striking “any such assessment” and inserting “any such assessment is necessary”;

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking “(A) is necessary—”;

(II) by striking “Bank Insurance Fund members” and inserting “insured depository institutions”;

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting “that” before “the Corporation”;

(II) by striking “; and” and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking “Bank Insurance Fund or the Savings Association Insurance Fund” and inserting “Deposit Insurance Fund”;

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking “deposit insurance fund” and inserting “Deposit Insurance Fund”;

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking “deposit insurance fund” each place that term appears and inserting “Deposit Insurance Fund”;

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

“(4) DEPOSIT INSURANCE FUND.—

“(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

“(i) maintain and administer;

“(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

“(iii) invest in accordance with section 13(a).

“(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

“(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

“(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

“(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

“(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

“(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.”;

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking “, except that—” and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking “subparagraphs (A) and (B)” and inserting “subparagraph (A)”;

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking “institution, any” and inserting “institution, the”;

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking “liabilities.—” and all that follows through “Except” and inserting “liabilities.—Except”;

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking “the Bank Insurance Fund, the Savings Association Insurance Fund,” and inserting “the Deposit Insurance Fund”;

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking “Savings Association Insurance Fund” and inserting “Deposit Insurance Fund”;

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking “Federal deposit insurance funds” and inserting “the Deposit Insurance Fund (or any predecessor deposit insurance fund)”;

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking “deposit insurance fund” each place that term appears and inserting “Deposit Insurance Fund”;

(B) in subsection (a)(1), by striking “Bank Insurance Fund, the Savings Association Insurance Fund,” and inserting “Deposit Insurance Fund”;

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking “funds” and inserting “fund”; and

(ii) in clause (i), by striking “any insurance fund” and inserting “the Deposit Insurance Fund”;

(D) in subsection (c)(4)(G)(ii)—

(i) by striking “appropriate insurance fund” and inserting “Deposit Insurance Fund”;

(ii) by striking “the members of the insurance fund (of which such institution is a member)” and inserting “insured depository institutions”;

(iii) by striking “each member’s” and inserting “each insured depository institution’s”; and

(iv) by striking “the member’s” each place that term appears and inserting “the institution’s”;

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking “Bank Insurance Fund” and inserting “Deposit Insurance Fund”;

(G) in subsection (k)(4)(B)(i), by striking “Savings Association Insurance Fund member” and inserting “savings association”; and

(H) in subsection (k)(5)(A), by striking “Savings Association Insurance Fund members” and inserting “savings associations”;

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking “Bank Insurance Fund or the Savings Association Insurance Fund” and inserting “Deposit Insurance Fund”; and

(B) by striking “each such fund” and inserting “the Deposit Insurance Fund”;

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

"(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board;

"(C) be a direct liability of the Deposit Insurance Fund; and

"(D) be subject to the limitations of section 15(c).";

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Deposit Insurance Fund";

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking "Savings Association Insurance Fund" in the 1st sentence of subparagraph (A) and inserting "Deposit Insurance Fund";

(B) by striking "Savings Association Insurance Fund member" in the last sentence of

subparagraph (A) and inserting "savings association"; and

(C) by striking "Savings Association Insurance Fund or the Bank Insurance Fund" in subparagraph (C) and inserting "Deposit Insurance Fund";

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(32) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(36) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "associations.—" and all that follows through "Subsections (e)(2)" and inserting "associations.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4013. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51-4066-0-3-373)";

(e) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking "except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking "SAIF-INSURED BANKS" and inserting "CHARTER CONVERSIONS"; and

(B) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund";

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon "the following definitions shall apply";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(B) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply";

(C) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(D) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such

time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(E) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(F) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(G) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (1)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting "and after the merger of such funds, the Deposit Insurance Fund," after "the Savings Association Insurance Fund,"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking "any Federal deposit insurance

fund" in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting "the Deposit Insurance Fund".

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle B—FHA Asset Disposition

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the "FHA Asset Disposition Act of 2005".

SEC. 4102. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) The term "affordability requirements" means any requirements or restrictions imposed by the Secretary, at the time of sale, on a multifamily real property or a multifamily loan, such as use restrictions, rent restrictions, and rehabilitation requirements.

(2) The term "discount sale" means the sale of a multifamily real property in a transaction, such as a negotiated sale, in which the sale price is lower than the property market value and is set outside of a competitive bidding process that has no affordability requirements.

(3) The term "discount loan sale" means the sale of a multifamily loan in a transaction, such as a negotiated sale, in which the sale price is lower than the loan market value and is set outside of a competitive bidding process that has no affordability requirements.

(4) The term "loan market value" means the value of a multifamily loan, without taking into account any affordability requirements.

(5) The term "multifamily real property" means any rental or cooperative housing project of 5 or more units owned by the Secretary that prior to acquisition by the Secretary was security for a loan or loans insured under title II of the National Housing Act.

(6) The term "multifamily loan" means a loan held by the Secretary and secured by a multifamily rental or cooperative housing project of 5 or more units that was formerly insured under title II of the National Housing Act.

(7) The term "property market value" means the value of a multifamily real property for its current use, without taking into account any affordability requirements.

(8) The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4103. APPROPRIATED FUNDS REQUIREMENT FOR BELOW MARKET SALES.

(a) DISCOUNT SALES.—Notwithstanding any other provision of law, except for affordability requirements for the elderly and disabled required by statute, disposition by the Secretary of a multifamily real property during fiscal years 2006 through 2010 through a discount sale under sections 207(1) or 246 of the National Housing Act (12 U.S.C. 1713(1), 1715z-11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a), shall be subject to the availability of appropriations to the extent that the property value exceeds the sale proceeds. If the multifamily real property is sold, during such fiscal years, for an amount equal to or greater than the property market value then the transaction is not subject to the availability of appropriations.

(b) DISCOUNT LOAN SALES.—Notwithstanding any other provision of law and in accordance with the Federal Credit Reform

Act of 1990 (2 U.S.C. 661 et seq.), a discount loan sale during fiscal years 2006 through 2010 under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)), shall be subject to the availability of appropriations to the extent that the loan value exceeds the sale proceeds. If the multifamily loan is sold, during such fiscal years, for an amount equal to or greater than the loan market value then the transaction is not subject to the availability of appropriations.

(c) APPLICABILITY.—This section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

SEC. 4104. UP-FRONT GRANTS.

(a) 1997 ACT.—Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)) is amended by adding at the end the following new sentence: "A grant provided under this subsection during fiscal years 2006 through 2010 shall be available only to the extent that appropriations are made in advance for such purposes and shall not be derived from the General Insurance Fund."

(b) 1978 ACT.—Section 203(f)(4) of the Housing and Community Development Amendments of 1978 (12 USC 1701z-11(f)(4)) is amended by adding at the end the following new sentence: "This paragraph shall be effective during fiscal years 2006 through 2010 only to the extent that such budget authority is made available for use under this paragraph in advance in appropriation Acts."

(c) APPLICABILITY.—The amendments made by this section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

TITLE V—COMMITTEE ON JUDICIARY

SEC. 5001. TABLE OF CONTENTS.

TITLE V—COMMITTEE ON JUDICIARY

Sec. 5001. Table of contents.

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Subtitle A—Visa Fees

SEC. 5101. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

“(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) initially to grant an alien nonimmigrant status described in section 101(a)(15)(L) or to extend for the first time the stay of an alien having such status.

“(C) The amount of the fee imposed under subparagraph (A) or (B) shall be \$1,500.

“(D) The fees imposed under subparagraphs (A) and (B) shall only apply to principal aliens and not to spouses or children who are accompanying or following to join such principal aliens.

“(E) Fees collected under this paragraph shall be deposited as offsetting receipts in the Treasury, and shall not be available for expenditure until appropriated.

“(F)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

“(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).”.

Subtitle B—Circuit and District Judgeships

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the “Federal Judgeship Act of 2005”.

SEC. 5202. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional circuit judge for the first circuit court of appeals;
- (2) 2 additional circuit judges for the second circuit court of appeals;
- (3) 1 additional circuit judge for the sixth circuit court of appeals; and
- (4) 5 additional circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (A) 1 additional circuit judge for the eighth circuit court of appeals; and
- (B) 2 additional circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California.

(2) VACANCIES.—

(A) EIGHTH CIRCUIT.—The first vacancy in the office of circuit judge in the eighth circuit court of appeals, occurring 10 years or more after the confirmation date of the judge named to fill the circuit judgeship created in that circuit by paragraph (1)(A) shall not be filled.

(B) NINTH CIRCUIT.—The first 2 vacancies in the office of circuit judge in the ninth circuit

court of appeals, occurring 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by paragraph (1)(B) shall not be filled.

(c) TABLE OF JUDGESHIPS.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized under subsection (a) of this section, such table is amended to read as follows:

“Circuits	Number of Judges
District of Columbia	12
First	7
Second	15
Third	14
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	11
Ninth	33
Tenth	12
Eleventh	12
Federal	12.”.

SEC. 5203. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional district judge for the northern district of Alabama;
- (2) 4 additional district judges for the district of Arizona;
- (3) 3 additional district judges for the northern district of California;
- (4) 4 additional district judges for the eastern district of California;
- (5) 4 additional district judges for the central district of California;
- (6) 1 additional district judge for the southern district of California;
- (7) 1 additional district judge for the district of Colorado;
- (8) 4 additional district judges for the middle district of Florida;
- (9) 3 additional district judges for the southern district of Florida;
- (10) 1 additional district judge for the district of Idaho;
- (11) 1 additional district judge for the northern district of Illinois;
- (12) 1 additional district judge for the southern district of Indiana;
- (13) 1 additional district judge for the western district of Missouri;
- (14) 1 additional district judge for the district of Nebraska;
- (15) 1 additional district judge for the district of Nevada;
- (16) 1 additional district judge for the district of New Mexico;
- (17) 3 additional district judges for the eastern district of New York;
- (18) 1 additional district judge for the western district of New York;
- (19) 1 additional district judge for the district of Oregon;
- (20) 1 additional district judge for the district of South Carolina;
- (21) 3 additional district judges for the southern district of Texas;
- (22) 2 additional district judges for the eastern district of Virginia; and
- (23) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (A) 1 additional district judge for the middle district of Alabama;
- (B) 1 additional district judge for the district of Arizona;
- (C) 1 additional district judge for the northern district of California;
- (D) 1 additional district judge for the district of Colorado;
- (E) 1 additional district judge for the middle district of Florida;
- (F) 1 additional district judge for the northern district of Iowa;
- (G) 1 additional district judge for the district of Minnesota;
- (H) 1 additional district judge for the district of New Jersey;
- (I) 1 additional district judge for the district of New Mexico;
- (J) 1 additional district judge for the southern district of Ohio;
- (K) 1 additional district judge for the district of Oregon; and
- (L) 1 additional district judge for the district of Utah.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the judicial districts named in paragraph (1) occurring 10 years or more after the confirmation date of the judge named to fill the district judgeship created in that district by paragraph (1) shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(D) 1 additional district judge for the district of Colorado;

(E) 1 additional district judge for the middle district of Florida;

(F) 1 additional district judge for the northern district of Iowa;

(G) 1 additional district judge for the district of Minnesota;

(H) 1 additional district judge for the district of New Jersey;

(I) 1 additional district judge for the district of New Mexico;

(J) 1 additional district judge for the southern district of Ohio;

(K) 1 additional district judge for the district of Oregon; and

(L) 1 additional district judge for the district of Utah.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the judicial districts named in paragraph (1) occurring 10 years or more after the confirmation date of the judge named to fill the district judgeship created in that district by paragraph (1) shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(2) EXTENSION OF TEMPORARY JUDGESHIP.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended in the fifth sentence (relating to the northern district of Ohio) by striking “15 years” and inserting “20 years”.

(d) TABLE OF JUDGESHIPS.—In order that the table contained in section 133(a) of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized under subsections (a) and (c) of this section, such table is amended to read as follows:

“Districts	Judges
“Alabama:	
“Northern	8
“Middle	3
“Southern	3
“Alaska	
“Alaska	3
“Arizona	
“Arizona	16
“Arkansas:	
“Eastern	5
“Western	3
“California:	
“Northern	17
“Eastern	10
“Central	31
“Southern	14
“Colorado	
“Colorado	8
“Connecticut	
“Connecticut	8
“Delaware	
“Delaware	4
“District of Columbia	
“District of Columbia	15
“Florida:	
“Northern	4
“Middle	19
“Southern	20
“Georgia:	
“Northern	11
“Middle	4
“Southern	3
“Hawaii	
“Hawaii	4
“Idaho	
“Idaho	3
“Illinois:	
“Northern	23
“Central	4
“Southern	4
“Indiana:	
“Northern	5
“Southern	6

"Iowa: 2
 "Northern 3
 "Southern 2
 "Kansas 6
 "Kentucky: 5
 "Eastern 4
 "Western 1
 "Eastern and Western 1
 "Louisiana: 12
 "Eastern 3
 "Middle 7
 "Western 3
 "Maine 3
 "Maryland 10
 "Massachusetts 13
 "Michigan: 15
 "Eastern 4
 "Western 7
 "Minnesota 3
 "Mississippi: 6
 "Northern 7
 "Southern 2
 "Missouri: 6
 "Eastern 2
 "Western 3
 "Eastern and Western 3
 "Montana 4
 "Nebraska 8
 "Nevada 3
 "New Hampshire 17
 "New Jersey 7
 "New Mexico 5
 "New York: 28
 "Northern 18
 "Southern 5
 "Eastern 4
 "Western 4
 "North Carolina: 4
 "Eastern 4
 "Middle 4
 "Western 2
 "North Dakota 11
 "Ohio: 8
 "Northern 3
 "Southern 1
 "Oklahoma: 6
 "Northern 6
 "Eastern 1
 "Western 1
 "Northern, Eastern, and West- 1
 ern 7
 "Oregon 22
 "Pennsylvania: 6
 "Eastern 10
 "Middle 7
 "Western 3
 "Puerto Rico 7
 "Rhode Island 11
 "South Carolina 3
 "South Dakota 5
 "Tennessee: 4
 "Eastern 4
 "Middle 5
 "Western 12
 "Texas: 22
 "Northern 7
 "Southern 13
 "Eastern 5
 "Western 2
 "Utah 13
 "Vermont 4
 "Virginia: 13
 "Eastern 4
 "Western 8
 "Washington: 4
 "Eastern 8
 "Western 3
 "West Virginia: 5
 "Northern 2
 "Southern 3
 "Wisconsin: 5
 "Eastern 2
 "Western 3
 "Wyoming 3."

SEC. 5204. ESTABLISHMENT OF ARTICLE III COURT IN THE VIRGIN ISLANDS.

(a) ESTABLISHMENT OF JUDICIAL DISTRICT.—
 (1) VIRGIN ISLANDS.—Chapter 5 of title 28, United States Code, is amended by inserting after section 126 the following new section:

"§ 126A. Virgin Islands

"The Virgin Islands constitutes 1 judicial district comprising 2 divisions.

"(1) The Saint Croix Division comprises the Island of Saint Croix and adjacent islands and cays.

"Court for the Saint Croix Division shall be held at Christiansted.

"(2) The Saint Thomas and Saint John Division comprises the Islands of Saint Thomas and Saint John and adjacent islands and cays.

"Court for the Saint Thomas and Saint John Division shall be held at Charlotte-Amalie."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 5 of title 28, United States Code, is amended by inserting after the item relating to section 126 the following:
 "126A. Virgin Islands."

(b) NUMBER OF JUDGES.—The table contained in section 133(a) of title 28, United States Code, is amended by inserting after the item relating to Vermont the following:
 "Virgin Islands 2"

(c) BANKRUPTCY JUDGES.—The table contained in section 152(a)(2) of title 28, United States Code, is amended by inserting after the item relating to Vermont the following:
 "Virgin Islands 0"

(d) JUDICIAL CONFERENCES OF CIRCUITS.—Section 333 of title 28, United States Code, is amended in the third sentence of the first undesignated paragraph—

(1) by striking "the District Court of the Virgin Islands,"; and

(2) by striking "to the conferences of their respective circuits" and inserting "to the conference of the ninth circuit".

(e) JUDGES IN TERRITORIES AND POSSESSIONS.—Section 373 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands"; and

(2) in subsection (e), by striking "the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands".

(f) ANNUITIES FOR SURVIVORS OF CERTAIN JUDICIAL OFFICIALS OF THE UNITED STATES.—Section 376(a) of title 28, United States Code, is amended—

(1) in paragraph (1)(B), by striking "the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands"; and

(2) in paragraph (2)(B), by striking "the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands".

(g) AUTHORITY OF ATTORNEY GENERAL.—Section 526(a)(2) of title 28, United States Code, is amended by striking "and of the district court of the Virgin Islands".

(h) COURTS DEFINED.—Section 610 of title 28, United States Code, is amended—

(1) by striking "the United States District Court for the District of the Canal Zone,"; and

(2) by striking "the District Court of the Virgin Islands,".

(i) UNITED STATES MAGISTRATE JUDGES.—Section 631(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking "the Virgin Islands, Guam," and inserting "Guam"; and

(2) in the second sentence, by striking "the Virgin Islands, Guam," and inserting "Guam".

(j) COURT REPORTERS.—Section 753(a) of title 28, United States Code, is amended by striking "the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands" and inserting "and the District Court of Guam".

(k) FINAL DECISIONS OF DISTRICT COURTS.—Section 1291 of title 28, United States Code, is amended by striking "the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands," and inserting "and the District Court of Guam".

(l) INTERLOCUTORY DECISIONS.—Section 1292 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands," and inserting "and the District Court of Guam,"; and

(2) in subsection (d)(4)(A), by striking "the District Court of the Virgin Islands,".

(m) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 1295(a) of title 28, United States Code, is amended in paragraphs (1) and (2)—

(1) by striking "the United States District Court for the District of the Canal Zone,"; and

(2) by striking "the District Court of the Virgin Islands,".

(n) UNITED STATES AS DEFENDANT.—Section 1346(b)(1) of title 28, United States Code, is amended by striking "together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands,".

(o) ADEQUATE REPRESENTATION OF DEFENDANTS.—Section 3006A(j) of title 18, United States Code, is amended by striking "the District Court of the Virgin Islands,".

(p) SAVINGS PROVISIONS.—

(1) TENURE OF INCUMBENT JUDGES.—A judge of the District Court of the Virgin Islands in office on the effective date of this section shall continue in office until the expiration of the term for which the judge was appointed, or until the judge dies, resigns, or is removed from office, whichever occurs first. When a vacancy occurs on the court on or after the effective date of this section, the President, in accordance with section 133(a) of title 28, United States Code, shall appoint, by and with the advice and consent of the Senate, a district judge for the District of the Virgin Islands.

(2) RETIREMENT RIGHTS AND BENEFITS.—The amendments made by this section shall not affect the rights under sections 373 and 376 of title 28, United States Code, of any judge of the District Court of the Virgin Islands who retires on or before the effective date of this section or who continues in office after that date under paragraph (1) of this subsection. Service as a judge of the District Court of the Virgin Islands appointed under section 24 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614) shall be included in calculating service under sections 371 and 372 of title 28, United States Code, and shall not be counted for purposes of section 373 of that title, if the judge is reappointed, after the effective date of this section, under section 133(a) of title 28, United States Code, as district judge for the District of the Virgin Islands.

(q) AMENDMENTS TO REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.—

(1) REPEALS.—Sections 24, 25, 26, and 27 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614, 1615, 1616 and 1617) are repealed.

(2) RIGHTS AND PROHIBITIONS.—Section 3 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1561) is amended in the 23d undesignated paragraph—

(A) by inserting "article III;" after "section 9, clauses 2 and 3;" and

(B) by striking "That all offenses against the laws of the United States" and all that follows through "section 22(b) of this Act or" and inserting "That all offenses against the laws of the Virgin Islands which are prosecuted".

(3) JURISDICTION.—Section 21 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1611) is amended to read as follows:

"SEC. 21. JURISDICTION OF THE COURTS OF THE VIRGIN ISLANDS.

"(a) JURISDICTION OF THE COURTS OF THE VIRGIN ISLANDS.—The judicial power of the Virgin Islands shall be vested in such trial and appellate courts as may have been or may hereafter be established by local law. The local courts of the Virgin Islands shall have jurisdiction over all causes of action in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction.

"(b) PRACTICE AND PROCEDURE.—The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts."

(4) INCOME TAX MATTERS.—Section 22 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1612) is amended to read as follows:

"SEC. 22. JURISDICTION OVER INCOME TAX MATTERS.

"The United States District Court for the District of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of the Internal Revenue Code of 1986 shall constitute an offense against the Government of the Virgin Islands and may be prosecuted in the name of the Government of the Virgin Islands by the appropriate officers thereof in the United States District Court for the District of the Virgin Islands without the request or consent of the United States attorney for the Virgin Islands."

(5) APPELLATE JURISDICTION.—Section 23A of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1613a) is amended—

(A) by striking "District Court of the Virgin Islands" each place it appears and inserting "United States District Court for the District of the Virgin Islands"; and

(B) in subsection (b), by striking "pursuant to section 24(a) of this Act: *Provided*, That no more than one of them may be a judge of a court established by local law." and inserting "pursuant to chapter 13 of title 28, United States Code, or a recalled senior judge of the former District Court of the Virgin Islands. The chief judge of the United States Court of Appeals for the Third Circuit may assign to the appellate division a judge of a court of record of the Virgin Islands, except that no more than 1 of the judges sitting in the appellate division at any session may be a judge of a court established by local law."

(F) ADDITIONAL REFERENCES.—Any reference in any provision of law to the "District Court of the Virgin Islands" shall, on and after the effective date of this section, be deemed to be a reference to the United States District Court for the District of the Virgin Islands.

(S) EFFECTIVE DATE.—This section and the amendments made by this section shall take

effect at the end of the 90-day period beginning on the date of the enactment of this Act. Any complaint or proceeding pending in the District Court of the Virgin Islands on the effective date of this section may be pursued to final determination in the United States District Court for the District of the Virgin Islands, the United States Court of Appeals for the Third Circuit, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States.

SEC. 5205. EFFECTIVE DATE.

Except as provided in section 5204(s), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

Subtitle C—Bankruptcy Judgeships

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Enhanced Bankruptcy Judgeship Act of 2005".

SEC. 5302. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY JUDGESHIPS.

The following judgeships shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the eastern and western districts of Arkansas.

(2) 1 additional bankruptcy judgeship for the eastern district of California.

(3) 2 additional bankruptcy judgeships for the middle district of Florida.

(4) 2 additional bankruptcy judgeships for the northern district of Georgia.

(5) 1 additional bankruptcy judgeship for the southern district of Georgia.

(6) 1 additional bankruptcy judgeship for the eastern district of Kentucky.

(7) 1 additional bankruptcy judgeship for the district of Maryland.

(8) 3 additional bankruptcy judgeships for the eastern district of Michigan.

(9) 1 additional bankruptcy judgeship for the southern district of New York.

(10) 1 additional bankruptcy judgeship for the western district of Pennsylvania.

(11) 1 additional bankruptcy judgeship for the western district of Tennessee.

(12) 1 additional bankruptcy judgeship for the eastern district of Texas.

(13) 1 additional bankruptcy judgeship for the district of Utah.

SEC. 5303. TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) AUTHORIZATION FOR ADDITIONAL TEMPORARY BANKRUPTCY JUDGESHIPS.—The following judgeships shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the northern district of Florida.

(2) 2 additional bankruptcy judgeships for the middle district of Florida.

(3) 1 additional bankruptcy judgeship for the northern district of Indiana.

(4) 1 additional bankruptcy judgeship for the northern district of Mississippi.

(5) 1 additional bankruptcy judgeship for the district of Nevada.

(6) 1 additional bankruptcy judgeship for the western district of North Carolina.

(7) 1 additional bankruptcy judgeship for the southern district of Ohio.

(b) VACANCIES.—

(1) DISTRICTS WITH SINGLE APPOINTMENTS.—Except as provided in paragraph (2), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in subsection (a)—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a) to such office, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(2) MIDDLE DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of bankruptcy judge in the middle district of Florida—

(A) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under subsection (a)(2), and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(c) ELIGIBILITY FOR SUBSEQUENT APPOINTMENTS.—A judge holding office in any of the districts enumerated in subsection (a) shall, at the expiration of the term of the judge (other than by reason of paragraph (1)(B) or (2)(B) of subsection (b)), be eligible for reappointment as a bankruptcy judge in that district.

SEC. 5304. CONVERSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 102-361.—The following temporary bankruptcy judgeships authorized by the following paragraphs of section 3(a) of Public Law 102-361, as amended by section 307 of Public Law 104-317 (28 U.S.C. 152 note), are converted to permanent bankruptcy judgeships under section 152(a)(2) of title 28, United States Code:

(1) The temporary bankruptcy judgeship for the district of Delaware authorized by paragraph (3).

(2) The temporary bankruptcy judgeship for the southern district of Illinois authorized by paragraph (4).

(3) The temporary bankruptcy judgeship for the district of Puerto Rico authorized by paragraph (7).

(b) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 109-8.—The following temporary bankruptcy judgeships authorized by the following subparagraphs of section 1223(b)(1) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8), are converted to permanent bankruptcy judgeships under section 152(a)(2) of title 28, United States Code:

(1) The 4 temporary bankruptcy judgeships for the district of Delaware authorized by subparagraph (C).

(2) The temporary bankruptcy judgeship for the southern district of Georgia authorized by subparagraph (E).

(3) One of the 3 temporary bankruptcy judgeships for the district of Maryland authorized by subparagraph (F).

(4) The temporary bankruptcy judgeship for the eastern district of Michigan authorized by subparagraph (G).

(5) The temporary bankruptcy judgeship for the district of New Jersey authorized by subparagraph (I).

(6) The temporary bankruptcy judgeship for the northern district of New York authorized by subparagraph (K).

(7) The temporary bankruptcy judgeship for the southern district of New York authorized by subparagraph (L).

(8) The temporary bankruptcy judgeship for the eastern district of North Carolina authorized by subparagraph (M).

(9) The temporary bankruptcy judgeship for the eastern district of Pennsylvania authorized by subparagraph (N).

(10) The temporary bankruptcy judgeship for the district of South Carolina authorized by subparagraph (S).

(11) The temporary bankruptcy judgeship for the western district of Tennessee authorized by subparagraph (Q).

SEC. 5305. GENERAL PROVISIONS.

(a) TABLE OF JUDGESHIPS.—In order that the table contained in section 152(a)(2) of

title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of bankruptcy judgeships authorized under sections 5302 and 5304, such table is amended to read as follows:

Districts	Judges
“Alabama:	
“Northern	5
“Middle	2
“Southern	2
“Alaska	2
“Arizona	7
“Arkansas:	
“Eastern and Western	4
“California:	
“Northern	9
“Eastern	7
“Central	21
“Southern	4
“Colorado	5
“Connecticut	3
“Delaware	6
“District of Columbia	1
“Florida:	
“Northern	1
“Middle	10
“Southern	5
“Georgia:	
“Northern	10
“Middle	3
“Southern	4
“Hawaii	1
“Idaho	2
“Illinois:	
“Northern	10
“Central	3
“Southern	2
“Indiana:	
“Northern	3
“Southern	4
“Iowa:	
“Northern	2
“Southern	2
“Kansas	4
“Kentucky:	
“Eastern	3
“Western	3
“Louisiana:	
“Eastern	2
“Middle	1
“Western	3
“Maine	2
“Maryland	6
“Massachusetts	5
“Michigan:	
“Eastern	8
“Western	3
“Minnesota	4
“Mississippi:	
“Northern	1
“Southern	2
“Missouri:	
“Eastern	3
“Western	3
“Montana	1
“Nebraska	2
“Nevada	3
“New Hampshire	1
“New Jersey	9
“New Mexico	2
“New York:	
“Northern	3
“Southern	11
“Eastern	6
“Western	3
“North Carolina:	
“Eastern	3
“Middle	2
“Western	2
“North Dakota	1
“Ohio:	
“Northern	8
“Southern	7
“Oklahoma:	
“Northern	2
“Eastern	1
“Western	3

“Oregon	5
“Pennsylvania:	
“Eastern	6
“Middle	2
“Western	5
“Puerto Rico	3
“Rhode Island	1
“South Carolina	3
“South Dakota	2
“Tennessee:	
“Eastern	3
“Middle	3
“Western	6
“Texas:	
“Northern	6
“Eastern	3
“Southern	6
“Western	4
“Utah	4
“Vermont	1
“Virgin Islands	0
“Virginia:	
“Eastern	5
“Western	3
“Washington:	
“Eastern	2
“Western	5
“West Virginia:	
“Northern	1
“Southern	1
“Wisconsin:	
“Eastern	4
“Western	2
“Wyoming	1.”

(b) SENSE OF CONGRESS.—It is the sense of the Congress that bankruptcy judges in the eastern district of California should conduct bankruptcy proceedings on a daily basis in Bakersfield, California.

SEC. 5306. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

Subtitle D—Ninth Circuit Reorganization

SEC. 5401. SHORT TITLE.

This subtitle may be cited as the “Judicial Administration and Improvements Act of 2005”.

SEC. 5402. DEFINITIONS.

In this subtitle:

(1) FORMER NINTH CIRCUIT.—The term “former ninth circuit” means the ninth judicial circuit of the United States as in existence on the day before the effective date of this subtitle.

(2) NEW NINTH CIRCUIT.—The term “new ninth circuit” means the ninth judicial circuit of the United States established by the amendment made by section 5403(2)(A).

(3) TWELFTH CIRCUIT.—The term “twelfth circuit” means the twelfth judicial circuit of the United States established by the amendment made by section 5403(2)(B).

SEC. 5403. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking “thirteen” and inserting “fourteen”; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

“Ninth	California, Guam, Hawaii, Northern Mariana Islands.”;
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and

(B) by inserting after the item relating to the eleventh circuit the following:

“Twelfth	Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.”.
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SEC. 5404. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, as amended by section 5202(c) of this Act, is further amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

“Ninth	19”;
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and
(2) by inserting after the item relating to the eleventh circuit the following:
“Twelfth

SEC. 5405. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

“Ninth	Honolulu, Pasadena, San Francisco.”;
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and

(2) by inserting after the item relating to the eleventh circuit the following:

“Twelfth	Las Vegas, Missoula, Phoenix, Portland, Seattle.”.
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SEC. 5406. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this subtitle—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 5407. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this subtitle may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 5408. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5406, or
(2) who elects to be assigned under section 5407,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 5409. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this subtitle, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this subtitle had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this subtitle been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this subtitle, the petition shall be considered by the court of appeals to which it would have been submitted had this subtitle been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 5410. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

“(c) The chief judge of the Ninth Circuit may, in the public interest and upon request

by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

“(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.”.

SEC. 5411. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

“(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may, in the public interest—

“(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

“(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

“(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

“(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

“(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

“(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.”.

SEC. 5412. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this subtitle may take such administrative action as may be required to carry out this subtitle and the amendments made by this subtitle. Such court shall cease to exist for administrative purposes 2 years after the date of the enactment of this Act.

SEC. 5413. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect no later than December 31, 2006.

Subtitle E—Authorization of Appropriations

SEC. 5501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as are necessary to carry out subtitles B, C, and D of this title, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this title. Funds appropriated pursuant to this section in any fiscal year shall remain available until expended.

TITLE VI—COMMITTEE ON RESOURCES

Subtitle A—Miscellaneous Amendments Relating to Mining

Sec. 6101. Fees for recordation and location of mining claims.

Sec. 6102. Patents for mining or mill site claims.

Sec. 6103. Mineral examinations for mining on certain lands.

Sec. 6104. Mineral development lands available for purchase.

Sec. 6105. National mining and minerals policy to encourage and promote the productive second use of lands.

Sec. 6106. Regulations.

Sec. 6107. Protection of national parks and wilderness areas.

Subtitle B—Disposal of Public Lands

CHAPTER 1—DISPOSAL OF CERTAIN PUBLIC LANDS IN NEVADA

Sec. 6201. Short title.

Sec. 6202. Definitions.

Sec. 6203. Land conveyance.

Sec. 6204. Disposition of proceeds.

CHAPTER 2—DISPOSAL OF CERTAIN PUBLIC LANDS IN IDAHO

Sec. 6211. Short title.

Sec. 6212. Definitions.

Sec. 6213. Land conveyance.

Sec. 6214. Disposition of proceeds.

Subtitle C—Oil shale

Sec. 6301. Oil shale and tar sands amendments.

Subtitle D—Sale and Conveyance of Federal Land

Sec. 6401. Collection of receipts from the sale of Federal lands.

Subtitle A—Miscellaneous Amendments Relating to Mining

SEC. 6101. FEES FOR RECORDATION AND LOCATION OF MINING CLAIMS.

(a) DIMENSIONS OF MINING CLAIMS.—Section 2320 of the Revised Statutes (30 U.S.C. 23) is amended by striking the second and third sentences and inserting the following: “A mining claim located after May 10, 1872, whether located by one or more persons, and including a claim located before exposure of the vein or lode, may equal, but shall not exceed, 1,500 feet in length along the vein or lode, and shall extend no more than 300 feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than 25 feet on each side of the middle of the vein at the surface, except where adverse rights existing on May 10, 1872, render such limitation necessary.”.

(b) RIGHTS SECURED BY CLAIM MAINTENANCE FEES.—Section 2322 of the Revised Statutes (30 U.S.C. 26) is amended by inserting “(a) RIGHTS OF LOCATORS, GENERALLY.—” before the first sentence, and by adding at the end the following:

“(b) RIGHTS SECURED BY MAINTENANCE FEES.—Prior to issuance of a patent, timely payment of the claim maintenance fee secures the rights of the holder of a mining claim, mill site, or tunnel site, both prior to and after discovery of valuable mineral deposits, to use and occupy public lands under the provisions of the general mining law of the United States (as that term is defined in section 2324 of the Revised Statutes) for mineral prospecting, exploration, development, mining, milling, and processing of minerals, reclamation of the claimed lands, and uses reasonably incident thereto. Except for the location fee and the maintenance fees in section 2324 of the Revised Statutes (30 U.S.C. 28), and the patent prices in sections 2325, 2326, 2333, and 2337 of the Revised Statutes (30 U.S.C. 29, 30, 37, and 42), no other fees or fair market value assessments shall be applied to prospecting, exploration, development, mining, processing, or reclamation, and uses reasonably incident thereto.”.

(c) PATENT REQUIREMENTS.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is amended—

(1) in the second sentence by striking “, or at any time” and inserting “shall include a processing fee of \$2,500 for the first claim or site, and \$50 for each additional claim contained therein, and at any time”; and

(2) in the fourth sentence by inserting “and if the applicant has complied with the law of discovery” after “publication”.

(d) MINING DISTRICT REGULATIONS BY MINERS.—Section 2324 of the Revised Statutes (30 U.S.C. 28) is amended to read as follows:

“SEC. 2324. (a) AUTHORITY TO MAKE REGULATIONS.—The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements:

“(1) The location must be distinctly marked on the ground so that its boundaries can be readily traced.

“(2) All records of mining claims made after May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim.

“(b) RECORDATION OF MINING CLAIMS AND ABANDONMENT.—The locator of an unpatented lode or placer mining claim, mill site, or tunnel site located after October 21, 1976, pursuant to the general mining law of the United States shall, within 90 days after the date of location of such claim, file in the office designated by the Secretary of the Interior a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground. The failure to file such instruments as required by this subsection is deemed conclusively to constitute an abandonment of the mining claim, mill site, or tunnel site by the owner. Such recordation by itself shall not render valid any claim that would not be otherwise valid under applicable law.

“(c) LOCATION FEE.—Notwithstanding any other provision of law, for every mining claim, mill site, or tunnel site located after the date of the enactment of this subsection pursuant to the general mining law of the United States, the locator shall, at the time the location notice is recorded pursuant to subsection (b), pay a location fee of \$100 per claim. This fee shall be in addition to the first year’s claim maintenance fee required by subsection (d). Payment of the location fee required by this subsection and the maintenance fee required by subsection (d) secures to the locator the right to use and occupy the public lands for purposes of the general mining law of the United States.

“(d) SCHEDULE OF CLAIM MAINTENANCE FEES.—(1) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States on or after the date of the enactment of this subsection shall pay to the Secretary of the Interior, on or before September 1 of each year, a claim maintenance fee per claim. Except as provided in paragraph (2), such claim maintenance fee shall be paid in the following amounts:

“(A) \$35 per claim for each of the first through fifth maintenance years, beginning with the year the claim was recorded.

“(B) \$70 per claim for each of the sixth through tenth maintenance years.

“(C) \$125 per claim for each of the eleventh through fifteenth maintenance years.

“(D) \$150 per claim for the sixteenth maintenance year and each year thereafter.

“(2) Notwithstanding any other provision of law, for each unpatented mining claim located after the date of enactment of this subsection pursuant to the general mining law of the United States from which minerals are produced, and in lieu of the fee otherwise required by paragraph (1), the holder shall pay to the Secretary of the Interior an annual maintenance fee of \$200 per claim.

“(3) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States before the date of enactment of this subsection shall pay to the Secretary of the Interior for such claim—

“(A) except as provided in subparagraph (B), the claim maintenance fee that applied before such date of enactment; or

“(B) the claim maintenance fee that applies under paragraph (1) or (2), based on the number of years since the original location of the claim, if before the date the payment is due the claim holder—

“(i) notifies the Secretary; and

“(ii) pays to the Secretary a transfer fee of \$100.

“(e) ADJUSTMENT OF CLAIM MAINTENANCE FEES.—Claim maintenance fees under subsection (d) shall not be subject to adjustment.

“(f) WORK REQUIREMENT.—(1) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States after the date of enactment of this subsection, and any holder of a claim that has transferred such claim to the claim maintenance fee schedule under subsection (d), shall conduct physical evaluation and development of the claim or of any contiguous block of claims of which the claim is a part. Exploration and mining activities conducted pursuant to a notice, approved plan of operations, or, in the case of split estate lands, a comparable State or county notice or approval, demonstrates compliance with this section.

“(2) If physical evaluation of the claim is not carried out in accordance with paragraph (1) before the end of the fifth, tenth, or fifteenth maintenance year (beginning with the maintenance year in which the claim is filed), respectively, the claim holder shall be required to pay in the next maintenance year the location fee described in subsection (c), in addition to the annual claim maintenance fee required to be paid for the next maintenance year.

“(g) WAIVER OF CLAIM MAINTENANCE FEE ADJUSTMENTS AND WORK REQUIREMENT.—If a delay in meeting the work requirements under subsection (f) is the result of pending administrative proceedings, rights-of-way disputes, or litigation concerning issuance or validity of any permit or authorization required under Federal, State, or local law for physical evaluation and development of the claim—

“(1) any increase in the claim maintenance fee that would otherwise apply under subsection (d) and the work requirements under subsection (f) shall be suspended for the claim; and

“(2) claim maintenance fees required to be paid each year for the claim shall be the same as the fee that applied for the year in which the delay first occurred, and no additional location fee will be owed.

“(h) TIME OF PAYMENT.—The claim maintenance fee required under subsection (d) for any maintenance year shall be paid before the commencement of the maintenance year, except that, for the maintenance year in which the location is made the locator shall pay the claim maintenance fee and the location fee imposed under subsection (c) at the time the location notice is recorded with the Bureau of Land Management. The Director of the Bureau of Land Management, after consultation with the Governor of Alaska and by not later than 1 year after the date of enactment of this subsection, may establish a claim maintenance fee filing date for Alaska claim holders that is not later than 60 days after September 1.

“(i) SMALL MINER CLAIM MAINTENANCE FEE.—(1) In the case of a claim for which the holder certifies in writing to the Secretary that, on the date the payment of any claim maintenance fee under this section was due, the claim holder and all related parties held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands—

“(A) the claim maintenance fee shall be \$25 per claim per year for the life of the claim or site held by the claim holder; and

“(B) subsection (f) shall not apply.

“(2) In this subsection:

“(A) With respect to any claim holder, the term ‘related party’ means—

“(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152), as in effect on the date of the enactment of this paragraph of the claim holder; and

“(ii) a person who controls, is controlled by, or is under common control with the claim holder.

“(B) The terms ‘control’, ‘controls’, and ‘controlled’ include actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

“(j) FAILURE TO PAY.—(1) Failure to pay a claim maintenance fee or a location fee for an unpatented mining claim as required by this section shall subject an unpatented mining claim, mill site, or tunnel site to forfeiture by the claim holder as provided in this subsection.

“(2) The Secretary of the Interior shall provide the claim holder with notice of the failure and the opportunity to cure within 45 calendar days after the claim holder’s receipt of the notice.

“(3) The claim holder must, within such 45-day period, pay twice the amount of maintenance fee that would otherwise have been required to be timely paid. The Secretary of the Interior shall specify the amount that must be paid in the notice under paragraph (2).

“(4) Failure by the claim holder to make a timely and proper payment in the amount specified in the notice by the Secretary of the Interior, within 45 days after the claim holder’s receipt of the notice, shall constitute a forfeiture of the mining claim, mill site, or tunnel site by the claim holder by operation of law.

“(k) FAILURE OF CO-OWNER TO CONTRIBUTE.—Upon the failure of any one of several co-owners of a claim to contribute the co-owner’s proportion of any claim maintenance fee required by this section, the co-owners who have paid the claim maintenance fee, at the expiration of the year in which any unpaid amount was due, may give such delinquent co-owner personal notice in writing or notice by publication in the newspaper of record for the county in which the land that is subject to the claim or mill site is located, at least once a week for 90 days. If at the expiration of such 90-day period such delinquent co-owner fails or refuses to contribute the co-owner’s proportion of the claim maintenance fee required by this section, the co-owner’s interest in the claim shall become the property of the other co-owners who have paid the claim maintenance fee. The co-owners who have assumed the interest in the claims shall notify the Secretary of the Interior within 30 days of the assumption.

“(l) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEES UNDER ENERGY POLICY ACT OF 1992.—This section shall not apply to any oil shale claim for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242).

“(m) GENERAL MINING LAW OF THE UNITED STATES DEFINED; RULE OF CONSTRUCTION.—(1) In this section the term ‘general mining law of the United States’ means the provisions of law codified in chapters 2, 12, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

“(2) Subsections (b) and (c) shall be construed in accordance with judicial decisions under section 314 of the Federal Land Policy

and Management Act of 1976, as in effect before the enactment of those subsections.”.

(e) CONFORMING AMENDMENTS.—

(1) The Federal Land Policy and Management Act of 1976 is amended—

(A) by striking section 314 (43 U.S.C. 1744); (B) in the table of contents preceding title I by striking the item relating to section 314; and

(C) in section 302(a) by striking “section 314, section 603,” and inserting “section 603”.

(2) Section 22 of the Alaska Native Claims Settlement Act is amended by striking “and section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744)”.

(3) Section 31(f) of the Mineral Leasing Act (30 U.S.C. 188(f)) is amended by striking “section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744)” and inserting “subsections (b) and (c) of section 2320 of the Revised Statutes (30 U.S.C. 23)”.

(4) Section 2511(e) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)) is amended by striking the last sentence.

SEC. 6102. PATENTS FOR MINING OR MILL SITE CLAIMS.

(a) REPEAL OF LIMITATION ON USE OF FUNDS FOR APPLICATIONS FOR PATENT.—Section 408(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54) is repealed.

(b) PAYMENT AMOUNTS.—The Revised Statutes are amended—

(1) in section 2325 (30 U.S.C. 29) by striking “five dollars per acre” and inserting “\$1,000 per acre or fair market value, whichever is greater”;

(2) in section 2326 (30 U.S.C. 30) by striking “five dollars per acre” and inserting “\$1,000 per acre or fair market value, whichever is greater”;

(3) in section 2333 (30 U.S.C. 37)—

(A) by striking “five dollars per acre” and inserting “\$1,000 per acre or fair market value, whichever is greater”;

(B) by striking “two dollars and fifty cents per acre” and inserting “\$1,000 per acre or fair market value, whichever is greater”;

(4) in section 2337 (30 U.S.C. 42)—

(A) in subsection (a) by striking “made at the same rate” and all that follows through the end of that sentence and inserting “at the rate of \$1,000 per acre or fair market value, whichever is greater.”;

(B) in subsection (b) by striking “made at the rate” and all that follows through the end of that sentence and inserting “at the rate of \$1,000 per acre or fair market value, whichever is greater.”;

(5) in section 2325 (30 U.S.C. 29) by adding at the end the following: “For purposes of this section and sections 2326, 2333, and 2337 of the Revised Statutes, fair market value for the patenting of mining claims or mill sites shall be determined by appraisals prepared by an appraiser certified or qualified under applicable professional criteria or State law, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, submitted by the applicant for a patent to the Secretary of the Interior upon application for patent, that is completed within 120 days prior to submission of the application for patent.”.

(c) MINERAL DEVELOPMENT WORK REQUIREMENTS.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is amended—

(1) by striking “five hundred dollars” and inserting “\$7,500”; and

(2) by striking “labor has been expended” and inserting “mineral development work has been performed”.

(d) PATENT APPLICANTS IN LIMBO.—If the holder of an unpatented mining claim or mill site submitted an application for a mineral patent and paid the patent service charges

required by regulation at the time the application was submitted, and the Secretary of the Interior did not complete all actions to process the application before April 26, 1996, the holder of such claim may, at the holder's election, have such application processed under rules that applied before the date of the enactment of this Act.

(e) **ALTERNATIVE VALUABLE MINERAL DEPOSIT CRITERIA.**—Section 2325 of the Revised Statutes is further amended by inserting “(a) **MANNER FOR OBTAINING PATENT, GENERALLY.**—” before the first sentence, and by adding at the end the following:

“(b) **ALTERNATIVE VALUABLE MINERAL DEPOSIT CRITERIA.**—

“(1) **CLAIMS SUBJECT TO ONGOING ACTIVITIES.**—The holder of an unpatented mining claim or mill site who is conducting mining activities that meet the definition of a mine under section 3(h) of the Federal Mine Safety and Health Act of 1972 (30 U.S.C. 802(h)) and whose activities with respect to that claim or site are described in section 4 of such Act (30 U.S.C. 803) may receive a patent for any unpatented mining claims on which mining activities are occurring or any mill sites, within the boundaries of an approved plan of operations or a comparable State or county approval. Upon confirmation by the Secretary that minerals being mined are locatable in accordance with Federal law and that actual sales of minerals have taken place, all Federal lands within those boundaries are eligible for patent upon compliance with this section and sections 2327 and 2329 of the Revised Statutes (30 U.S.C. 34, 35).

“(2) **DISCLOSED CLAIMS AND MILL SITES.**—The holder of an unpatented mining claim or mill site whose proven and probable reserves are publicly disclosed in compliance with the Securities Act of 1933 (15 U.S.C. 77a) or the Securities Exchange Act of 1934 (15 U.S.C. 78a) may receive a patent for any such unpatented mining claim containing such reserves or for any mill site within the boundaries of a plan of operations or a comparable State or county approval for such reserves. All Federal lands within those boundaries are eligible for patent upon compliance with this section and sections 2327 and 2329 of the Revised Statutes (30 U.S.C. 34, 35).

“(c) **MINERAL EXAMINATIONS.**—

“(1) **IN GENERAL.**—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party examiner from a list maintained by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in this section and sections 2333 and 2337 of the Revised Statutes (30 U.S.C. 37, 42). The Bureau of Land Management shall have the sole responsibility to maintain the list of qualified third-party examiners.

“(2) **TRAINING.**—The Director of the Bureau of Land Management shall provide training in the conduct of mineral examinations to qualified individuals. The Director may charge fees to cover the costs of the training.

“(3) **QUALIFIED THIRD-PARTY EXAMINER DEFINED.**—In this subsection the term ‘qualified third-party examiner’ means a person who is a registered geologist or registered professional mining engineer licensed to practice within the State in which the claims are located.

“(d) **DISPOSITION OF PROCEEDS.**—The gross proceeds of conveyances of land under this section and sections 2319, 2330, 2332, 2333, and 2337 of the Revised Statutes (30 U.S.C. 22, 36, 37, 38, 42) shall be used as follows:

“(1) 10 percent shall be deposited into the Federal Energy and Mineral Resource Professional Development Fund.

“(2) 20 percent shall be available to the Secretary of the Army for use, through the Corps of Engineers, for the Restoration of Abandoned Mine Sites Program and section 560 of the Water Resources Development Act of 1999.

“(3) 70 percent shall be deposited into the General Fund of the Treasury.

“(e) **ISSUING PATENTS.**—If no adverse claim has been filed with the register and the receiver of the proper land office at the expiration of the 60-day period beginning on the date of publication of the notice that an application for mineral patent has been filed under section 2325, 2333 and 2337 of the Revised Statutes (30 U.S.C. 29, 37, 42), the Secretary shall issue the patent not later than 24 months after the date on which the application for patent was filed.

“(f) **SMALL MINER PATENT ADJUDICATION AND MINERAL DEVELOPMENT WORK REQUIREMENTS.**—The holder of 10 claims or less who applies for a mineral patent under this section or a direct purchase under section 2319 of the Revised Statutes (30 U.S.C. 22) shall pay one-fifth of the processing fees and perform one-fifth of the mineral development work required under this section and section 2319 (30 U.S.C. 22).”

SEC. 6103. MINERAL EXAMINATIONS FOR MINING ON CERTAIN LANDS.

Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following:

“(e) The Secretary shall not require a mineral examination report, otherwise required to be prepared under regulations promulgated pursuant to this Act, to approve a plan of operations under such regulations for mining claims and mill sites located on withdrawn lands if such mining claims, mill sites, and blocks of such mining claims and mill sites are contiguous to patented or unpatented mining claims or mill sites where mineral development activities, including mining, have been conducted as authorized by law or regulation.”

SEC. 6104. MINERAL DEVELOPMENT LANDS AVAILABLE FOR PURCHASE.

Section 2319 of the Revised Statutes (30 U.S.C. 22) is amended—

(1) by inserting “(a) **LANDS OPEN TO PURCHASE BY CITIZENS.**—” before the first sentence; and

(2) by adding at the end the following:

“(b) **AVAILABILITY FOR PURCHASE.**—Notwithstanding any other provision of law and in compliance with subsection (c), the Secretary of the Interior shall make mineral deposits and the lands that contain them, including lands in which the valuable mineral deposit has been depleted, available for purchase to facilitate sustainable economic development. This subsection shall not apply with respect to any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or to any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System.

“(c) **APPLICATION.**—The holder of mining claims, mill sites, and blocks of such mining claims and mill sites contiguous to patented or unpatented mining claims or mill sites where mineral development activities, including mining, have been conducted as authorized by law or regulation and on which mineral development work has been performed may apply to purchase Federal lands that are subject to the claims. The filing of the proper application shall include such processing fees as are required by section 2325 of the Revised Statutes (30 U.S.C. 29). The applicant or applicants, or their predecessors must present evidence of mineral development work performed on the Federal

lands identified and submitted for purchase. Mineral development work upon aggregation must average not less than \$7,500 per mining claim or mill site within the Federal lands identified and applied for.

“(d) **LAND SURVEYS.**—For the purpose of this section, and notwithstanding section 2334 of the Revised Statutes (30 U.S.C. 39), land surveys of the Federal lands applied for shall be paid for by the applicant and shall be completed either by a land surveyor registered in the State where the land is situated, or by such a surveyor also designated by the Bureau of Land Management as a mineral surveyor, if such mineral surveys are available, willing, and able to complete such surveys without delay at a cost comparable to the charges of ordinary registered land surveyors.

“(e) **DEADLINE FOR CONVEYANCE; PRICE.**—Notwithstanding any other provision of law, and not later than one year after the date of the approval of any survey required under subsection (d), the Secretary of the Interior shall convey to the applicant, in return for a payment of \$1,000 per acre or fair market value, whichever is greater, all right, title, and interest in and to the Federal land, subject to valid existing rights and the terms and conditions of the Act of August 30, 1890 (26 Stat. 391). For purposes of this subsection, fair market value for mineral development lands available for purchase shall be determined by appraisals prepared by an appraiser certified or qualified under applicable professional criteria or State law, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, submitted by the applicant to the Secretary of the Interior upon application for purchase, that is completed within 120 days prior to submission of the application. Fair market value for the interest in the land owned by the United States shall be exclusive of, and without regard to, the mineral deposits in the land or the use of such land for mineral activities.

“(f) **ENVIRONMENTAL LIABILITY.**—Notwithstanding any other Federal, State or local law, the United States shall not be responsible for—

“(1) investigating or disclosing the condition of any property to be conveyed under this section; and

“(2) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this section with respect to conditions existing at or on the land at the time of the conveyance.

“(g) **MINERAL DEVELOPMENT WORK DEFINED.**—In this section the term ‘mineral development work’ means geologic, geochemical or geophysical surveys; road building; exploration drilling, trenching, and exploratory sampling by any other means; construction of underground workings for the purpose of conducting exploration; mine development work; mineral production from underground or surface mines; environmental baseline studies; construction of environmental protection and monitoring systems; environmental reclamation; construction of power and water distribution facilities; engineering, metallurgical, geotechnical, and economic feasibility studies; land surveys; and any other work reasonably incident to mineral development.”

SEC. 6105. NATIONAL MINING AND MINERALS POLICY TO ENCOURAGE AND PROMOTE THE PRODUCTIVE SECOND USE OF LANDS.

Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) in the first sentence—

(A) in clause (2) by inserting “including through remining where appropriate” after “needs.”;

(B) in clause (3) by striking “and” after the comma at the end; and

(C) by striking the period at the end and inserting the following: “, and (5) facilitate the productive second use of lands used for mining and energy production.”;

(2) in the second sentence by striking “oil shale and uranium” and inserting “oil shale, and uranium, whether located onshore or offshore”; and

(3) in the third sentence—

(A) by striking “the Secretary of the Interior” and inserting “the head of each Federal department and of each independent agency”; and

(B) by striking “his”.

SEC. 6106. REGULATIONS.

The Secretary of the Interior shall issue final regulations implementing this subtitle by not later than 180 days after the date of the enactment of this Act.

SEC. 6107. PROTECTION OF NATIONAL PARKS AND WILDERNESS AREAS.

Subject to valid existing rights, nothing in sections 6202, 6203, 6204, 6205, and 6206 of this subtitle shall be construed as affecting any lands within the boundary of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System as of the date of the enactment of this Act.

Subtitle B—Disposal of Public Lands CHAPTER 1—DISPOSAL OF CERTAIN PUBLIC LANDS IN NEVADA

SEC. 6201. SHORT TITLE.

This chapter may be cited as the “Northern Nevada Sustainable Development in Mining Act”.

SEC. 6202. DEFINITIONS.

In this chapter:

(1) CLAIMANT.—The term “Claimant” means Coeur Rochester, Inc.

(2) COUNTY.—The term “County” means Pershing County, Nevada.

(3) GENERAL MINING LAW.—The term “general mining law” means the provisions of law codified in chapters 2, 12, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 6203. LAND CONVEYANCE.

(a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of \$500 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 7,000 acres of Federal lands subject to Claimant’s mining claims maintained under the general mining law and depicted on the Rochester Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) EXEMPTION FROM REVIEW, ETC.—Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) NO IMPACT ON LEGAL OBLIGATIONS.—Conveyance of the lands pursuant to subsection (a) shall not affect Claimant’s legal obligations to comply with applicable Federal mine closure or mine land reclamation laws, or with any other applicable Federal or State requirement relating to closure of the Rochester Mine and use of the land com-

prising such mine, including any requirement to prepare any environmental impact statement under the National Environmental Policy Act of 1969. Federal reclamation and closure obligations shall not be construed to require removal of infrastructure identified by Claimant as being usable by a post-mining land use.

(2) TITLE TO MATERIALS AND MINERALS.—Notwithstanding any other provision of law, Claimant shall own and have title to all spent ore, waste rock and tailings, and other materials located on lands conveyed pursuant to subsection (a).

(3) VALID EXISTING RIGHTS.—All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(4) ENVIRONMENTAL LIABILITY.—Notwithstanding any other Federal, State or local law, the United States shall not be responsible for—

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6204. DISPOSITION OF PROCEEDS.

The gross proceeds of conveyances of land under this chapter shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed \$20,000, incurred by the Nevada State Office and the Winnemucca Field Office of the Bureau of Land Management in conducting the conveyance under this chapter.

(2) \$500,000 shall be paid directly to the State of Nevada for use in the State’s abandoned mined land program.

(3) \$100,000 shall be paid directly to Pershing County, Nevada.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

CHAPTER 2—DISPOSAL OF CERTAIN PUBLIC LANDS IN IDAHO

SEC. 6211. SHORT TITLE.

This chapter may be cited as the “Central Idaho Sustainable Development in Mining Act”.

SEC. 6212. DEFINITIONS.

In this chapter:

(1) CLAIMANT.—The term “Claimant” means TDS LLC, an affiliated company of L&W Stone Corporation.

(2) COUNTY.—The term “County” means Custer County, Idaho.

(3) GENERAL MINING LAW.—The term “general mining law” means the provisions of law codified in chapters 2, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 6213. LAND CONVEYANCE.

(a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of \$1,000 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 519.7 acres of Federal lands subject to Claimant’s mining claims maintained under the general

mining law and depicted as “proposed land exchange alignment” on the Central Idaho Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) EXEMPTION FROM REVIEW, ETC.—Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) TRANSFER OF FEE TITLE IN FEDERAL LANDS.—Notwithstanding any other provision of law, full fee title in approximately 519.7 acres of Federal lands described in subsection (a) shall be transferred to Claimant as depicted as “proposed land exchange alignment” on the Central Idaho Sustainable Development Project map.

(2) VALID EXISTING RIGHTS.—All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(3) ENVIRONMENTAL LIABILITY.—Notwithstanding any other Federal, State, or local law, the United States shall not be responsible for—

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6214. DISPOSITION OF PROCEEDS.

Within one year of the completion of the conveyance under this chapter, the gross proceeds of the conveyance shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed \$15,000, incurred by the Idaho State Office and the Challis Field Office of the Bureau of Land Management in conducting conveyances under this chapter.

(2) \$200,000 shall be paid directly to the State of Idaho for use in the State Parks program.

(3) \$200,000 shall be paid directly to Custer County, Idaho.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

Subtitle C—Oil Shale

SEC. 6301. OIL SHALE AND TAR SANDS AMENDMENTS.

(a) COMMERCIAL LEASING OF OIL SHALE AND TAR SANDS.—Section 369(e) of the Energy Policy Act of 2005 (Public Law 109-58) is amended to read as follows:

“(e) COMMENCEMENT OF COMMERCIAL LEASING OF OIL SHALE AND TAR SAND.—Not later than 365 days after publication of the final regulation required by subsection (d), the Secretary shall hold the first oil shale and tar sands lease sales under the regulation, offering for lease a minimum of 35 percent of the Federal lands that are geologically prospective for oil shale and tar sands within Colorado, Utah, and Wyoming. The environmental impact statement developed in support of the commercial leasing program for oil shale and tar sands as required by subsection (c) is deemed to provide adequate environmental analysis for all oil shale and tar sands lease sales conducted within the first 10 years after promulgation of the regulation, and such sales shall not be subject to further environmental analysis.”.

(b) REPEAL OF REQUIREMENT TO ESTABLISH PAYMENTS.—Section 369(o) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 728; 42 U.S.C. 15927) is repealed.

(c) TREATMENT OF REVENUES.—Section 21 of the Mineral Leasing Act (30 U.S.C. 241) is amended by adding at the end the following:

“(e) REVENUES.—

“(1) IN GENERAL.—Notwithstanding the provisions of section 35, all revenues received from and under an oil shale or tar sands lease shall be disposed of as provided in this subsection.

“(2) ROYALTY RATES FOR COMMERCIAL LEASES.—

“(A) INITIAL PRODUCTION.—For the first 10 years after initial production under each oil shale or tar sands lease issued under the commercial leasing program established under subsection (d), the Secretary shall set the royalty rate at not less than 1 percent nor more than 3 percent of the gross value of production. However, the initial production period royalty rate set by the Secretary shall not apply to production occurring more than 15 years after the date of issuance of the lease.

“(B) SUBSEQUENT PERIODS.—After the periods of time specified in subparagraph (A), the Secretary shall set the royalty rate on each oil shale or tar sands lease issued under the commercial leasing program established under subsection (d) at not less than 6 percent nor more than 9 percent of the gross value of production.

“(C) REDUCTION.—The Secretary shall reduce any royalty otherwise required to be paid under subparagraphs (A) and (B) under any oil shale or tar sands lease on a sliding scale based upon market price, with a 10 percent reduction if the monthly average price of NYMEX West Texas Intermediate crude oil at Cushing, Oklahoma, (WTI) drops below \$50 (in 2005 dollars) for the month in which the production is sold, and an 80 percent reduction if the monthly average price of WTI drops below \$30 (in 2005 dollars) for the month in which the production is sold.

“(3) DISPOSITION OF REVENUES.—

“(A) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury all revenues derived from any oil shale or tar sands lease.

“(B) ALLOCATIONS TO STATES AND LOCAL POLITICAL SUBDIVISIONS.—The Secretary shall allocate 50 percent of the revenues deposited into the account established under subparagraph (A) to the State within the boundaries of which the leased lands are located, with a portion of that to be paid directly by the Secretary to the State's local political subdivisions as provided in this paragraph.

“(C) TRANSMISSION OF ALLOCATIONS.—

“(i) IN GENERAL.—Not later than the last business day of the month after the month in which the revenues were received, the Secretary shall transmit—

“(I) to each State two-thirds of such State's allocations under subparagraph (B), and in accordance with clauses (ii) and (iii) to certain county-equivalent and municipal political subdivisions of such State a total of one-third of such State's allocations under subparagraph (B), together with all accrued interest thereon; and

“(II) the remaining balance of such revenues deposited into the account that are not allocated under subparagraph (B), together with interest thereon, shall be transmitted to the miscellaneous receipts account of the Treasury, except that until a lease has been in production for 10 years 80 percent of such remaining balance derived from a lease shall be paid in accordance with subclause (I).

“(ii) ALLOCATIONS TO CERTAIN COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall under clause (i)(I) make equitable allocations of the revenues to county-equivalent political subdivisions that the

Secretary determines are closely associated with the leasing and production of oil shale and tar sands, under a formula that the Secretary shall determine by regulation.

“(iii) ALLOCATIONS TO MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each county-equivalent political subdivision under clause (ii) shall be further allocated to the county-equivalent political subdivision and any municipal political subdivisions located partially or wholly within the boundaries of the county-equivalent political subdivision on an equitable basis under a formula that the Secretary shall determine by regulation.

“(D) INVESTMENT OF DEPOSITS.—The deposits in the Treasury account established under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

“(E) USE OF FUNDS.—A recipient of funds under this subsection may use the funds for any lawful purpose as determined by State law. Funds allocated under this subsection to States and local political subdivisions may be used as matching funds for other Federal programs without limitation. Funds allocated to local political subdivisions under this subsection may not be used in calculation of payments to such local political subdivisions under programs for payments in lieu of taxes or other similar programs.

“(F) NO ACCOUNTING REQUIRED.—No recipient of funds under this subsection shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law.

“(4) DEFINITIONS.—In this subsection:

“(A) COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term ‘county-equivalent political subdivision’ means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a State.

“(B) MUNICIPAL POLITICAL SUBDIVISION.—The term ‘municipal political subdivision’ means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State.”.

Subtitle D—Sale and Conveyance of Federal Land

SEC. 6401. COLLECTION OF RECEIPTS FROM THE SALE OF FEDERAL LANDS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall make the lands described in subsection (b) available for immediate sale through a competitive sale process at fair market value. Requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the sale of lands under this section.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the following:

(1) Poplar Point (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 28 of 28).

(2) U.S. Reservations 44, 45, 46, 47, 48 and 49 (Map Number 869/80460, Dated July 2005, p. 13 of 28).

(3) U.S. Reservation 251 (Map Number 869/80460, Dated July 2005, p. 14 of 28).

(4) U.S. Reservation 8 (Map Number 869/80460, Dated July 2005, p. 15 of 28).

(5) U.S. Reservation 17A (Map Number 869/80460, Dated July 2005, p. 20 of 28).

(6) U.S. Reservation 484 (Map Number 869/80460, Dated July 2005, p. 21 of 28).

(7) U.S. Reservation 721, 722 and 723 (Map Number 869/80460, Dated July 2005, p. 25 of 28).

(8) Certain land adjacent to Robert F. Kennedy Stadium Parking Lot (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 26 of 28).

(9) United States Reservation 243, 244, 245, and 247 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 22 of 28). The Secretary may retain from sale proceeds and spend without further appropriation up to \$1,000,000 each year to implement land sales under this subsection, including hiring contractors and appraisers

(c) POPLAR POINT.—

(1) RETENTION OF FUNDS.—The Secretary may retain \$10,000,000 from funds received from the sale of land under subsection (b)(1) and spend such funds without further appropriations for the purposes of complying with subparagraph (2).

(2) CONTINUITY OF OPERATION.—Before the sale and development of land referred to in subparagraph (b)(1), the Secretary shall ensure that the existing facilities and related properties (including necessary easements and utilities related thereto) occupied or otherwise used by the National Park Service are either withheld from any sale and remain in operation at its current location or will be relocated to suitable replacement facilities along the Anacostia River in the District of Columbia using funds made available by subparagraph (c)(1).

(d) CONVEYANCE OF LANDS TO THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary shall immediately convey all right, title, and interest of the United States in the lands described in this subsection to the District of Columbia upon enactment of this section. Requirements under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) shall not apply to the conveyance of lands under this subsection.

(2) LANDS DESCRIBED.—The lands referred to in this subsection are as follows:

(A) United States Reservation 128, 129, 130, 298 and 299 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 23 of 28).

(B) United States Reservation 174 (Map Number 869/80460, Dated July 2005, p. 27 of 28).

(C) United States Reservation 277A and 277C (Map Number 869/80460, Dated July 2005, p. 16 of 28).

(D) United States Reservation 343D and 343E (Map Number 869/80460, Dated July 2005, p. 24 of 28).

(E) United States Reservation 404 (Map Number 869/80460, Dated July 2005, p. 12 of 28).

(F) United States Reservation 451 (Map Number 869/80460, Dated July 2005, p. 11 of 28).

(G) United States Reservation 470 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 17 of 28).

(e) TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.—

(1) IN GENERAL.—Upon the date of the enactment of this subsection, administrative jurisdiction over each of the following properties (owned by the United States and as depicted on listed maps) is hereby transferred from the District of Columbia to the United States for administration by the Secretary of the Interior through the Director of the National Park Service:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (Audubon Terrace, NW. Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 2 of 28).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545

(Barnaby Avenue, NW, Map Number 869/80460, Dated July 2005, p. 3 of 28).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each which abuts U.S. Reservation (Canal and V Streets, SW, Map Number 869/80460, Dated July 2005, p. 3 of 28).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (Fort Circle Park, Map Number 869/80460, Dated July 2005, p. 5 of 28)".

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (Western Avenue, NW, Map Number 869/80460, Dated July 2005, p. 6 of 28).

(F) An unimproved portion of 17th Street Northwest, south of Shepard Street Northwest, that abuts U.S. Reservation 339 (17th Street, NW, Map Number 869/80460, Dated July 2005, p. 7 of 28).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road, Northwest, that is within the boundaries of U.S. Reservation 515 (30th Street, NW, Map Number 869/80460, Dated July 2005, p. 8 of 28).

(H) Land over I-395 at Washington Avenue, Southwest (Lands over I-395 at Washington Avenue, SW, Map Number 869/80460, Dated July 2005, p. 9 of 28).

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia (Portion of U.S. Reservation 357, Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 10 of 28).

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106-348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for tunnels, walls, footings, and related facilities.

TITLE VII—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SEC. 7001. EXTENSION OF VESSEL TONNAGE DUTIES.

(a) EXTENSION OF DUTIES.—Section 36 of the Act entitled "An Act to provide revenue, equalize duties and encourage the industries of the United States, and for other purposes", approved August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121), is amended—

(1) by striking "9 cents per ton" and all that follows through "2002," the first place it appears and inserting "4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010,"; and

(2) by striking "27 cents per ton" and all that follows through "2002," and inserting "13.5 cents per ton, not to exceed 67.5 cents per ton per annum, for fiscal years 2006 through 2010,".

(b) CONFORMING AMENDMENT.—The Act entitled "An Act concerning tonnage duties on vessels entering otherwise than by sea", approved March 8, 1910 (36 Stat. 234; 46 U.S.C. App. 132), is amended by striking "9 cents per ton" and all that follows through "and 2 cents" and inserting "4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010, and 2 cents".

(c) OFFSETTING RECEIPTS.—Increased tonnage charges collected as a result of the amendments made by subsection (a) shall be

deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities related to marine safety, search and rescue, and aids to navigation.

TITLE VIII—COMMITTEE ON WAYS AND MEANS

SEC. 8001. SHORT TITLE.

This title may be cited as the "Work, Marriage, and Family Promotion Reconciliation Act of 2005".

SEC. 8002. TABLE OF CONTENTS.

The table of contents of this title is as follows:

Sec. 8001. Short title.
Sec. 8002. Table of contents.
Sec. 8003. References.
Sec. 8004. Findings.

Subtitle A—TANF

Sec. 8101. Purposes.
Sec. 8102. Family assistance grants.
Sec. 8103. Promotion of family formation and healthy marriage.
Sec. 8104. Supplemental grant for population increases in certain States.
Sec. 8105. Elimination of high performance bonus.
Sec. 8106. Contingency fund.
Sec. 8107. Use of funds.
Sec. 8108. Repeal of Federal loan for State welfare programs.
Sec. 8109. Universal engagement and family self-sufficiency plan requirements.

Sec. 8110. Work participation requirements.
Sec. 8111. Maintenance of effort.
Sec. 8112. Performance improvement.
Sec. 8113. Data collection and reporting.
Sec. 8114. Direct funding and administration by Indian tribes.

Sec. 8115. Research, evaluations, and national studies.
Sec. 8116. Study by the Census Bureau.
Sec. 8117. Definition of assistance.
Sec. 8118. Technical corrections.
Sec. 8119. Fatherhood program.
Sec. 8120. State option to make TANF programs mandatory partners with one-stop employment training centers.

Sec. 8121. Sense of the Congress.
Sec. 8122. Drug testing of applicants for and recipients of assistance.

Subtitle B—Child care

Sec. 8201. Entitlement funding.

Subtitle C—Child support

Sec. 8301. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 8302. State option to pass through all child support payments to families that formerly received TANF.

Sec. 8303. Mandatory review and adjustment of child support orders for families receiving TANF.

Sec. 8304. Mandatory fee for successful child support collection for family that has never received TANF.

Sec. 8305. Report on undistributed child support payments.

Sec. 8306. Decrease in amount of child support arrearage triggering passport denial.

Sec. 8307. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.

Sec. 8308. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.

Sec. 8309. Maintenance of technical assistance funding.

Sec. 8310. Maintenance of Federal Parent Locator Service funding.

Sec. 8311. Information comparisons with insurance data.

Sec. 8312. Tribal access to the Federal Parent Locator Service.

Sec. 8313. Reimbursement of Secretary's costs of information comparisons and disclosure for enforcement of obligations on Higher Education Act loans and grants.

Sec. 8314. Technical amendment relating to cooperative agreements between States and Indian tribes.

Sec. 8315. State option to use statewide automated data processing and information retrieval system for interstate cases.

Sec. 8316. Modification of rule requiring assignment of support rights as a condition of receiving TANF.

Sec. 8317. State option to discontinue certain support assignments.

Sec. 8318. Technical correction.

Sec. 8319. Reduction in rate of reimbursement of child support administrative expenses.

Sec. 8320. Incentive payments.

Subtitle D—Child welfare

Sec. 8401. Extension of authority to approve demonstration projects.

Sec. 8402. Elimination of limitation on number of waivers.

Sec. 8403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.

Sec. 8404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.

Sec. 8405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.

Sec. 8406. Availability of reports.

Sec. 8407. Clarification of eligibility for foster care maintenance payments and adoption assistance.

Sec. 8408. Clarification regarding Federal matching of certain administrative costs under the foster care maintenance payments program.

Sec. 8409. Technical correction.

Sec. 8410. Technical correction.

Subtitle E—Supplemental security income

Sec. 8501. Review of State agency blindness and disability determinations.

Sec. 8502. Payment of certain lump sum benefits in installments under the Supplemental Security Income program.

Subtitle F—State and local flexibility

Sec. 8601. Program coordination demonstration projects.

Subtitle G—Repeal of continued dumping and subsidy offset

Sec. 8701. Repeal of continued dumping and subsidy offset.

Subtitle H—Effective date

Sec. 8801. Effective date.

SEC. 8003. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 8004. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal year 1999 and continued steady in fiscal years 2000 and 2001. In fiscal year 2003, 31.3 percent of adult recipients were counted as meeting the work participation requirements. All States but one met the overall participation rate standard in fiscal year 2003, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of June 2004, 1,969,909 families and 4,727,291 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 55 percent and 61 percent, respectively, since the enactment of TANF.

(D) The child poverty rate continued to decline between 1996 and 2003, falling 14 percent from 20.5 to 17.6 percent. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 7 years.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The birth rate to teenagers declined 30 percent from its high in 1991 to 2002. The 2002 teenage birth rate of 43.0 per 1,000 women aged 15-19 is the lowest recorded birth rate for teenagers.

(B) During the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15-17 years of age has declined 40 percent since 1991, and the rate for those 18 and 19 has declined 23 percent. The rate for African American teens—until recently the highest—has declined the most—42 percent from 1991 through 2002.

(C) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from \$12,000,000,000 in fiscal year 1996 to over \$21,000,000,000 in fiscal year 2003. The number of paternities established or acknowledged in fiscal year 2003 (over 1,500,000) includes a more than 100 percent increase through in-hospital acknowledgement programs—862,043 in 2003 compared to 324,652 in 1996. Child support collections were made in nearly 8,000,000 cases in fiscal year 2003, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2003 were \$26,300,000,000, up from \$25,400,000,000 in fiscal year 2002 and \$22,600,000,000 in fiscal year 1999. This increased spending is attributable to signifi-

cant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, almost all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and paternal involvement. Over half of the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) However, despite this success, there is still progress to be made. Policies that support and promote more work, strengthen families, and enhance State flexibility are necessary to continue to build on the success of welfare reform.

(A) Significant numbers of welfare recipients still are not engaged in employment-related activities. While all States have met the overall work participation rates required by law, in an average month, only 41 percent of all families with an adult participated in work activities that were countable toward the State's participation rate. In fiscal year 2003, four jurisdictions failed to meet the more rigorous 2-parent work requirements, and 25 jurisdictions (States and territories) are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(B) In 2002, 34 percent of all births in the U.S. were to unmarried women. And, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically (80 percent in 2002 versus 30 percent in 1970). The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(C) There has been a dramatic rise in cohabitation as marriages have declined. It is estimated that 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood. Children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families.

(D) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living with a single mother is nearly 5 times as likely to be poor as a child living in a married-couple family. In 2003, in

married-couple families, the child poverty rate was 8.6 percent, and in households headed by a single mother the poverty rate was 41.7 percent.

(5) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this title) is intended to serve those ends.

Subtitle A—TANF

SEC. 8101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “increase” and inserting “improve child well-being by increasing”;

(2) in paragraph (1), by inserting “and services” after “assistance”;

(3) in paragraph (2), by striking “parents on government benefits” and inserting “families on government benefits and reduce poverty”; and

(4) in paragraph (4), by striking “two-parent families” and inserting “healthy, 2-parent married families, and encourage responsible fatherhood”.

SEC. 8102. FAMILY ASSISTANCE GRANTS.

(a) EXTENSION OF AUTHORITY.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking “1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003” and inserting “2006 through 2010”; and

(2) by inserting “payable to the State for the fiscal year” before the period.

(b) STATE FAMILY ASSISTANCE GRANT.—Section 403(a)(1)(C) (42 U.S.C. 603(a)(1)(C)) is amended by striking “fiscal year 2003” and inserting “each of fiscal years 2006 through 2010”.

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking “1997 through 2003” and inserting “2006 through 2010”.

SEC. 8103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) STATE PLANS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

“(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).”

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

“(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

“(A) AUTHORITY.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

“(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

“(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

“(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

“(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

“(iv) Pre-marital education and marriage skills training for engaged couples and for

couples or individuals interested in marriage.

“(v) Marriage enhancement and marriage skills training programs for married couples.

“(vi) Divorce reduction programs that teach relationship skills.

“(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

“(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

“(C) VOLUNTARY PARTICIPATION.—

“(i) IN GENERAL.—Participation in a program or activity described in any of clauses (iii) through (viii) of subparagraph (B) shall be voluntary.

“(ii) REQUIREMENTS FOR RECEIPT OF FUNDS.—The Secretary may not award a grant under this paragraph to an applicant for the grant, unless—

“(I) the application for the grant describes—

“(aa) how the programs or activities proposed in the application will address, as appropriate, issues of domestic violence; and

“(bb) what the applicant will do, to the extent relevant, to ensure that participation in the programs or activities is voluntary, and to inform potential participants that their participation is voluntary; and

“(II) the applicant agrees that, as a condition of receipt of the grant, the applicant will consult with experts in domestic violence or relevant community domestic violence coalitions in developing the programs and activities funded with the grant.

“(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2006 through 2010 \$100,000,000 for grants under this paragraph.”.

(c) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

“(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—The term ‘qualified State expenditures’ includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).”.

SEC. 8104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (E)—

(A) by striking “1998, 1999, 2000, and 2001” and inserting “2006 through 2009”; and

(B) by striking “, in a total amount not to exceed \$800,000,000”;

(2) in subparagraph (G), by striking “2001” and inserting “2009”; and

(3) by striking subparagraph (H) and inserting the following:

“(H) FURTHER PRESERVATION OF GRANT AMOUNTS.—A State that was a qualifying State under this paragraph for fiscal year 2004 or any prior fiscal year shall be entitled to receive from the Secretary for each of fiscal years 2006 through 2009 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year for which the State was a qualifying State.”.

SEC. 8105. ELIMINATION OF HIGH PERFORMANCE BONUS.

Section 403(a) (42 U.S.C. 603(a)) is amended by striking paragraph (4).

SEC. 8106. CONTINGENCY FUND.

(a) DEPOSITS INTO FUND.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking “1997, 1998, 1999, 2000, 2001, 2002, and 2003” and inserting “2006 through 2010”; and

(2) by striking all that follows “\$2,000,000,000” and inserting a period.

(b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking “fiscal years 1997 through 2006” and inserting “fiscal years 2006 through 2010”.

(c) DEFINITION OF NEEDY STATE.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after “1996” the following: “and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period”.

(d) ANNUAL RECONCILIATION: FEDERAL MATCHING OF STATE EXPENDITURES ABOVE “MAINTENANCE OF EFFORT” LEVEL.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding “and” at the end of subclause (I);

(B) by striking “; and” at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows “section 409(a)(7)(B)(iii)” and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

“(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i) for the fiscal year; plus”; and

(4) by striking subparagraph (C).

(e) CONSIDERATION OF CERTAIN CHILD CARE EXPENDITURES IN DETERMINING STATE COMPLIANCE WITH CONTINGENCY FUND MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking “(other than the expenditures described in subclause (I)(bb) of that paragraph) under the State program funded under this part” and inserting a close parenthesis; and

(2) by striking “excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (c), (d), and (e) shall take effect on October 1, 2007.

SEC. 8107. USE OF FUNDS.

(a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking “in any manner that” and inserting “for any purposes or activities for which”.

(b) TREATMENT OF INTERSTATE IMMIGRANTS.—

(1) STATE PLAN PROVISION.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) USE OF FUNDS.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking “30” and inserting “50”.

(d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

“(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2006 and each succeeding fiscal year.”.

(e) CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM

PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

“(e) AUTHORITY TO CARRYOVER OR RESERVE CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—

“(1) CARRYOVER.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

“(2) CONTINGENCY RESERVE.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.”.

SEC. 8108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) REPEAL.—Effective as of October 1, 2006, section 406 (42 U.S.C. 606) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking “406.”.

SEC. 8109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

“(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

“(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).”.

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

“(b) FAMILY SELF-SUFFICIENCY PLANS.—

“(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

“(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

“(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

“(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

“(D) monitor the participation of each such individual in the activities specified in the self-sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

“(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

“(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

“(A) in the case of a family that, as of October 1, 2005, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

“(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

“(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

“(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from—

“(A) requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being; or

“(B) using job search or other appropriate job readiness or work activities to assess the employability of individuals and to determine appropriate future engagement activities.”

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting “OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN” after “RATES”; and

(B) in subparagraph (A), by inserting “or 408(b)” after “407(a)”.

SEC. 810. WORK PARTICIPATION REQUIREMENTS.

(a) IN GENERAL.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

“SEC. 407. WORK PARTICIPATION REQUIREMENTS.

“(a) PARTICIPATION RATE REQUIREMENTS.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

“(1) 50 percent for fiscal year 2006;

“(2) 55 percent for fiscal year 2007;

“(3) 60 percent for fiscal year 2008;

“(4) 65 percent for fiscal year 2009; and

“(5) 70 percent for fiscal year 2010 and each succeeding fiscal year.

“(b) CALCULATION OF PARTICIPATION RATES.—

“(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

“(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

“(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

“(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

“(ii) 160 multiplied by the number of counted families for the State for the month.

“(B) COUNTED FAMILIES DEFINED.—

“(i) IN GENERAL.—In subparagraph (A), the term ‘counted family’ means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

“(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term ‘counted family’ shall not include—

“(I) a family in the first month for which the family receives assistance from a State

program funded under this part on the basis of the most recent application for such assistance;

“(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age; or

“(III) a family that is subject to a sanction under this part or part D, but that has not been subject to such a sanction for more than 3 months (whether or not consecutive) in the preceding 12-month period.

“(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term ‘counted family’ may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

“(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ‘work-eligible individual’ means an individual—

“(i) who is married or a single head of household; and

“(ii) whose needs are (or, but for sanctions under this part or part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.”

(b) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

“(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.”

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking “and eligibility criteria” and all that follows through the close parenthesis and inserting “and the eligibility criteria in effect during the then applicable base year”.

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

“(C) BASE YEAR DEFINED.—In this paragraph, the term ‘base year’ means, with respect to a fiscal year—

“(i) if the fiscal year is fiscal year 2006, fiscal year 1996;

“(ii) if the fiscal year is fiscal year 2007, fiscal year 1998;

“(iii) if the fiscal year is fiscal year 2008, fiscal year 2001; or

“(iv) if the fiscal year is fiscal year 2009 or any succeeding fiscal year, the then 4th preceding fiscal year.”

(c) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) SUPERACHIEVER CREDIT.—

“(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

“(i) the amount (if any) of the superachiever credit applicable to the State; or

“(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

“(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

“(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

“(D) DEFINITIONS.—In this paragraph:

“(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term ‘State caseload for fiscal year

2001’ means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

“(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term ‘State caseload for fiscal year 1995’ means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.”

(d) COUNTABLE HOURS.—Section 407 (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

“(c) COUNTABLE HOURS.—

“(1) DEFINITION.—In subsection (b)(2), the term ‘countable hours’ means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

“(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

“(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

“(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

“(3) SPECIAL RULES.—For purposes of paragraph (1):

“(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

“(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

“(ii) QUALIFIED ACTIVITY DEFINED.—The term ‘qualified activity’ means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

“(I) substance abuse counseling or treatment;

“(II) rehabilitation treatment and services;

“(III) work-related education or training directed at enabling the family member to work;

“(IV) job search or job readiness assistance; and

“(V) any other activity that addresses a purpose specified in section 401(a).

“(iii) LIMITATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

“(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

“(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

“(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

“(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

“(d) DIRECT WORK ACTIVITY.—In this section, the term ‘direct work activity’ means—

“(1) unsubsidized employment;

“(2) subsidized private sector employment;

“(3) subsidized public sector employment;

“(4) on-the-job training;

“(5) supervised work experience; or

“(6) supervised community service.”.

(e) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

“(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

“(i) if the failure is partial or persists for not more than 1 month—

“(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

“(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

“(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

“(B) SPECIAL RULE.—

“(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

“(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.”.

(f) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking “work activity described in subsection (d)” and inserting “direct work activity”.

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting “OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN” after “WORK”.

SEC. 8111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking “fiscal year 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, or 2007” and inserting “fiscal year 2006, 2007, 2008, 2009, 2010, or 2011”; and

(2) in subparagraph (B)(ii)—

(A) by inserting “preceding” before “fiscal year”; and

(B) by striking “for fiscal years 1997 through 2006.”.

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

“(1) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribe under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).”.

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 8103(c) of this Act, is amended by adding at the end the following:

“(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.”.

SEC. 8112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 8103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

“(v) The document shall—

“(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

“(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

“(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II); and

“(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

“(v) Describe any strategies and programs the State may be undertaking to address—

“(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

“(II) efforts to reduce teen pregnancy;

“(III) services for struggling and non-compliant families, and for clients with special problems; and

“(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act.”; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 8107(b)(1) of this Act) and inserting the following:

“(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

“(iv) The document shall describe strategies to improve program management and performance.”; and

(2) in paragraph (4), by inserting “and tribal” after “that local”.

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by adding at the end the following:

“(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.”.

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

“(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.”.

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking “long-term private sector jobs” and inserting “private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages”.

SEC. 8113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting “and on families receiving assistance under State programs funded with other qualified State expenditures (as defined in section 409(a)(7)(B))” before the colon;

(2) in clause (vii), by inserting “and minor parent” after “of each adult”; and

(3) in clause (viii), by striking “and educational level”; and

(4) in clause (ix), by striking “, and if the latter 2, the amount received”; and

(5) in clause (x)—

(A) by striking “each type of”; and

(B) by inserting before the period “and, if applicable, the reason for receipt of the assistance for a total of more than 60 months”; and

(6) in clause (xi), by striking the subclauses and inserting the following:

“(I) Subsidized private sector employment.

“(II) Unsubsidized employment.

“(III) Public sector employment, supervised work experience, or supervised community service.

“(IV) On-the-job training.

“(V) Job search and placement.

“(VI) Training.

“(VII) Education.

“(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.”;

(7) in clause (xii), by inserting “and progress toward universal engagement” after “participation rates”; and

(8) in clause (xiii), by striking “type and”; and

(9) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(10) by adding at the end the following:

“(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

“(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

“(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not

then married, whether the paternity of the child has been established.”.

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking “a sample” and inserting “samples”; and

(B) by inserting before the period “, except that the Secretary may designate core data elements that must be reported on all families”; and

(2) in clause (ii), by striking “funded under this part” and inserting “described in subparagraph (A)”.

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

“(6) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).”.

(d) REGULATIONS.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting “and to collect the necessary data” before “with respect to which reports”;

(2) by striking “subsection” and inserting “section”; and

(3) by striking “in defining the data elements” and all that follows and inserting “, the National Governors’ Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.”.

(e) ADDITIONAL REPORTS BY STATES.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

“(b) ANNUAL REPORTS ON PROGRAM CHARACTERISTICS.—Not later than 90 days after the end of fiscal year 2006 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

“(c) MONTHLY REPORTS ON CASELOAD.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary a report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

“(d) ANNUAL REPORT ON PERFORMANCE IMPROVEMENT.—Beginning with fiscal year 2007, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).”.

(f) ANNUAL REPORTS TO CONGRESS BY THE SECRETARY.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking “and each fiscal year thereafter” and inserting “and by July 1 of each fiscal year thereafter”;

(2) in paragraph (2), by striking “families applying for assistance,” and by striking the last comma; and

(3) in paragraph (3), by inserting “and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))” before the semicolon.

(g) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

“(f) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—

“(1) IN GENERAL.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

“(2) INCLUSION OF PROGRAM OVERSIGHT SECTION IN ANNUAL REPORT TO THE CONGRESS.—The Secretary shall include in each report under subsection (e) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.”.

SEC. 8114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking “1997, 1998, 1999, 2000, 2001, 2002, and 2003” and inserting “2006 through 2010”.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking “1997, 1998, 1999, 2000, 2001, 2002, and 2003” and inserting “2006 through 2010”.

SEC. 8115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) SECRETARY’S FUND FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Section 413 (42 U.S.C. 613), as amended by section 8112(c) of this Act, is further amended by adding at the end the following:

“(1) FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

“(1) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$102,000,000 for each of fiscal years 2006 through 2010, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part. The Secretary may not provide an entity with funds made available under this paragraph unless the entity agrees that, as a condition of receipt of the funds for a program or activity described in any of clauses (iii) through (viii) of section 403(a)(2)(B), the entity will comply with subclauses (I) and (II) of section 403(a)(2)(C)(ii).

“(2) SET ASIDE FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

“(A) IN GENERAL.—Of the amounts made available under paragraph (1) for a fiscal year, \$2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

“(B) USE OF FUNDS.—A grant made to such a project shall be used—

“(i) to improve case management for families eligible for assistance from such a tribal program;

“(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

“(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

“(C) REPORTS.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.”.

(b) FUNDING OF STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking “1997 through 2002” and inserting “2006 through 2010”.

(c) REPORT ON ENFORCEMENT OF CERTAIN AFFIDAVITS OF SUPPORT AND SPONSOR DEEMING.—Not later than March 31, 2006, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) REPORT ON COORDINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 8116. STUDY BY THE CENSUS BUREAU.

(a) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

“(a) IN GENERAL.—The Bureau of the Census shall implement or enhance a longitudinal survey of program participation, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of

assistance, work, earnings and employment stability, and the well-being of children.”.

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended—

(1) by striking “1996,” and all that follows through “2003” and inserting “2006 through 2010”; and

(2) by adding at the end the following: “Funds appropriated under this subsection shall remain available through fiscal year 2010 to carry out subsection (a).”.

SEC. 8117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

“(6) ASSISTANCE.—

“(A) IN GENERAL.—The term ‘assistance’ means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

“(B) EXCEPTION.—The term ‘assistance’ does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking “assistance” and inserting “aid”.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking “assistance” and inserting “benefits or services”.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking “ASSISTANCE” and inserting “AID”.

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking “assistance” and inserting “aid”.

SEC. 8118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after “appropriate”.

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking “section” and inserting “sections”.

(d) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 8112(c) and 8115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking “413(j)” and inserting “413(i)”:

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 8119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005”.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) is amended by adding at the end the following:

“SEC. 117. FATHERHOOD PROGRAM.

“(a) IN GENERAL.—Title IV (42 U.S.C. 601-679b) is amended by inserting after part B the following:

“PART C—FATHERHOOD PROGRAM

“SEC. 441. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indi-

ating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

“(1) In approximately 84 percent of cases where a parent is absent, that parent is the father.

“(2) If current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18.

“(3) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father’s lack of job skills.

“(4) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

“(5) An estimated 19,400,000 children (27 percent) live apart from their biological father.

“(6) Forty percent of children under age 18 not living with their biological father had not seen their father even once in the last 12 months, according to national survey data.

(b) PURPOSES.—The purposes of this part are:

“(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

“(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

“(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

“(C) Improving fathers’ ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

“(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

“(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, sub-

stance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

“(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

“SEC. 442. DEFINITIONS.

In this part, the terms “Indian tribe” and “tribal organization” have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

“SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

(a) IN GENERAL.—The Secretary may make grants for fiscal years 2006 through 2010 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

“(1) PROJECT DESCRIPTION.—A statement including—

“(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

“(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

“(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity’s capacity to carry out the project, including the entity’s ability to provide the non-Federal share of project resources.

“(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

“(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

“(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

“(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find

necessary for purposes of oversight of project activities and expenditures.

'(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

'(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under \$25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

'(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

'(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

'(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

'(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(d) CONSIDERATIONS IN AWARDING GRANTS.—

'(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

'(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

'(e) FEDERAL SHARE.—

'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

'(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

'(B) up to 100 percent, in the case of a project under subsection (c).

'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

'(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

'(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

'(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

'(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

'(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

'(1) QUALIFICATIONS.—

'(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

'(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

'(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

'(i) provide for the project to be conducted in at least 3 major metropolitan areas;

'(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

'(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

'(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

'(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

'(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project op-

eration and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

'(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

'(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'(d) FEDERAL SHARE.—

'(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

'(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 445. EVALUATION.

'(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

'(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

'(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

'(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

'(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

'(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

“(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

“(2) A final report on the evaluation to be completed by September 30, 2013.

SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

“The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

“(1) **COLLECTION AND DISSEMINATION OF INFORMATION.**—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

“(2) **MEDIA CAMPAIGN.**—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

“(3) **TECHNICAL ASSISTANCE.**—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

“(4) **RESEARCH.**—Conducting research related to the purposes of this part.

SEC. 447. NONDISCRIMINATION.

“The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

“(a) **AUTHORIZATION.**—There are authorized to be appropriated \$20,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this part.

“(b) **RESERVATION.**—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicounty, multi-county, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.”

“(b) **INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.**—Section 116 shall not apply to the amendment made by subsection (a) of this section.”

(2) **CLERICAL AMENDMENT.**—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

“Sec. 117. Fatherhood program.”

SEC. 8120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

“(h) **STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.**—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.”

SEC. 8121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 8122. DRUG TESTING OF APPLICANTS FOR AND RECIPIENTS OF ASSISTANCE.

(a) **REQUIREMENT.**—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) **DRUG TESTING REQUIREMENTS.**—A State to which a grant is made under section 403(a) for a fiscal year shall—

“(A) require an individual who has applied for, or is a recipient of, assistance from the State program funded under this part to undergo a physical test designed to detect the use by the individual of any controlled substance (as defined in section 102(6) of the Controlled Substances Act) if the State has reason to believe that the person has unlawfully used such a substance recently;

“(B) if a test administered pursuant to this paragraph indicates that an individual has so used such a substance recently, or if the State otherwise determines (on the basis of such indicators as the State may establish) that an individual is likely to have so used such a substance recently—

“(i) ensure that the self-sufficiency plan developed under section 408(b) with respect to the individual addresses the use of the substance;

“(ii) suspend the provision of cash assistance under the program to the family of the individual until a subsequent such test indicates that the individual has not been using the substance; and

“(iii) require, as a condition of providing any benefit under the program to the family of the individual, that the individual comply with the self-sufficiency plan, including the provisions of the plan that address the use of the substance, and undergo additional such tests every 30 or 60 days, as the State deems appropriate; and

“(C) terminate for 3 years the participation in the program of the family of any individual who tests positive for such use of such a substance in such number of consecutive tests administered pursuant to this paragraph (which shall be not less than 3 and not more than 6) as the State deems appropriate.”

(b) **PENALTY FOR NONCOMPLIANCE.**—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) **PENALTY FOR FAILURE TO COMPLY WITH DRUG TESTING REQUIREMENTS.**—If the Secretary determines that a State has not complied with section 408(a)(12) during a fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not less than 5 percent and not more than 10 percent of the State family assistance grant, as the Secretary deems appropriate based on the frequency and severity of the noncompliance.”

Subtitle B—Child Care

SEC. 8201. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

“(G) \$2,717,000,000 for fiscal year 2006;

“(H) \$2,767,000,000 for fiscal year 2007;

“(I) \$2,817,000,000 for fiscal year 2008;

“(J) \$2,867,000,000 for fiscal year 2009; and

“(K) \$2,917,000,000 for fiscal year 2010.”

Subtitle C—Child Support

SEC. 8301. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) **IN GENERAL.**—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting “subject to paragraph (7)” before the semicolon; and

(2) by adding at the end the following:

“(7) **FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.**—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

“(A) the State distributes the amount to the family;

“(B) the total of the amounts so distributed to the family during the month—

“(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

“(ii) does not exceed the greater of—

“(I) \$100; or

“(II) \$50 plus the amount described in clause (i); and

“(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.”

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2008.

SEC. 8302. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) **IN GENERAL.**—Section 457(a) (42 U.S.C. 657(a)), as amended by section 8301(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting “, except as provided in paragraph (8),” after “shall”; and

(2) by adding at the end the following:

“(8) **STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.**—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.”

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2008.

SEC. 8303. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) **IN GENERAL.**—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking “parent, or,” and inserting “parent or”; and

(2) by striking “upon the request of the State agency under the State plan or of either parent.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8304. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) **IN GENERAL.**—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting “(i)” after “(B)”;

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding “and” after the semicolon; and

(4) by adding after and below the end the following new clause:

“(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least \$500 of support, the State shall impose an annual fee of \$25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st \$500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and such fees shall be considered income to the program);”.

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

“(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 8305. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of undistributed child support and the average length of time it takes undistributed child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 8306. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) IN GENERAL.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking “\$5,000” and inserting “\$2,500”.

(b) CONFORMING AMENDMENT.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking “\$5,000” and inserting “\$2,500”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 8307. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) IN GENERAL.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking “(as that term is defined for purposes of this paragraph under subsection (c))”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “(1) Except as provided in paragraph (2), as used in” and inserting “In”; and

(ii) by inserting “(whether or not a minor)” after “a child” each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8308. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows “Armed Forces” and inserting a semicolon; and

(2) by adding at the end the following:

“(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

“(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

“(i) for payment of alimony; or

“(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

“(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8309. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting “or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,” before “which shall be available”.

SEC. 8310. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting “or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,” before “which shall be available”; and

(2) in the 2nd sentence, by striking “for each of fiscal years 1997 through 2001”.

SEC. 8311. INFORMATION COMPARISONS WITH INSURANCE DATA.

(a) DUTIES OF THE SECRETARY.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

“(m) COMPARISONS WITH INSURANCE INFORMATION.—

“(1) IN GENERAL.—The Secretary, through the Federal Parent Locator Service, may—

“(A) compare information concerning individuals owing past-due support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments, and

“(B) furnish information resulting from such a comparison to the State agencies responsible for collecting child support from such individuals.

“(2) LIABILITY.—An insurer (including any agent of an insurer) shall not be liable under any Federal or State law to any person for any disclosure provided for under this subsection, or for any other action taken in good faith in accordance with this subsection.”.

(b) STATE REIMBURSEMENT OF FEDERAL COSTS.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by inserting “or section 452(m)” after “this section”.

SEC. 8312. TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.

Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting “or of any Indian tribe or tribal organization” after “any agent or attorney of any State”.

SEC. 8313. REIMBURSEMENT OF SECRETARY'S COSTS OF INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.

Section 453(j)(6)(F) (42 U.S.C. 653(j)(6)(F)) is amended by striking “additional”.

SEC. 8314. TECHNICAL AMENDMENT RELATING TO COOPERATIVE AGREEMENTS BETWEEN STATES AND INDIAN TRIBES.

Section 454(33) (42 U.S.C. 654(33)) is amended by striking “that receives funding pursuant to section 428 and”.

SEC. 8315. STATE OPTION TO USE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM FOR INTERSTATE CASES.

Section 466(a)(14)(A)(iii) (42 U.S.C. 666(a)(14)(A)(iii)) is amended by inserting “(but the assisting State may establish a corresponding case based on such other State’s request for assistance)” before the semicolon.

SEC. 8316. MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.

(a) IN GENERAL.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

“(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—

“(A) IN GENERAL.—Subject to subparagraph (B), a State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to—

“(i) support from any other person which accrues during the period that the family receives assistance under the program; and

“(ii) at the option of the State, support from any other person which has accrued before such period.

“(B) LIMITATION.—The total amount of support that may be required to be provided with respect to rights assigned to a State by a family member pursuant to subparagraph (A) shall not exceed the total amount of assistance provided by the State to the family.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 8317. STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.

Section 457(b) (42 U.S.C. 657(b)) is amended by striking “shall” and inserting “may”.

SEC. 8318. TECHNICAL CORRECTION.

The second paragraph (7) of section 453(j) (42 U.S.C. 653(j)) is amended by striking “(7)” and inserting “(9)”.

SEC. 8319. REDUCTION IN RATE OF REIMBURSEMENT OF CHILD SUPPORT ADMINISTRATIVE EXPENSES.

Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended—

(1) in subparagraph (B), by striking “, and” and inserting a semicolon;

(2) in subparagraph (C), by striking “fiscal year 1990 and each fiscal year thereafter,” and inserting “fiscal years 1990 through 2006;” and

(3) by adding at the end the following:

“(D) 62 percent for fiscal year 2007;

“(E) 58 percent for fiscal year 2008;

“(F) 54 percent for fiscal year 2009; and

“(G) 50 percent for fiscal year 2010 and each fiscal year thereafter.”.

SEC. 8320. INCENTIVE PAYMENTS.

(a) IN GENERAL.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by inserting “from amounts paid to the State under section 458 or” before “to carry out an agreement”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

Subtitle D—Child Welfare

SEC. 8401. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is amended by striking “2003” and inserting “2010”.

SEC. 8402. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is amended by striking “not more than 10”.

SEC. 8403. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a-9) is amended by adding at the end the following:

“(h) NO LIMIT ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR DEMONSTRATION PROJECTS.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.”.

SEC. 8404. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

“(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.”.

SEC. 8405. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

“(j) STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS AND EXTENSIONS.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.”.

SEC. 8406. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

“(k) AVAILABILITY OF REPORTS.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.”.

SEC. 8407. CLARIFICATION OF ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS AND ADOPTION ASSISTANCE.

(a) FOSTER CARE MAINTENANCE PAYMENTS.—Section 472(a) (42 U.S.C. 672(a)) is amended to read as follows:

“(a) IN GENERAL.—

“(1) ELIGIBILITY.—Each State with a plan approved under this part shall make foster care maintenance payments on behalf of each child who has been removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) into foster care if—

“(A) the removal and foster care placement met, and the placement continues to meet, the requirements of paragraph (2); and

“(B) the child, while in the home, would have met the AFDC eligibility requirement of paragraph (3).

“(2) REMOVAL AND FOSTER CARE PLACEMENT REQUIREMENTS.—The removal and foster care placement of a child meet the requirements of this paragraph if—

“(A) the removal and foster care placement are in accordance with—

“(i) a voluntary placement agreement entered into by a parent or legal guardian of the child who is the relative referred to in paragraph (1); or

“(ii) a judicial determination to the effect that continuation in the home from which removed would be contrary to the welfare of the child and that reasonable efforts of the

type described in section 471(a)(15) for a child have been made;

“(B) the child’s placement and care are the responsibility of—

“(i) the State agency administering the State plan approved under section 471; or

“(ii) any other public agency with which the State agency administering or supervising the administration of the State plan has made an agreement which is in effect; and

“(C) the child has been placed in a foster family home or child-care institution.

“(3) AFDC ELIGIBILITY REQUIREMENT.—

“(A) IN GENERAL.—A child in the home referred to in paragraph (1) would have met the AFDC eligibility requirement of this paragraph if the child—

“(i) would have received aid under the State plan approved under section 402 (as in effect on July 16, 1996) in the home, in or for the month in which the agreement was entered into or court proceedings leading to the determination referred to in paragraph (2)(A)(ii) of this subsection were initiated; or

“(ii)(I) would have received the aid in the home, in or for the month referred to in clause (i), if application had been made therefor; or

“(II) had been living in the home within 6 months before the month in which the agreement was entered into or the proceedings were initiated, and would have received the aid in or for such month, if, in such month, the child had been living in the home with the relative referred to in paragraph (1) and application for the aid had been made.

“(B) RESOURCES DETERMINATION.—For purposes of subparagraph (A), in determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than \$10,000 shall be considered a child whose resources have a combined value of not more than \$1,000 (or such lower amount as the State may determine for purposes of section 402(a)(7)(B)).

“(4) ELIGIBILITY OF CERTAIN ALIEN CHILDREN.—Subject to title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, if the child is an alien disqualified under section 245A(h) or 210(f) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which the agreement described in paragraph (2)(A)(i) was entered into or court proceedings leading to the determination described in paragraph (2)(A)(ii) were initiated, the child shall be considered to satisfy the requirements of paragraph (3), with respect to the month, if the child would have satisfied the requirements but for the disqualification.”.

(b) ADOPTION ASSISTANCE.—Section 473(a)(2) (42 U.S.C. 673(a)(2)) is amended to read as follows:

“(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if the child—

“(i)(I)(aa) was removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as such section was in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

“(bb) met the requirements of section 472(a)(3) with respect to the home referred to in item (aa) of this subclause;

“(II) meets all of the requirements of title XVI with respect to eligibility for supplemental security income benefits; or

“(III) is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B); and

“(ii) has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs.

“(B) Section 472(a)(4) shall apply for purposes of subparagraph (A) of this paragraph, in any case in which the child is an alien described in such section.

“(C) A child shall be treated as meeting the requirements of this paragraph for the purpose of paragraph (1)(B)(ii) if the child—

“(i) meets the requirements of subparagraph (A)(ii);

“(ii) was determined eligible for adoption assistance payments under this part with respect to a prior adoption;

“(iii) is available for adoption because—

“(I) the prior adoption has been dissolved, and the parental rights of the adoptive parents have been terminated; or

“(II) the child’s adoptive parents have died; and

“(iv) fails to meet the requirements of subparagraph (A) but would meet such requirements if—

“(I) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part; and

“(II) the prior adoption were treated as never having occurred.”.

SEC. 8408. CLARIFICATION REGARDING FEDERAL MATCHING OF CERTAIN ADMINISTRATIVE COSTS UNDER THE FOSTER CARE MAINTENANCE PAYMENTS PROGRAM.

(a) ADMINISTRATIVE COSTS RELATING TO UNLICENSED CARE.—Section 472 (42 U.S.C. 672) is amended by inserting after subsection (h) the following:

“(i) ADMINISTRATIVE COSTS ASSOCIATED WITH OTHERWISE ELIGIBLE CHILDREN NOT IN LICENSED FOSTER CARE SETTINGS.—Expenditures by a State that would be considered administrative expenditures for purposes of section 474(a)(3) if made with respect to a child who was residing in a foster family home or child-care institution shall be so considered with respect to a child not residing in such a home or institution—

“(1) in the case of a child who has been removed in accordance with subsection (a) of this section from the home of a relative specified in section 406(a) (as in effect on July 16, 1996), only for expenditures—

“(A) with respect to a period of not more than the lesser of 12 months or the average length of time it takes for the State to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or

“(B) with respect to a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State; and

“(2) in the case of any other child who is potentially eligible for benefits under a State plan approved under this part and at imminent risk of removal from the home, only if—

“(A) reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and

“(B) the State agency has made, not less often than every 6 months, a determination

(or redetermination) as to whether the child remains at imminent risk of removal from the home.”.

(b) CONFORMING AMENDMENT.—Section 474(a)(3) of such Act (42 U.S.C. 674(a)(3)) is amended by inserting “subject to section 472(i)” before “an amount equal to”.

SEC. 8409. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a-9(b)(1)) is amended by striking “422(b)(9)” and inserting “422(b)(10)”.

SEC. 8410. TECHNICAL CORRECTION.

Section 470 (42 U.S.C. 670) is amended by striking “June 1, 1995” and inserting “July 16, 1996”.

Subtitle E—Supplemental Security Income

SEC. 8501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

“(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

“(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

“(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2006;

“(ii) at least 40 percent of all such determinations that are made in fiscal year 2007; and

“(iii) at least 50 percent of all such determinations that are made in fiscal year 2008 or thereafter.

“(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.”.

SEC. 8502. PAYMENT OF CERTAIN LUMP SUM BENEFITS IN INSTALLMENTS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) IN GENERAL.—Section 1631(a)(10)(A)(i) (42 U.S.C. 1383(a)(10)(A)(i)) is amended by striking “12” and inserting “3”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 3 months after the date of the enactment of this Act.

Subtitle F—State and Local Flexibility

SEC. 8601. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term “administering Secretary” means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term “qualified program” means—

(A) a program under part A of title IV of the Social Security Act; or

(B) the program under title XX of such Act.

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1) with respect to any provision of law relating to—

(A) civil rights or prohibition of discrimination;

(B) purposes or goals of any program;

(C) maintenance of effort requirements;

(D) health or safety;

(E) labor standards under the Fair Labor Standards Act of 1938; or

(F) environmental protection;

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application

submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

Subtitle G—Repeal of Continued Dumping and Subsidy Offset

SEC. 8701. REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) REPEAL.—Section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), and the item relating to section 754 in the table of contents for title VII of that Act, are repealed.

(b) EXISTING ACCOUNTS.—All amounts remaining, upon the enactment of this title, in any special account established under section 754(e)(1) of the Tariff Act of 1930 (as in effect on the day before the date of the enactment of this title) shall be deposited in the general fund of the Treasury.

Subtitle H—Effective Date

SEC. 8801. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title shall be effective as of October 1, 2005.

(b) EXCEPTION.—In the case of a State plan under title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this title, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

When said bill, as amended, was considered and read twice.

After debate,

**FRIDAY, NOVEMBER 18
(LEGISLATIVE DAY OF NOVEMBER
17), 2005**

Pursuant to House Resolution 560, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. SPRATT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 217
affirmative } Nays 215

¶128.24 [Roll No. 601]
AYES—217

Aderholt	Gallegly	Neugebauer
Akin	Garrett (NJ)	Northrup
Alexander	Gibbons	Norwood
Bachus	Gilchrest	Nunes
Baker	Gillmor	Nussle
Barrett (SC)	Gingrey	Osborne
Bartlett (MD)	Gohmert	Otter
Barton (TX)	Goode	Oxley
Bass	Goodlatte	Pearce
Beauprez	Granger	Pence
Biggert	Graves	Peterson (PA)
Bilirakis	Green (WI)	Petri
Bishop (UT)	Gutknecht	Pickering
Blackburn	Hall	Pitts
Blunt	Harris	Platts
Boehlert	Hart	Poe
Boehner	Hastert	Pombo
Bonilla	Hastings (WA)	Porter
Bonner	Hayes	Price (GA)
Bono	Hayworth	Pryce (OH)
Boozman	Hefley	Putnam
Boustany	Hensarling	Radanovich
Bradley (NH)	Herger	Regula
Brady (TX)	Hobson	Rehberg
Brown (SC)	Hoekstra	Reichert
Brown-Waite,	Hostettler	Renzi
Ginny	Hulshof	Reynolds
Burgess	Hunter	Rogers (AL)
Burton (IN)	Hyde	Rogers (KY)
Buyer	Inglis (SC)	Rogers (MI)
Calvert	Issa	Rohrabacher
Camp	Istook	Ros-Lehtinen
Cannon	Jenkins	Royce
Cantor	Jindal	Ryan (WI)
Capito	Johnson, Sam	Ryun (KS)
Carter	Keller	Saxton
Castle	Kelly	Schmidt
Chabot	Kennedy (MN)	Schwarz (MI)
Chocola	King (IA)	Sensenbrenner
Coble	King (NY)	Sessions
Cole (OK)	Kingston	Shadegg
Conaway	Kirk	Shaw
Crenshaw	Kline	Sherwood
Cubin	Knollenberg	Shimkus
Culberson	Kolbe	Shuster
Cunningham	Kuhl (NY)	Simpson
Davis (KY)	LaHood	Smith (TX)
Davis, Jo Ann	Latham	Sodrel
Davis, Tom	LaTourette	Souder
Deal (GA)	Lewis (CA)	Stearns
DeLay	Lewis (KY)	Sullivan
Dent	Linder	Tancredo
Diaz-Balart, L.	LoBiondo	Taylor (NC)
Diaz-Balart, M.	Lucas	Terry
Doolittle	Lungren, Daniel	Thomas
Drake	E.	Thornberry
Dreier	Mack	Tiahrt
Duncan	Manzullo	Tiberi
Ehlers	Marchant	Turner
Emerson	McCaul (TX)	Upton
English (PA)	McCotter	Walden (OR)
Everett	McCrery	Walsh
Feeney	McHenry	Wamp
Ferguson	McKeon	Weldon (FL)
Fitzpatrick (PA)	McMorris	Weldon (PA)
Flake	Mica	Weller
Foley	Miller (FL)	Westmoreland
Forbes	Miller (MI)	Whitfield
Fortenberry	Miller, Gary	Wicker
Fossella	Moran (KS)	Wilson (SC)
Fox	Murphy	Wolf
Franks (AZ)	Musgrave	Young (AK)
Frelinghuysen	Myrick	Young (FL)

NOES—215

Abercrombie	Andrews	Baldwin
Ackerman	Baca	Barrow
Allen	Baird	Bean

Becerra	Holden	Ortiz
Berkley	Holt	Owens
Berman	Honda	Pallone
Berry	Hooley	Pascrell
Bishop (GA)	Hoyer	Pastor
Bishop (NY)	Insee	Paul
Blumenauer	Israel	Payne
Boren	Jackson (IL)	Pelosi
Boucher	Jackson-Lee	Peterson (MN)
Boyd	(TX)	Pomeroy
Brady (PA)	Jefferson	Price (NC)
Brown (OH)	Johnson (CT)	Rahall
Brown, Corrine	Johnson (IL)	Ramstad
Butterfield	Johnson, E. B.	Rangel
Capps	Jones (NC)	Reyes
Capuano	Jones (OH)	Ross
Cardin	Kanjorski	Rothman
Cardoza	Kaptur	Roybal-Allard
Carnahan	Kennedy (RI)	Ruppersberger
Carson	Kildee	Rush
Case	Kilpatrick (MI)	Ryan (OH)
Chandler	Kind	Sabo
Clay	Kucinich	Salazar
Cleaver	Langevin	Sanchez, Linda
Clyburn	Lantos	T.
Conyers	Larsen (WA)	Sanchez, Loretta
Cooper	Larson (CT)	Sanders
Costa	Leach	Schakowsky
Costello	Lee	Schiff
Cramer	Levin	Schwartz (PA)
Crowley	Lewis (GA)	Scott (GA)
Cuellar	Lipinski	Scott (VA)
Cummings	Lofgren, Zoe	Serrano
Davis (AL)	Lowe	Shays
Davis (CA)	Lynch	Sherman
Davis (FL)	Maloney	Simmons
Davis (IL)	Markey	Skelton
Davis (TN)	Marshall	Slaughter
DeFazio	Matheson	Smith (NJ)
DeGette	Matsui	Smith (WA)
DeLauro	McCarthy	Snyder
Dicks	McCollum (MN)	Soils
Dingell	McDermott	Spratt
Doggett	McGovern	Stark
Doyle	McHugh	Strickland
Edwards	McIntyre	Stupak
Emanuel	McKinney	Sweeney
Engel	McNulty	Tanner
Eshoo	Meehan	Tauscher
Etheridge	Meek (FL)	Taylor (MS)
Evans	Meeks (NY)	Thompson (CA)
Farr	Melancon	Thompson (MS)
Fattah	Menendez	Tierney
Filner	Michaud	Udall (CO)
Ford	Millender-	Udall (NM)
McDonald	Ford	Van Hollen
Frank (MA)	Miller (NC)	Velázquez
Gerlach	Miller, George	Visclosky
Gonzalez	Mollohan	Wasserman
Gordon	Moore (KS)	Schultz
Green, Al	Moore (WI)	Waters
Green, Gene	Moran (VA)	Watson
Grijalva	Murtha	Watt
Gutierrez	Nadler	Waxman
Harman	Napolitano	Weiner
Hastings (FL)	Neal (MA)	Wexler
Herseth	Ney	Wilson (NM)
Higgins	Oberstar	Woolsey
Hinchey	Obey	Wu
Hinojosa	Oliver	Wynn

NOT VOTING—2

Boswell Towns

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶128.25 H. RES. 546—UNFINISHED
BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 546) condemning in the strongest terms the terrorist attacks that occurred on November 9, 2005, in Amman, Jordan; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 409
Nays 0

¶128.26 [Roll No. 602]
YEAS—409

Abercrombie	Deal (GA)	Jackson-Lee (TX)
Ackerman	DeFazio	Jefferson
Aderholt	DeGette	Jenkins
Akin	Delahunt	Jindal
Alexander	DeLauro	Johnson (CT)
Allen	DeLay	Johnson (IL)
Andrews	Dent	Johnson, Sam
Baca	Diaz-Balart, L.	Jones (OH)
Bachus	Diaz-Balart, M.	Kanjorski
Baird	Dingell	Kaptur
Baldwin	Doolittle	Keller
Barrett (SC)	Doyle	Kelly
Barrow	Drake	Kennedy (MN)
Bartlett (MD)	Dreier	Kennedy (RI)
Barton (TX)	Duncan	Kildee
Bass	Edwards	Kilpatrick (MI)
Beauprez	Ehlers	Kind
Becerra	Emanuel	King (IA)
Berkley	Emerson	King (NY)
Berman	Engel	Kingston
Berry	English (PA)	Kirk
Biggert	Eshoo	Kline
Bilirakis	Etheridge	Knollenberg
Bishop (GA)	Evans	Kolbe
Bishop (NY)	Everett	Kucinich
Bishop (UT)	Farr	Kuhl (NY)
Blackburn	Fattah	LaHood
Blumenauer	Feeney	Langevin
Blunt	Ferguson	Lantos
Boehert	Filner	Larsen (WA)
Bonilla	Fitzpatrick (PA)	Larson (CT)
Bonner	Flake	LaTourette
Bono	Foley	Leach
Boozman	Forbes	Lee
Boren	Ford	Levin
Boucher	Fortenberry	Lewis (CA)
Boustany	Fossella	Lewis (GA)
Boyd	Fox	Lewis (KY)
Bradley (NH)	Frank (MA)	Linder
Brady (PA)	Franks (AZ)	Lipinski
Brady (TX)	Frelinghuysen	LoBiondo
Brown (OH)	Gallely	Lofgren, Zoe
Brown (SC)	Garrett (NJ)	Lowey
Brown, Corrine	Gerlach	Lucas
Brown-Waite,	Gibbons	Lungren, Daniel
Ginny	Gilchrest	E.
Burgess	Gillmor	Lynch
Burton (IN)	Gingrey	Mack
Butterfield	Gohmert	Maloney
Buyer	Gonzalez	Manzullo
Calvert	Goode	Marchant
Camp	Goodlatte	Markey
Cannon	Gordon	Matheson
Cantor	Granger	Matsui
Capito	Graves	McCarthy
Capps	Green (WI)	McCaul (TX)
Capuano	Green, Al	McCollum (MN)
Cardin	Green, Gene	McCotter
Cardoza	Grijalva	McCrery
Carnahan	Gutierrez	McDermott
Carson	Gutknecht	McGovern
Carter	Harman	McHenry
Case	Harris	McIntyre
Castle	Hart	McKeon
Chabot	Hastings (FL)	McKinney
Chandler	Hastings (WA)	McMorris
Choccola	Hayes	McNulty
Cleaver	Hayworth	Meehan
Clyburn	Hensarling	Meek (FL)
Coble	Herger	Meeks (NY)
Cole (OK)	Herseth	Melancon
Conaway	Higgins	Menendez
Conyers	Hinchey	Mica
Cooper	Hinojosa	Michaud
Costa	Hobson	Millender-McDonald
Costello	Hoekstra	Miller (FL)
Cramer	Holden	Miller (MI)
Crenshaw	Holt	Miller (NC)
Crowley	Honda	Miller, Gary
Cubin	Hooley	Miller, George
Cuellar	Hostettler	Mollohan
Culberson	Hoyer	Moore (KS)
Cummings	Hulshof	Moore (WI)
Cunningham	Hunter	Moran (KS)
Davis (AL)	Hyde	Moran (VA)
Davis (CA)	Inglis (SC)	Murphy
Davis (FL)	Inslee	Musgrave
Davis (IL)	Israel	Myrick
Davis (KY)	Issa	Nadler
Davis (TN)	Istook	
Davis, Tom	Jackson (IL)	

Napolitano	Ross	Sullivan
Neal (MA)	Rothman	Sweeney
Neugebauer	Roybal-Allard	Tanner
Ney	Royce	Tauscher
Northup	Ruppersberger	Taylor (MS)
Norwood	Rush	Taylor (NC)
Nunes	Ryan (OH)	Terry
Nussle	Ryan (WI)	Thomas
Oberstar	Ryun (KS)	Thompson (CA)
Obey	Sabo	Thompson (MS)
Oliver	Salazar	Thornberry
Ortiz	Sánchez, Linda	Tiahrt
Osborne	T.	Tiberi
Otter	Sanchez, Loretta	Tierney
Owens	Sanders	Turner
Pallone	Saxton	Udall (CO)
Pascrell	Schakowsky	Udall (NM)
Pastor	Schiff	Upton
Payne	Schmidt	Van Hollen
Pearce	Schwartz (PA)	Velázquez
Pelosi	Schwarz (MI)	Visclosky
Pence	Scott (GA)	Walden (OR)
Peterson (MN)	Scott (VA)	Walsh
Peterson (PA)	Sensenbrenner	Wamp
Petri	Serrano	Wasserman
Pickering	Sessions	Schultz
Pitts	Shadegg	Waters
Platts	Shaw	Watson
Poe	Shays	Watt
Pombo	Sherman	Waxman
Pomeroy	Sherwood	Weiner
Porter	Shimkus	Weldon (FL)
Price (GA)	Shuster	Weldon (PA)
Price (NC)	Simmons	Weller
Pryce (OH)	Simpson	Westmoreland
Putnam	Skelton	Wexler
Rahall	Slaughter	Whitfield
Regula	Smith (NJ)	Wicker
Rehberg	Smith (TX)	Wilson (NM)
Reichert	Smith (WA)	Wilson (SC)
Renzi	Snyder	Wolf
Reyes	Sodrel	Woolsey
Reynolds	Solis	Wu
Rogers (AL)	Souder	Wynn
Rogers (KY)	Spratt	Young (AK)
Rogers (MI)	Stearns	Young (FL)
Rohrabacher	Strickland	
Ros-Lehtinen	Stupak	

NOT VOTING—24

Baker	Hall	Oxley
Bean	Hefley	Paul
Boehner	Johnson, E. B.	Radanovich
Boswell	Jones (NC)	Ramstad
Clay	Latham	Rangel
Davis, Jo Ann	Marshall	Stark
Dicks	McHugh	Tancredo
Doggett	Murtha	Towns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was agreed to was, by unanimous consent, laid on the table.

¶128.27 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the House of the following title:

H.R. 4326. An Act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 705. An Act to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

¶128.28 CLERK TO CORRECT ENGROSSMENT—H.R. 4241

On motion of Mr. NUSSLE, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for the fiscal year 2006, the Clerk be authorized to make technical and conforming corrections to the text, as passed by the House.

¶128.29 BUDGET RECONCILIATION FY 2006

On motion of Mr. NUSSLE, by unanimous consent, the bill of the Senate (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. NUSSLE, pursuant to section 3 of House Resolution 560, moved to strike out all after the enacting clause and insert in lieu thereof the provisions of H.R. 4241, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶128.30 SUBMISSION OF CONFERENCE REPORT—H.R. 2528

Mr. WALSH submitted a conference report (Rept. No. 109-305) on the bill (H.R. 2528) making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶128.31 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. WALSH, by unanimous consent, the managers on the part of the House were granted permission until 6:30 a.m. Friday, November 18, 2005, to file a conference report (Rept. No. 109-307) on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶128.32 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-306) the resolution (H. Res. 563) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶128.33 ROSA PARKS STATUE

On motion of Mr. NEY, by unanimous consent, the Committee on House Administration was discharged from further consideration of the bill (H.R. 4145) to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

When said bill was considered and read twice.

Mr. NEY submitted the following amendment which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.

(a) OBTAINING STATUE.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

(b) PLACEMENT.—The Joint Committee shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. ELIGIBILITY FOR PLACEMENT OF STATUES IN NATIONAL STATUARY HALL.

(a) ELIGIBILITY.—No statue of any individual may be placed in National Statuary Hall until after the expiration of the 10-year period which begins on the date of the individual's death.

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) the statue obtained and placed in National Statuary Hall under this Act; or

(2) any statue provided and furnished by a State under section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131) or any replacement statue provided by a State under section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes."

A motion to reconsider the votes whereby the bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶128.34 RECESS—2:25 A.M.

The SPEAKER pro tempore, Mr. KUHLMANN of New York, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 25 minutes a.m., subject to the call of the Chair.

¶128.35 AFTER RECESS—8:31 A.M.

The SPEAKER pro tempore, Mr. GINGREY, called the House to order.

¶128.36 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 2528

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-308) the resolution (H. Res. 564) waiving points of order against the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶128.37 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 3058

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 109-309) the resolution (H. Res. 565) waiving points of order against the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶128.38 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 206. An Act to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

S. 213. An Act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico; to the Committee on Resources.

S. 251. An Act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Resources.

S. 652. An Act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Resources.

S. 761. An Act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Resources.

S. 777. An Act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes; to the Committee on Resources.

S. 819. An Act to authorize the Secretary of the Interior to reallocate costs of the

Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Resources.

S. 891. An Act to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Resources.

S. 895. An Act to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Resources.

S. 958. An Act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Resources.

S. 1154. An Act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Resources.

S. 1338. An Act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Resources.

S. 1627. An Act to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware; to the Committee on Resources.

¶128.39 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 126. An Act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An Act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 584. An Act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An Act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1101. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An Act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

H.R. 2862. An Act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

¶128.40 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1234. An Act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

¶128.41 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, at 8 o'clock 33 minutes a.m., Friday, November 18 (legislative day of November 17), 2005, the House adjourned.

¶128.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 3889. A bill to further regulate and punish illicit conduct relating to methamphetamine, and for other purposes; with amendments (Rept. 109-299 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4297. A bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006; with an amendment (Rept. 109-304). Referred to the Committee of the Whole House on the State of the Union.

[Filed on November 18 (legislative day, November 17), 2005]

Mr. WALSH: Committee of Conference. Conference report on H.R. 2528. A bill making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. (Rept. 109-305). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 563. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-306). Referred to the House Calendar.

Mr. KNOLLENBERG: Committee of Conference. Conference report on H.R. 3058. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-307). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 564. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-308). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 565. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-309). Referred to the House Calendar.

¶128.43 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on International Relations

and Transportation and Infrastructure discharged from further consideration. H.R. 3889 referred to the Committee of the Whole House on the State of the Union.

¶128.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 4356. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. GUTKNECHT (for himself, Mr. SALAZAR, Mr. OBERSTAR, Mr. HOEKSTRA, Mr. EVANS, Mr. KENNEDY of Minnesota, Mr. KLINE, Ms. MCCOLLUM of Minnesota, Ms. HERSETH, Mr. GOODE, Mr. WELDON of Florida, Mr. TIAHRT, Mr. TERRY, Mr. KINGSTON, Mr. TANCREDO, Mr. WAMP, Mr. GERLACH, and Ms. KAPTUR):

H.R. 4357. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, Mrs. MALONEY, Mr. McNULTY, Mr. KUCINICH, Mr. ALLEN, Mr. GUTIERREZ, Mr. CROWLEY, Ms. LEE, Mr. HOLDEN, Mr. KILDEE, and Mr. SANDERS):

H.R. 4358. A bill to amend the Public Health Service Act to provide for emergency distributions of influenza vaccine; to the Committee on Energy and Commerce.

By Mr. WAMP:

H.R. 4359. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Education and the Workforce.

By Mr. CULBERSON (for himself, Mr. REYES, Mr. BONILLA, Mr. CUELLAR, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. ADERHOLT, Mr. ALEXANDER, Mr. BISHOP of Utah, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CARTER, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. GOHMERT, Mr. GOODE, Ms. GRANGER, Mr. HALL, Mr. HAYWORTH, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. POE, Mr. ROYCE, Mr. SESSIONS, Mr. TANCREDO, and Mr. THORNBERRY):

H.R. 4360. A bill to enforce law and order by establishing a program to authorize, fund, and otherwise assist local Sheriffs' offices in designated counties to provide a second line of defense alongside and in close cooperation with the United States Customs Border Protection (CBP) and Immigration and Customs Enforcement, to conduct law enforcement operations in their counties along the southern international border of the United States, and to prevent lawlessness in border areas; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself and Mr. TAYLOR of Mississippi):

H.R. 4361. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 4362. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the

case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 4363. A bill to provide grants to enable States to include iris scan information from certain convicted criminals in State criminal records systems, to provide for the use of the information by the National Instant Criminal Background Check System, and to require Federal firearms dealers to obtain iris scan information from prospective firearms purchasers; to the Committee on the Judiciary.

By Mr. BARRETT of South Carolina (for himself and Mr. BROWN of South Carolina):

H.R. 4364. A bill to protect the right of elected and appointed officials to express their religious beliefs through public prayer; to the Committee on the Judiciary.

By Mrs. BONO (for herself, Ms. HOOLEY, Mrs. CUBIN, Ms. HERSETH, Mr. REHBERG, and Ms. KAPTUR):

H.R. 4365. A bill to amend the Agricultural Marketing Act of 1946 to implement mandatory country of origin labeling requirements for meat and produce on September 30, 2006; to the Committee on Agriculture.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. SHAW):

H.R. 4366. A bill to establish a program to provide reinsurance for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, and to better assist in the financial recovery from such catastrophes; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, Mr. WAXMAN, and Mrs. LOWEY):

H.R. 4367. A bill to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence; to the Committee on Energy and Commerce.

By Mr. FORTUNO:

H.R. 4368. A bill to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building"; to the Committee on Government Reform.

By Mr. HYDE:

H.R. 4369. A bill to withhold amounts available for contributions to the regular assessed budget of the United Nations unless certain requirements relating to the transfer and public availability of the complete archive of files of the Independent Inquiry Committee into the Oil-for-Food Program are met; to the Committee on International Relations.

By Mr. INSLEE:

H.R. 4370. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself and Mr. SHAW):

H.R. 4371. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 4372. A bill to provide for a rail work-
emergency training program; to the Com-
mittee on Homeland Security, and in addi-
tion to the Committee on Transportation
and Infrastructure, for a period to be subse-
quently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. MARKEY (for himself and Mr.
SHAYS):

H.R. 4373. A bill to ensure the safety of pas-
sengers aboard aircraft that also carries
cargo; to the Committee on Homeland Secu-
rity.

By Mr. MARKEY (for himself and Mr.
SHAYS):

H.R. 4374. A bill to provide for verification
of security measures under the Customs-
Trade Partnership Against Terrorism (C-
TPAT) program and the Free and Secure
Trade (FAST) program; to the Committee on
Homeland Security.

By Mr. McNULTY:

H.R. 4375. A bill to provide certain require-
ments for hydroelectric projects on the Mo-
hawk River in the State of New York; to the
Committee on Energy and Commerce.

By Mr. NEAL of Massachusetts:

H.R. 4376. A bill to authorize the National
Park Service to enter into a cooperative
agreement with the Commonwealth of Mas-
sachusetts on behalf of Springfield Technical
Community College, and for other purposes;
to the Committee on Resources.

By Mr. OTTER (for himself and Mr.
SIMPSON):

H.R. 4377. A bill to extend the time re-
quired for construction of a hydroelectric
project, and for other purposes; to the Com-
mittee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr.
OWENS, Ms. WATERS, and Ms. KIL-
PATRICK of Michigan):

H.R. 4378. A bill to amend the Immigration
and Nationality Act to provide greater pro-
tections to domestic and foreign workers
under the H-1B nonimmigrant worker pro-
gram; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4379. A bill to limit the jurisdiction of
the Federal courts, and for other purposes;
to the Committee on the Judiciary.

By Mr. POE:

H.R. 4380. A bill to permit the televising of
Supreme Court proceedings; to the Com-
mittee on the Judiciary.

By Mr. POE (for himself, Ms. GINNY
BROWN-WAITE of Florida, and Mr.
FOLEY):

H.R. 4381. A bill to amend title 5, United
States Code, to permit access to databases
maintained by the Federal Emergency Man-
agement Agency for purposes of complying
with sex offender registry and notification
laws, and for other purposes; to the Com-
mittee on Government Reform, and in addi-
tion to the Committee on Transportation
and Infrastructure, for a period to be subse-
quently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. PORTER (for himself, Mr. GIB-
BONS, and Ms. BERKLEY):

H.R. 4382. A bill to provide for the convey-
ance of certain land in Clark County, Ne-
vada, for use by the Nevada National Guard;
to the Committee on Resources.

By Mr. SALAZAR:

H.R. 4383. A bill to establish the Sangre de
Cristo National Heritage Area in the State of
Colorado, and for other purposes; to the
Committee on Resources.

By Mr. SHAYS (for himself and Mr.
HINCHEY):

H.R. 4384. A bill to improve the energy effi-
ciency of the United States; to the Com-
mittee on Energy and Commerce, and in ad-
dition to the Committees on Ways and
Means, Resources, and Transportation and
Infrastructure, for a period to be subse-
quently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. STRICKLAND (for himself, Mr.
RYAN of Ohio, and Mr. BROWN of
Ohio):

H.R. 4385. A bill to amend the Internal Re-
venue Code of 1986 to provide that employees
of certain companies seeking bankruptcy
protection are eligible for the health cov-
erage tax credit, and for other purposes; to
the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr.
McCOTTER, Ms. KILPATRICK of Michi-
gan, Mr. LEVIN, Mr. DINGELL, Mr.
ROGERS of Michigan, Mr. UPTON, Mr.
CAMP, Mrs. MILLER of Michigan, Mr.
HOEKSTRA, Mr. KNOLLENBERG, and
Mr. EHLERS):

H.R. 4386. A bill to name the Department of
Veterans Affairs medical facility in Iron
Mountain, Michigan, as the "Oscar G. John-
son Department of Veterans Affairs Medical
Facility"; to the Committee on Veterans' Af-
fairs.

By Mr. MURTHA:

H.J. Res. 73. A joint resolution to redeploy
U. S. Forces from Iraq; to the Committee on
International Relations, and in addition to
the Committee on Armed Services, for a pe-
riod to be subsequently determined by the
Speaker, in each case for consideration of
such provisions as fall within the jurisdic-
tion of the committee concerned.

By Mr. DEFAZIO (for himself, Mr.
ROHRBACHER, Mr. SANDERS, Mr.
BURTON of Indiana, Mr. RYAN of Ohio,
Mr. LIPINSKI, Ms. WOOLSEY, Mr. TAY-
LOR of Mississippi, Mr. MCGOVERN,
Mr. BAIRD, Mr. STUPAK, Mr. BROWN of
Ohio, Mr. PAYNE, and Mr. KUCINICH):

H. Con. Res. 303. Concurrent resolution
urging the United States Trade Representa-
tive to take action to ensure that the Peo-
ple's Republic of China complies with its ob-
ligations to protect intellectual property
rights, and for other purposes; to the Com-
mittee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania
(for himself, Mr. UDALL of Colorado,
Mr. BLUMENAUER, Mr. GERLACH, and
Ms. SCHWARTZ of Pennsylvania):

H. Con. Res. 304. Concurrent resolution ex-
pressing support for tax incentives for chari-
table gifts of conservation easements; to the
Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for him-
self and Mr. RYAN of Wisconsin):

H. Con. Res. 305. Concurrent resolution rec-
ognizing the vital importance of hunting as
a legitimate tool of wildlife resource man-
agement; to the Committee on Resources.

By Mr. PRICE of North Carolina (for
himself, Mr. BILIRAKIS, and Mrs.
MALONEY):

H. Con. Res. 306. Concurrent resolution en-
couraging The Former Yugoslav Republic of
Macedonia (FYROM) and Greece to continue
negotiations to determine a mutually ac-
ceptable official name for the FYROM, and
for other purposes; to the Committee on
International Relations.

By Mr. BURTON of Indiana (for him-
self, Ms. JACKSON-LEE of Texas, Ms.
LINDA T. SANCHEZ of California, Mr.
POE, Mr. MCCAUL of Texas, and Mr.
WELDON of Pennsylvania):

H. Res. 561. A resolution commending the
outstanding efforts by members of the
United States Armed Forces and civilian em-
ployees of the Department of State and the
United States Agency for International De-

velopment in response to the earthquake in
South Asia that occurred on October 8, 2005;
to the Committee on International Rela-
tions, and in addition to the Committee on
Armed Services, for a period to be subse-
quently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. BRADLEY of New Hampshire:

H. Res. 562. A resolution reaffirming the
position of the Government of the United
States that the sanitary and phytosanitary
guidelines for vitamin and mineral food sup-
plements adopted by the Codex Alimentarius
Commission at its Twenty-eighth Session
from July 4-9, 2005, are not binding on the
United States; to the Committee on Energy
and Commerce.

By Mr. CARDOZA (for himself, Mr.
SOUDER, Mr. LARSEN of Washington,
Mr. WAMP, Mr. BERRY, Mr. ABER-
CROMBIE, Mr. THOMPSON of California,
Mr. SALAZAR, Mr. HASTINGS of Flori-
da, and Mr. GIBBONS):

H. Res. 566. A resolution expressing the
sense of the House of Representatives that
the President should seek to convene an
international conference in 2006 to develop
more effective means to deal with the seri-
ous and growing threat of methamphetamine
and synthetic drug precursor chemicals; to
the Committee on International Relations.

By Ms. HARRIS:

H. Res. 567. A resolution expressing the
condolences of the Nation to the victims of
the 2005 hurricane season, commending the
resiliency of the people of the States of Ala-
bama, Florida, Louisiana, Mississippi, North
Carolina, and Texas and committing to stand
by them in the relief and recovery effort; to
the Committee on Transportation and Infra-
structure, and in addition to the Committee
on Science, for a period to be subsequently
determined by the Speaker, in each case for
consideration of such provisions as fall with-
in the jurisdiction of the committee con-
cerned.

By Ms. HERSETH:

H. Res. 568. A resolution providing for con-
sideration of the bill (H.R. 3936) to protect
consumers from price-gouging of gasoline
and other fuels during energy emergencies,
and for other purposes; to the Committee on
Rules.

By Mr. RYAN of Ohio (for himself and
Mr. HUNTER):

H. Res. 569. A resolution honoring and
praising the work of the United States-China
Economic and Security Review Commission
and restating Congress' commitment to the
Commission; to the Committee on Ways and
Means.

By Mr. WAXMAN:

H. Res. 570. A resolution providing for con-
sideration of the bill (H.R. 3925) to provide
that a Federal public safety position may
not be held by any political appointee who
does not meet certain minimum require-
ments; to the Committee on Rules.

¶128.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors
were added to public bills and resolu-
tions as follows:

H.R. 13: Mr. CONAWAY.
H.R. 65: Mr. KLINE and Mr. MORAN of Kan-
sas.

H.R. 69: Mr. PAYNE.
H.R. 333: Mr. HIGGINS.
H.R. 389: Mr. HOLT.
H.R. 459: Mr. EVANS.
H.R. 501: Mr. CLAY.
H.R. 503: Mr. ANDREWS.
H.R. 676: Mr. LYNCH and Mr. BECERRA.
H.R. 752: Mr. DOYLE and Mr. WEINER.
H.R. 808: Mr. CARDIN, Mr. HIGGINS, Mr.
WYNN, Mr. KENNEDY of Rhode Island, Mr.
POMEROY, and Mr. LEVIN.

H.R. 844: Mr. WEXLER.
 H.R. 864: Mrs. DAVIS of California.
 H.R. 916: Mr. FATTAH, Mr. WU, Mr. ANDREWS, Mr. CLYBURN, Mr. WEINER, Mr. EVANS, Mr. CUELLAR, Mr. DENT, and Mr. OWENS.
 H.R. 997: Mrs. SCHMIDT.
 H.R. 1043: Mr. EVANS.
 H.R. 1059: Mr. WEINER and Mr. EVANS.
 H.R. 1068: Mr. EDWARDS, Ms. CARSON, and Mr. ROTHMAN.
 H.R. 1202: Mr. STUPAK.
 H.R. 1234: Mr. LARSON of Connecticut.
 H.R. 1287: Mr. HYDE.
 H.R. 1303: Mr. LARSON of Connecticut.
 H.R. 1306: Mr. MEEK of Florida, Mr. BARROW, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ESHOO, Ms. BERKLEY, Mr. CONAWAY and Mr. RAHALL.
 H.R. 1322: Mr. EMANUEL.
 H.R. 1376: Mr. EVANS.
 H.R. 1548: Mr. PETERSON of Minnesota and Mr. HOLT.
 H.R. 1574: Ms. DEGETTE.
 H.R. 1632: Mr. MURPHY.
 H.R. 1671: Mr. NEUGEBAUER.
 H.R. 1709: Mr. MARKEY and Mr. CARDOZA.
 H.R. 1951: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, and Mr. LAHOOD.
 H.R. 1956: Mr. FRANKS of Arizona.
 H.R. 2121: Mr. CANTOR, Mr. SHAYS, Mr. HENSARLING, Mr. KLINE, Mr. RENZI, Mr. REYNOLDS, Mr. CARTER, and Mrs. KELLY.
 H.R. 2122: Mrs. CAPPS.
 H.R. 2134: Ms. MCKINNEY.
 H.R. 2177: Mr. FEENEY.
 H.R. 2181: Mr. WELLER.
 H.R. 2231: Mrs. CHRISTENSEN and Mr. KUCINICH.
 H.R. 2292: Ms. ZOE LOFGREN of California.
 H.R. 2323: Mr. DEFAZIO.
 H.R. 2429: Mr. ETHERIDGE.
 H.R. 2470: Mr. HOSTETTLER, Mr. CALVERT, Mr. TERRY, Mr. SULLIVAN, Mr. HERGER, Mr. HAYES, Mr. RADANOVICH, Mr. CONAWAY, and Mr. CHABOT.
 H.R. 2553: Mr. CLAY, Mr. CLEAVER, Ms. DEGETTE, Ms. MCKINNEY, Mr. WATT, Mr. CLYBURN, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mrs. NAPOLITANO, Mr. BUTTERFIELD, Mr. PASTOR, and Mr. BERMAN.
 H.R. 2594: Mr. WAMP.
 H.R. 2625: Mr. LARSON of Connecticut.
 H.R. 2808: Mr. SOUDER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WOLF, Mr. KUHL of New York, and Mr. McHUGH.
 H.R. 2861: Mr. PAYNE and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2892: Mr. GEORGE MILLER of California.
 H.R. 2952: Mrs. CAPPS.
 H.R. 2962: Mr. LEWIS of Georgia and Mrs. JONES of Ohio.
 H.R. 3049: Mr. EVANS.
 H.R. 3059: Ms. BEAN.
 H.R. 3098: Mr. HASTINGS of Florida, Mrs. CAPITO, Mr. SHAW, Mr. BURTON of Indiana, Mr. RENZI, Mr. ENGEL, Mr. BONNER, and Mr. VAN HOLLEN.
 H.R. 3127: Mr. DAVIS of Illinois and Mr. MEEK of Florida.
 H.R. 3140: Mr. LEWIS of Georgia and Ms. SCHWARTZ of Pennsylvania.
 H.R. 3145: Mr. BUTTERFIELD and Mr. WEXLER.
 H.R. 3301: Mr. EVANS.
 H.R. 3361: Mrs. TAUSCHER and Ms. SOLIS.
 H.R. 3373: Mr. BROWN of South Carolina.
 H.R. 3385: Mr. SCHWARTZ of Michigan, Mr. FARR, Mr. MICA, and Ms. MATSUI.
 H.R. 3476: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 3547: Mr. ORTIZ.
 H.R. 3550: Mr. REYES, Mr. STARK, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. OWENS, Mr. PAYNE, Mr. DEFAZIO, Mr. MORAN of Virginia, Mr. McDERMOTT, and Mr. SANDERS.

H.R. 3559: Mr. PICKERING, Mr. REYNOLDS, Mr. OXLEY, Mr. MEEHAN, Mr. ETHERIDGE, and Mr. KILDEE.
 H.R. 3575: Mr. ACKERMAN.
 H.R. 3598: Mr. JEFFERSON.
 H.R. 3616: Mr. KILDEE.
 H.R. 3629: Mr. SANDERS, Mr. KENNEDY of Rhode Island, and Ms. SCHWARTZ of Pennsylvania.
 H.R. 3640: Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, and Ms. NORTON.
 H.R. 3641: Mr. WELDON of Pennsylvania.
 H.R. 3642: Mr. WOLF, Mr. PALLONE, Ms. WOOLSEY, Mr. PAYNE, Mr. KILDEE, and Mr. BERMAN.
 H.R. 3693: Mr. OTTER.
 H.R. 3740: Mr. DAVIS of Illinois, Mr. BISHOP of New York, and Mr. DENT.
 H.R. 3861: Mr. SPRATT, Mr. SKELTON, Mr. MICHAUD, Mr. KILDEE, Mrs. MCCARTHY, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 3889: Mr. HOEKSTRA and Mr. BERRY.
 H.R. 3940: Mr. FATTAH.
 H.R. 3948: Mrs. JONES of Ohio, Mr. STUPAK, Mr. DOGGETT, and Mr. CASE.
 H.R. 3953: Mr. FOLEY.
 H.R. 3957: Mr. BROWN of Ohio.
 H.R. 3985: Mr. CLEAVER, Mr. ROSS, and Mr. COSTA.
 H.R. 3997: Mrs. BIGGERT and Mr. PEARCE.
 H.R. 4025: Mr. CHANDLER and Mr. FALCOMA VAEAGA.
 H.R. 4033: Mr. EVANS and Ms. SOLIS.
 H.R. 4042: Mr. DAVIS of Illinois.
 H.R. 4049: Ms. LEE.
 H.R. 4083: Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. McCOTTER, and Mr. BURTON of Indiana.
 H.R. 4089: Mr. GARRETT of New Jersey.
 H.R. 4092: Mr. BACA, Ms. HERSETH, Mr. SHIMKUS, Mr. FATTAH, and Mr. RUPPERSBERGER.
 H.R. 4098: Mr. ENGLISH of Pennsylvania, Mr. GINGREY, Ms. WOOLSEY, and Mr. TERRY.
 H.R. 4099: Mr. GARRETT of New Jersey.
 H.R. 4120: Mr. KING of Iowa and Mr. DEAL of Georgia.
 H.R. 4145: Mr. COLE of Oklahoma, Mr. TIERNEY, Mr. WILSON of South Carolina, Mr. ANDREWS, Mr. BAIRD, Ms. MATSUI, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SABO, Mr. GENE GREEN of Texas, Mr. KANJORSKI, Mr. LANGEVIN, and Mr. TIBERI.
 H.R. 4177: Mr. FEENEY.
 H.R. 4186: Mr. EHLERS, Mr. UPTON, and Mr. McCOTTER.
 H.R. 4194: Mr. GORDON, Mr. SPRATT, and Mr. ABERCROMBIE.
 H.R. 4200: Mr. SAM JOHNSON of Texas, Mr. HYDE, Mr. CUNNINGHAM, Ms. JACKSON-LEE of Texas, and Mr. SWEENEY.
 H.R. 4217: Mr. McCREERY, Mr. DUNCAN, and Mrs. NORTHUP.
 H.R. 4233: Mrs. MCCARTHY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. UDALL of Colorado, Ms. LINDA T. SANCHEZ of California, and Mr. FOSSELLA.
 H.R. 4236: Mr. DAVIS of Tennessee and Mr. GOODLATTE.
 H.R. 4239: Mr. BISHOP of Utah.
 H.R. 4246: Mr. GOHMERT, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. CULBERSON, Mr. BRADY of Texas, Mr. McCAUL of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. THORNBERRY, Mr. HINOJOSA, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. GONZALEZ, Mr. SMITH of Texas, Mr. DELAY, Mr. BONILLA, Mr. MARCHANT, Mr. BURGESS, Mr. ORTIZ, Mr. GENE GREEN of Texas, and Mr. CARTER.
 H.R. 4263: Mr. CONYERS.
 H.R. 4278: Mr. PAYNE, Mr. SERRANO, Mr. CROWLEY, and Mr. HONDA.
 H.R. 4321: Mr. HEFLEY.
 H.R. 4348: Mr. MEEK of Florida and Ms. WASSERMAN SCHULTZ.
 H.R. 4351: Mr. OWENS and Ms. NORTON.

H.J. Res. 3: Mr. OWENS, Mr. GRIJALVA, and Ms. McCOLLUM of Minnesota.
 H.J. Res. 38: Mr. ALLEN.
 H.J. Res. 70: Mr. McDERMOTT and Mr. PAS-TOR.
 H. Con. Res. 10: Mr. LEVIN.
 H. Con. Res. 42: Mr. BOEHLERT.
 H. Con. Res. 137: Ms. LINDA T. SANCHEZ of California.
 H. Con. Res. 174: Ms. HART, Mr. KILDEE, and Mr. REYES.
 H. Con. Res. 179: Mr. SMITH of New Jersey and Mr. SHAYS.
 H. Con. Res. 221: Mr. BACHUS.
 H. Con. Res. 231: Mr. PLATTS.
 H. Con. Res. 275: Mr. BISHOP of Georgia and Mr. SHERMAN.
 H. Con. Res. 277: Mr. GRAVES, Mrs. EMERSON, Mr. MOORE of Kansas, and Mr. UPTON.
 H. Con. Res. 302: Mr. BURTON of Indiana, Mr. CHABOT, Mr. DOOLITTLE, Mr. HAYES, and Mr. DUNCAN.
 H. Res. 90: Mr. AL GREEN of Texas.
 H. Res. 196: Ms. CARSON, Ms. NORTON, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY, Mr. ROSS, Mr. FORD, Mrs. CHRISSTENSEN, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. BARROW, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. GENE GREEN of Texas, Mr. SCOTT of Virginia, Mr. MCGOVERN, Mr. ENGEL, Mr. UDALL of Colorado, Ms. MCKINNEY, and Ms. HARMAN.
 H. Res. 471: Mr. WOLF.
 H. Res. 477: Ms. MCKINNEY.
 H. Res. 479: Mr. GALLEGLY.
 H. Res. 495: Mr. WOLF.
 H. Res. 556: Ms. WOOLSEY.

FRIDAY, NOVEMBER 18, 2005 (129)

¶129.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
 November 18, 2005.

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

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

¶129.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Thursday, November 17, 2005.

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

¶129.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5296. A letter from the Secretary, Commission of Fine Arts, transmitting in response to OMB Memorandum 06-01, a report stating that the Commission has not conducting any competitive sourcing efforts in FY 2004, FY 2005, and are not conducting any competitions in FY 2006; to the Committee on Government Reform.

5297. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 093005A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5298. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments; Correction [Docket No. 051014263-5263-01; I.D. 093005A] (RIN: 0648-AU00) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5299. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5300. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605C] received October 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5301. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 100705B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5302. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100705A] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5303. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Regular B Days-at-Sea Pilot Program [Docket No. 040804229-4300-02; I.D. 100305A] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5304. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17 [Docket No. 050520137-5220-02; I.D. 050905F] (RIN: 0648-AT10) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5305. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 050819225-5257; I.D. 080505A] (RIN: 0648-AS59) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5306. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101705A] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5307. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101405B] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5308. A letter from the President and Chief Executive Officer, American Trucking Association, transmitting recommendations for an appointment to the National Surface Transportation Policy and Revenue Study Commission; to the Committee on Transportation and Infrastructure.

5309. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 134.7 to Mile Marker 135.4, extending the entire width of the Laplace Anchorage, LA [COTP New Orleans-05-016] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5310. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 05-012] (RIN: 1625-AA87) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5311. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Knapps Narrows, Maryland [CGD05-05-124] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5312. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [CGD05-05-104] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5313. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA [CGD05-05-098] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5314. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Strait Thunder Performance, Port Angeles, WA [CGD13-05-009] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5315. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmit-

ting the Department's final rule — Special Local Regulations for Marine Event; John H. Kerr Reservoir, Clarksville, VA [CGD05-05-107] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5316. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-105] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and VOR Federal Airways V-60, V-190, V-263 and V-611; Las Vegas, NM [Docket No. FAA-2005-22421; Airspace Docket No. 05-ASW-1] (RIN: 2120-AA66) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5320. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2004, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

¶129.4 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 2528

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 564):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶129.5 WAIVING POINTS OF ORDER
AGAINST THE CONFERENCE REPORT TO
ACCOMPANY H.R. 3058

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 565):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶129.6 ADJOURNMENT OF THE TWO
HOUSES

Mr. Lincoln DIAZ-BALART of Florida, submitted the following privileged concurrent resolution (H. Con. Res. 307):

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on the legislative day of Friday, November 18, 2005, or Saturday, November 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 18, 2005, through Wednesday, November 23, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 12, 2005, or Tuesday, December 13, 2005, or until such other time on either of those days, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

When said concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶129.7 MILITARY QUALITY OF LIFE, VA
APPROPRIATIONS FY 2006

Mr. WALSH, pursuant to House Resolution 564, called up the following conference report (Rept. No. 109-305):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) "making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,775,260,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$170,021,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds provided, \$50,000,000, to remain available until September 30, 2007, shall be for overhead cover systems to support force protection activities in Iraq: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 107-249, \$3,046,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 108-324, \$16,700,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,157,141,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$34,893,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction,

Navy and Marine Corps" under Public Law 108-132, \$5,767,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108-324, \$44,270,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,288,530,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$95,537,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108-11, \$13,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108-132, \$6,600,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108-324, \$9,500,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-13, \$46,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$1,008,855,000, to remain available until September 30, 2010: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$136,406,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-324, \$20,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL
GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$523,151,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization

Acts, \$316,117,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Air National Guard" under Public Law 108-324, \$13,700,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$152,569,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, NAVAL RESERVE (INCLUDING RESCISSIONS OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$46,864,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 108-132, \$5,368,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 108-324, \$11,192,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE (INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$105,883,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 108-324, \$13,815,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM (INCLUDING RESCISSION OF FUNDS)

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$206,858,000, to remain available until expended: Provided, That of the funds appropriated for "North Atlantic Treaty Organization Security Investment Program" under Public Law 108-324, \$30,000,000 are hereby rescinded.

FAMILY HOUSING CONSTRUCTION, ARMY (INCLUDING RESCISSION OF FUNDS)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$549,636,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Family Housing Construction, Army" under Public Law 108-324, \$16,000,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$803,993,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$218,942,000, to remain available until September 30, 2010.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$588,660,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE (INCLUDING RESCISSIONS OF FUNDS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,101,887,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 107-249, \$7,700,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108-132, \$4,500,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108-324, \$31,700,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$766,939,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$46,391,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$254,827,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$1,504,466,000, to remain available until expended: Provided, That these funds may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees and receives approval of a report describing the specific programs, projects, and activities for which such funds are to be obligated.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access

roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the

private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes speci-

fied in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(TRANSFER OF FUNDS)

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 129. (a) Of the amount in the Department of Defense Base Closure Account 1990 under section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) that is derived from the disposal of Department of the Navy property under that Act, not less than \$300,000,000 shall be available exclusively to the Department of the Navy for the costs of environmental restoration and property management and disposal of property at installations of the Department of the Navy closed or realigned under that Act.

(b) The amount available under subsection (a) shall remain available for the costs specified in that subsection until expended.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of the Navy shall submit to the Committees on Appropriations of both Houses of Congress, a report containing a plan for the use of the funds made available under subsection (a) for environmental restoration, and for property management and disposal, at covered Navy installations, including specific sites and work to be accomplished at those sites. None of the funds made available under subsection (a) shall be obligated until both of such committees approve such report or the expiration of the 30-day period beginning on the date such committees receive such report, whichever occurs earlier.

SEC. 130. Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress, a report containing a housing plan for Spangdahlem Air Base, Germany, as outlined in the Statement of Managers accompanying the Conference report for H.R. 2528 of the 109th Congress. None of the funds made available in this title shall be used for the construction of family housing at Spangdahlem Air Base, Germany, until both of such committees approve such report or the expiration of the 30-day period beginning on the date such committees receive such report, whichever occurs earlier.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$33,897,787,000, to remain available until expended: Provided, That not to exceed \$23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,309,234,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38 United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, \$45,907,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2006, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made

available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$580,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR
HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$22,547,141,000, plus reimbursements, of which not less than \$2,200,000,000 shall be expended for specialty mental health care: Provided, That \$1,225,000,000 of the amount provided under this heading is designated by the Congress as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; Provided further, That such \$1,225,000,000 shall be available only if an official budget request is transmitted by the President to the Congress that revises the President's budget amendment of July 14, 2005, to designate the entire \$1,225,000,000 as an emergency requirement: Provided further, That of the funds made available under this heading, not to exceed \$1,100,000,000 shall be available until September 30, 2007: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; uniforms or allowances therefor, as authorized by sections 5901-5902 of title 5, United States Code; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$2,858,442,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,297,669,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2007, \$412,000,000, plus reimbursements, of which not less than \$15,000,000 shall be used for Gulf War Illness research.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,410,520,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,053,938,000: Provided further, That of the funds made available under this heading, not to exceed \$70,000,000 shall be available for obligation until September 30, 2007: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for the

capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, \$1,213,820,000, to remain available until September 30, 2007. Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, \$156,447,000: Provided, That of the funds made available under this heading, not to exceed \$7,800,000 shall be available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$70,174,000, to remain available until September 30, 2007.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$607,100,000, to remain available until expended, of which \$532,010,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$2,500,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obli-

gated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That none of the funds in this or any other Act may be used to reduce the mission, services or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs without prior approval of the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$198,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, of which \$155,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131-8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and

uniforms or allowances therefore, as authorized by sections 5901-5902 of title 5, United States Code.

SEC. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901-7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 207. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 208. The paragraph under the heading "Franchise Fund" in title I of Public Law 104-204 (31 U.S.C. 501 note) is amended—

(1) by striking "franchise fund pilot, as authorized by section 403 of Public Law 103-356, to be available as provided in such section" and inserting "Department of Veterans Affairs franchise fund, to be available without fiscal year limitation"; and

(2) by striking the final proviso.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,758,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided,

That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Amounts made available for fiscal year 2006 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed \$8,800,000 in the fiscal year.

SEC. 218. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall

allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. That such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 220. None of the funds available to the Department of Veterans Affairs, in this Act or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 221. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 222. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

SEC. 223. None of the funds made available in this Act or any other Act may be used—

(1) with respect to the 2,100 compensation cases identified in the Scope and Methodology description in VA Inspector General Report No. 05-00765-137 as having been reviewed by the Office of Inspector General—

(A) to retroactively revoke or reduce a veteran's disability compensation payments for post traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless the award of compensation was the direct result of fraud by the applicant; or

(B) to prospectively revoke or reduce a veteran's disability compensation payments for post traumatic stress disorder, based on a finding that the Department of Veterans Affairs failed to collect justifying documentation, effective before the date on which the veteran's time to exhaust all available administrative and judicial appeals has expired or such administrative and judicial appeals are finally decided; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post traumatic stress, individual unemployability, and schedular 100 percent ratings cases, until the Department of Veterans Affairs reports to the Committees on Appropriations of both Houses of Congress on its plans for implementing this recommendation, and outlines the staffing and funding requirements.

SEC. 224. CLINICAL TRAINING AND PROTOCOLS.

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Amounts made available under the "Medical administration", "Medical services", "Medical facilities", "General operating expenses", "National Cemetery Administration" and "Office of Inspector General" accounts for fiscal year 2006, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2006 may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical administration" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 227. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 228. The Department of Veterans Affairs shall conduct an information campaign in States with an average annual disability compensation payment of less than \$7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings.

SEC. 229. Of the funds available to the Department of Veterans Affairs in this Act or any other Act, no more than \$50,000,000 shall be available for the HealtheVetVista project, for fiscal year 2006: Provided, That none of the funds made available for the HealtheVetVista project may be obligated until the Committees on Appropriations of both Houses of Congress approve a financial expenditure plan for the entire project.

SEC. 230. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2006.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases

and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$36,250,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$15,250,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, \$18,795,000, of which \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$29,050,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$58,281,000, of which \$1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, is amended by striking "the United States-China Economic and Security Review Commission", and inserting in lieu thereof "a grant for the Trade Lawyers Advisory Group".

(b) The amendment made by paragraph (1) shall take effect on the date of enactment of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

This Act may be cited as the "Military Construction, Military Quality of Life and Veterans Affairs Appropriations Act, 2006".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JAMES T. WALSH,
ROBERT B. ADERHOLT,
ANNE M. NORTHUP,
MICHAEL K. SIMPSON,
ANDER CRENSHAW,
C.W. BILL YOUNG,
MARK STEVEN KIRK,
DENNIS R. REHBERG,
JOHN CARTER,
JERRY LEWIS,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
DAVID E. PRICE,
ROBERT E. CRAMER, JR.,
DAVID R. OBEY.

Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY CRAIG,
MIKE DEWINE,
SAM BROWNBAC,
WAYNE ALLARD,
MITCH MCCONNELL,
THAD COCHRAN,
DIANNE FEINSTEIN,
DANIEL K. INOUE,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,
PATTY MURRAY,
PATRICK LEAHY.

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House pass said agree to said conference report?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to

clause 8, rule XX, announced that further proceedings on the question were postponed.

¶129.8 TRANSPORTATION, TREASURY, HUD, JUDICIARY, DISTRICT OF COLUMBIA APPROPRIATIONS FY 2006

Mr. KNOLLENBERG, pursuant to house resolution 565, called up the following conference report (Rept. No. 108–307):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3058) "making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$84,900,000, of which not to exceed \$2,198,000 shall be available for the immediate Office of the Secretary; not to exceed \$698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$15,183,000 shall be available for the Office of the General Counsel; not to exceed \$11,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$8,485,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,910,000 shall be available for the Office of Public Affairs; not to exceed \$1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed \$697,000 shall be available for the Board of Contract Appeals; not to exceed \$1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$2,033,000 for the Office of Intelligence and Security; not to exceed \$11,895,000 shall be available for the Office of the Chief Information Officer; and not to exceed \$3,120,000 shall be available for the Office of Emergency Transportation: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall

be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$15,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$118,014,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, to remain available until September 30, 2007: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building

and related services, \$50,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$8,036,000,000, of which \$5,541,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$6,629,000,000 shall be available for air traffic organization activities; not to exceed \$958,542,000 shall be available for aviation regulation and certification activities; not to exceed \$11,759,000 shall be available for commercial space transportation activities; not to exceed \$50,983,000 shall be available for financial services activities; not to exceed \$69,943,000 shall be available for human resources program activities; not to exceed \$150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed \$142,000,000 shall be available for staff offices; and not to exceed \$36,112,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation regulation and certification budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$7,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a

store gift card or gift certificate through use of a Government-issued credit card. In addition, \$150,000,000 is for costs associated with the flight service station transition.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, \$2,540,000,000, of which \$2,110,789,500 shall remain available until September 30, 2008, and of which \$429,210,500 shall remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$138,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,550,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United

States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$71,096,000 shall be obligated for administration, not less than \$10,000,000 shall be available for the airport co-operative research program, and not less than \$10,000,000 shall be available to carry out the Small Community Air Service Development Program, to remain available until expended: Provided further, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: Provided further, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amounts authorized for the fiscal year ending September 30, 2006 and prior years under sections 48103 and 48112 of title 49, United States Code, \$1,032,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2006.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2006, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 105. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 106. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 107. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 108. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

SEC. 109. Section 47114(c)(1) of title 49, United States Code, is amended by adding the following new paragraph at the end:

"(G) SPECIAL RULE FOR FISCAL YEAR 2006.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal year 2006 to the sponsor of the airport an amount equal to \$500,000, if the Secretary finds that—

"(i) the passenger boardings at the airport were below 10,000 in calendar year 2004;

"(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

"(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001."

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed \$364,638,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$36,032,343,903 for Federal-aid highways and highway safety construction programs for fiscal year 2006: Provided, That within the \$36,032,343,903 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2006: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$36,032,343,903 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$1,999,999,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as in effect prior to the date of enactment of Public Law 109-59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to the enactment of Public Law 109-59.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102-240, as amended, \$20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; the Bureau of Transportation Statistics; the programs, projects, and activities funded from the take-down authorized by section 112 of this Act; and the unobligated balances of funds made available for programs, projects, and activities funded from the take-down authorized by section 117 of title I of division H of the Consolidated Appropriations Act, 2005 (Public Law 108-447) for which no obligation limitation has previously been made available;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs

(1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 and 2006; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Account-

able, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(a)(1) for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of Public Law 108–447 and under subsection

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system,

and the equity bonus program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 2.75 percent of all sums so authorized: Provided, That of the amount so deducted in accordance with this section, \$600,000,000 shall be made available for surface transportation projects and \$25,000,000 shall be made available for highway priority projects as identified under this section in the statement of the managers accompanying this Act: Provided further, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code: Provided further, That funds made available under this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: Provided further, That the sum deducted in accordance with this section shall remain available until expended: Provided further, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 113. Notwithstanding any other provision of law, projects and activities described in the statement of managers accompanying this Act under the headings “Federal-Aid Highways” and “Federal Transit Administration” shall be eligible for fiscal year 2006 funds made available for the project for which each project or activity is so designated: Provided, That the Federal share payable on account of any such projects and activities subject to this section shall be the same as the share required by the Federal program under which each project or activity is designated unless otherwise provided in this Act.

SEC. 114. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

SEC. 115. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) STATE ACTION.—

“(A) WEIGHT LIMITATIONS.—For the period beginning on the date of enactment of this subparagraph and ending on September 30, 2009, a covered State, including any political subdivision of such State, may not enforce a single axle weight limitation of less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.

“(B) COVERED STATE DEFINED.—In this paragraph, the term ‘covered State’ means a State that has enforced, in the period beginning on October 6, 1992, and ending on the date of enactment of this subparagraph, a single axle weight limitation of 20,000 pounds or greater but

less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.”.

SEC. 116. Notwithstanding any other provision of law, access to the I-5 “Transit Only” ramps at NE 163rd in Shoreline, Washington, shall be expanded to include King County Solid Waste Division transfer vehicles upon the determination of the Federal Highway Administrator that necessary safety improvements have been completed.

SEC. 117. DESIGNATION OF MAX M. FISHER MEMORIAL HIGHWAY. (a) DESIGNATION.—The portion of highway US-24 in the State of Michigan, beginning at Interstate 96 and extending north to Interstate 75 at exit 93 west of Clarkston, shall be known and designated as the “Max M. Fisher Memorial Highway”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway portion referred to in subsection (a) shall be deemed to be a reference to the “Max M. Fisher Memorial Highway”.

SEC. 118. Notwithstanding any other provision of law, funds provided in Public Law 108-7 under the heading “Federal-aid Highways” for intelligent transportation system projects and designated for Gettysburg Borough Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania shall be available for Gettysburg Borough and Surrounding Municipalities Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$213,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$213,000,000, for “Motor Carrier Safety Operations and Programs”, of which \$10,084,000, to remain available for obligation until September 30, 2008, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109-59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104, 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$282,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$282,000,000, for “Motor Carrier Safety Grants”; of which \$188,000,000 shall be available for the motor carrier safety assistance program to carry out sec-

tions 31102 and 31104 of title 49, United States Code; \$25,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106 and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$2,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$5,000,000 shall be available for the commercial driver’s license information system modernization program to carry out section 31309 of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$122,457,000, to be derived from the sum authorized to be deducted under section 112 of this Act and transferred to the National Highway Traffic Safety Administration upon enactment of this Act, of which \$96,301,000 shall remain available until September 30, 2006 and \$26,156,000 shall remain available until September 30, 2008: Provided, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That all funds made available under this heading shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this heading shall remain available as specified and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$110,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of

programs the total obligations for which, in fiscal year 2006, are in excess of \$110,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund and remain available until September 30, 2007: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$578,176,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of \$578,176,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$217,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402, \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405, \$124,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, \$34,500,000 shall be for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408, \$120,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410, \$16,176,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109-59, \$29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109-59, \$6,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109-59, and \$6,000,000 shall be for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109-59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the “High Visibility Enforcement Program” shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISION—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 125. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$145,949,000, of which \$13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$55,075,000, to remain available until expended, of which \$6,500,000 shall be available for positive train control projects and \$7,190,000 shall be available for grants for rail corridor planning, development and improvement and Federal share payable under such grants shall be 50 percent.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$10,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, \$495,000,000, to remain available until expended: Provided, That the Secretary of Transportation shall approve funding to cover operating losses for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation shall reserve \$60,000,000 of the funds provided under this heading and is authorized to transfer such sums to the Surface Transportation Board, upon request from said Board, to carry out directed service orders issued pursuant to section 11123 of title 49, United States Code, to respond to the cessation of commuter rail operations by the National Railroad Passenger Corporation: Provided further, That the Secretary of Transportation shall make the reserved funds available to the National Railroad Passenger Corporation through an appropriate grant instrument not earlier than September 1, 2006 to the extent that no directed service orders have been issued by the Surface Transportation Board as of the date of transfer or there is a balance of reserved funds not needed by the Board to pay for any directed service order issued through September 30, 2006: Provided further, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning on January 3, 2006 and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the National Railroad Passenger Corporation: Provided further, That if the Inspector General cannot certify that the Corporation has achieved operational savings by July 1, 2006, none of the funds in this Act may be used after July 1, 2006, to subsidize the net losses of food and beverage service and sleeper car service on any Amtrak route: Provided further, That of the funds provided under this section, not less

than \$5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That not later than 60 days after enactment of this Act, Amtrak shall transmit, in electronic format, to the Secretary of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2006 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That none of the funds in this Act may be used for operating expenses, including advance purchase orders, not approved by the Secretary of Transportation or on the National Railroad Passenger Corporation's fiscal year 2006 business plan: Provided further, That Amtrak shall display the business plan and all subsequent supplemental plans on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the National Railroad Passenger Corporation, including railroad equipment, rolling stock, legal mandates and other services, \$780,000,000, to remain available until expended, of which not to exceed \$280,000,000 shall be for debt service obligations: Provided, That the Secretary of Transportation shall approve funding for capital expenditures, including advance purchase orders, for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds

under this heading may be used to subsidize operating losses of the National Railroad Passenger Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the National Railroad Passenger Corporation's fiscal year 2006 business plan: Provided further, That the Secretary shall determine the cost to the Corporation for the annual Northeast Corridor capital and maintenance costs attributable to commuter rail operations over said Corridor: Provided further, That these costs shall be calculated by the Secretary based on the train mile usage of each commuter rail authority as a percentage of the total number of annual train miles used by all users of the Northeast Corridor or by whatever measure the Secretary believes to be most appropriate: Provided further, That, notwithstanding any other provision of law, the Secretary shall assess fees to each commuter rail authority for any direct capital or maintenance costs associated with that rail authority's usage of the corridor: Provided further, That such assessments shall account fully for whatever direct annual contributions are already being made by each commuter authority for such Northeast Corridor capital and maintenance expenses in that fiscal year: Provided further, That the revenues from such fees shall be merged with this appropriation and be available for obligation and expenditure consistent with the terms and conditions of this paragraph: Provided further, That the Secretary shall transmit to Congress a monthly accounting of charges levied in accordance with the preceding proviso.

EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount to be made available to the Secretary for efficiency incentive grants to the National Railroad Passenger Corporation, \$40,000,000, to remain available until expended: Provided, That the Secretary may make grants to the National Railroad Passenger Corporation for an additional sum for operating subsidies at any time during the fiscal year for the purpose of maintaining the operation of existing Amtrak routes: Provided further, That nothing in the previous proviso should be interpreted either to encourage or discourage the Corporation with respect to adjusting existing routes or frequencies: Provided further, That the Secretary may make grants for operating subsidies at any time during the fiscal year in order to avert the Corporation's entry into bankruptcy proceedings: Provided further, That prior to awarding additional operating grants for the purpose of the preceding proviso, the Secretary and the Inspector General of the Department of Transportation shall certify to the Committees on Appropriations of the House of Representatives and the Senate that such grants are necessary to prevent the Corporation from entering bankruptcy: Provided further, That if the Secretary and the Inspector General deem that sufficient operating funds are available to continue operations through the end of fiscal year 2006, then, as of September 1, 2006, the Secretary may make grants to the National Railroad Passenger Corporation at such times and in such amounts for capital improvements that have a direct and measurable short-term impact on reducing operating losses of the National Railroad Passenger Corporation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 130. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 131. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2005 (Public Law 108-447), the Secretary of Transportation

shall award a grant in the amount of \$500,000 to the Maine Department of Transportation for Safety and Mitigation Rail Relocation in Auburn, Maine.

SEC. 132. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Illinois state-wide highway-rail crossing safety program on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-792) shall be made available to the Illinois Commerce Commission for the Public Education and Enforcement Research (PEERS) program to improve rail-grade crossing safety through education and enforcement initiatives.

SEC. 133. Notwithstanding any existing Federal legislation, from funds available to the Federal Railroad Administration under the heading of "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2004, Public Law 108-199; the Secretary of Transportation may award a grant of \$1,000,000 to the New Orleans Regional Planning Commission, New Orleans, Louisiana for site planning and an update of the Master Plan for the Union Passenger Terminal, located at New Orleans, Louisiana.

SEC. 134. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-792) shall be made available to the Washington State Department of Transportation for grade crossing and related improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.

SEC. 135. Of the \$40,000,000 provided under the heading "Efficiency Incentive Grants to the National Railroad Passenger Corporation", and notwithstanding limitation language contained therein, \$8,300,000 shall be made available immediately upon enactment of this Act only for a revenue service demonstration of not less than 5,500 carload shipments of premium temperature-controlled express.

FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$80,000,000: Provided, That of the funds available under this heading, not to exceed \$925,000 shall be available for the Office of the Administrator; not to exceed \$7,325,000 shall be available for the Office of Administration; not to exceed \$4,058,200 shall be available for the Office of the Chief Counsel; not to exceed \$1,359,300 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$7,985,900 shall be available for the Office of Program Management; not to exceed \$8,732,500 shall be available for the Office of Budget and Policy; not to exceed \$4,763,900 shall be available for the Office of Demonstration and Innovation; not to exceed \$3,153,100 shall be available for the Office of Civil Rights; not to exceed \$4,127,300 shall be available for the Office of Planning; not to exceed \$20,754,000 shall be available for regional offices; and not to exceed \$16,815,800 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may

be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.

FORMULA AND BUS GRANTS (LIQUIDATION OF CONTRACT AUTHORITY) (LIMITATION ON OBLIGATIONS) (INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$1,500,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$6,979,931,000 in fiscal year 2006: Provided further, That of the funds made available to carry out capital projects to modernize fixed guideway systems authorized under 49 U.S.C. 5309(b)(2), \$47,766,000 shall be transferred to the Capital Investment Grants account and made available to carry out new fixed guideway capital projects identified in this Act and in accordance with the applicable provisions of 49 U.S.C. 5309: Provided further, That except as provided in section 3044(b)(1) of Public Law 109-59, funds made available to carry out 49 U.S.C. 5308 shall instead be available to carry out 49 U.S.C. 5309(b)(3).

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$75,200,000, to remain available until expended: Provided, That \$9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$54,200,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,455,234,000, to remain available until expended as follows:

ACE Gap Closure San Joaquin County, California, \$5,000,000;
Alaska and Hawaii ferry projects, \$15,000,000;
Ann Arbor/Detroit Commuter Rail, Michigan, \$5,000,000;
Atlanta Bellline/C-Loop, Georgia, \$1,000,000;
Baltimore Central Light Rail Double Track Project, Maryland, \$12,420,000;
Baltimore Red Line and Green Line, Maryland, \$2,000,000;
Boston/Fitchburg, Massachusetts Rail Corridor, \$2,000,000;
Central Corridor/St. Paul-Minneapolis, Minnesota, \$2,000,000;
Central Florida Commuter Rail, \$11,000,000;
Central Phoenix/East Valley LRT, Arizona, \$90,000,000;
Charlotte South Corridor Light Rail Project, North Carolina, \$55,000,000;
City of Miami Streetcar, Florida, \$2,000,000;
City of Rock Hill Trolley Study, South Carolina, \$400,000;

Commuter Rail, Albuquerque to Santa Fe, New Mexico, \$500,000;
Commuter Rail, Utah, \$9,000,000;
CORRIDORone Regional Rail Project, Pennsylvania, \$1,500,000;
CTA Douglas Blue Line, Illinois, \$45,150,000;
CTA Ravenswood Brown Line, Illinois, \$40,000,000;
CTA Yellow Line, Illinois, \$1,000,000;
Dallas Northwest/Southeast Light Rail MOS, Texas, \$12,000,000;
Denali Commission, Alaska, \$5,000,000;
Detroit Center City Loop, Michigan, \$4,000,000;
Dulles Corridor Rapid Transit Project, Virginia, \$26,000,000;
East Corridor Commuter Rail, Nashville, Tennessee, \$6,000,000;
East Side Access Project, New York, \$340,000,000;
Euclid Corridor Transportation Project, Ohio, \$24,770,000;
Fort Lauderdale Downtown Rail Link, Florida, \$1,000,000;
Gainesville-Haymarket VRE Service Extension, Virginia, \$1,450,000;
Hartford-New Britain Busway, Connecticut, \$6,000,000;
Houston METRO, Texas, \$12,000,000;
Hudson-Bergen Light Rail MOS 2, New Jersey, \$100,000,000;
Kansas City, Missouri, Southtown BRT, \$12,300,000;
Metra, Illinois, \$42,180,000;
Metro Gold Line Eastside Light Rail Extension, California, \$80,000,000;
Miami Dade County Metrorail Extension, Florida, \$10,000,000;
Mid-Coast Light Rail Transit Extension, California, \$7,160,000;
Mid-Jordan Light Rail Transit Line, Utah, \$500,000;
Mission Valley East, California, \$7,700,000;
N. Indiana Commuter Transit District Recapitalization, \$5,000,000;
New Jersey Trans-Hudson Midtown Corridor, New Jersey, \$12,315,000;
North Corridor Interstate MAX Light Rail Project, Oregon, \$18,110,000;
North Shore Connector, Pennsylvania, \$55,000,000;
North Shore Corridor and Blue Line Extension, Massachusetts, \$2,000,000;
Northeast Corridor Commuter Rail Project, Delaware, \$1,425,000;
Northern Branch Bergen County, New Jersey, \$2,500,000;
Northstar Corridor Commuter Rail Project, Minnesota, \$2,000,000;
Northwest New Jersey-Northeast Pennsylvania Passenger Rail, \$10,000,000;
Oceanside Escondido Rail Project, California, \$12,210,000;
Odgen Avenue Transit Corridor/Circle Line, Illinois, \$1,000,000;
Regional Fixed Guideway Project, Nevada, \$3,000,000;
Rhode Island Integrated Commuter Rail Project, Rhode Island, \$6,000,000;
San Francisco BART Extension to San Francisco International Airport, California, \$81,860,000;
San Francisco Muni Third Street Light Rail Project, California, \$25,000,000;
San Juan Tren Urbano, Puerto Rico, \$8,045,487;
Santa Barbara Coast Rail Track Improvement Project, California, \$1,000,000;
Schuylkill Valley Metro, Pennsylvania, \$2,000,000;
Seattle Sound Transit, Washington, \$80,000,000;
Second Avenue Subway, New York, \$25,000,000;
Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, \$6,500,000;
Silver Line Phase III, Massachusetts, \$4,000,000;
Souder Commuter Rail, Washington, \$5,000,000;

Southeast Corridor Multi-Modal Project (T-REX), Colorado, \$80,000,000;

Stamford Urban Transitway, Connecticut, \$10,000,000;

Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, \$20,000,000;

Washington County Commuter Rail Project, Oregon, \$15,000,000;

West Corridor Light Rail, Colorado, \$5,000,000.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 140. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 141. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 142. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 143. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems project under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 145. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location.

SEC. 146. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108-447 and Public Law 108-199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available to the Swedish Hospital parking garage, Seattle, Washington, subject to the same conditions and requirements of section 125 of division H of Public Law 108-447.

SEC. 147. Funds in this Act that are apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to ac-

quire land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: Provided, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions.

SEC. 148. Notwithstanding any other provision of law, any unobligated funds designated to the Jacksonville Transportation Authority, Community Transportation Coordinator Program under the heading "Job Access and Reverse Commute Grants" in the statement of the managers accompanying Public Law 108-199 may be made available to the Jacksonville Transportation Authority for any purpose authorized under the Job Access and Reverse Commute program.

SEC. 149. Notwithstanding any other provision of law, any funds made available to the South Shore Commuter Rail, Indiana, project under the Federal Transit Administration Capital Investment Grants Account in Division H of Public Law 108-447 that remain available may be used for modernization of the South Shore Commuter Rail system.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$122,249,000 of which \$23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$4,126,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION (RESCISSION)

Of the unobligated balances available under this heading, \$2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, the Maritime Administration is au-

thorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 151. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$16,877,000, of which \$645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$26,138,000, of which \$1,847,000 shall remain available until September 30, 2008: Provided, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$73,010,000, of which \$15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which \$58,010,000 shall be derived from the Pipeline Safety Fund, of which \$24,000,000 shall remain available until September 30, 2008: Provided, That not less than \$1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: Provided, That not more than \$14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$5,774,000, of which \$1,121,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$62,499,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$26,450,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than \$25,200,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF
TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 160. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 161. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 162. None of the funds in this Act shall be available for salaries and expenses of more than 108 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 163. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 164. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 165. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and

Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 166. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 167. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 168. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 169. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 170. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 171. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 172. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under

which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

SEC. 173. (a) Section 14710(a) of title 49, United States Code, is amended—

(1) by striking "a State authority may" and inserting "a State authority other than the attorney general of the state may, as *parens patriae*,"; and

(2) by inserting the following after the first sentence: "Any civil action for injunctive relief to enjoin such delivery or transportation or to compel a person to pay a fine or penalty assessed under chapter 149 shall be brought in an appropriate district court of the United States."

(b) Section 14710(b) of title 49, United States Code, is amended to read as follows:

"(b) EXERCISE OF ENFORCEMENT AUTHORITY.—The authority of this section shall be exercised subject to the requirements of sections 14711(b)–(f) of this title."

(c) Section 14711(b)(1) of title 49, United States Code, is amended by inserting the following at the end:

"The State may initiate a civil action under subsection (a) if it is reviewable under subsection (b)(2)."

(d) Section 14711(b)(4) of title 49, United States Code, is amended by inserting "that is subject to review under subsection (b)(2)" before "if the Secretary".

(e) The amendments made by this section shall cease to be in effect after September 30, 2006.

SEC. 174. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40,";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(5) in subparagraph (F) (as redesignated by paragraph (3)), by striking "State Option" and all that follows through the period and inserting "(F) Subparagraphs (B), (C), (D) and (E) herein shall not apply to the States of West Virginia or Minnesota."

SEC. 175. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for non-exclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

SEC. 176. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

"(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed."

(b) CONFORMING AMENDMENT.—Section 47110(d)(2)(A) is amended by striking “(A) the” and inserting “(A) except as provided in section 47108(e)(3), the”.

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”. Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

SEC. 178. Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking “November 19, 2005,” and inserting “November 30, 2006.”.

SEC. 179. (a)(1) This section shall apply to a former employee of the Federal Aviation Administration, who—

(A) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligible for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and was eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SEC. 180. (a) In this section:

(1) The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Wilderness” means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) $\frac{2}{3}$ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) $\frac{1}{3}$ of the amounts shall be available to the Director of the Bureau of Land Management,

without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SEC. 181. The first sentence of section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96-192; 94 Stat. 48) is amended by inserting “Missouri,” before “and Texas”.

SEC. 182. Notwithstanding any other provision of law, none of the funds provided in or limited by this Act may be obligated or expended to provide a budget justification for fiscal year 2007 concurrently with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, to any congressional committee other than the House and Senate Committees on Appropriations prior to May 31, 2006.

SEC. 183. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 184. Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.

SEC. 185. For necessary expenses, including an independent verification regime, to reimburse fixed-based general aviation operators and the providers of general aviation ground support services at Ronald Reagan Washington National Airport; College Park Airport in College Park, Maryland; Potomac Airport in Fort Washington, Maryland; Washington Executive/Hyde Field in Clinton, Maryland; and Washington South Capitol Street Heliport in Washington, DC; for direct and incremental financial losses incurred while such airports were closed to general aviation operations, or as of the date of enactment of this provision in the case of airports

that have not reopened to such operations, by these operators and service providers solely due to the actions of the Federal government following the terrorist attacks on the United States that occurred on September 11, 2001, not to exceed \$17,000,000, to be available until expended: Provided, That of this amount not to exceed \$5,000,000 shall be available on a pro-rata basis, if necessary, to fixed-based general aviation operators and the providers of general aviation ground support services located at College Park Airport in College Park, Maryland; Potomac Airpark in Fort Washington, Maryland; and Washington Executive/Hyde Field in Clinton, Maryland: Provided further, That no funds shall be obligated or distributed to fixed-based general aviation operators and providers of general aviation ground support services until an independent audit is completed:

Provided further, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursement: Provided further, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

SEC. 186. Notwithstanding any other provision of law, any amounts made available pursuant to Public Law 109-59 for the Gravina Island bridge and the Knik Arm bridge shall be made available to the Alaska Department of Transportation and Public Facilities for any purpose eligible under section 133(b) of title 23, United States Code: Provided, That in allocating funds for the equity bonus program under section 105 of such title, the Secretary shall make the calculations required under that section as if this section had not been enacted: Provided further, That the descriptions for High Priority Projects #406, the Gravina Island bridge, and #2465, the Knik Arm bridge, in section 1702 of Public Law 109-59 are hereby deleted and in their place is inserted "the Alaska Department of Transportation and Public Facilities".

SEC. 187. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) as of the date of enactment of this Act, of the amounts made available by section 112 of this Act, \$1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in subsection (a)—

(A) by inserting after "evacuation plans" the following: "(including the costs of the plans)"; and

(B) by inserting "and other catastrophic events" before "impacting";

(2) in subsection (b), by striking "and local" and inserting "parish, county, and municipal"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "safe and" before "practical";

(B) in paragraph (2), by inserting after "States" the following: "and adjoining jurisdictions";

(C) in paragraph (3), by striking "and" after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

"(6) the time required to evacuate under the plan; and

"(7) the physical and mental strains associated with the evacuation.".

This title may be cited as the "Department of Transportation Appropriations Act, 2006".

TITLE II

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed \$3,000,000 for official travel expenses; \$196,592,000, of which not to exceed \$8,642,000 is for executive direction program activities; not to exceed \$7,852,000 is for general counsel program activities; not to exceed \$32,011,000 is for economic policies and programs activities; not to exceed \$26,574,000 is for financial policies and programs activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed \$1,000,000, to remain available until expended, is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations; not to exceed \$39,939,000 is for financial crimes policies and programs activities; not to exceed \$16,843,000 is for Treasury-wide management policies and programs activities; and not to exceed \$63,731,000 is for administration programs activities: Provided, That of the amount appropriated for financial crimes policies and programs activities, \$22,032,016 is for the Office of Foreign Assets Control and shall support no less than 125 full time equivalent positions: Provided further, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than two percent by all such transfers: Provided further, That any change in funding greater than two percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2007, for information technology modernization requirements; not to exceed \$100,000 for official reception and representation expenses; and not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, \$5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL

INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$24,412,000, to remain available until September 30, 2008: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organiza-

tions: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$17,000,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX

ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$133,286,000; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM

ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42), \$2,750,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND

RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$73,630,000 of which not to exceed \$6,944,000 shall remain available until September 30, 2008; and of which \$8,521,000 shall remain available until September 30, 2007: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$236,243,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles,

\$91,126,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$26,768,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$179,923,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than \$3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at \$176,923,000. In addition, \$70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$55,000,000, to remain available until September 30, 2007, of which \$4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to \$13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to \$6,000,000 may be used for the cost of direct loans, and up to \$250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$11,000,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,136,578,000, of

which up to \$4,100,000 shall be for the Tax Counseling for the Elderly Program, of which \$8,000,000 shall be available for low-income taxpayer clinic grants, of which \$1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed \$25,000 shall be for official reception and representation expenses: Provided, That of unobligated amounts available under this heading from previous appropriations acts, \$20,000,000 shall be rescinded.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,725,756,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2008, for research; and of which \$55,584,000 shall be for the Interagency Crime and Drug Enforcement program: Provided, That up to \$10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: Provided further, That up to \$10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105-33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,598,967,000, of which \$75,000,000 shall remain available until September 30, 2007.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, \$199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed

by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$20,210,000: Provided, That of unobligated amounts available under this heading from previous appropriations acts, \$9,000,000 shall be rescinded.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 205. None of the funds appropriated or otherwise made available in this or any other Act or source to the Internal Revenue Service may be used to reduce taxpayer services as proposed in fiscal year 2006 until the Treasury Inspector General for Tax Administration completes a study detailing the impact of such proposed reductions on taxpayer compliance and taxpayer services, and the Internal Revenue Service's plans for providing adequate alternative services, and submits such study and plans to the Committees on Appropriations of the House of Representatives and the Senate for approval: Provided, That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: Provided further, That the Internal Revenue Service shall consult with stakeholder organizations, including but not limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to any proposed or planned efforts by the Internal Revenue Service to terminate or reduce significantly any taxpayer service activity.

SEC. 206. Of the funds made available by this Act to the Internal Revenue Service, not less than \$6,447,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, \$446,000,000 shall be available for enhanced tax enforcement.

SEC. 207. Of the funds made available by this Act to the Internal Revenue Service, not less than \$166,249,000 shall be available for operating expenses of the Taxpayer Advocate Service, of which not less than \$141,311,650 shall be made available from the "Tax Law Enforcement" account.

SEC. 208. The Internal Revenue Service shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the

Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 209. Section 3 under the heading "Administrative Provisions—Internal Revenue Service" of title I of Public Law 103-329 is amended by striking the last proviso.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 216. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting "8 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on

Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 219. None of the funds appropriated or otherwise made available by this or any other Act or source to the Secretary of the Treasury may be expended to develop, study, or implement any plan to reallocate the resources of, or merge the Financial Crimes Enforcement Network into the Departmental Offices—Salaries and Expenses, or any other office within the Department of the Treasury.

This title may be cited as the "Department of the Treasury Appropriations Act, 2006".

TITLE III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$15,573,655,725, to remain available until expended, of which \$11,373,656,000 shall be available on October 1, 2005, and \$4,200,000,000 shall be available on October 1, 2006: Provided, That the amounts made available under this heading are provided as follows:

(1) \$14,089,755,725 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to provisions, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That up to \$45,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies; and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: Provided further, That none of the funds provided in this paragraph may be

used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) \$180,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That no more than \$12,000,000 can be used for section 8 assistance to cover the cost of judgments and settlement agreements;

(3) \$48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) \$5,900,000 shall be transferred to the Working Capital Fund; and

(5) \$1,250,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: Provided, That \$1,240,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual contributions for assisted housing", the heading "Tenant-based rental assistance", and the heading "Project-based rental assistance", for fiscal year 2005 and prior years, \$2,050,000,000 is rescinded, to be effected by the Secretary no later than September 30, 2006: Provided, That, if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: Provided further, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading "Tenant-based rental assistance".

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not

otherwise provided for, \$5,088,300,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) \$4,939,700,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) \$147,200,000 for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); Section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q-1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) \$1,400,000 shall be transferred to the Working Capital Fund: Provided further, That amounts recaptured under this heading, the heading, 'Annual Contributions for Assisted Housing,' or the heading, 'Housing Certificate Fund,' for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

(4) amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") \$2,463,600,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to \$11,000,000 shall be for carrying out activities under section 9(h) of such Act: Provided further, That \$11,000,000 shall be transferred to the Working Capital Fund: Provided further, That no funds

may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to \$17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2006: Provided further, That of the total amount provided under this heading, \$38,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That of the total amount provided under this heading, \$7,500,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), \$3,600,000,000: Provided, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, \$100,000,000, to remain available until September 30, 2007, of which the Secretary may use up to \$2,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on

single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$1,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; \$4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel; up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety, notwithstanding any other provision of law (including section 305 of this Act): Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,926,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the third proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$8,815,000, to remain available until expended, of which \$352,606 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND

PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$4,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$116,276,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$250,000 from amounts in the first paragraph which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE

FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$900,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$35,714,290.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$35,000 from amounts in the first paragraph which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized

by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$289,000,000, to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to \$1,500,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,220,000,000, to remain available until September 30, 2008, unless otherwise specified: Provided, That of the amount provided, \$3,748,400,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$1,600,000 shall be transferred to the Working Capital Fund: Provided further, That \$60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to \$4,000,000 may be used for emergencies that constitute imminent threats to health and safety; \$50,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonproft funding shall be given a priority for YouthBuild funding: Provided further, That no more than eight percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than \$4,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and \$1,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, \$310,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2004, 2005 and 2006, no unobligated funds for EDI grants

may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$50,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 181 striking "Volusia County" and inserting "Lively Arts Center in Volusia County".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 216 by striking "for construction" and inserting "for planning, design, and engineering".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 369 by striking "for the construction of HomeAid America temporary homeless shelters in Costa Mesa, California" and inserting "for the construction of shelters for the temporarily homeless in New York City, New York".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 502 by striking "for acquisition of" and inserting "for renovations of".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 405 by striking "Wilmington Senior Center" and inserting "buildings and facilities associated with the Wilmington Senior Housing Center".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 674 by striking "City of Big Island, Virginia for the Sedalia Center restoration" and inserting "to restore the Sedalia Center in Bedford County, Virginia".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 469 by striking "to the City of Havana, Illinois" and inserting "Havana, Illinois, Rural Fire District".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 554 by striking "\$250,000 to the Town of Monroe, New York for construction of the Monroe Free Library" and inserting "\$150,000 for the Town of Lewisboro, New York for infrastructure improvements for the Onatru Farm Community Center and \$100,000 for the Town of Poughkeepsie, New York for streetscape and related improvements in the Arlington Business District".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 445 by striking "City of St. Petersburg, Florida" and inserting "Catholic Charities, Diocese of St. Petersburg, Florida".

The referenced statement of the managers under this heading in Public Law 108-199 is deemed to be amended with respect to item number 103 for the Mission Preservation Foundation in San Juan Capistrano, California by striking "for the Great Stone Church restoration

project" and inserting "to construct and install environment controls and security measures".

The referenced statement of the managers under this heading in Division A of the Emergency Appropriations Act for Defense, Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13) is amended—

(1) in section 6070 (119 Stat. 299), by striking paragraph (1); and

(2) in section 6071 (119 Stat. 299), by striking paragraph (1).

The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item number 83 by striking "construction" and inserting "planning, design, engineering, and construction".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 216 by striking "for construction" and inserting "for planning, design, and engineering".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item 9 by striking "for costs associated with the construction" and inserting "to be used for the planning and design".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division I of Public Law 108-447 is deemed to be amended with respect to item 260 by adding before the period "including \$120,000 for property renovation at 754 Broad Street for the Family Center emergency shelter for families and children".

The referenced statement of the managers accompanying Public Law 106-74 is deemed to be amended by inserting on page 113 ", of which \$47,500 may be used for physical improvements at the South Providence Development Corporation business incubator facility or CleanScape, including associated project management costs" after "\$100,000 for the South Providence Development Corporation in Providence, Rhode Island for a child care facility".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division I of Public Law 108-447 is deemed to be amended with respect to item number 30 by striking "City of San Francisco" and inserting "San Francisco Museum and Historical Society".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division G of Public Law 108-199 is deemed to be amended with respect to item number 122 by striking "City of San Francisco" and inserting "San Francisco Museum and Historical Society".

The referenced statement of the managers under this heading in Public Law 108-199 is deemed to be amended with respect to item number 855 by striking "the Skagit County Children's Museum in Mount Vernon, Washington for facilities improvements and renovation" and inserting "the Children's Museum of Skagit County in Mount Vernon, Washington to purchase and renovate a building".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 1027 by striking "planning and design" and inserting "planning, design, construction and buildout".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 946 by striking "capital" and inserting "planning, design, engineering, and construction".

The referenced statement of the managers under this heading in Public Law 108-447 is

deemed to be amended with respect to item number 731 by striking "rehabilitation and build-out" and inserting "planning, evaluation, design, engineering and construction".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, \$3,000,000, to remain available until September 30, 2007, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$137,500,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, \$750,000 shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$10,000,000, to remain available until September 30, 2007: Provided, That \$10,000,000 shall be rescinded from unobligated balances from prior years appropriations under this heading and, to the extent there are insufficient balances, any additional rescission amounts shall be rescinded from funds appropriated under this heading for fiscal year 2006.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,750,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this paragraph, up to \$42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and \$1,000,000 shall be transferred to the Working Capital Fund.

In addition to amounts otherwise made available under this heading, \$25,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, \$61,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this heading \$20,000,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 as amended: Provided further, That \$30,000,000 shall be made available for capacity building, of which \$26,500,000 shall be for capacity building for Community Development and affordable Housing for LISC and the Enterprise Foundation for activities authorized by Section 4 of the HUD Demonstration Act of 1993 (42 USC 9816 note), as in effect immediately before June 12, 1997 and \$3,500,000 shall be made available for capacity building activities administered by Habitat for Humanity International: Provided further, That \$3,000,000 shall be made available to the Housing Assistance Council; \$1,000,000 shall be made available to the National American Indian Housing Council; \$4,000,000 shall be available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which \$500,000 is for technical assistance and fund management, and \$3,500,000 is for investments in

the HOPE Fund and financing to affiliated organizations; \$2,000,000 shall be available as a grant to the National Housing Development Corporation for operating expenses and a program of affordable housing acquisition and rehabilitation; and \$1,000,000 shall be made available to the Special Olympics National Organizing Committee for planning, equipment and operational expenses associated with the 2006 games in Ames, Iowa.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,340,000,000, of which \$1,320,000,000 shall remain available until September 30, 2008, and of which \$20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to \$11,674,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That \$1,000,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$742,000,000, to remain available until September 30, 2009, of which amount \$51,600,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to \$24,800,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such

section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, \$4,000,000 shall be made available to carry out section 203 of Public Law 108-186: Provided further, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That \$400,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$239,000,000 to remain available until September 30, 2009: Provided, That \$400,000 shall be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading \$78,300,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That of the amount provided under this heading, the Secretary may make available up to \$5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$26,400,000, to remain available until expended: Provided, That amendments to such contracts hereafter may be for a period less than the term of the respective contracts.

FLEXIBLE SUBSIDY FUND
(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to \$13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than \$0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION
MUTUAL MORTGAGE INSURANCE PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$185,000,000,000.

During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$355,000,000, of which not to exceed \$351,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed \$4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, \$62,600,000, of which \$18,281,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2006, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,800,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed \$35,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000, of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real

properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$231,400,000, of which \$211,400,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which \$20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$71,900,000, of which \$10,800,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2006, an additional \$1,980 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
GUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$56,350,000, to remain available until September 30, 2007: Provided, That of the total amount provided under this heading, \$5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the amounts made available for PATH under this heading, \$2,500,000 shall not be subject to the requirements of section 305 of this title: Provided further, That the Office of Housing shall administer PATH: Provided further, That of funds made available under this heading, \$750,000 shall be transferred to the National Research Council for a study in accordance with the statement of the managers accompanying this Act: Provided further, That of the funds made available under this heading, \$20,600,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: \$3,000,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; \$2,600,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; \$9,000,000 for the Historically Black Colleges and Universities program, of which up to \$2,000,000 may be used for technical assistance; and \$6,000,000 for the Hispanic Serving Institutions Program.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$46,000,000, to remain available until September 30, 2007, of which \$20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL
LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$152,000,000, to remain available until September 30, 2007, of which \$9,500,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$25,000 for official reception and representation expenses, \$1,153,285,000, of which \$562,400,000 shall be provided from the various funds of the Federal Housing Administration, \$10,700,000 shall be provided from funds of the Government National Mortgage Association,

\$750,000 shall be from the "Community development loan guarantee program" account, \$150,000 shall be provided by transfer from the "Native American housing block grants" account, \$250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and \$35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the statement of the managers accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That up to \$15,000,000 may be transferred to the Working Capital Fund: *Provided further*, That the Secretary shall fill 7 out of 10 vacancies at the GS-14 and GS-15 levels until the total number of GS-14 and GS-15 positions in the Department has been reduced from the number of GS-14 and GS-15 positions on the date of enactment of Public Law 106-377 by 2½ percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, \$197,000,000, to remain available until September 30, 2007: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$106,000,000, of which \$24,000,000 shall be provided from the various funds of the Federal Housing Administra-

tion: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2006: *Provided further*, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National

Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, based on consideration of the costs of maintaining such payments for that property or other factors, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on

the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 313. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

SEC. 314. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2006 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 315. The Department of Housing and Urban Development shall submit the Department's fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 316. That incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 317. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency

or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 318. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2006 and 2007, the Secretary may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their units in the transferring project until new units in the receiving project are available for occupancy;

(6) the Secretary determines that this transfer is in the best interest of the tenants;

(7) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act,

(B) housing that has project-based assistance attached to the structure,

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act,

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act, or,

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project" means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 319. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 320. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2006.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 321. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 322. Incremental vouchers previously made available under the heading, "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance", for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 323. Section 223(f)(1) of the National Housing Act is amended by inserting "purchase or" immediately before "refinancing of existing debt".

SEC. 324. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. § 1715z-4a) is amended—

(1) in subsection (a)(1)(A), by inserting after "is" the following: "or, at the time of the violations, was"; and

(2) in subsection (a)(1)(C), by inserting after "held" the following: "or, at the time of the violations, was insured or held".

SEC. 325. Notwithstanding any other provision of law, for fiscal year 2006 and thereafter, all mortgagees receiving interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall submit only electronic invoices to the Department of Housing and Development in order to receive such payments. The mortgagees shall comply with this requirement no later than 90 days from the date of enactment of this provision.

SEC. 326. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202b(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 327. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SEC. 328. The Secretary of Housing and Urban Development shall give priority consideration to applications from the housing authorities of the Counties of San Bernardino and Santa Clara and the City of San Jose, California to participate in the Moving to Work Demonstration Agreement under Section 204, Title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134, April 26, 1996): Provided, That upon turnover, existing requirements on the re-issuance of Section 8 vouchers shall be maintained to ensure that not less than 75 percent of all vouchers shall be made available to extremely low-income families.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2006".

TITLE IV THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$60,730,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$5,624,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$24,000,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$15,480,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$4,348,780,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as

authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, \$717,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$61,318,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$372,000,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General, and of which not to exceed \$65,500,000 shall remain available until expended, to be expended directly or transferred to the United States Federal Protective Service for costs associated with building security.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$70,262,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses and of which up to \$1,000,000 shall be made available to the National Academy of Public Administration for a review of the financial and management procedures of the Federal Judiciary.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$22,350,000; of which \$1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28,

United States Code, \$14,400,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 705 and 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 404. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 405. Pursuant to section 140 of Public Law 97-92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 406. The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650, 104 Stat. 5089) as amended by Public Law 105-53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.

SEC. 407. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section "(g)":

"(4) The Director is hereby authorized:

"(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 253l of 41 U.S.C.;

"(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C.; and

"(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S.C."

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting "such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and."

(c) The authorities granted in this section shall expire on September 30, 2010.

SEC. 408. (a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this

Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

This title may be cited as the "Judiciary Appropriations Act, 2006".

TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$53,830,000: Provided, That of the funds appropriated under this heading, \$1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and

lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$4,040,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$3,500,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$8,705,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$89,322,000, of which \$11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$76,930,000, of which not to exceed \$3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying statement of the managers except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the

provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$26,908,000; of which \$1,316,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), \$30,000,000, which shall remain available until expended, consisting of \$14,000,000 for counternarcotics research and development projects, of which up to \$1,000,000 is to be directed to supply reduction activities, and \$16,000,000 for the continued operation of the technology transfer program: Provided, That the \$14,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas program, \$227,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than \$2,000,000 shall be used for auditing services and associated activities, and at least \$500,000 of the \$2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas program: Provided further, That High Intensity Drug Trafficking Areas programs designated as of September 30, 2005, shall be funded at no less than the fiscal year 2005 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: Provided further, That none of the funds made available under this heading shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), \$194,900,000, to remain available until expended, of which the amounts are available as follows: \$100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998: Provided, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding

to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; \$80,000,000 to continue a program of matching grants to drug-free communities, of which \$2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; \$1,000,000 for the National Drug Court Institute; \$1,000,000 for the National Alliance for Model State Drug Laws; \$8,500,000 for the United States Anti-Doping Agency for anti-doping activities; \$2,900,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,500,000 for evaluations and research related to National Drug Control Program performance measures: Provided further, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,455,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$325,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

This title may be cited as the "Executive Office of the President Appropriations Act, 2006".

TITLE VI

INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$5,941,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official recep-

tion and representation expenses, \$63,000,000 of which up to \$500,000 shall be used to coordinate with the Administrator of the Environmental Protection Agency in the Agency's study pursuant to H.R. 2361, as passed by the Senate in the first session of the 109th Congress, to assess safety risks to both persons and the environment with regard to small engines, as required in Public Law 108-199, including real-world scenarios involving, among other things, operator burn, fire due to contact with flammable items, and refueling.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$14,200,000, of which \$2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended \$31,000,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$54,700,000, of which no less than \$4,700,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$25,468,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$20,499,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues

and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$7,752,745,000, of which: (1) \$792,056,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Tuscaloosa, Federal Building, \$34,500,000.

California:

San Diego, United States Courthouse, \$230,803,000.

Colorado:

Lakewood, Denver Federal Center Infrastructure, \$4,658,000.

District of Columbia:

Coast Guard Consolidation, \$24,900,000.

St. Elizabeths West Campus Infrastructure, \$13,095,000.

Southeast Federal Center Site Remediation, \$15,000,000.

Illinois:

Rockford Federal Courthouse, \$34,500,000.

Maine:

Calais, Border Station, \$50,146,000.

Jackman, Border Station, \$12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, \$127,600,000.

Mississippi:

Jackson, United States Courthouse, \$8,750,000.

Missouri:

Jefferson City, United States Courthouse, \$5,200,000.

New York:

Champlain, Border Station, \$52,510,000.

Massena, Border Station, \$49,783,000.

Texas:

Austin, United States Courthouse, \$3,000,000.

Washington:

Blaine, Peace Arch Border Station, \$46,534,000.

Material Price Increases for the following existing projects: U.S. Mission to the United Nations, New York City, New York; FBI Office, Houston, Texas; Border Station, Del Rio, Texas; United States Courthouse, Cape Girardeau, Missouri; United States Courthouse, El Paso, Texas; Border Station, El Paso, Texas; and United States Courthouse, Las Cruces, New Mexico, \$66,789,000.

Non-prospectus Construction, \$9,500,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2007 and remain in the

Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$861,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh United States Courthouse, \$16,136,000.

District of Columbia:

For transfer to the Navy for certain permanent relocation expenses pursuant to section 1(e) of Public Law 108-268, \$2,000,000.

Eisenhower Executive Office Building, \$33,417,000.

Federal Office Building 8, \$47,769,000.

Heating, Operation, and Transmission District Repair, \$18,783,000.

Herbert C. Hoover Building, \$54,491,000.

Main Interior Federal Building, \$41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr., Federal Building, \$30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, \$96,924,000.

New York City, James Watson Federal Building and United States Courthouse, \$9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, \$10,000,000.

Energy Program, \$28,000,000.

Glass Fragmentation Program, \$15,700,000.

Design Program, \$21,915,000.

Basic Repairs and Alterations, \$434,992,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,046,031,000 for rental of space which shall remain available until expended; and (5) \$1,885,102,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been

approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the Administrator of the General Services Administration is authorized and directed to proceed with site, design, acquisition, and construction for a new courthouse in Jefferson City, Missouri, of which planning and design funding is provided in this Act: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, \$52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses, \$99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$43,410,000: Provided, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$3,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agen-

cies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$2,952,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, \$15,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed \$32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 601. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 602. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 603. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 604. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 605. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 606. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from

savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 607. The General Services Administration shall conduct a program to promote the use of stairs in all Federal buildings.

SEC. 608. No funds shall be used by the General Services Administration to reorganize its organizational structure without approval by the House and Senate Committees on Appropriations through an operating plan change.

SEC. 609. In the case of any General Services Administration (GSA) project subject to its published design criteria or specifications of any solicitations for offers issued for construction of a Federal building or courthouse and to the extent GSA utilizes, references or relies on any sustainable building rating systems that award credit for certified wood products, GSA shall ensure credit under its procedures and requirements to any project that uses wood or wood products certified by a credible third party sustainable forest certification program, including the Sustainable Forestry Initiative and the Forest Stewardship Council: Provided, That not later than 60 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the progress and next steps toward recognition of other credible sustainable building rating systems within the GSA sustainable building procurement process.

SEC. 610. For purposes of the eTravel system, no less than 23 percent of all subcontracted dollars shall be allocated to small businesses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$35,600,000 together with not to exceed \$2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$2,000,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,900,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$283,945,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds provided in this paragraph, \$2,000,000 shall be for initial move of records, staffing, and operations of the Nixon Library.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$37,914,000, of which \$22,000,000 shall remain available until September 30, 2008: Provided, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$9,682,000, to remain available until expended, of which \$1,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska, and of which \$1,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: Provided further, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$7,500,000, to remain available until expended: Provided, That of the funds provided in this paragraph, \$2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal

amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed \$323,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$950,000 shall be available until September 30, 2007 for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$76,700,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106-246, \$1,000,000 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$118,000,000, of which \$5,000,000 shall be for a multi-family rental housing program.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$11,148,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$122,521,000, of which \$6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; \$1,450,000 shall remain available until expended for the Human Resources Line of Business project; \$500,000 shall remain available until expended for the E-Training project; and \$1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition \$100,017,000 for administrative expenses, to

be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$2,071,000, and in addition, not to exceed \$16,329,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101-12), as amended, Public Law 107-304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the

District of Columbia and elsewhere, and hire of passenger motor vehicles; \$15,325,000.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$25,000,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

UNITED STATES INTERAGENCY COUNCIL ON
HOMELESSNESS
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$1,800,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2005" and inserting "2006".

UNITED STATES POSTAL SERVICE
PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$116,350,000, of which \$73,000,000 shall not be available for obligation until October 1, 2006: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT
SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$47,998,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VII

GENERAL PROVISIONS THIS ACT
(INCLUDING TRANSFERS OF FUNDS)

SEC. 701. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 702. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 703. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 704. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 705. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 706. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 707. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 708. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c), popularly known as the "Buy American Act".

SEC. 709. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 710. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report

to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 711. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 712. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 713. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 714. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 715. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 716. The provision of section 715 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 717. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

SEC. 718. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 719. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2006. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 720. The Secretary of the Treasury may transfer funds from amounts appropriated under title II of this Act for any costs necessary to pay for both career and non-career senior Treasury officials and support staff in locations of economic strategic interest throughout the world. Such positions would be used to advocate positions of interest to the United States Government, including open and fair financial markets, consistent with the Secretary's obligation under the Gold Reserve Act of 1934 (48 Stat. 337) to promote orderly exchange arrangements and an orderly system of exchange rates. Any transfer shall not be made available until approved in an operating plan request by the House and Senate Committees on Appropriations.

SEC. 721. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67) and by section 639 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108-199), is amended by striking "December 31, 2005" and inserting "December 31, 2008".

SEC. 722. The Secretary of the Treasury may make payments from the Treasury Forfeiture Fund to reimburse the United States Secret Service for costs of protecting the Secretary of the Treasury: Provided, That the United States Secret Service shall provide the Department of the Treasury with a detailed, itemized list of expenses associated with such protection: Provided further, That the Comptroller General shall review all expenditures related to such protection and shall determine if each expense is a reasonable and unavoidable cost of this protection: Provided further, That all such reimbursable expenses shall be subject to a memorandum of understanding between the Department of the Treasury and the United States Secret Service.

SEC. 723. Section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62; 119 Stat. 1992) is repealed.

SEC. 724. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 725. From funds made available in this Act under the headings "White House Office",

"Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Policy Development", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 726. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain: Provided further, That the Government Accountability Office, in consultation with the National Academy of Public Administration, organizations representing State and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a state-by-state basis as well as the impact on individual property owners and on the affected communities.

TITLE VIII

GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 801. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 802. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 803. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor

vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 804. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 805. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102-404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 806. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 807. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 808. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 809. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 810. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 811. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards, with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

SEC. 812. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 813. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 814. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 815. Notwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 816. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 817. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241), as amended, the Age Discrimination in Employment Act of 1967 (Public Law 90-202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93-112, 87 Stat. 355).

SEC. 818. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 819. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 820. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.” Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 821. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 822. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when

such disclosure has been ordered by a court of competent jurisdiction.

SEC. 823. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 824. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 825. (a) In this section the term “agency”—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 826. Notwithstanding 31 U.S.C. 1346 and section 810 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 827. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed \$10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 828. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 829. Notwithstanding section 1346 of title 31, United States Code, or section 810 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities:

Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 830. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 831. Subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2005" and inserting "October 1, 2006": Provided, That this provision shall not apply to the Department of Homeland Security.

SEC. 832. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-governmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 833. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 834. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 835. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 836. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 837. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 838. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 839. Notwithstanding section 1346 of title 31, United States Code, and section 809 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational

agreement with the Department of the Interior for the entirety of fiscal year 2006 and any period thereafter that precedes the enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2007. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed \$6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 840. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270) is amended by adding at the end the following new paragraph:

"(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental."

SEC. 841. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail—

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 842. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) \$10,000,000.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 4492D of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) **USE OF PUBLIC-PRIVATE COMPETITION.**—Nothing in Office of Management and Budget Circular A-76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

SEC. 843. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 813 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 844. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 845. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

SEC. 846. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation. Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative pay-

ment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 847. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006".

DIVISION B—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$33,200,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than \$1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$13,500,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after such amount has

been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$218,912,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$9,198,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$87,342,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$41,643,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$80,729,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232-18: Provided further, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$44,000,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may

use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$201,388,000, of which not to exceed \$2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$129,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$42,195,000 shall be available to the Pretrial Services Agency; and of which \$29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: Provided further, That for this fiscal year and subsequent fiscal years, the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$7,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, \$3,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

For a Federal payment to the District of Columbia Department of Transportation, \$1,000,000, to operate a downtown circulator transit system.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For the Federal payment to the District of Columbia for foster care improvements, \$2,000,000 to remain available until expended: Provided, That \$1,750,000 shall be for the Child and Family Services Agency, of which \$1,000,000 shall be for a loan repayment program for social workers; of which \$750,000 shall be for post-adoption services: Provided further, That \$250,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: Provided further, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$29,200,000: Provided, That these funds shall be available for the projects and in the amounts specified in the Statement of the Managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2006, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2006.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$40,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$13,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), of which up to \$1,000,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2007, for costs associated with the construction of a bioterrorism and forensics laboratory: Provided, That the District of Columbia shall provide an additional \$1,500,000 with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

For a Federal payment for the District of Columbia National Guard Youth Challenge program, \$500,000: Provided, That the amount appropriated by this heading shall be transferred to the Secretary of Defense and made available to the Commanding General of the District of Columbia National Guard for activities under the National Guard Youth Challenge Program under section 509 of title 32, United States Code, and shall be in addition to any matching funds otherwise required of the District of Columbia for that Program in fiscal year 2006 under subsection (d)(4) of such section.

FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

For a Federal payment for marriage development and improvement in the District of Columbia, \$3,000,000, to remain available until expended: Provided, That \$1,500,000 shall be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts in accordance with the requirements in the accompanying report, of which \$400,000 shall be for program planning, marketing, evaluation, and account administration: Provided further, That \$1,500,000 shall be for mentoring, counseling, community outreach, and training and technical assistance, of which \$850,000 shall be for the National Center for Fathering and \$650,000 shall be for the East Capitol Center for Change to carry out these activities: Provided further, That within 30 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan and program requirements that comport with the guidance in the accompanying report.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$8,700,158,000 (of which \$5,007,344,000 shall be from local funds, \$1,921,287,000 shall be from Federal grant funds, \$1,754,399,000 shall be from other funds, and \$17,129,000 shall be from private funds), in addition, \$163,116,000 from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, \$466,894,000 shall be derived from the District's general fund balance: Provided further, That of these funds the District's intradistrict authority shall be \$468,486,000: in addition for capital construction projects there is appropriated an increase of \$2,820,637,000, of which \$1,072,671,000 shall be from local funds, \$49,551,000 from Highway Trust funds, \$172,183,000 from the Local Street Maintenance fund, \$378,000,000 from securitization of future revenue streams, \$400,000,000 from Certificates of Participation financing, \$534,800,000 from financing for construction of a baseball stadium, \$213,432,000 from Federal grant funds, and a rescission of \$295,032,000 from local funds appropriated under this heading in prior fiscal years, for a net

amount of \$2,525,605,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be allocated and expended as proposed under "Title II—District of Columbia Funds" of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott;

or
(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 105. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming

of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 106. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 107. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, section 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, section 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 108. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 109. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, section 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 110. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, section 1-123).

SEC. 111. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, section 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 112. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Col-

umbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 113. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 114. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, section 2-302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 115. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 116. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 117. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: Provided, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2006 and October 1, 2006, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 118. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 119. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 120. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1-204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 121. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, section 50-2201.05(b)(1) and (2)): Provided, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, section 50-2201.05(b)(3)).

SEC. 122. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 123. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative pro-

ceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 124. The amount appropriated by this Act may be increased by no more than \$42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

- (A) One-time expenditures.
- (B) Expenditures to avoid deficit spending.
- (C) Debt Reduction.
- (D) Program needs.
- (E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 125. (a) The fourth proviso in the item relating to "Federal Payment for School Improvement" in the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1327) is amended—

(1) by striking "\$4,000,000" and inserting "\$4,000,000, to remain available until expended,"; and

(2) by striking "\$2,000,000 shall be for a new incentive fund" and inserting "\$2,000,000, to remain available until expended, shall be for a new incentive fund".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 126. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

- (A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 127. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98-198): Provided, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: Provided further, That the borrowing shall not deplete either fund by more than 50 percent: Provided further, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: Provided further, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 128. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 130. Section 7 of the District of Columbia Stadium Act of 1957 (Public Law 85-300, 71 Stat. 619), as amended, is further amended by inserting after paragraph (d)(4) the following:

“(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as ‘the 15 acres’), within the area designated ‘D’ on the revised map entitled ‘Map to Designate Transfer of Stadium and Lease of Parking Lots to the District’ and bound by 21st Street, NE, Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease by the Mayor of the District of Columbia that is contingent upon the Secretary’s conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

“(2) Upon conveyance, the portion of the stadium lease that affects the 15 acres on the property and all the conditions associated therewith shall terminate, and the 15 acres property shall be removed from the ‘Map to Designate Transfer

of Stadium and Lease of Parking Lots to the District’, and the long-term lease described in paragraph (1) shall take effect immediately. The Mayor of the District of Columbia shall execute and deliver a quitclaim deed to effectuate the District’s responsibilities under this section.”.

SEC. 131. The authority that the Chief Financial Officer of the District of Columbia exercised with respect to personnel and the preparation of fiscal impact statements during a control period (as defined in Public Law 104-8) shall remain in effect until September 30, 2006.

SEC. 132. The entire process used by the Chief Financial Officer to acquire any and all kinds of goods, works and services by any contractual means, including but not limited to purchase, lease or rental, shall be exempt from all of the provisions of the District of Columbia’s Procurement Practices Act: Provided, That provisions made by this subsection shall take effect as if enacted in D.C. Law 11-259 and shall remain in effect until September 30, 2006.

SEC. 133. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16-200), is hereby enacted into law.

SEC. 134. The Chief Financial Officer of the District is hereby authorized to transfer \$5,000,000 from the local funds appropriated for the Deputy Mayor for Economic Development to the Anacostia Waterfront Corporation and to reallocate the appropriation authority for such funds to a heading to be entitled “Anacostia Waterfront Corporation” in addition, an amount of \$3,200,000 is hereby appropriated from the local funds made available to the Anacostia Waterfront Corporation in fiscal year 2005. Provided, That all of the funds made available herein to the Anacostia Waterfront Corporation shall remain available until expended.

SEC. 135. Amounts appropriated in the Act for the Department of Health may be increased by \$250,000 in local funds to remain available until expended to conduct a health study in Spring Valley.

SEC. 136. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 shall take effect on the date of the enactment by the District of Columbia.

SEC. 137. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the “District of Columbia Appropriations Act, 2006”.

This Act (including divisions A and B) may be cited as the “Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006”.

And the Senate agree to the same.

JOE KNOLLENBERG,
FRANK R. WOLF,
HAROLD ROGERS,
TODD TIAHRT,
ANNE M. NORTHP,
ROBERT B. ADERHOLT,
JOHN E. SWEENEY,
JOHN ABNEY CULBERSON,
RALPH REGULA,
JERRY LEWIS,
JOHN W. OLVER,
STENY H. HOYER,
ED PASTOR,
CAROLYN C. KILPATRICK,
JAMES E. CLYBURN,
STEVEN R. ROTHMAN,

Managers on the Part of the House.

CHRISTOPHER S. BOND,
RICHARD C. SHELBY,
ARLEN SPECTER,
R.F. BENNETT,
KAY BAILEY HUTCHISON,

MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
PETE DOMENICI,
CONRAD BURNS,
WAYNE ALLARD,
THAD COCHRAN,
PATTY MURRAY,
ROBERT C. BYRD,
BARBARA MIKULSKI,
HARRY REID,
HERB KOHL,
RICHARD J. DURBIN,
(except for Cuba trade),
BYRON L. DORGAN,
(except for Cuba trade),
PATRICK J. LEAHY,
(except for Cuba trade),
TOM HARKIN,
(except for Cuba trade),
MARY L. LANDRIEU,
(except for Cuba trade),
DANIEL K. INOUE,
(except for Section 173),

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House pass said agree to said conference report?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶129.9 MESSAGE FROM THE SENATE

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

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

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

S. 467. An Act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 1418. An Act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

¶129.10 RECESS—11:01 A.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 1 minute a.m., subject to the call of the Chair.

¶129.11 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. HASTINGS of Washington, called the House to order.

¶129.12 CALL OF THE HOUSE

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. LATHAM to move a call of the House.

On motion of Mr. LATHAM, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶129.13 [Roll No. 603]

Abercrombie	Cummings	Hinojosa
Ackerman	Cunningham	Hobson
Aderholt	Davis (AL)	Hoekstra
Akin	Davis (CA)	Holden
Alexander	Davis (FL)	Holt
Allen	Davis (IL)	Honda
Andrews	Davis (KY)	Hooley
Baca	Davis (TN)	Hostettler
Bachus	Davis, Jo Ann	Hoyer
Baird	Davis, Tom	Hulshof
Baker	Deal (GA)	Hunter
Baldwin	DeFazio	Hyde
Barrett (SC)	DeGette	Inglis (SC)
Barrow	Delahunt	Inslee
Bartlett (MD)	DeLauro	Israel
Barton (TX)	DeLay	Issa
Bass	Dent	Jackson (IL)
Bean	Diaz-Balart, L.	Jackson-Lee
Beauprez	Diaz-Balart, M.	(TX)
Becerra	Dicks	Jefferson
Berkley	Dingell	Jenkins
Berry	Doggett	Jindal
Biggett	Doolittle	Johnson (CT)
Bilirakis	Doyle	Johnson (IL)
Bishop (GA)	Drake	Johnson, E. B.
Bishop (NY)	Dreier	Johnson, Sam
Bishop (UT)	Duncan	Jones (NC)
Blackburn	Edwards	Jones (OH)
Blumenauer	Ehlers	Kanjorski
Blunt	Emanuel	Kaptur
Boehlert	Engel	Keller
Boehner	English (PA)	Kelly
Bonilla	Eshoo	Kennedy (MN)
Bonner	Etheridge	Kennedy (RI)
Bono	Evans	Kildee
Boozman	Everett	Kilpatrick (MI)
Boren	Farr	Kind
Boucher	Fattah	King (IA)
Boustany	Feeney	King (NY)
Boyd	Ferguson	Kingston
Bradley (NH)	Filner	Kirk
Brady (PA)	Fitzpatrick (PA)	Kline
Brady (TX)	Flake	Knollenberg
Brown (OH)	Foley	Kolbe
Brown (SC)	Forbes	Kucinich
Brown, Corrine	Ford	Kuhl (NY)
Brown-Waite,	Fossella	LaHood
Ginny	Fox	Langevin
Burgess	Franks (AZ)	Lantos
Burton (IN)	Frelinghuysen	Larsen (WA)
Buyer	Gallely	Larson (CT)
Calvert	Garrett (NJ)	Latham
Camp	Gerlach	LaTourette
Cannon	Gibbons	Leach
Cantor	Gilchrest	Lee
Capito	Gillmor	Levin
Capps	Gingrey	Lewis (CA)
Capuano	Gohmert	Lewis (GA)
Cardin	Gonzalez	Lewis (KY)
Cardoza	Goode	Lipinski
Carnahan	Goodlatte	LoBiondo
Carson	Gordon	Lofgren, Zoe
Carter	Granger	Lowey
Case	Graves	Lucas
Castle	Green (WI)	Lungren, Daniel
Chabot	Green, Al	E.
Chandler	Green, Gene	Lynch
Chocola	Grijalva	Mack
Cleaver	Gutierrez	Maloney
Clyburn	Gutknecht	Marchant
Coble	Harman	Markey
Cole (OK)	Harris	Marshall
Conaway	Hastings (FL)	Matheson
Conyers	Hastings (WA)	Matsui
Cooper	Hayes	McCarthy
Costello	Hayworth	McCaul (TX)
Cramer	Hefley	McCollum (MN)
Crenshaw	Hensarling	McCotter
Crowley	Herger	McCrery
Cuellar	Herseth	McDermott
Culberson	Higgins	McGovern
	Hinche	McHenry
		McHugh

McIntyre	Pomeroy	Smith (NJ)
McKeon	Porter	Smith (TX)
McKinney	Price (GA)	Smith (WA)
McMorris	Price (NC)	Snyder
McNulty	Pryce (OH)	Sodrel
Meehan	Putnam	Solis
Meek (FL)	Radanovich	Spratt
Meeks (NY)	Rahall	Stark
Melancon	Ramstad	Stearns
Menendez	Rangel	Strickland
Mica	Regula	Stupak
Michaud	Rehberg	Sullivan
Millender-	Reichert	Sweeney
McDonald	Renzi	Tancredo
Miller (FL)	Reyes	Tanner
Miller (MI)	Reynolds	Tauscher
Miller (NC)	Rogers (AL)	Taylor (MS)
Miller, Gary	Rogers (KY)	Taylor (NC)
Miller, George	Rogers (MI)	Terry
Mollohan	Rohrabacher	Thomas
Moore (KS)	Ros-Lehtinen	Thompson (CA)
Moore (WI)	Ross	Thompson (MS)
Moran (KS)	Rothman	Thornberry
Murphy	Roybal-Allard	Tiahrt
Murtha	Royce	Tiberi
Musgrave	Ruppersberger	Tierney
Rush	Rush	Turner
Nadler	Ryan (OH)	Udall (CO)
Napolitano	Ryan (WI)	Udall (NM)
Neal (MA)	Ryun (KS)	Upton
Neugebauer	Sabo	Van Hollen
Ney	Salazar	Velázquez
Northup	Sánchez, Linda	Viscosky
Norwood	T.	Walden (OR)
Nunes	Sanchez, Loretta	Walsh
Nussle	Sanders	Wamp
Oberstar	Saxton	Wasserman
Obey	Schakowsky	Schultz
Oliver	Schiff	Waters
Ortiz	Schmidt	Watson
Osborne	Schwartz (PA)	Watt
Otter	Schwarz (MI)	Waxman
Oxley	Scott (VA)	Weiner
Pallone	Scott (GA)	Weldon (FL)
Pascarell	Sensenbrenner	Weldon (PA)
Pastor	Serrano	Weller
Payne	Sessions	Westmoreland
Pearce	Shadegg	Wexler
Pelosi	Shaw	Whitfield
Pence	Shays	Wicker
Peterson (MN)	Sherman	Wilson (NM)
Peterson (PA)	Sherwood	Wilson (SC)
Petri	Shimkus	Wolf
Pickering	Shuster	Woolsey
Pitts	Simmons	Wu
Platts	Simpson	Wynn
Poe	Skelton	Young (AK)
Pombo	Slaughter	Young (FL)

It was decided in the { Yeas 427
affirmative } Nays 0

¶129.15 [Roll No. 604]
YEAS—427

Abercrombie	Davis, Tom	Jackson-Lee
Ackerman	Deal (GA)	(TX)
Aderholt	DeFazio	Jefferson
Akin	DeGette	Jenkins
Alexander	Delahunt	Jindal
Allen	DeLauro	Johnson (CT)
Andrews	DeLay	Johnson (IL)
Baca	Dent	Johnson, E. B.
Bachus	Diaz-Balart, L.	Johnson, Sam
Baird	Diaz-Balart, M.	Jones (NC)
Baker	Dicks	Jones (OH)
Baldwin	Dingell	Kanjorski
Barrett (SC)	Doggett	Kaptur
Barrow	Doolittle	Keller
Bartlett (MD)	Doyle	Kelly
Barton (TX)	Drake	Kennedy (MN)
Bass	Dreier	Kennedy (RI)
Bean	Duncan	Kildee
Beauprez	Edwards	Kilpatrick (MI)
Becerra	Becerra	Kind
Berkley	Emanuel	King (IA)
Berry	Berry	King (NY)
Biggett	Engel	Kingston
Bilirakis	English (PA)	Kirk
Bishop (GA)	Eshoo	Kline
Bishop (NY)	Etheridge	Knollenberg
Bishop (UT)	Bishop (UT)	Kolbe
Blackburn	Blackburn	Kucinich
Blumenauer	Blumenauer	Kuhl (NY)
Blunt	Blunt	LaHood
Boehlert	Boehlert	Langevin
Boehner	Boehner	Lantos
Bonilla	Bonilla	Larsen (CT)
Bonner	Bonner	Larson (WA)
Bono	Bono	Latham
Boozman	Boozman	LaTourette
Boren	Boren	Leach
Boucher	Boucher	Lee
Boustany	Boustany	Levin
Boyd	Boyd	Lewis (CA)
Bradley (NH)	Bradley (NH)	Lewis (GA)
Brady (PA)	Brady (PA)	Lewis (KY)
Brady (TX)	Brady (TX)	Linder
Brown (OH)	Brown (OH)	Lipinski
Brown (SC)	Brown (SC)	LoBiondo
Brown, Corrine	Brown, Corrine	Lofgren, Zoe
Brown-Waite,	Brown-Waite,	Lowey
Ginny	Ginny	Lucas
Burgess	Burgess	Lungren, Daniel
Burton (IN)	Burton (IN)	E.
Buyer	Buyer	Lynch
Calvert	Calvert	Mack
Camp	Camp	Maloney
Cannon	Cannon	Manzullo
Cantor	Cantor	Marchant
Capito	Capito	Markey
Capps	Capps	Marshall
Capuano	Capuano	Matheson
Cardin	Cardin	Matsui
Cardoza	Cardoza	McCarthy
Carnahan	Carnahan	McCaul (TX)
Carson	Carson	McCollum (MN)
Carter	Carter	McCotter
Case	Case	McCrery
Castle	Castle	McDermott
Chabot	Chabot	McGovern
Chandler	Chandler	McHenry
Chocola	Chocola	McHugh
Clay	Clay	McIntyre
Cleaver	Cleaver	McKinney
Clyburn	Clyburn	McMorris
Coble	Coble	McNulty
Cole (OK)	Cole (OK)	Meehan
Conaway	Conaway	Meek (FL)
Conyers	Conyers	Meeks (NY)
Cooper	Cooper	Melancon
Costa	Costa	Menendez
Costello	Costello	Mica
Cramer	Cramer	Michaud
Crenshaw	Crenshaw	Holden
Crowley	Crowley	Holt
Cuellar	Cuellar	Honda
Culberson	Culberson	Hooley
		Hostettler
		Hoyer
		Hulshof
		Cunningham
		Hunter
		Hyde
		Davis (AL)
		Davis (CA)
		Davis (FL)
		Davis (IL)
		Davis (KY)
		Davis (TN)
		Davis, Jo Ann
		Jackson (IL)

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that 417 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶129.14 CONFERENCE REPORT TO H.R.
2528—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the conference report to accompany the bill (H.R. 2528) making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

Musgrave Rogers (KY) Strickland
Myrick Rogers (MI) Stupak
Nadler Rohrabacher Sullivan
Napolitano Ros-Lehtinen Sweeney
Neal (MA) Ross Tancredo
Neugebauer Rothman Tanner
Ney Roybal-Allard Tauscher
Northup Royce Taylor (MS)
Norwood Ruppertsberger Taylor (NC)
Nunes Rush Terry
Nussle Ryan (OH) Thomas
Oberstar Ryan (WI) Thompson (CA)
Obey Ryun (KS) Thompson (MS)
Oliver Sabo Thornberry
Ortiz Salazar Tiahrt
Osborne Sánchez, Linda
Otter T. Tiberi
Owens Sanchez, Loretta Tierney
Oxley Sanders Turner
Pallone Saxton Udall (CO)
Pascrell Schakowsky Udall (NM)
Pastor Schiff Upton
Payne Schmidt Van Hollen
Pearce Schwartz (PA) Velázquez
Pelosi Schwarz (MI) Visclosky
Pence Scott (GA) Walden (OR)
Peterson (MN) Scott (VA) Walsh
Peterson (PA) Sensenbrenner Wamp
Petri Serrano Wasserman
Pickering Sessions Schultz
Pitts Shadegg Waters
Platts Shaw Watson
Poe Shays Watt
Pombo Sherman Waxman
Pomeroy Sherwood Weiner
Porter Shimkus Weldon (FL)
Price (GA) Shuster Weldon (PA)
Price (NC) Simmons Weller
Pryce (OH) Simpson Westmoreland
Putnam Skelton Wexler
Radanovich Slaughter Whitfield
Rahall Smith (NJ) Wicker
Ramstad Smith (TX) Wilson (NM)
Rangel Smith (WA) Wilson (SC)
Regula Snyder Wolf
Rehberg Sodrel Woolsey
Reichert Solis Wu
Renzi Souder Wynn
Reyes Spratt Young (AK)
Reynolds Stark Young (FL)
Rogers (AL) Stearns

Foley Lewis (KY) Renzi
Forbes Linder Reyes
Ford Lipinski Reynolds
Fossella LoBiondo Rogers (AL)
Foxy Lofgren, Zoe Rogers (KY)
Frank (MA) Lowey Rogers (MI)
Franks (AZ) Lucas Rohrabacher
Frelinghuysen Lungren, Daniel Ros-Lehtinen
Gallegly E. Ross
Garrett (NJ) Lynch Rothman
Gerlach Mack Roybal-Allard
Gibbons Maloney Royce
Gilchrist Manzullo Ruppertsberger
Gillmor Marchant Rush
Gingrey Markey Ryan (OH)
Gohmert Marshall Ryan (WI)
Gonzalez Matheson Ryun (KS)
Goode Matsui Sabo
Goodlatte McCarthy Salazar
Gordon McCaul (TX) Sánchez, Linda
Granger McCollum (MN) T.
Graves McCotter Sanchez, Loretta
Green (WI) McCrery Sanders
Green, Al McDermott Saxton
Green, Gene McGovern Schakowsky
Grijalva McHenry Schiff
Gutierrez McHugh Schmidt
Gutknecht McIntyre Schwartz (PA)
Harman McKeon Schwarz (MI)
Harris McKinney Scott (GA)
Hart McMorris Scott (VA)
Hastings (FL) McNulty Sensenbrenner
Hastings (WA) Meehan Serrano
Hayes Meek (FL) Sessions
Hayworth Meeks (NY) Shadegg
Hefley Melancon Shaw
Hensarling Menendez Shays
Herger Mica Sherman
Herseth Michaud Sherwood
Higgins Millender Shimkus
Hinojosa McDonald Shuster
Hobson Miller (FL) Simmons
Hobson Miller (MI) Simpson
Hoekstra Miller (NC) Skelton
Holden Miller, Gary Slaughter
Holt Miller, George Smith (NJ)
Honda Mollohan Smith (TX)
Hooley Moore (KS) Smith (WA)
Hostettler Moore (WI) Snyder
Hoyer Moran (KS) Sodrel
Hulshof Moran (VA) Solis
Hunter Murphy Souder
Hyde Murtha Spratt
Inglis (SC) Musgrave Stark
Inslee Myrick Stearns
Israel Nadler Strickland
Issa Napolitano Stupak
Istook Neal (MA) Sullivan
Jackson (IL) Neugebauer Sweeney
Jackson-Lee Ney Northup
(TX) Norwood
Jefferson Nunes
Jenkins Tauscher
Jindal Nussle Taylor (MS)
Johnson (CT) Oberstar Taylor (NC)
Johnson (IL) Obey Terry
Johnson, E. B. Oliver Thomas
Johnson, Sam Ortiz Thompson (CA)
Jones (NC) Osborne Thompson (MS)
Jones (OH) Otter Thornberry
Kanjorski Owens Tiahrt
Kaptur Oxley Tiberi
Keller Pallone Tierney
Kelly Pallone Turner
Kennedy (MN) Pastor Udall (CO)
Kennedy (RI) Payne Udall (NM)
Kildee Pearce Upton
Kilpatrick (MI) Pelosi Van Hollen
Kind Pence Velázquez
King (IA) Peterson (MN) Visclosky
King (NY) Peterson (PA) Walden (OR)
Kingston Petri Walsh
Kirk Pickering Wamp
Kline Pitts Wasserman
Knollenberg Platts Schultz
Kolbe Poe Waters
Kucinich Pomoey Watson
Kuhl (NY) Pomeroy Watt
LaHood Porter Waxman
Langevin Price (GA) Weiner
Lantos Price (NC) Weldon (FL)
Larsen (WA) Pryce (OH) Weldon (PA)
Larson (CT) Putnam Weller
Latham Radanovich Whitfield
La Tourette Rahall Westmoreland
Leach Ramstad Wexler
Lee Rangel Whitfield
Levin Regula Wicker
Lewis (CA) Rehberg Wilson (NM)
Lewis (GA) Reichert Wilson (SC)

Wolf Wu Young (AK)
Woolsey Wynn Young (FL)
NOT VOTING—6
Fortenberry Paul
Boswell Hall Towns

So the conference report was agreed to.
A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate notify the Senate thereof.

¶129.16 CONFERENCE REPORT TO H.R. 3058—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The question being put, Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 392 affirmative } Nays 31

¶129.17 [Roll No. 605] YEAS—392

Berman Fortenberry Paul
Boswell Hall Towns
YEAS—427
Abercrombie Brown (OH) Cunningham
Ackerman Brown (SC) Davis (AL)
Aderholt Brown, Corrine Davis (CA)
Akin Brown-Waite, Davis (FL)
Alexander Ginny Davis (IL)
Allen Burgess Davis (KY)
Andrews Burton (IN) Davis (TN)
Baca Butterfield Davis, Jo Ann
Bachus Buyer Davis, Tom
Baird Calvert Deal (GA)
Baker Camp DeFazio
Baldwin Cannon DeGette
Barrett (SC) Cantor Delahunt
Barrow Capito DeLauro
Bartlett (MD) Capps DeLay
Barton (TX) Capuano Dent
Bass Cardin Diaz-Balart, L.
Bean Cardoza Diaz-Balart, M.
Beauprez Carnahan Dicks
Becerra Carson Dingell
Berkley Carter Doggett
Berry Case Doolittle
Biggert Castle Doyle
Bilirakis Chabot Drake
Bishop (GA) Chandler Dreier
Bishop (NY) Chocola Duncan
Bishop (UT) Clay Edwards
Blackburn Cleaver Ehlers
Blumenauer Clyburn Emanuel
Blunt Coble Emerson
Boehlert Cole (OK) Engel
Boehner Conaway English (PA)
Bonilla Conyers Eshoo
Bonner Cooper Etheridge
Bono Costa Evans
Boozman Costello Everett
Boren Cramer Farr
Boucher Crenshaw Fattah
Boustany Crowley Feeney
Boyd Cubin Ferguson
Bradley (NH) Cuellar Filner
Brady (PA) Culberson Fitzpatrick (PA)
Brady (TX) Cummings Flake

Abercrombie Brown-Waite, Davis, Jo Ann
Ackerman Ginny Davis, Tom
Aderholt Burgess Deal (GA)
Akin Burton (IN) DeGette
Alexander Butterfield Delahunt
Allen Buyer DeLauro
Andrews Calvert Dent
Baca Camp DeLay
Bachus Cannon Diaz-Balart, L.
Baird Cantor Diaz-Balart, M.
Baker Capito Dicks
Baldwin Capps Dingell
Barrett (SC) Capuano Doggett
Barrow Cardoza Doolittle
Bartlett (MD) Carnahan Doyle
Bass Carson Drake
Bean Carter Dreier
Beauprez Case Edwards
Becerra Chabot Ehlers
Berkley Chandler Emanuel
Berry Chocola Emerson
Biggert Clay Engel
Bilirakis Cleaver English (PA)
Bishop (GA) Clyburn Eshoo
Bishop (NY) Coble Everett
Bishop (UT) Cole (OK) Farr
Blackburn Conaway Cooper
Blumenauer Conyers Costa
Blunt Cooper Cramer
Boehlert Boehner Crenshaw
Boehner Bonilla Crowley
Bonilla Bonner Cubin
Bonner Bono Forbes
Bono Boozman Cuellar Ford
Boozman Boren Culberson
Boren Boucher Cummings
Boucher Boyd Cunningham
Bradley (NH) Bradley (NH) Davis (AL)
Brady (PA) Brady (PA) Davis (CA)
Brady (TX) Brady (TX) Davis (FL)
Brown (OH) Brown (OH) Davis (IL)
Brown (SC) Brown (SC) Davis (KY)
Brown, Corrine Brown, Corrine Davis (TN)
Cunningham Davis (TN) Gilchrist

Gillmor	Mack	Ros-Lehtinen
Gingrey	Maloney	Ross
Gohmert	Manzullo	Rothman
Gonzalez	Markey	Roybal-Allard
Goode	Marshall	Royce
Goodlatte	Matsui	Ruppersberger
Gordon	McCarthy	Rush
Granger	McCaul (TX)	Ryan (OH)
Graves	McCollum (MN)	Ryun (KS)
Green, Al	McCotter	Sabo
Green, Gene	McCrery	Salazar
Grijalva	McGovern	Sánchez, Linda
Gutierrez	McHenry	T.
Gutknecht	McHugh	Sanchez, Loretta
Harman	McIntyre	Sanders
Hart	McKeon	Saxton
Hastings (FL)	McKinney	Schakowsky
Hastings (WA)	McMorris	Schiff
Hayes	McNulty	Schmidt
Hayworth	Meehan	Schwartz (PA)
Hensarling	Meeke (FL)	Schwarz (MI)
Herger	Meeks (NY)	Scott (GA)
Herseth	Melancon	Scott (VA)
Higgins	Menendez	Serrano
Hinchee	Mica	Sessions
Hinojosa	Michaud	Shaw
Hobson	Millender-	Shays
Hoekstra	McDonald	Sherman
Holden	Miller (MI)	Sherwood
Honda	Miller (NC)	Shimkus
Hooley	Miller, Gary	Simmons
Hostettler	Miller, George	Simpson
Hoyer	Mollohan	Skelton
Hulshof	Moore (KS)	Slaughter
Hunter	Moore (WI)	Smith (NJ)
Hyde	Moran (KS)	Smith (TX)
Inglis (SC)	Moran (VA)	Smith (WA)
Inslee	Murphy	Snyder
Israel	Murtha	Sodrel
Issa	Musgrave	Solis
Istook	Myrick	Souder
Jackson (IL)	Nadler	Spratt
Jackson-Lee	Napolitano	Stearns
(TX)	Neal (MA)	Strickland
Jefferson	Neugebauer	Stupak
Jenkins	Ney	Sullivan
Jindal	Northup	Sweeney
Johnson (CT)	Norwood	Tanner
Johnson (IL)	Nunes	Tauscher
Johnson, Sam	Nussle	Taylor (MS)
Jones (OH)	Obey	Taylor (NC)
Kanjorski	Olver	Terry
Kaptur	Ortiz	Thomas
Keller	Osborne	Thompson (CA)
Kelly	Otter	Thompson (MS)
Kennedy (MN)	Owens	Thornberry
Kennedy (RI)	Oxley	Tiahrt
Kildee	Pallone	Tiberi
Kilpatrick (MI)	Pascrell	Tierney
Kind	Pastor	Turner
King (IA)	Payne	Udall (CO)
King (NY)	Pearce	Udall (NM)
Kingston	Pelosi	Upton
Kirk	Pence	Van Hollen
Kline	Peterson (MN)	Visclosky
Knollenberg	Peterson (PA)	Walden (OR)
Kolbe	Pickering	Walsh
Kuhl (NY)	Pitts	Wamp
LaHood	Platts	Wasserman
Langevin	Pombo	Schultz
Lantos	Pomeroy	Watson
Larsen (WA)	Porter	Watt
Larson (CT)	Price (NC)	Waxman
Latham	Pryce (OH)	Weiner
Leach	Putnam	Weldon (FL)
Lee	Radanovich	Weldon (PA)
Levin	Rahall	Weller
Lewis (CA)	Ramstad	Westmoreland
Lewis (GA)	Rangel	Wexler
Lewis (KY)	Regula	Whitfield
Linder	Rehberg	Wicker
Lipinski	Reichert	Wilson (NM)
LoBiondo	Renzi	Wilson (SC)
Lofgren, Zoe	Reyes	Wolf
Lowe	Reynolds	Woolsey
Lucas	Rogers (AL)	Wu
Lungren, Daniel	Rogers (KY)	Wynn
E.	Rogers (MI)	Young (FL)
Lynch	Rohrabacher	

NAYS—31

Barton (TX)	Hefley	Oberstar
Boustany	Johnson, E. B.	Petri
Castle	Jones (NC)	Poe
Costello	Kucinich	Price (GA)
DeFazio	LaTourette	Ryan (WI)
Duncan	Marchant	Sensenbrenner
Flake	Matheson	Shadegg
Franks (AZ)	McDermott	
Green (WI)	Miller (FL)	

Shuster	Tancredo	Waters
Stark	Velázquez	Young (AK)

NOT VOTING—10

Berman	Fortenberry	Paul
Boswell	Hall	Towns
Cardin	Harris	
Feeney	Holt	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶129.18 UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the Speaker, pursuant to 10 United States Code 9355(a), amended by Public Law 108-375, and the order of the House of January 4, 2005, appointed the following Member of the House to the Board of Visitors to the United States Air Force Academy: Mr. HEFLEY; and in addition, Mr. Hansford T. Johnson of Virginia.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶129.19 RECESS—1:06 P.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 6 minutes p.m., subject to the call of the Chair.

¶129.20 AFTER RECESS—4:10 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶129.21 FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 307. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4133. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The message also announced that the Senate requests a further conference relative to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and appoints Messrs. SPECTER, COCHRAN, GREGG, CRAIG, Mrs. HUTCHISON, Messrs. STEVENS, DEWINE, SHELBY, DOMENICI, HARKIN, INOUE, REID, KOHL, Mrs. MURRAY, Ms. LANDRIEU, Messrs.

DURBIN, AND BYRD, to be conferees on the part of the Senate.

¶129.22 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 563):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of November 18, 2005, providing for consideration or disposition of any of the following measures:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon.

(2) A conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

(3) A bill or joint resolution relating to flood insurance.

(4) A bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

When said resolution was considered. After debate,

Mr. GINGREY submitted the following amendment:

Add at the end the following:

(5) A resolution relating to U.S. forces in Iraq.

By unanimous consent, the previous question was ordered on the amendment and the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 211 affirmative } Nays 204

¶129.23 [Roll No. 606]

YEAS—211

Aderholt	Boozman	Chocola
Akin	Boustany	Coble
Alexander	Bradley (NH)	Cole (OK)
Bachus	Brady (TX)	Conaway
Baker	Brown (SC)	Crenshaw
Barrett (SC)	Brown-Waite,	Cubin
Barton (TX)	Ginny	Culberson
Bass	Burgess	Davis (KY)
Biggert	Burton (IN)	Davis, Jo Ann
Bilirakis	Buyer	Davis, Tom
Bishop (UT)	Calvert	Deal (GA)
Blackburn	Camp	DeLay
Blunt	Cannon	Dent
Boehlert	Cantor	Diaz-Balart, L.
Boehner	Capito	Diaz-Balart, M.
Bonilla	Carter	Doolittle
Bonner	Castle	Drake
Bono	Chabot	Dreier

Duncan	Kline	Rehberg
Ehlers	Knollenberg	Reichert
Emerson	Kolbe	Renzi
English (PA)	Kuhl (NY)	Reynolds
Everett	Latham	Rogers (AL)
Feeney	LaTourette	Rogers (KY)
Ferguson	Lewis (CA)	Rogers (MI)
Fitzpatrick (PA)	Lewis (KY)	Rohrabacher
Foley	Linder	Ros-Lehtinen
Forbes	LoBiondo	Royce
Fortenberry	Lucas	Ryan (WI)
Fox	Lungren, Daniel	Ryun (KS)
Franks (AZ)	E.	Saxton
Frelinghuysen	Mack	Schmidt
Garrett (NJ)	Manzullo	Schwarz (MI)
Gerlach	Marchant	Sensenbrenner
Gibbons	McCaul (TX)	Sessions
Gillmor	McCotter	Shaw
Gingrey	McCrery	Shays
Gohmert	McHenry	Sherwood
Goode	McHugh	Shimkus
Goodlatte	McKeon	Shuster
Granger	McMorris	Simmons
Graves	Mica	Smith (NJ)
Green (WI)	Miller (FL)	Smith (TX)
Gutknecht	Miller (MI)	Sodrel
Harris	Murphy	Souder
Hart	Musgrave	Stearns
Hastings (WA)	Myrick	Sullivan
Hayes	Neugebauer	Sweeney
Hayworth	Ney	Tancredo
Hefley	Northup	Taylor (NC)
Hensarling	Norwood	Terry
Herber	Nunes	Thomas
Hobson	Nussle	Thornberry
Hoekstra	Osborne	Tiahrt
Hulshof	Otter	Tiberi
Hunter	Oxley	Turner
Hyde	Pearce	Upton
Inglis (SC)	Pence	Walden (OR)
Issa	Petri	Walsh
Istook	Pickering	Wamp
Jenkins	Pitts	Weldon (FL)
Johnson (CT)	Platts	Weldon (PA)
Johnson (IL)	Poe	Weller
Johnson, Sam	Pombo	Westmoreland
Keller	Porter	Whitfield
Kelly	Price (GA)	Wicker
Kennedy (MN)	Pryce (OH)	Wilson (NM)
King (IA)	Putnam	Wilson (SC)
King (NY)	Radanovich	Wolf
Kingston	Ramstad	Young (AK)
Kirk	Regula	Young (FL)

NAYS—204

Abercrombie	Davis (TN)	Johnson, E. B.
Ackerman	DeFazio	Jones (NC)
Allen	DeGette	Jones (OH)
Andrews	Delahunt	Kanjorski
Baca	DeLauro	Kaptur
Baird	Dicks	Kennedy (RI)
Baldwin	Dingell	Kildee
Barrow	Doggett	Kilpatrick (MI)
Bartlett (MD)	Doyle	Kucinich
Bean	Edwards	Langevin
Becerra	Emanuel	Lantos
Berkley	Engel	Larsen (WA)
Berry	Eshoo	Larson (CT)
Bishop (GA)	Etheridge	Leach
Bishop (NY)	Evans	Lee
Blumenauer	Farr	Levin
Boren	Fattah	Lewis (GA)
Boucher	Filner	Lipinski
Brady (PA)	Ford	Lofgren, Zoe
Brown (OH)	Frank (MA)	Lowey
Brown, Corrine	Gilchrest	Lynch
Butterfield	Gonzalez	Maloney
Capps	Gordon	Markey
Capuano	Green, Al	Marshall
Cardin	Green, Gene	Matheson
Cardoza	Grijalva	Matsui
Carnahan	Gutierrez	McCarthy
Carson	Harman	McCollum (MN)
Case	Hastings (FL)	McDermott
Chandler	Herseth	McGovern
Clay	Higgins	McIntyre
Cleaver	Hinchey	McKinney
Clyburn	Hinojosa	McNulty
Conyers	Holden	Meehan
Cooper	Holt	Meek (FL)
Costa	Honda	Meeks (NY)
Costello	Hooley	Melancon
Cramer	Hostettler	Menendez
Crowley	Hoyer	Michaud
Cuellar	Inslee	Millender
Cummings	Israel	McDonald
Davis (AL)	Jackson (IL)	Miller (NC)
Davis (CA)	Jackson-Lee	Miller, George
Davis (FL)	(TX)	Mollohan
Davis (IL)	Jefferson	Moore (KS)

Moore (WI)	Ruppersberger	Stupak
Moran (VA)	Rush	Tanner
Murtha	Ryan (OH)	Tauscher
Nadler	Sabo	Taylor (MS)
Napolitano	Salazar	Thompson (CA)
Neal (MA)	Sánchez, Linda	Thompson (MS)
Oberstar	T.	Tierney
Obey	Sanchez, Loretta	Udall (CO)
Oliver	Sanders	Udall (NM)
Ortiz	Schakowsky	Van Hollen
Owens	Schiff	Velázquez
Pallone	Schwartz (PA)	Visclosky
Pascarell	Scott (GA)	Wasserman
Pastor	Scott (VA)	Schultz
Payne	Serrano	Waters
Pelosi	Sherman	Watson
Peterson (MN)	Simpson	Watt
Pomeroy	Skelton	Waxman
Price (NC)	Slaughter	Weiner
Rahall	Smith (WA)	Wexler
Rangel	Snyder	Woolsey
Reyes	Solis	Wu
Ross	Spratt	Wynn
Rothman	Stark	
Roybal-Allard	Strickland	

NOT VOTING—18

Beauprez	Fossella	Miller, Gary
Berman	Gallegly	Moran (KS)
Boswell	Hall	Paul
Boyd	Jindal	Peterson (PA)
Cunningham	Kind	Shadegg
Flake	LaHood	Towns

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶129.24 NASA AUTHORIZATION

On motion of Mr. BOEHLERT, by unanimous consent, the bill of the Senate (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; was taken from the Speaker's table.

Mr. BOEHLERT, by unanimous consent, moved to strike out all after the enacting clause and insert in lieu thereof the text of H.R. 3070, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶129.25 NASA AUTHORIZATION

On motion of Mr. BOEHLERT, by unanimous consent, the bill of the Senate (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; together with the amendment of the House thereto, was taken from the Speaker's table.

When on motion of Mr. BOEHLERT, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHLERT, CALVERT, HALL, SMITH of Texas, GORDON, UDALL of Colorado, and HONDA.

Provided, that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. HONDA for consideration of sections 111 and 615 of the House amendment, and modifications committed to conference.

From the Committee on Government Reform, for consideration of sections 153 and 606 of the Senate bill, and section 703 of the House amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, TURNER, and WAXMAN.

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DELAY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶129.26 NATIONAL FLOOD INSURANCE PROGRAM

On motion of Mr. OXLEY, by unanimous consent, the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

On page 2, line 12, strike "8,500,000,000" and insert "18,500,000,000".

On page 2, after line 12, insert:

SEC. 3. EMERGENCY SPENDING.

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

After debate,

On motion of Mr. OXLEY, said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶129.27 RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 31 minutes p.m., subject to the call of the Chair.

¶129.28 AFTER RECESS—7:57 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶129.29 PROVIDING FOR THE CONSIDERATION OF H. RES. 571

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept.

No. 109-312) the resolution (H. Res. 572) providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058.

When said resolution and report were referred to the House Calendar and ordered printed.

129.30 PROVIDING FOR THE CONSIDERATION OF H. RES. 571

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 572):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

Sec. 2. Upon adoption of this resolution, House Concurrent Resolution 308 is hereby adopted.

When said resolution was considered. After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 210 affirmative } Nays 202

129.31 [Roll No. 607] YEAS—210

Aderholt	Brady (TX)	Davis, Jo Ann
Akin	Brown (SC)	Davis, Tom
Alexander	Brown-Waite,	Deal (GA)
Bachus	Ginny	DeLay
Baker	Burgess	Dent
Barrett (SC)	Burton (IN)	Diaz-Balart, L.
Bartlett (MD)	Buyer	Diaz-Balart, M.
Barton (TX)	Calvert	Doolittle
Bass	Cannon	Drake
Biggert	Cantor	Dreier
Bilirakis	Capito	Duncan
Bishop (UT)	Carter	Ehlers
Blackburn	Castle	Emerson
Blunt	Chabot	English (PA)
Boehkert	Chocola	Everett
Boehner	Coble	Feeney
Bonilla	Cole (OK)	Ferguson
Bonner	Conaway	Fitzpatrick (PA)
Bono	Crenshaw	Foley
Boozman	Cubin	Forbes
Boustany	Culberson	Fortenberry
Bradley (NH)	Davis (KY)	Foxx

Franks (AZ)	Lewis (KY)	Rogers (AL)	Payne	Schakowsky	Thompson (CA)
Frelinghuysen	Linder	Rogers (KY)	Pelosi	Schiff	Thompson (MS)
Garrett (NJ)	LoBiondo	Rogers (MI)	Peterson (MN)	Schwartz (PA)	Tierney
Gerlach	Lucas	Rohrabacher	Pomeroy	Scott (GA)	Udall (CO)
Gibbons	Lungren, Daniel	Ros-Lehtinen	Price (NC)	Scott (VA)	Udall (NM)
Gillmor	E.	Royce	Rahall	Serrano	Van Hollen
Gingrey	Mack	Ryan (WI)	Rangel	Sherman	Velázquez
Gohmert	Manzullo	Ryun (KS)	Reyes	Simpson	Visclosky
Goode	Marchant	Saxton	Ross	Skelton	Wasserman
Goodlatte	McCaul (TX)	Schmidt	Rothman	Slaughter	Schultz
Granger	McCotter	Schwarz (MI)	Roybal-Allard	Smith (WA)	Waters
Graves	McCrery	Sensenbrenner	Ruppersberger	Snyder	Watson
Green (WI)	McHenry	Sessions	Rush	Solis	Watt
Gutknecht	McHugh	Shaw	Ryan (OH)	Spratt	Waxman
Harris	McKeon	Shays	Sabo	Stark	Weiner
Hart	McMorris	Sherwood	Salazar	Strickland	Wexler
Hastert	Mica	Shimkus	Sánchez, Linda	Stupak	Woolsey
Hastings (WA)	Miller (FL)	Shuster	T.	Tanner	Wu
Hayes	Miller (MI)	Simmons	Sanchez, Loretta	Tauscher	Wynn
Hayworth	Murphy	Smith (NJ)	Sanders	Taylor (MS)	
Hefley	Musgrave	Smith (TX)			
Hensarling	Myrick	Sodrel			
Herger	Neugebauer	Souder			
Hobson	Ney	Stearns			
Hoekstra	Norwood	Sullivan			
Hulshof	Nunes	Sweeney			
Hunter	Nussle	Tancredo			
Hyde	Osborne	Taylor (NC)			
Inglis (SC)	Otter	Terry			
Issa	Oxley	Thomas			
Istook	Pearce	Thornberry			
Jenkins	Pence	Tiahrt			
Johnson (CT)	Petri	Tiberi			
Johnson (IL)	Pickering	Turner			
Johnson, Sam	Pitts	Upton			
Keller	Platts	Poe			
Kelly	Po	Walsh			
Kennedy (MN)	Pombo	Wamp			
King (IA)	Porter	Weldon (FL)			
King (NY)	Price (GA)	Weldon (PA)			
Kingston	Pryce (OH)	Weller			
Kirk	Putnam	Westmoreland			
Kline	Radanovich	Whitfield			
Knollenberg	Ramstad	Wicker			
Kolbe	Regula	Wilson (NM)			
Kuhl (NY)	Rehberg	Wilson (SC)			
Latham	Reichert	Wolf			
LaTourette	Renzi	Young (FL)			
Lewis (CA)	Reynolds				

NAYS—202

Abercrombie	Dingell	Lantos
Ackerman	Doggett	Larsen (WA)
Allen	Doyle	Larson (CT)
Andrews	Edwards	Leach
Baca	Emanuel	Lee
Baird	Engel	Levin
Baldwin	Eshoo	Lewis (GA)
Barrow	Etheridge	Lipinski
Bean	Evans	Lofgren, Zoe
Becerra	Farr	Lowey
Berkley	Fattah	Lynch
Berry	Filner	Maloney
Bishop (GA)	Ford	Markey
Bishop (NY)	Frank (MA)	Marshall
Blumenauer	Gilchrest	Matheson
Boren	Gonzalez	Matsui
Boucher	Gordon	McCarthy
Brady (PA)	Green, Al	McCollum (MN)
Brown (OH)	Green, Gene	McDermott
Brown, Corrine	Grijalva	McGovern
Butterfield	Gutierrez	McIntyre
Capps	Harman	McKinney
Capuano	Hastings (FL)	McNulty
Cardin	Herseth	Meehan
Cardoza	Higgins	Meek (FL)
Carmahan	Hinchee	Meeks (NY)
Carson	Hinojosa	Melancon
Case	Holden	Menendez
Chandler	Holt	Michaud
Clay	Honda	Millender-
Cleaver	Hooley	McDonald
Clyburn	Hostettler	Miller (NC)
Conyers	Hoyer	Miller, George
Cooper	Inslee	Mollohan
Costa	Israel	Moore (KS)
Costello	Jackson (IL)	Moore (WI)
Cramer	Jackson-Lee	Moran (VA)
Crowley	(TX)	Murtha
Cuellar	Jefferson	Nadler
Cummings	Johnson, E. B.	Napolitano
Davis (CA)	Jones (NC)	Neal (MA)
Davis (FL)	Jones (OH)	Oberstar
Davis (IL)	Kanjorski	Obey
Davis (TN)	Kaptur	Olver
DeFazio	Kennedy (RI)	Ortiz
DeGette	Kildee	Owens
DeLahunt	Kilpatrick (MI)	Pallone
DeLauro	Kucinich	Pascarell
Dicks	Langevin	Pastor

Payne	Schakowsky	Thompson (CA)
Pelosi	Schiff	Thompson (MS)
Peterson (MN)	Schwartz (PA)	Tierney
Pomeroy	Scott (GA)	Udall (CO)
Price (NC)	Scott (VA)	Udall (NM)
Rahall	Serrano	Van Hollen
Rangel	Sherman	Velázquez
Reyes	Simpson	Visclosky
Ross	Skelton	Wasserman
Rothman	Slaughter	Schultz
Roybal-Allard	Smith (WA)	Waters
Ruppersberger	Snyder	Watson
Rush	Solis	Watt
Ryan (OH)	Spratt	Waxman
Sabo	Stark	Weiner
Salazar	Strickland	Wexler
Sánchez, Linda	Stupak	Woolsey
T.	Tanner	Wu
Sanchez, Loretta	Tauscher	Wynn
Sanders	Taylor (MS)	

NOT VOTING—22

Beauprez	Fossella	Northup
Berman	Galleghy	Paul
Boswell	Hall	Peterson (PA)
Boyd	Jindal	Shadegg
Camp	Kind	Towns
Cunningham	LaHood	Young (AK)
Davis (AL)	Miller, Gary	
Flake	Moran (KS)	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 2 of House Resolution 572, H. Con. Res. 308 was considered as agreed to:

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In the second paragraph (relating to the Economic Development Initiative) under the heading "Community Development Fund" in title III of division A, strike "statement of managers accompanying this Act" and insert "statement of managers correction relating to the Economic Development Initiative, dated November 18, 2005, and submitted by the Chairman of the Committee on Appropriations of the House of Representatives for printing in the House section of the Congressional Record on such date".

129.32 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the House and a concurrent resolution of the following titles:

H.R. 680. An Act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An Act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladin Post Office".

H.R. 3853. An Act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An Act to direct the Joint Committee on the Library to obtain a statue of

Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

H. Con. Res. 208. A concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The message also announced that the Senate passed a bill of the House with an amendment of the following title:

H.R. 358. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested.

S. 1047. An Act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

S. 1462. An Act to promote peace and accountability in Sudan, and for other purposes.

S. 1785. An Act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

S. 1961. An Act to extend and expand the Child Safety Pilot Program.

S. 1989. An Act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

The message also announced that the Senate agrees to that report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) "An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes."

¶129.33 UNITED STATES FORCES IN IRAQ

Mr. HYDE, pursuant to House Resolution 572, called up for consideration the resolution (H. Res. 571):

Resolved, That it is the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately.

After debate, The previous question having been ordered by said resolution.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the nays had it.

Mr. HUNTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the negative { Yeas 3 Nays 403 Answered present 6

¶129.34 [Roll No. 608]

AYES—3

McKinney

NOES—403

Abercrombie Ackerman Aderholt Akin Alexander Allen Andrews Baca Bachus Baird Baker Baldwin Barrett (SC) Barrow Bartlett (MD) Barton (TX) Bass Bean Becerra Berkeley Berry Biggert Bilirakis Bishop (GA) Bishop (NY) Bishop (UT) Blackburn Blumenauer Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boren Boucher Boustany Bradley (NH) Brady (PA) Brady (TX) Brown (OH) Brown (SC) Brown, Corrine Brown-Waite, Ginny Burgess Burton (IN) Butterfield Buyer Calvert Cannon Cantor Capito Capps Cardin Cardoza Carnahan Carson Carter Case Castle Chabot Chandler Chocola Cleaver Clyburn Coble Cole (OK) Conaway Conyers Cooper Costa Costello Cramer Crenshaw Crowley Cubin Cuellar Culberson Cummings Davis (CA) Davis (FL) Davis (IL) Davis (KY) Davis (TN) Davis, Jo Ann Davis, Tom

Serrano Wexler Deal (GA) DeFazio DeGette Delahunt DeLauro DeLay Dent Diaz-Balart, L. Diaz-Balart, M. Dicks Dingell Doggett Doolittle Doyle Drake Dreier Duncan Edwards Ehlers Emanuel Emerson Engel English (PA) Eshoo Etheridge Evans Everett Farr Fattah Feeney Ferguson Filner Fitzpatrick (PA) Foley Forbes Ford Fortenberry Poxx Frank (MA) Franks (AZ) Frelinghuysen Garrett (NJ) Gerlach Gibbons Gilchrist Gillmor Gingrey Gohmert Gonzalez Goode Goodlatte Gordon Granger Graves Green (WI) Green, Al Green, Gene Grijalva Grijalva Gutierrez Gutknecht Harman Harris Hart Hastert Hastings (FL) Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Herseth Higgins Hinojosa Hobson Hoekstra Holden Holt Honda Hooley Hostettler Hoyer Hulshof Hunter Hyde Inglis (SC) Inslee Israel

Murphy Murtha Musgrave Myrick Napolitano Neal (MA) Neugebauer Ney Norwood Nunes Nussle Oberstar Obey Oliver Ortiz Osborne Otter Oxley Pallone Pascrell Pastor Payne Pearce Pelosi Pence Peterson (MN) Petri Pickering Pitts Platts Poe Pombo Pomeroy Porter Price (GA) Price (NC) Pryce (OH) Putnam Radanovich Rahall Ramstad Rangel Regula Rehberg Reichert Renzi Reyes Reynolds Rogers (AL)

Rogers (KY) Strickland Rogers (MI) Stupak Rohrabacher Sullivan Ros-Lehtinen Sweeney Ross Tancredo Rothman Tanner Roybal-Allard Tauscher Royce Taylor (MS) Ruppertsberger Taylor (NC) Rush Terry Ryan (OH) Thomas Ryan (WI) Thompson (CA) Ryun (KS) Thompson (MS) Sabo Thornberry Salazar Sánchez, Linda Tiahrt Sánchez, Loretta Tiberi Sanders Turner Saxton Udall (CO) Schakowsky Udall (NM) Schiff Upton Schmidt Van Hollen Schwartz (PA) Velázquez Pence Visclosky Scott (GA) Walden (OR) Scott (VA) Walsh Pickering Sensenbrenner Sessions Wasserman Shaw Schultz Shays Waters Sherman Watson Sherwood Watt Shimkus Waxman Shuster Weiner Simmons Weldon (FL) Simpson Weldon (PA) Skelton Weller Slaughter Smith (NJ) Westmoreland Smith (TX) Whitfield Smith (WA) Wicker Snyder Wilson (NM) Wilson (SC) Sodrel Wolf Solis Woolsey Souder Spratt Wu Stark Wynn Reynolds Young (FL) Stearns

ANSWERED "PRESENT"—6

Capuano Hinchey Nadler Clay McDermott Owens

NOT VOTING—22

Beauprez Fossella Northup Berman Gallegly Paul Boswell Hall Peterson (PA) Boyd Jindal Shadegg Camp Kind Towns Cunningham LaHood Young (AK) Davis (AL) Miller, Gary Flake Moran (KS)

So the resolution was not agreed to.

A motion to reconsider the vote whereby said resolution was not agreed to was, by unanimous consent, laid on the table.

¶129.35 ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE

On motion of Mr. SHUSTER, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶129.36 RESIGNATION AS CLERK OF
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, laid before the House the following communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Wash-
ington, DC.*

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

By unanimous consent, the resignation was accepted.

¶129.37 CLERK OF HOUSE OF
REPRESENTATIVES

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, announced that the Speaker, pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a-1), and the order of the House of January 4, 2005, appointed as Clerk of the House of Representatives, Mrs. Karen L. Haas of Maryland.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶129.38 COMMUNICATION FROM THE
CLERK

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Wash-
ington, DC.*

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Mr. Gerasimos C. Vans, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Mr. Vans should not be able to act in my behalf for any reason, then Ms. Marjorie C. Kelaher, Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶129.39 APPOINTMENT OF SPEAKER PRO
TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
November 18, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2005.

J. DENNIS HASTERT
Speaker of the House of Representatives

By unanimous consent, the appointments were approved.

¶129.40 COMMUNICATION REGARDING
SUBPOENA

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, laid before the House the following communication from Nicole Venable, Chief of Staff, office of the Honorable William J. Jefferson:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
November 18, 2005.

Hon. J. DENNIS HASTERT,
*Speaker, U.S. House of Representatives, Wash-
ington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

NICOLE VENABLE,
Chief of Staff.

¶129.41 CALENDAR WEDNESDAY BUSINESS
DISPENSED WITH

On motion of Mrs. BIGGERT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, December 7, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶129.42 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An Act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on energy and Commerce.

S. 1785. An Act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

S. 1961. An Act to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

S. 1989. An Act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly

A. Charette Post Office"; to the Committee on Government Reform.

¶129.43 ENROLLED BILL AND JOINT
RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4326. An Act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

¶129.44 BILLS AND JOINT RESOLUTION
PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 18, 2005, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 72. An Act making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 2419. Energy and Water Development Appropriations Act, 2006

H.R. 2490. An Act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 2862. An Act making appropriations for Science, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006

H.R. 3339. An Act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".

H.R. 4326. An Act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

¶129.45 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BERMAN, for today; and
To Mr. Gary G. MILLER of California, for today after 4 p.m.

And then,

¶129.46 ADJOURNMENT

Mr. WELDON of Pennsylvania moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. Daniel E. LUNGREN of California, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House Concurrent Resolution 307, at midnight, the House stands adjourned until 2 p.m. on Tuesday, December 6, 2005.

¶129.47 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Investigation Into Rafael Palmeiro's March 17, 2005 Testimony at the Committee on Government Reform's Hearing: "Restoring Faith in America's Past-time: Evaluating Major League Baseball's Efforts to Eradicate Steroid Use" (Rept. 109-310). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 229. An act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes (Rept. 109-311). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 572. Resolution providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058 (Rept. 109-312). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3128. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary (Rept. 109-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1631. A bill to provide for the financing of high-speed rail infrastructure, and other purposes (Rept. 109-314 Pt. 1). Ordered to be printed.

Mr. HYDE: Committee on International Relations. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 109-317 Pt. 1). Ordered to be printed.

¶129.48 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 17, 2005.

H.R. 972. Referral to the Committee on the Judiciary extended for a period ending not later than December 8, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 17, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, and the Permanent Select Committee on Intelligence for a period ending not later than December 17, 2005.

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than December 6, 2005.

H.R. 3699. Referral to the Committee on Resources extended for a period ending not later than December 17, 2005.

¶129.49 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act, with an amendment (Rept. 109-315, Pt. 1). Referred to the Committee on Education and the Workforce for a period

ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes, with an amendment (Rept. 109-316, Pt. 1). Referred to the Committee on Energy and Commerce for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f) rule X; and to the Committee on Transportation and Infrastructure for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r) rule X. Ordered to be printed.

¶129.50 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Armed Services and Energy and Commerce discharged from further consideration of H.R. 972.

¶129.51 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINCHEY:

H.R. 4387. A bill to amend the Internal Revenue Code of 1986 to provide a credit to individuals for charitable contributions of services; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4388. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself and Mr. CONYERS):

H.R. 4389. A bill to amend the Federal Election Campaign Act of 1971 to exempt news stories, commentaries, and editorials distributed through the Internet from treatment as expenditures or electioneering communications under such Act, and for other purposes; to the Committee on House Administration.

By Mr. LANGEVIN (for himself, Mr. SHAYS, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. CASE, Mr. WEXLER, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. NORTON, and Ms. WOOLSEY):

H.R. 4390. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. SHUSTER, Mr. BAKER, Mr. BOUSTANY, Mr. JINDAL, Mr. JEFFERSON, Mr. MELANCON, and Mr. PICKERING):

H.R. 4391. A bill to authorize the President to provide disaster assistance for the repair, restoration, reconstruction, or replacement of a privately-owned power transmission facility damaged or destroyed by Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN:

H.R. 4392. A bill to provide for the importation of pharmaceutical products under a compulsory license as provided for under the World Trade Organization; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4393. A bill to amend the Internal Revenue Code of 1986 to clarify the application of section 584(h) of such Code; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. SCHWARZ of Michigan, Mr. BLUMENAUER, and Mr. COSTA):

H.R. 4394. A bill to alter the composition and terms of the Board of Directors of Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS:

H.R. 4395. A bill to amend titles XVIII and XIX of the Social Security Act to provide for an improved voluntary Medicare prescription drug benefit, to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself and Mr. GENE GREEN of Texas):

H.R. 4396. A bill to establish the National Vaccine Authority within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. BERMAN, Mr. BACA, and Mr. MCNULTY):

H.R. 4397. A bill to ensure that the two top officials of the Federal Emergency Management Agency have extensive background in emergency or disaster relief; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. BUTTERFIELD, and Mr. BISHOP of Georgia):

H.R. 4398. A bill to provide relief for African-American farmers filing claims in the cases of Pigford v. Veneman and Brewington v. Veneman; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. BRADY of Pennsylvania):

H.R. 4399. A bill to amend title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage Program, and to suspend Medicare prescription drug late enrollment penalties for two years after the initial enrollment period; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mr. CALVERT, Mr. CANTOR, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FERGUSON, Ms. FOX, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JINDAL, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. KOLBE, Mr. LEWIS of Kentucky, Mr. MARCHANT, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MURPHY, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE,

Mr. PITTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SULLIVAN, Mr. TIAHRT, Mr. TIBERI, Mr. WAMP, Mr. WELDON of Florida, and Mr. WILSON of South Carolina);

H.R. 4400. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4401. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY (for himself and Mr. SANDERS):

H.R. 4402. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. HULSHOF (for himself and Mr. TANNER):

H.R. 4403. A bill to amend title XVIII of the Social Security Act to clarify Congressional intent regarding the counting of residents in a nonhospital setting under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 4404. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified equity investments in companies affected by Hurricane Katrina; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. COSTELLO, Mr. DEFAZIO, Mr. DUNCAN, Mr. EVERETT, Mr. GORDON, Mr. GRIJALVA, Mr. HUNTER, Mr. JONES of North Carolina, Mr. SMITH of New Jersey, Mr. TAYLOR of Mississippi, and Mr. FATTAH):

H.R. 4405. A bill to require that, in cases in which the annual trade deficit between the United States and another country is \$10,000,000,000 or more for 3 consecutive years, the President take the necessary steps to create a more balanced trading relationship with that country; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota:

H.R. 4406. A bill to amend title XVIII of the Social Security Act to establish a criminal penalty for defrauding individuals in connection with enrollment under a prescription drug plan or under the Medicare Advantage Program; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 4407. A bill to prohibit the entry into any bilateral or regional trade agreement, and to prohibit negotiations to enter into any such agreement, for a period of 2 years; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. PAUL, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. KING of Iowa, Mr. TAYLOR of Mississippi, Mr. BARRETT of South Carolina, Mrs. EMERSON, Mr. LAHOOD, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4408. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. ENGEL, Mr. SAXTON, Mr. BISHOP of New York, Mr. GILCREST, Mr. INGLIS of South Carolina, Mr. PRICE of Georgia, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. PENCE, Mr. BARROW, Mrs. JOHNSON of Connecticut, Mr. TERRY, Mr. TANCREDO, Mr. BACHUS, Mr. PITTS, Mr. BURGESS, Mr. WESTMORELAND, Mr. LINDER, Mr. CHABOT, Mr. CONAWAY, Mr. WILSON of South Carolina, Mrs. KELLY, Mr. DEAL of Georgia, Mr. RENZI, and Mr. EHLERS):

H.R. 4409. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil through the use of alternative fuels and new vehicle technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Transportation and Infrastructure, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mrs. MCCARTHY, Mr. DOYLE, Mr. STUPAK, Mr. WU, Mr. DOGGETT, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. BECERRA, Mr. CAPUANO, and Mr. RYAN of Ohio):

H.R. 4410. A bill to amend part D of title XVIII of the Social Security Act to extend the initial enrollment period for Medicare prescription drug benefits through May 15, 2008, to waive penalties for late enrollment before June 1, 2008, and to provide other additional beneficiary protections; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. PENCE, Mr. BACHUS, Mr. OSBORNE, Mr. PITTS, Mr. BOEHLERT, Mr. GILLMOR, Mr. GILCREST, Mr. ROGERS of Michigan, Mr. BASS, Mr. FORTENBERRY, Mr. EHLERS, Mr. KIRK, Mr. RAMSTAD, Mr. DENT, Mr. WALSH, Mr. MCCAUL of Texas, Mr. LATHAM, and Mr. AKIN):

H.R. 4411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services.

By Mr. MCHENRY (for himself, Mr. JINDAL, Mr. ISSA, Mr. DOOLITTLE, Mr. KLINE, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. WAMP, Mr. BARTLETT of Maryland, Mr. ROHRBACHER, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. SHADEGG, Mrs. MYRICK, Mr. GINGREY, and Mr. GUTKNECHT):

H.R. 4412. A bill to require the Secretary of Homeland Security to consolidate existing U.S. Citizenship and Immigration Services databases into a comprehensive database that allows real-time access to data, in order to improve customer service and enhance national security and public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4413. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4414. A bill to amend the Electronic Fund Transfer Act to require notice to the consumer before any fee may be imposed by a financial institution in connection with any transaction for any overdraft protection service provided with respect to such transaction, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. RYAN of Ohio):

H.R. 4415. A bill to establish a fair order of posting checks and deposits to prevent unjust enrichment of financial institutions from fees that accrue only by virtue of the order used by the institution for posting checks and deposits, and for other purposes; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 4416. A bill to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 4417. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory project; to the Committee on Energy and Commerce.

By Mr. PEARCE:

H.R. 4418. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Resources.

By Mr. PORTER (for himself, Mr. SHADEGG, Mr. HAYWORTH, Mr. RENZI, Mr. FLAKE, Ms. BERKLEY, Mr. GIBBONS, and Mr. FRANKS of Arizona):

H.R. 4419. A bill to repeal the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself and Mr. KUCINICH):

H.R. 4420. A bill to repeal tax subsidies enacted by the Energy Policy Act of 2005 for oil and gas, to repeal certain other oil and gas subsidies in the Internal Revenue Code of 1986, and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981 and to provide weatherization assistance; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. RAMSTAD):

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO):

H.R. 4422. A bill to enhance homeland security by preventing unauthorized access to explosive materials stored by State or local agencies; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 4423. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. RAMSTAD, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Mr. BISHOP of Georgia, Mr. PALLONE, and Mrs. MALONEY):

H.R. 4424. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes; to the Committee on Government Reform.

By Mr. SULLIVAN (for himself, Mr. TERRY, Mr. FRANKS of Arizona, and Mr. HAYWORTH):

H.R. 4425. A bill to amend the Tele-marketing and Consumer Fraud and Abuse Prevention Act to apply to charities only if the solicitation of such charities involves fraud or deception; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 4426. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. ALEXANDER, Mr. JEFFERSON, Mr. POE, Ms. JACKSON-LEE of Texas, and Mr. TAYLOR of Mississippi):

H.R. 4427. A bill to direct the Secretary of Homeland Security to establish a database of small businesses for purposes of consultation by Federal agencies prior to awarding contracts relating to declared emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI:

H.R. 4428. A bill to clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself and Mr. RAMSTAD):

H.R. 4429. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida:

H.R. 4430. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose; to the Committee on Ways and Means.

By Mr. WICKER (for himself and Mr. PICKERING):

H.R. 4431. A bill to authorize financial assistance under the community development block grant program for disaster relief and recovery for communities affected by Hurricane Katrina or Hurricane Rita; to the Committee on Financial Services.

By Mr. WELDON of Pennsylvania:

H. Con. Res. 307. Concurrent resolution providing for the conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. LEWIS of California:

H. Con. Res. 308. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the

enrollment of H.R. 3058; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mr. SKELTON, Mr. EVANS, Mr. MURTHA, Mr. SIMMONS, Mr. LYNCH, Mr. HINCHEY, Mrs. MCCARTHY, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. SNYDER, Mrs. DAVIS of California, Mr. REYES, Mr. ETHERIDGE, Mr. BUTTERFIELD, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. SCHWARZ of Michigan, Mr. MILLER of North Carolina, Mrs. CAPPS, Mr. LANTOS, Mr. WAXMAN, Mr. RAHALL, Mr. TAYLOR of Mississippi, Mr. TANNER, Mrs. TAUSCHER, Mr. EDWARDS, Mr. HOYER, Mr. ISRAEL, Ms. HARMAN, Mr. DAVIS of Tennessee, Mr. SHIMKUS, Mr. HOLDEN, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. HIGGINS, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. LIPINSKI, Mr. COOPER, Mr. CUELLAR, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. SHERMAN, Mr. WELDON of Pennsylvania, Mrs. CHRISTENSEN, Mr. ROTHMAN, Mr. DOYLE, Mr. PALLONE, Ms. HERSETH, Ms. SCHWARTZ of Pennsylvania, Mr. KIND, Mr. BOYD, Mr. CONYERS, Mr. FEENEY, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. MATHE-SON, Mr. COSTELLO, Mr. MARKEY, Mr. CLEAVER, and Mr. BARROW):

H. Con. Res. 309. Concurrent resolution commending Armed Forces medical personnel for their outstanding care of combat casualties; to the Committee on Armed Services.

By Mr. FORD:

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress with respect to unilateral altering, by the European Union, of the standards for imports of certain wood products; to the Committee on International Relations; considered and failed of adoption.

By Mr. HUNTER:

H. Res. 571. A resolution expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately; to the Committee on International Relations.

By Mr. ALLEN (for himself, Mr. SNYDER, and Mr. SPRATT):

H. Res. 573. A resolution congratulating Mohamed ElBaradei and the United Nations International Atomic Energy Agency on winning the Nobel Peace Prize; to the Committee on International Relations.

By Mr. BECERRA (for himself and Ms. MILLENDER-MCDONALD):

H. Res. 574. A resolution congratulating the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; to the Committee on Government Reform.

By Mr. CANTOR (for himself, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. MCCAUL of Texas, and Mr. WEXLER):

H. Res. 575. A resolution providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes; to the Committee on International Relations.

By Mrs. DAVIS of California (for herself, Mr. FILNER, Mr. DAVIS of Illinois, Mr. HONDA, Mr. FARR, Mr. SHERMAN, Mr. CASTLE, Mr. MANZULLO, Mr. WAXMAN, Mr. REYES, Mr. COOPER, Mr. CALVERT, Mr. BERMAN, and Mr. RUPPERSBERGER):

H. Res. 576. A resolution celebrating Advancement Via Individual Determination's

25 years of success; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. REYNOLDS, and Ms. HART):

H. Res. 577. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mrs. NORTUP, Mr. PITTS, Mr. PENCE, Mr. COSTELLO, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. TIAHRT, Mr. BRADLEY of New Hampshire, and Mr. FRANK of Massachusetts):

H. Res. 578. A resolution concerning the Government of Romania's ban on inter-country adoptions and the welfare of orphaned or abandoned children in Romania; to the Committee on International Relations.

¶129.52 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution urging the Massachusetts Congressional Delegation to create a postage-free mail program for items sent to Armed Forces Distribution Centers; to the Committee on Government Reform.

204. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution requesting a formal and encompassing investigation on the performance of the Federal Bureau of Investigations and its personnel, as well as of other officers of the Government of the Commonwealth of Puerto Rico, if any, in the preparation, execution and conclusion of the operation which culminated with the death of Filiberto Ojeda-Rios, a fugitive since September 1990, and self-proclaimed leader of the group denominated Ejercito Popular Boricua, better known as "Los Macheteros"; to the Committee on the Judiciary.

¶129.53 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ADERHOLT introduced a bill (H.R. 4432) for relief of the estate of Henry Clay Blizzard; which was referred to the Committee on Ways and Means.

¶129.54 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. RENZI.
 H.R. 282: Mr. THOMPSON of Mississippi.
 H.R. 284: Mr. MICHAUD.
 H.R. 305: Mr. SIMMONS.
 H.R. 388: Mr. EVANS and Mr. SABO.
 H.R. 500: Mr. WOLF.
 H.R. 515: Mr. CONYERS.
 H.R. 517: Mr. DICKS.
 H.R. 550: Mr. TAYLOR of Mississippi, Mr. ANDREWS, and Mr. EVANS.
 H.R. 551: Ms. ZOE LOFGREN of California and Ms. MOORE of Wisconsin.
 H.R. 556: Ms. DEGETTE.
 H.R. 601: Mr. MEEKS of New York.
 H.R. 602: Mrs. BIGBERT.
 H.R. 690: Ms. MCKINNEY and Mr. FORD.
 H.R. 698: Mr. CUNNINGHAM, Mr. RENZI, Mr. JENKINS, Mr. HEFLEY, Mr. BURGESS, Mr. PITTS, Mr. MCKEON, and Mr. WHITFIELD.

- H.R. 703: Mr. MILLER of Florida.
H.R. 769: Mr. NEAL of Massachusetts.
H.R. 772: Mr. BRADLEY of New Hampshire.
H.R. 783: Mr. SABO, Ms. GRANGER, and Mr. WALDEN of Oregon.
H.R. 808: Mr. MENENDEZ, Mr. CASE, and Mr. CHANDLER.
H.R. 874: Mr. OXLEY.
H.R. 896: Mr. RUPPERSBERGER.
H.R. 898: Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Ms. BALDWIN, Ms. SLAUGHTER, and Mr. ANDREWS.
H.R. 964: Mr. WYNN, Mr. UDALL of New Mexico, Mr. McNULTY, and Mr. RYUN of Kansas.
H.R. 968: Mr. WALDEN of Oregon.
H.R. 994: Mr. HOSTETTLER, Mrs. DAVIS of California, Mr. BROWN of Ohio, Mr. ACKERMAN, and Mr. PRICE of Georgia.
H.R. 997: Mr. PAYNE.
H.R. 1019: Mr. GRIJALVA.
H.R. 1053: Mr. PITTS, Mr. SMITH of New Jersey, Mr. DENT, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1131: Mr. NEAL of Massachusetts.
H.R. 1182: Mr. SERRANO.
H.R. 1241: Mr. GOODE.
H.R. 1243: Mr. CRENSHAW, Mr. CAMP, and Mr. TAYLOR of North Carolina.
H.R. 1246: Ms. WOOLSEY.
H.R. 1259: Mr. HUNTER, Mr. ENGEL, and Mr. GENE GREEN of Texas.
H.R. 1264: Ms. DELAURO and Mr. SIMMONS.
H.R. 1372: Ms. BALDWIN, Mr. BLUMENAUER, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 1398: Mr. CASE, Mr. FILNER, Mr. ROSS, and Mr. SABO.
H.R. 1426: Mr. MARKEY.
H.R. 1445: Mr. MANZULLO.
H.R. 1506: Mrs. JOHNSON of Connecticut and Mr. MURPHY.
H.R. 1554: Mr. SHAW.
H.R. 1595: Mr. MCGOVERN.
H.R. 1668: Mr. PASCARELL, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Mr. HONDA.
H.R. 1689: Mr. MURPHY.
H.R. 1707: Mr. TERRY, Mr. CLAY, Mr. KIRK, and Mr. VAN HOLLEN.
H.R. 1898: Mr. COBLE and Mrs. KELLY.
H.R. 2014: Mr. STUPAK.
H.R. 2043: Mr. KIRK and Ms. DEGETTE.
H.R. 2052: Mr. HOLT.
H.R. 2090: Mr. LYNCH and Mr. EVANS.
H.R. 2251: Mr. PENCE and Mr. CALVERT.
H.R. 2356: Mr. LANGEVIN and Mr. HEFLEY.
H.R. 2421: Mr. PAYNE, Mr. MCGOVERN, Mr. MENENDEZ, Mr. TIERNEY, Mr. MILLER of North Carolina, Mr. MCHUGH, Mr. HINCHEY, Mr. SHAYS, and Mr. LAHOOD.
H.R. 2562: Mr. BERMAN.
H.R. 2637: Mr. MCGOVERN.
H.R. 2642: Mr. FRANK of Massachusetts.
H.R. 2679: Mr. WILSON of South Carolina, Mr. KLINE, Mr. MCCAUL of Texas, Mr. DEAL of Georgia, Mr. FRANKS of Arizona, and Mr. BEAUPREZ.
H.R. 2717: Mr. PALLONE, Ms. HOOLEY, Mrs. MALONEY, Mr. GUTIERREZ, Mr. HONDA, and Mrs. LOWEY.
H.R. 2786: Ms. HARRIS.
H.R. 2823: Ms. JACKSON-LEE of Texas.
H.R. 2861: Mr. ABERCROMBIE and Mr. WYNN.
H.R. 2943: Ms. BORDALLO.
H.R. 2946: Mr. KILDEE.
H.R. 2989: Mr. MCKEON.
H.R. 3006: Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, and Ms. MATSUI.
H.R. 3011: Mr. RYAN of Wisconsin.
H.R. 3127: Mr. GILLMOR and Mr. EVANS.
H.R. 3187: Mr. LANGEVIN.
H.R. 3195: Mr. CARDIN.
H.R. 3307: Mr. SHAW.
H.R. 3373: Mr. LAHOOD and Mr. HEFLEY.
H.R. 3430: Mr. DAVIS of Kentucky.
H.R. 3463: Mr. BEAUPREZ and Mr. SIMPSON.
H.R. 3476: Mr. CUMMINGS and Mr. TIERNEY.
H.R. 3478: Mr. MILLER of North Carolina.
H.R. 3579: Mr. BAKER.
H.R. 3617: Mr. HEFLEY.
H.R. 3621: Mr. GARRETT of New Jersey.
H.R. 3641: Mr. WAXMAN, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. NORTON, Mr. MEEKS of New York, Mr. REYES, Mr. OWENS, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. ORTIZ, Mr. CLAY, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. CROWLEY, Mr. CARDIN, Mr. GONZALEZ, Mr. CONYERS, Mr. HONDA, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. McDERMOTT, and Mr. RANGEL.
H.R. 3642: Mr. CUMMINGS, Mr. CONYERS, and Ms. CARSON.
H.R. 3657: Mr. GORDON, Mr. ABERCROMBIE, Mr. INSLER, and Mr. PASTOR.
H.R. 3680: Mr. MCHUGH.
H.R. 3714: Mr. PICKERING.
H.R. 3734: Mr. ROTHMAN.
H.R. 3752: Mr. BROWN of Ohio.
H.R. 3778: Mr. CASE and Mr. GEORGE MILLER of California.
H.R. 3852: Mr. DAVIS of Tennessee and Mr. GRIJALVA.
H.R. 3858: Mr. SMITH of New Jersey.
H.R. 3861: Mr. OBEY, Mr. FORD, Ms. DELAURO, Mr. SABO, Mr. BECERRA, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. ROSS, Ms. ZOE LOFGREN of California, and Mr. EVANS.
H.R. 3883: Mr. PICKERING, Mr. JENKINS, and Mr. MARSHALL.
H.R. 3949: Mrs. JONES of Ohio and Mr. CLEAVER.
H.R. 4010: Mr. EVANS.
H.R. 4011: Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. BALDWIN, and Mr. PAYNE.
H.R. 4029: Ms. MCKINNEY.
H.R. 4033: Mr. SHAW.
H.R. 4052: Mr. HIGGINS.
H.R. 4062: Mr. EVANS and Mr. CAPUANO.
H.R. 4063: Mr. UDALL of New Mexico.
H.R. 4071: Mr. RADANOVICH.
H.R. 4073: Ms. LEE, Ms. BERKLEY, Mr. PAYNE, Mrs. JONES of Ohio, and Mr. GENE GREEN of Texas.
H.R. 4078: Mr. GILLMOR, Mr. HALL, Mrs. CUBIN, Mr. BILIRAKIS, Mr. MCHUGH, and Mr. WAMP.
H.R. 4083: Mrs. SCHMIDT.
H.R. 4090: Ms. SCHAKOWSKY.
H.R. 4096: Mrs. JO ANN DAVIS of Virginia.
H.R. 4098: Mr. LOBIONDO, Mr. MATHESON, and Mr. LUCAS.
H.R. 4129: Mr. SMITH of Texas and Mr. KUHLE of New York.
H.R. 4147: Mr. FOLEY and Mr. HONDA.
H.R. 4156: Mr. MENENDEZ, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. EVANS, Mr. BROWN of Ohio, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. STUPAK, Mr. UDALL of Colorado, Ms. DEGETTE, and Mr. BISHOP of New York.
H.R. 4157: Mr. MCHUGH.
H.R. 4167: Mr. COLE of Oklahoma, Ms. BEAN, Ms. ROS-LEHTINEN, Mr. PETRI, Ms. FOX, Mr. JINDAL, Mr. AKIN, and Mr. MCCAUL of Texas.
H.R. 4186: Mr. KILDEE.
H.R. 4190: Ms. LINDA T. SANCHEZ of California, Mr. MICHAUD, Mr. GRIJALVA, Ms. WOOLSEY, Mr. LANTOS, Mr. ENGEL, and Mr. STARK.
H.R. 4194: Mr. VAN HOLLEN.
H.R. 4197: Mr. BRADY of Pennsylvania, Mr. FALOMAVAEGA, Mr. KUCINICH, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. RUPPERSBERGER, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MILLER of North Carolina, and Ms. SCHAKOWSKY.
H.R. 4200: Mr. CAMP, Mr. MARCHANT, Mr. CARDOZA, Mr. JENKINS, and Mr. FORBES.
H.R. 4201: Mr. EVANS.
H.R. 4212: Ms. HERSETH and Mr. PAYNE.
H.R. 4222: Ms. WOOLSEY and Mr. FILNER.
H.R. 4223: Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, and Mr. RUPPERSBERGER.
H.R. 4225: Mr. POE, Ms. MCKINNEY, and Mrs. MALONEY.
H.R. 4229: Mr. DOGGETT and Mr. ALLEN.
H.R. 4232: Mr. GRIJALVA.
H.R. 4259: Mr. SANDERS and Mr. MILLER of Florida.
H.R. 4263: Mr. LANGEVIN.
H.R. 4268: Mr. NORWOOD, Mr. CULBERSON, and Mrs. JOHNSON of Connecticut.
H.R. 4272: Ms. LEE.
H.R. 4282: Mrs. JO ANN DAVIS of Virginia, Mr. OTTER, Mr. TANCREDO, and Mr. ROHR-ABACHER.
H.R. 4286: Mr. WEXLER.
H.R. 4298: Mr. CONYERS.
H.R. 4300: Mr. EVANS.
H.R. 4312: Mr. SMITH of Texas, Mr. LINDER, Mr. SOUDER, Mr. GIBBONS, Mr. SIMMONS, Mr. ROGERS of Alabama, Mr. PEARCE, Ms. HARRIS, Mr. REICHERT, Mr. MCCAUL of Texas, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. ROYCE, and Mrs. MYRICK.
H.R. 4313: Mr. COBLE, Mr. WAMP, Mrs. CUBIN, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. AL-EXANDER, Mr. GINGREY, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. RYUN of Kansas, and Mr. BURGESS.
H.R. 4315: Mr. BOSWELL and Mr. WELDON of Pennsylvania.
H.R. 4318: Mr. PEARCE, Mr. JEFFERSON, Mr. BISHOP of Utah, Mr. DUNCAN, Mrs. EMERSON, Mrs. CUBIN, Mr. FLAKE, Mr. WICKER, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. FALOMAVAEGA, Mr. GIBBONS, Mr. WAMP, Mr. BROWN of South Carolina, Mr. TAYLOR of North Carolina, Mr. MIGA, Mr. DOOLITTLE, Mr. OSBORNE, Mr. THOMAS, and Mr. REGULA.
H.R. 4321: Mr. JONES of North Carolina.
H.R. 4330: Mr. ROGERS of Alabama.
H.R. 4331: Mr. CHANDLER, Mr. DAVIS of Illinois, and Mr. HASTINGS of Washington.
H.R. 4346: Mr. BURTON of Indiana, Ms. CARSON, Mr. HOSTETTLER, Mr. PENCE, Mr. VISCLOSKEY, and Mr. SODREL.
H.R. 4349: Mr. KILDEE and Mr. MCGOVERN.
H.R. 4351: Mr. CLAY.
H.R. 4357: Mr. SCHWARZ of Michigan, Mr. RAMSTAD, Mr. WICKER, Mr. SOUDER, and Mr. WILSON of South Carolina.
H.R. 4365: Mr. HEFLEY and Mr. MACK.
H.R. 4378: Ms. DELAURO and Mr. LARSON of Connecticut.
H.J. Res. 70: Mr. BISHOP of New York.
H.J. Res. 73: Mr. HOLT, Mr. McNULTY, Mr. CAPUANO, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. RANGEL, Ms. LEE, Ms. SOLIS, Mr. WEINER, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. BECERRA.
H. Con. Res. 42: Mr. GOODE.
H. Con. Res. 210: Mr. FITZPATRICK of Pennsylvania, Mr. PUTNAM, and Mr. HOLDEN.
H. Con. Res. 231: Mr. CUMMINGS.
H. Con. Res. 278: Mr. BARROW, Mr. GRIJALVA, and Mr. WAXMAN.
H. Con. Res. 280: Mr. BERMAN and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 291: Mr. GRIJALVA.
H. Con. Res. 294: Ms. WATSON, Mr. WELLER, Mrs. DRAKE, Mr. PITTS, Ms. LINDA T. SANCHEZ of California, Mr. EVANS, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 296: Mr. LANTOS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. GERLACH, Mr. PITTS, Mrs. NAPOLITANO, Mr. ENGEL, Mr. CROWLEY, Mr. WEXLER, Mr. OBERSTAR, Mrs. MALONEY, Mr. MEEKS of New York, Mrs. MCCARTHY, Mr. LYNCH, Mr. GRIJALVA, Mr. SANDERS, Mr. STRICKLAND, Mr. HONDA, Mr. WEINER, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. PALLONE, Ms. MOORE of Wisconsin, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. MORAN of Virginia, Mr. MARKEY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. STARK, Mr. CARDOZA, Ms. BORDALLO, Mr. OWENS, and Mr. TANCREDO.
H. Con. Res. 298: Mr. PALLONE, Mr. LYNCH, Mr. MOORE of Kansas, and Mr. KILDEE.
H. Con. Res. 301: Mr. MCHENRY, Mr. PRICE of Georgia, Mr. PAUL, Mr. FRANKS of Arizona,

Mr. SHADEGG, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FLAKE, Mr. HOSTETTLER, Mr. SODREL, Mr. ROHRBACHER, Mr. WELDON of Florida, Mr. GUTKNECHT, Mr. GOODE, Mr. KINGSTON, Mr. TANCREDO, Ms. FOXF, Mr. PENCE, Mr. DOOLITTLE, Mr. AKIN, Mr. CULBERSON, Mr. HENSARLING, Mr. SESSIONS, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. BONILLA, Mr. CARTER, Mr. MCCAUL of Texas, Mr. GOHMERT, and Mr. GARRETT of New Jersey.

H. Con. Res. 302: Mrs. DRAKE, Mr. SOUDER, and Mr. MILLER of Florida.

H. Res. 196: Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. KILDEE, Mr. RUSH, Mr. MARKEY, Mr. TOWNS, Mr. MOORE of Kansas, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. LANTOS, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. WOOLSEY, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. BERMAN, and Mr. VAN HOLEN.

H. Res. 200: Mr. REYES.

H. Res. 222: Mr. KILDEE.

H. Res. 223: Mr. HOYER and Mr. MCDERMOTT.

H. Res. 487: Mr. CUMMINGS and Mr. EVANS.

H. Res. 510: Mr. WELDON of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DAVIS of Alabama, and Mr. MEEHAN.

H. Res. 512: Mr. KUCINICH.

H. Res. 517: Mrs. MALONEY, and Mr. WEINER.

H. Res. 526: Ms. BALDWIN.

H. Res. 550: Ms. HARRIS, Mr. WEXLER, and Mr. WU.

H. Res. 561: Ms. SCHAKOWSKY, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RAHALL.

¶129.55 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of the Municipal Legislature of Moca, Puerto Rico, relative to Resolution No. 54 expressing opposition to the elimination of the Community Development Block Grant Program; to the Committee on Financial Services.

78. Also, a petition of the City of Naperville, Illinois, relative to Resolution No. 05-28 expressing support for the continuation and full funding of the Community Development Block Grant Program; to the Committee on Financial Services.

79. Also, a petition of the Houghton County Board of Commissioners, Michigan, relative to a Resolution recommending and supporting the re-authorization of the Community Services Block Grant for FY 2006 and beyond, and that funding for (CSBG) be continued at its current level; to the Committee on Financial Services.

80. Also, a petition of the City of Shaker Heights, Ohio, relative to Resolution No. 05-49 opposing cutting the Community Development Block Grant Program and other programs as proposed by the Congress of the United States and declaring an emergency; to the Committee on Financial Services.

81. Also, a petition of the City of Rock Falls, Illinois, relative to Resolution 2005-470 requesting rejection by the Congress of United States of limits upon municipal telecommunications franchising authority; to the Committee on Energy and Commerce.

82. Also, a petition of the Village of Carpentersville, Illinois, relative to Resolution No. R05-94 expressing support of the continued administration of the Community Development Block Grant Program through the Department of Housing and Urban Development at current or increased levels of funding; to the Committee on Financial Services.

83. Also, a petition of the City Council of Santa Cruz, California, relative to Resolu-

tion No. NS-27,006 endorsing broad election reform and supporting the restoration of voter confidence; to the Committee on House Administration.

84. Also, a petition of the California State Lands Commission, relative to a Resolution requesting the Congress of the United States to continue the California Oil and Gas Leasing Moratorium; to the Committee on Resources.

85. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 5 expressing opposition to a few states that allow same sex marriage; to the Committee on the Judiciary.

86. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 4 expressing support of every American's right to say the Pledge of Allegiance to our Flag; to the Committee on the Judiciary.

87. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 3 expressing support and appreciation to these brave men and women of the armed forces of the United States of America, who are representing our country, both at home and abroad; to the Committee on Armed Services.

88. Also, a petition of the North Lauderdale Commission, Florida, relative to Resolution No. 2005-05-4882 expressing support for amendments to the Florida Constitution requiring the periodic review and approval of all sales tax exemptions and exclusions in the state of Florida; to the Committee on the Judiciary.

89. Also, a petition of City of Gretna, Louisiana, relative to Resolution No. 2005-093 urging the Congress of the United States to revisit the recent legislation passed by both United States House and Senate and include a forgiveness clause in that legislation that allows Louisiana communities to qualify for low interest loans; to the Committee on Transportation and Infrastructure.

TUESDAY, DECEMBER 6, 2005 (130)

¶130.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
December 6, 2005.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶130.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Friday, November 18, 2005.

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

¶130.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5321. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was

declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

5322. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1703(c); to the Committee on International Relations.

5323. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5324. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-15, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

5325. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-14, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on International Relations.

5326. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-13, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to India for defense articles and services; to the Committee on International Relations.

5327. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

5328. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Kazakhstan (Transmittal No. DDTC 033-05); to the Committee on International Relations.

5329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Korea (Transmittal No. DDTC 042-05); to the Committee on International Relations.

5330. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Singapore (Transmittal No. DDTC 051-05); to the Committee on International Relations.

5331. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the

Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Mexico (Transmittal No. DDTC 050-05); to the Committee on International Relations.

5332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 032-05); to the Committee on International Relations.

5333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Korea (Transmittal No. DDTC 044-05); to the Committee on International Relations.

5334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 049-05); to the Committee on International Relations.

5335. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of the United Kingdom (Transmittal No. DDTC 036-05); to the Committee on International Relations.

5336. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Sweden and the Government of the United Kingdom (Transmittal No. DDTC 006-05); to the Committee on International Relations.

5337. A letter from the Under Secretary for Political Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 15, 2005 — August 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

5338. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fourth annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on International Relations.

5339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Austria, the Government of Canada, the Government of France, the Government of Switzerland and the Government of the United Kingdom (Transmittal No. DDTC 037-05); to the Committee on International Relations.

5340. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of

defense articles and equipment to the Government of Taiwan (Transmittal No. DDTC 040-05); to the Committee on International Relations.

5341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of France and the Government of Austria (Transmittal No. DDTC 046-05); to the Committee on International Relations.

5342. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting the Commission's third annual report, pursuant to Pub. L. 106-398, as amended by Division P of Pub. L. 108-7; to the Committee on International Relations.

5343. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2005, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

5344. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5345. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5346. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5347. A letter from the Employee Benefits Program Manager, Department of the Navy, transmitting the annual report for 2005 of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Division, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

5348. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5366. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5367. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5368. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5371. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5372. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2005 Performance and Accountability Report; to the Committee on Government Reform.

5373. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Report on Performance and Accountability; to the Committee on Government Reform.

5374. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5375. A letter from the Secretary, Department of Labor, transmitting the FY 2005 Annual Report on Performance and Accountability; to the Committee on Government Reform.

5376. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5377. A letter from the Secretary, Department of Transportation, transmitting the Department's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

5378. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

5379. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5380. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2005 Performance and Accountability Report; to the Committee on Government Reform.

5381. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5382. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5383. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the FY 2005 report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5384. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2005 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Government Reform.

5385. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5386. A letter from the Chairman, International Trade Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5387. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period

April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5388. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5389. A letter from the Chairman, National Mediation Board, transmitting the FY 2005 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5390. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5391. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 2005 Performance and Accountability Report, prepared in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5392. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2005 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5393. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 2005 annual report on the Agency's compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5394. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2005 Annual Program Accountability Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

5395. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 1A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

5396. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Performance and Accountability Report for fiscal year 2005, as required under OMB Circular No. A-11, section 230-3; to the Committee on Government Reform.

5397. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2005, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

5398. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Performance and Accountability Report for fiscal year 2005; to the Committee on Government Reform.

5399. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5400. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5401. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2005; to the Committee on Government Reform.

5402. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the FY 2004 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5403. A letter from the Executive Director, Election Assistance Commission, transmitting the Commission's report entitled, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2003-2004"; to the Committee on House Administration.

5404. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

5405. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the status of petitions for designating classes of employees as members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEIOCPA), pursuant to Public Law 108-375; to the Committee on the Judiciary.

5406. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal to improve restitution for victims of crime by amending the Mandatory Victims' Restitution Act (MVRA); to the Committee on the Judiciary.

5407. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's recommended authorization of the Napa River Salt Marsh Restoration Project, California for the purposes of ecosystem restoration and recreation; to the Committee on Transportation and Infrastructure.

5408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; San Diego Bay, Mission Bay and Their Approaches, California [CGD11-05-002] (RIN: 1625-AA11) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-123] (RIN: 1625-AA87) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Escort Vessels for Certain Tankers [CGD 91-202] (RIN: 1625-AA05) (Formerly RIN: 2115-AE10); Escort Vessels for Certain Tankers — Crash Stop Criteria [USCG-2003-14734] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sturgeon Bay Ship Canal; Sturgeon Bay, WI [CGD09-05-080] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Fox River, Green Bay, WI and DePere, WI [CGD09-05-081] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-05-061] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Dorchester Bay, MA [CGD01-05-020] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5415. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Passaic River, NJ [CGD01-05-029] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5416. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK [COTP Western Alaska-04-003] (RIN: 1625-AA00) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5417. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP St. Petersburg 05-120] (RIN: 1625-AA00) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5418. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, VA [CGD05-05-049] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5419. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tennessee River, Chattanooga, TN [CGD08-05-041] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Saugus River, MA [CGD01-05-074] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-05-129] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Berwick Bay, Morgan City, LA [CGD08-05-052] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5423. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Ft. Madison, Burlington, and Dubuque, IA, and Rock Island Arsenal, IL [USCG-2005-22853] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5424. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newton Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-050-98] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Taunton, MA [CGD01-05-097] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY [CGD01-05-099] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5427. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5428. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2005-22639; Directorate Identifier 2005-CE-48-AD; Amendment 39-14346; AD 2005-22-02] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5429. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21086; Directorate Identifier 2004-NM-217-AD; Amendment 39-14344; AD 2005-21-06] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5430. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce) Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 2000-NE-48-AD; Amendment 39-14343; AD 2005-21-

05] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No. FAA-2005-20473; Directorate Identifier 2004-NM-156-AD; Amendment 39-14351; AD 2005-22-07] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Airplanes [Docket No. FAA-2005-22170; Directorate Identifier 2005-NM-073-AD; Amendment 39-14349; AD 2005-22-05] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No. FAA-2005-22757; Directorate Identifier 2005-SW-32-AD; Amendment 39-14345; AD 2005-22-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5434. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-22018; Directorate Identifier 2005-CE-41-AD; Amendment 39-14348; AD 2005-22-04] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5435. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 501-D22A, 501-D22C, and 501-D22G Turboprop Engines [Docket No. FAA-2005-20742; Directorate Identifier 2005-NE-03-AD; Amendment 39-14347; AD 2005-22-03] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5436. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-20692; Directorate Identifier 2004-NM-229-AD; Amendment 39-14350; AD 2005-22-06] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5437. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2004-18564; Directorate Identifier 2004-NM-16-AD; Amendment 39-14352; AD 2005-22-08] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5438. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG (Formerly Rolls-Royce

Deutschland GmbH, formerly BMW Rolls-Royce) Models BR700-710A1-10 and BR700-710A2-20 Turboprop Engines [Docket No. 2000-NE-48-AD; Amendment 39-14343; AD 2005-21-05] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5439. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-20692; Directorate Identifier 2004-NM-229-AD; Amendment 39-14350; AD 2005-22-06] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5440. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2004-18564; Directorate Identifier 2004-NM-16-AD; Amendment 39-14352; AD 2005-22-08] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5441. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, A-1, B, B-1, L, L-1, L-3, L-4 Helicopters [Docket No. FAA-2005-21680; Directorate Identifier 2004-SW-48-AD; Amendment 39-14341; AD 2005-21-03] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5442. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport [Docket No. FAA-2005-19411; SFAR No. 105] (RIN: 2120-A147) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5443. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, A-1, B, B-1, L, L-1, L-3, L-4 Helicopters [Docket No. FAA-2005-21680; Directorate Identifier 2004-SW-48-AD; Amendment 39-14341; AD 2005-21-03] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5444. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, 369FF, 500N, and 600N Helicopters [Docket No. 2004-SW-13-AD; Amendment 39-14340; AD 2005-21-02] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5445. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 47D1, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, and Coastal Helicopters, Inc. Model OH-13H (Tomcat Mark 5A, 6B, 6C) Helicopters [Docket No. FAA-2005-21725; Directorate Identifier 2004-SW-45-AD; Amendment 39-14342; AD 2005-21-04] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5446. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5447. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2005-22795; Directorate Identifier 2005-NM-193-AD; Amendment 39-14353; AD 2005-22-09] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5448. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, 369FF, 500N, and 600N Helicopters [Docket No. 2004-SW-13-AD; Amendment 39-14340; AD 2005-21-02] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Implementing the Maintenance Provisions of Bilateral Agreements [Docket No. FAA-2004-17683; Amendment No. 43-40] (RIN: 2120-A119) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 47D1, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A and Coastal Helicopters, Inc. Model OH-13H (Tomcat Mark 5A, 6B, 6C) Helicopters [Docket No. FAA-2005-21725; Directorate Identifier 2004-SW-45-AD; Amendment 39-14342; AD 2005-21-04] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2005-22795; Directorate Identifier 2005-NM-193-AD; Amendment 39-14353; AD 2005-22-09] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5452. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 501-D22A, 501-D22C, and 501-D22G Turboprop Engines [Docket No. FAA-2005-20742; Directorate Identifier 2005-NE-03-AD; Amendment 39-14347; AD 2005-22-03] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Deering, AK [Docket No. FAA-2005-21449; Airspace Docket No. 05-AAL-15] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5454. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Modification of Legal Description of Class D Airspace; Rapid City, SD; Modification of Legal Description of Class D Airspace; Rapid City Ellsworth, AFB, SD [Docket No. FAA-2005-22514; Airspace Docket No. 05-AGL-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5455. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Madison, IN [Docket No. FAA-2005-21255; Airspace Docket No. 05-AGL-03] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Akron, OH [Docket No. FAA-2005-21257; Airspace Docket No. 05-AGL-05] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5457. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 B4-600R Series Airplanes; and A300 F4-605R and A300 C4-605R Variant F Airplanes [Docket No. FAA-2005-22110; Directorate Identifier 2004-NM-205-AD; Amendment 39-14366; AD 2005-23-08] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 24E, 24F, 25, 25A, 25B, 25C, 25D, and 25F Airplanes Modified by Supplemental Type Certificate SA1731SW, SA1669SW, or SA1670SW [Docket No. FAA-2005-20947; Directorate Identifier 2004-NM-245-AD; Amendment 39-14364; AD 2005-23-06] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2005-22255; Directorate Identifier 2005-NM-106-AD; Amendment 39-14362; AD 2005-23-04] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100, A320-200, and A321-100 and -200 Series Airplanes [Docket No. FAA-2004-19863; Directorate Identifier 2003-NM-29-AD; Amendment 39-14363; AD 2005-23-05] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22881; Directorate Identifier 2005-NM-202-AD; Amendment 39-14368; AD 2005-23-10] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100

Series Airplanes, Model A320-111 Airplanes, Model A320-200 Series Airplanes, and Model A321-100 Series Airplanes [Docket No. FAA-2005-22120; Directorate Identifier 2004-NM-92-AD; Amendment 39-14360; AD 2005-23-02] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, and 25F Airplanes [Docket No. FAA-2005-22169; Directorate Identifier 2005-NM-094-AD; Amendment 39-14361; AD 2005-23-03] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-22147; Directorate Identifier 2005-NM-114-AD; Amendment 39-14371; AD 2005-23-13] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22867; Directorate Identifier 2005-NM-209-AD; Amendment 39-14359; AD 2005-23-01] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-22910; Directorate Identifier 2005-NM-208-AD; Amendment 39-14372; AD 2005-23-14] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21714; Directorate Identifier 2005-NM-065-AD; Amendment 39-14374; AD 2005-23-16] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2004-19539; Directorate Identifier 2004-NM-06-AD; Amendment 39-14375; AD 2005-23-17] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2005-22972; Directorate Identifier 2003-NM-265-AD; Amendment 39-14376; AD 2005-23-18] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Air-

worthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes [Docket No. FAA-2005-22427; Directorate Identifier 2004-NM-263-AD; Amendment 39-14373; AD 2005-23-15] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-22701; Directorate Identifier 2005-NE-37-AD; Amendment 39-14356; AD 2005-22-12] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5472. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Model YS-11 Airplanes, and Model YS-11A-200, YS-11A-300, YS-11A-500, and YS-11A-600 Series Airplanes [Docket No. 98-NM-300-AD; Amendment 39-14355; AD 2005-22-11] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5473. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes, and Model A320-200 Series Airplanes [Docket No. 2002-NM-298-AD; Amendment 39-14354; AD 2005-22-10] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5474. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21975; Directorate Identifier 2005-NM-122-AD; Amendment 39-14365; AD 2005-23-07] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMS) One Million Word (1M or 700K) Data Bases (9104 Cycle or Earlier), as Installed in, but Not Limited to, McDonnell Douglas Model MD-11 and MD-11F Airplanes, Boeing Model 747-400 Series Airplanes, and Boeing Model 757 and 767 Airplanes [Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-AD; Amendment 39-14328; AD 2005-20-31] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turbofan Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-35-AD; Amendment 39-14339; AD 2005-21-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5478. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-21998; Directorate Identifier 2005-CE-40-AD; Amendment 39-14358; AD 2005-22-14] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E3 Airspace, Riverside March Field, CA [Docket No. FAA 2005-21523; Airspace Docket No. 05-AWP-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment and Revision of Area Navigation (RNAV) Routes; Western United States [Docket No. FAA-2005-20322; Airspace Docket No. 05-ANM-1] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment and Revision of Area Navigation (RNAV) Routes; Western United States [Docket No. FAA-2005-20322; Airspace Docket No. 05-ANM-1] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Colored Federal Airways; AK [Docket No. FAA-2002-13994; Airspace Docket No. 02-AAL-10] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5485. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Salina Municipal Airport, KS; Correction [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5486. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eagle, CO [Docket FAA 2005-21078; Airspace Docket 05-ANM-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5487. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cheyenne, WY [Docket FAA-2003-16329; Airspace Docket No. 02-ANM-01] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Yakutat, AK [Docket No. FAA-2005-21529; Airspace Docket No. 05-AAL-19] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Areas; HI [Docket No. FAA-2005-22600; Airspace Docket No. 05-AWP-11] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway V-343; MT [Docket No. FAA-2005-22047; Airspace Docket No. 05-ANM-10] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Airplanes [Docket No. FAA-2005-22170; Directorate Identifier 2005-NM-073-AD; Amendment 39-14349; AD 2005-22-05] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5492. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-22018; Directorate Identifier 2005-CE-41-AD; Amendment 39-14348; AD 2005-22-04] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5493. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No. FAA-2005-20473; Directorate Identifier 2004-NM-156-AD; Amendment 39-14351; AD 2005-22-07] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5494. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21086; Directorate Identifier 2004-NM-217-AD; Amendment 39-14344; AD 2005-21-06] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5495. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2005-22639; Directorate Identifier 2005-CE-48-AD; Amendment 39-14346; AD 2005-22-02] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5496. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Jacksonville, FL [Docket No. FAA-2005-21694; Airspace Docket No. 04-ASO-16] (RIN: 2120-AA66) received November 18, 2005,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30462; Amdt. No. 3138] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30463; Amdt. No. 3139] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cortland, NY; Ithaca, NY; Elmira, NY; Endicott, NY; Sayre, PA [Docket No. FAA-2005-22494; Airspace Docket No. 05-AEA-22] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Binghamton, NY [Docket No. FAA-2005-22100; Airspace Docket No. 05-AEA-16] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Cincinnati, OH [Docket No. FAA-2005-20699; Airspace Docket No. 04-ASO-19] (RIN: 2120-AA66) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Deering, AK [Docket No. FAA-2005-21449; Airspace Docket No. 05-AAL-15] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D Airspace; Rapid City, SD; Modification of Legal Description of Class D Airspace; Rapid City Ellsworth AFB, SD [Docket No. FAA-2005-22514; Airspace Docket No. 05-AGL-07] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Akron, OH [Docket No. FAA-2005-21257; Airspace Docket No. 05-AGL-05] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Madison, IN [Docket No. FAA-2005-21255; Airspace Docket No. 05-AGL-03] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5506. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, CT [CGD01-05-100] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5507. A letter from the Office of the U.S. Trade Representative, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report of the amount of acquisitions made from entities that manufacture articles, materials, or supplies outside the United States; to the Committee on Ways and Means.

5508. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Assets for Independence Demonstration Program: Status at the Conclusion of the Fifth Year," pursuant to Public Law 105-285, section 414(d)(1); to the Committee on Ways and Means.

5509. A letter from the Acting Assistant Secretary for Border and Transportation Security, Department of Homeland Security, transmitting the Department's Annual Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People's Republic of China, pursuant to 22 U.S.C. 6961 et seq.; to the Committee on Ways and Means.

¶130.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
November 22, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 22, 2005, at 1:47 pm:

That the Senate passed without amendment H. Con. Res. 308.

That the Senate agreed to Conference Report H.R. 3058.

That the Senate passed with an amendment H.R. 1815.

That the Senate passed S. 1042.

That the Senate passed S. 1043.

That the Senate passed S. 1044.

That the Senate passed S. 1045.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶130.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. BOOZMAN, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Friday, November 18, 2005:

H.R. 4133. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program.

That SPEAKER pro tempore, Mr. WOLF, signed the following enrolled bills on Monday, November 28, 2005:

H.R. 680. An Act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the city of Richfield, Utah, and for other purposes.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shugart Post Office Building".

H.R. 2183. An Act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 2528. An Act making appropriations for military quality of life functions of the Department of Defense, Military Construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3058. An Act making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3853. An Act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the "Willie Vaughn Post Office".

H.R. 4145. An Act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

¶130.6 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication, which was read as follows:

WASHINGTON, DC,
December 1, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: It is with a heavy heart that I submit to you my resignation as a Member of the United States House of Representatives, effective close of business on Thursday, December 1, 2005. I am forwarding to you a copy of my letter of resignation to Governor Schwarzenegger.

I am resigning from the House of Representatives because I have discredited my high office and the party that I love. Not only have I compromised the trust of my constituents, I have misled my family, friends, and colleagues, staff and even myself. Mr. Speaker, I have the utmost respect for you and our colleagues and I am deeply sorry that I have shamed our great institution in this way.

Please accept my resignation as one of the many steps I now take to atone for my crimes.

Sincerely,
RANDY "DUKE" CUNNINGHAM,
U.S. Representative.

¶130.7 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 5(d) of rule XX, announced that that the whole number of the House is 433.

¶130.8 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication from David Thomas, Chief of Staff, office of the Honorable Tom Davis of Virginia:

WASHINGTON, DC,
November 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for documents, issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DAVID THOMAS,
Chief of Staff.

¶130.9 GATEWAY COMMUNITIES COOPERATION

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 585) to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.10 MOKELUMNE RIVER FEASIBILITY STUDY

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3812) to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.11 SOUTH OREGON BUREAU OF RECLAMATION REPAYMENT

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4195) to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.12 BEAVER COUNTY, UTAH PROPERTY CONVEYANCE

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 52) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.13 VALLES CALDERA PRESERVATION

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 212) to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.14 EXERCISE OF CRIMINAL JURISDICTION

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 279) to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.15 PITKIN COUNTY, COLORADO LAND EXCHANGE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.16 RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION BOUNDARY ADJUSTMENT

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 136) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RADANOVICH and Mr. UDALL of Colorado, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.17 MONTGOMERY BUS BOYCOTT

Ms. FOXX moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 273):

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Ms. FOXX and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶130.18 NAVAL VESSELS TRANSFER

Mr. LEACH moved to suspend the rules and pass the bill of the Senate (S. 1886) to authorize the transfer of naval vessels to certain foreign recipients.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.19 INTERNATIONAL ORGANIZATIONS IMMUNITIES

Mr. LEACH moved to suspend the rules and pass the bill (H.R. 3269) to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.20 TORTURE VICTIMS RELIEF REAUTHORIZATION

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 2017) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.21 UNITED NATIONS GENERAL ASSEMBLY

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 438); as amended:

Whereas the 60th session of the General Assembly of the United Nations is currently underway in New York City;

Whereas the State of Israel is a critical strategic ally of the United States in the Middle East and the only true democracy in the region;

Whereas 60 years ago the United Nations was founded, in part, to prevent another Holocaust from ever happening again;

Whereas three years after its founding, the United Nations passed General Assembly Resolution 181, which provided for the partition of Mandatory Palestine and the establishment on its territory of an independent Jewish state, which became the State of Israel;

Whereas in recent years, the General Assembly of the United Nations has engaged in a pattern of approving resolutions that unfairly criticize and condemn Israel;

Whereas during the 59th session of the General Assembly of the United Nations, the General Assembly adopted 21 resolutions criticizing Israel;

Whereas despite the myriad of challenges facing the world community, the General Assembly of the United Nations has devoted a vastly disproportionate amount of time and resources to castigating Israel;

Whereas for the past 30 years, the United Nations has funded three entities that support anti-Israel propaganda, including the Division for Palestinian Rights, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Special Committee to Investigate Israeli Human Rights Practices Affecting the Palestinian People and Other Arabs of the Occupied Territories;

Whereas the double standard against the State of Israel that is perpetrated at the United Nations is pervasive: of ten emergency special sessions called by the General Assembly of the United Nations, six have been about Israel, and since 1997, at the annual meetings of the United Nations Commission on Human Rights in Geneva, only Israel has had its own agenda item (Item 8) dealing with its alleged human rights violations, whereas all other countries are dealt with in a separate agenda item (Item 9); and

Whereas as a founding member of the United Nations, the United States has a special responsibility to promote fair and equitable treatment of all member states of the United Nations: Now, therefore be it

Resolved, That the House of Representatives urges member states of the United Nations to—

(1) stop supporting resolutions that unfairly castigate Israel; and

(2) promote within the United Nations system a more balanced and constructive approach to resolving conflict in the Middle East.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.22 ISRAELI PRIME MINISTER YITZHAK RABIN

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 535):

Whereas Yitzhak Rabin was born March 1, 1922, in Jerusalem;

Whereas Yitzhak Rabin volunteered for the Palmach, the elite unit of the Haganah (predecessor of the Israeli Defense Forces), and served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six Day War;

Whereas in 1975, Prime Minister Yitzhak Rabin signed the interim agreement with Egypt (Sinai II) which laid the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt;

Whereas Yitzhak Rabin served as Ambassador to the United States from 1968–1973, Minister of Defense from 1984–1990, and Prime Minister from 1974–1977 and from 1992 until his assassination in 1995;

Whereas on September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians;

Whereas upon the signing of the Declaration of Principles, Yitzhak Rabin said to the Palestinian people: “We say to you today in a loud and clear voice: Enough of blood and tears. Enough! We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men.”;

Whereas Yitzhak Rabin received the 1994 Nobel Prize for Peace for his vision and bravery as a peacemaker, saying at the time: “There is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace.”;

Whereas on October 26, 1994, Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan;

Whereas on November 4, 1995, Yitzhak Rabin was brutally assassinated after attending a peace rally in Tel Aviv where his last words were: “I have always believed that the majority of the people want peace, are prepared to take risks for peace . . . Peace is what the Jewish People aspire to.”; and

Whereas Yitzhak Rabin dedicated his life to the cause of peace and security for the state of Israel by defending his nation against all threats, including terrorism and undertaking courageous risks in the pursuit of peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the historic role of Yitzhak Rabin for his distinguished service to the Israeli people and extends its deepest sympathy and condolences to the family of Yitzhak Rabin and the people of Israel on the tenth anniversary of his death;

(2) recognizes and reiterates its continued support for the close ties and special rela-

tionship between the United States and Israel;

(3) expresses its admiration for Yitzhak Rabin’s legacy and reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(4) condemns any and all acts of terrorism; and

(5) reaffirms unequivocally the sacred principle that democratic leaders and governments must be changed only by the democratically-expressed will of the people.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.23 OCTOBER 2005 FLOODS AND MUDSLIDES

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 280); as amended:

Whereas on October 4, 2005, Hurricane Stan made landfall on Mexico’s Gulf coast, bringing sustained winds of 80 miles per hour before weakening to a tropical storm and generating separate storms across southern Mexico and Central America;

Whereas Hurricane Wilma, a category four hurricane, made landfall in Cozumel, Mexico on October 22, 2005, and stalled over the Yucatan Peninsula bringing over 60 inches of rain to some parts of the Peninsula and causing severe flooding, over 75,000 evacuations, damaging between 30–40 percent of the houses in Cancun, and causing severe damage to the area’s vital tourism industry;

Whereas Hurricane Beta made landfall on October 30, 2005, near Karabal and Sandy Bay, Nicaragua, as a category two hurricane, displacing thousands of people, damaging critical communications and transportation infrastructure, and bringing destructive winds and rains to these and approximately 50 other communities;

Whereas the heavy rainfall associated with these storms caused widespread and severe flooding that has affected millions of people across Central America, including the people of Costa Rica, El Salvador, and Guatemala, and the people of Mexico;

Whereas, as of October 12, 2005, the flooding had killed an estimated 2,000 people across Central America and Mexico, according to government estimates which are expected to be revised upwards;

Whereas rains have produced more than 900 landslides, burying entire villages and causing numerous deaths in Guatemala, with official government estimates confirming 654 deaths, 577 people missing, and more than 120,000 people affected across 621 communities in the provinces of Escuintla, Guatemala, Quetzaltenango, Chiquimula, San

Marcos, Chimaltenango, El Quiché, and Baja Verapaz;

Whereas many of the affected areas are especially vulnerable to natural disasters and lack access to basic healthcare, sanitation, and medical services;

Whereas the flooding and landslides have damaged housing and public infrastructure in 251 of the 331 municipalities in Guatemala and sustained rains across much of the country have hampered ongoing relief efforts;

Whereas two simultaneous emergencies in El Salvador—the severe flooding caused by Tropical Storm Stan and the eruption of the Santa Ana volcano on October 1, 2005—have affected half of the country and forced the evacuation of more than 69,000 people to local shelters;

Whereas Tropical Storm Stan caused massive flooding in the Mexican States of Veracruz, Chiapas, Oaxaca, Tabasco, Puebla, Hidalgo, and Guerrero and forced the evacuation of approximately 370,000 people from nearly 3,000 communities to local shelters, according to the Government of Mexico;

Whereas extensive rainfall in the Costa Rican provinces of Alajuela, Cartago, Guanacaste, Heredia, Puntarenas, and San Jose in the Pacific and Central Valley caused severe flooding and landslides, forcing more than 1,000 people in 459 communities to evacuate to local shelters, damaged 550 houses, 117 bridges, and 11 educational buildings, and more than 281 roads have been blocked or damaged by mudslides;

Whereas many families in these affected areas are homeless and in desperate need of reconstruction help;

Whereas the United States Agency for International Development's Office of Foreign Disaster Assistance (USAID/OFDA) initially provided \$150,000 to USAID/Guatemala for the local purchase and distribution of emergency relief supplies, as well as for helicopter support, including fuel and rental of local helicopters and an additional \$1,200,000 to USAID/Guatemala for emergency grants to nongovernmental organization partners for emergency health, water and sanitation, and shelter activities;

Whereas USAID/OFDA committed \$200,000 to support the Pan American Health Organization's (PAHO) emergency health and water and sanitation activities as part of the United Nations joint appeal;

Whereas USAID/OFDA is working closely with the Governments of Costa Rica, El Salvador, Guatemala, and Mexico to coordinate transportation and distribution of relief commodities to affected communities and for the local purchase and distribution of emergency relief supplies, water, and food;

Whereas on October 8, 2005, the United States Southern Command (USSOUTHCOM) deployed a 58-person team to Guatemala City to assist with ongoing disaster relief efforts in southwestern Guatemala and sent nine United States Army helicopters to conduct search and rescue missions and provide for the transportation of emergency relief supplies, including food, medical supplies, and communications equipment, to affected areas, as well as flying in host nation firefighters, emergency aid workers, and doctors; and

Whereas the United States initially has provided \$100,000 to the Mexican Red Cross for the local purchase and distribution of emergency relief supplies to aid victims of Hurricane Wilma, and a USAID/OFDA team is working with USAID/Mexico, local disaster officials, and other organizations to assess impacts, aid requirements, and deliver further emergency assistance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) mourns the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico;

(B) expresses its deep condolences to the families of the many victims;

(C) commits to provide the necessary resources and to stand by the people of Costa Rica, El Salvador, Guatemala, and Mexico in the relief, recovery, and rebuilding efforts;

(D) applauds the prompt humanitarian response to this natural disaster by the United States Agency for International Development, the United States Armed Forces, and other departments and agencies of the United States Government, the United Nations and other international organizations, and nongovernmental organizations;

(E) recognizes the growing support by international donors for relief efforts;

(F) affirms its commitment to additional United States support for relief and long-term reconstruction efforts in areas affected by the flooding;

(G) urges continued attention by donors and relief agencies to the needs of vulnerable populations in the stricken countries, particularly those left homeless by this disaster and whose welfare and economic livelihoods have been disrupted;

(H) urges assistance which targets immediate and long-term infrastructure needs, with a special emphasis on improvements that aim to increase emergency preparedness and withstand future natural disaster events; and

(I) encourages the Administration and other international donors to provide immediate and long-term assistance for the reconstruction of affected infrastructure that is a requisite for the economic and social development of the devastated communities; and

(2) it is the sense of Congress that it should be the policy of the United States—

(A) to promote economic growth and improved living standards, reduce poverty, and promote democracy and the rule of law in the countries of Central America;

(B) in concert with multilateral humanitarian organizations, the Organization of American States and the Inter-American Development Bank, to actively support the reconstruction of affected communities in places to be determined by respective governments in collaboration with representatives of such communities;

(C) to expedite humanitarian relief and reconstruction efforts in order to mitigate the immediate and long-term threats to public health, economic development, and security in Central America;

(D) to provide technical assistance to Central American governments in order to strengthen the capacity of first responders and governmental institutions at the national, provincial, and local levels in the area of disaster management coordination and preparedness, including information and communications systems to help with the response to natural disasters; and

(E) to encourage the governments of these countries to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Ms. ROSLEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶130.24 HUNGARIAN REVOLUTION

Mr. GALLEGLY moved to suspend the rules and agree to the following resolution (H. Res. 479); as amended:

Whereas on October 23, 1956, university students marching through the streets of Budapest were joined by workers and others until their numbers reached some 100,000 Hungarian citizens protesting against the communist government of Hungary and its domination by the Soviet Union, whereupon the Hungarian Security Police opened fire on the crowd and killed hundreds;

Whereas the Hungarian government under Prime Minister Imre Nagy released political prisoners, including major church leaders, took steps to establish a multi-party democracy, called for the withdrawal of all Soviet troops from Hungary, announced Hungary's withdrawal from the Warsaw Pact, and requested United Nations assistance in establishing Hungarian neutrality;

Whereas the Soviet Union launched a massive military counteroffensive against the revolt on November 4, 1956, sending tens of thousands of additional troops from the Soviet Union and launched air strikes, artillery bombardments and coordinated tank-infantry actions involving some 6,000 tanks which, remarkably, the outnumbered and under-equipped Hungarian Army and Hungarian workers resisted for several days;

Whereas Prime Minister Imre Nagy was seized by Soviet security forces despite assurances of safe passage for him to leave the Yugoslav Embassy in Budapest where he sought asylum, and he was taken to Romania and was subsequently tried and executed;

Whereas an estimated one thousand two hundred Hungarians were tried and executed by the post-1956 Hungarian government;

Whereas an estimated 200,000 Hungarians fled their country in the aftermath of the Soviet suppression of the Hungarian uprising, and over 47,000 of these people eventually were able to settle in the United States, where they have contributed to the cultural diversity and the economic strength of this country;

Whereas the uprising of the Hungarian people in 1956 dramatically confirmed the widespread contempt in which the Hungarians held the Soviet Union and the underlying weakness of the communist system imposed by Soviet authorities in Central and Eastern Europe, as well as the strength of popular support for democratic principles and the right of the Hungarian people to determine their own national destiny;

Whereas on October 23, 1989, the Republic of Hungary proclaimed its independence, and in 1990 the Hungarian Parliament officially designated October 23 as a Hungarian national holiday, indicating that the legacy of the 1956 Revolution continues to inspire Hungarians to this day;

Whereas the people of Hungary are beginning a year-long celebration to mark the 50th anniversary of the Hungarian Revolution of 1956;

Whereas on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally acceded to the North

Atlantic Treaty and became a member of NATO and on May 1, 2004, Hungary became a full member of the European Union; and

Whereas Hungary and the United States continue to expand their friendship and cooperation in all realms: Now, therefore, be it Resolved, That the House of Representatives—

(1) commends the people of Hungary as they mark the 50th anniversary of the 1956 Hungarian Revolution which set the stage for the ultimate collapse of communism in 1989 throughout Central and Eastern Europe, including Hungary, and two years later in the Soviet Union itself;

(2) expresses condolences to the people of Hungary for those who lost their lives fighting for the cause of Hungarian freedom and independence in 1956, as well as for those individuals executed by the Soviet and Hungarian communist authorities in the five years following the Revolution, including Prime Minister Imre Nagy;

(3) welcomes the changes that have taken place in Hungary since 1989, believing that Hungary's integration into NATO and the European Union, together with similar developments in the neighboring countries, will ensure peace, stability, and understanding among the great peoples of the Carpathian Basin; and

(4) reaffirms the friendship and cooperative relations between the governments of Hungary and the United States and between the Hungarian and American people.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. GALLEGLY and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

130.25 RECESS—5:06 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 6 minutes p.m., until approximately 6:30 p.m.

130.26 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

130.27 H. RES. 438—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 438) urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more

balanced and constructive approaches to resolving conflict in the Middle East; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 400
affirmative Nays 1

130.28

[Roll No. 609]

YEAS—400

Abercrombie	Davis (TN)	Hunter
Ackerman	Davis, Jo Ann	Hyde
Aderholt	Davis, Tom	Inglis (SC)
Akin	Deal (GA)	Inslee
Alexander	DeFazio	Israel
Allen	DeGette	Issa
Andrews	Delahunt	Istook
Baca	DeLauro	Jackson (IL)
Bachus	DeLay	Jackson-Lee
Baird	Dent	(TX)
Baker	Diaz-Balart, L.	Jefferson
Baldwin	Dicks	Jenkins
Barrett (SC)	Dingell	Jindal
Barrow	Doggett	Johnson (CT)
Bartlett (MD)	Doyle	Johnson (IL)
Barton (TX)	Drake	Johnson, E. B.
Bass	Dreier	Johnson, Sam
Bean	Duncan	Jones (NC)
Beauprez	Edwards	Kanjorski
Becerra	Ehlers	Keller
Berkley	Emanuel	Kelly
Berman	Emerson	Kennedy (MN)
Berry	Engel	Kennedy (RI)
Biggert	English (PA)	Kildee
Bilirakis	Eshoo	Kilpatrick (MI)
Bishop (GA)	Etheridge	Kind
Bishop (NY)	Evans	King (IA)
Bishop (UT)	Everett	King (NY)
Blumenauer	Farr	Kingston
Blunt	Fattah	Kirk
Boehlert	Feeney	Kline
Boehner	Ferguson	Knollenberg
Bonilla	Filner	Kolbe
Bonner	Fitzpatrick (PA)	Kucinich
Bono	Flake	Kuhl (NY)
Boozman	Foley	LaHood
Boren	Forbes	Langevin
Boswell	Fortenberry	Lantos
Boucher	Fossella	Larson (CT)
Boustany	Fox	Latham
Boyd	Franks (AZ)	LaTourette
Bradley (NH)	Frelinghuysen	Leach
Brady (PA)	Galleghy	Lee
Brady (TX)	Garrett (NJ)	Levin
Brown (OH)	Gerlach	Lewis (CA)
Brown (SC)	Gibbons	Lewis (GA)
Burgess	Gilchrest	Lewis (KY)
Burton (IN)	Gillmor	Linder
Butterfield	Gingrey	Lipinski
Buyer	Gohmert	LoBiondo
Calvert	Gonzalez	Lofgren, Zoe
Camp	Goode	Lowey
Cannon	Goodlatte	Lucas
Cantor	Gordon	Lungren, Daniel
Capito	Granger	E.
Capuano	Graves	Lynch
Cardin	Green, Al	Mack
Cardoza	Green, Gene	Maloney
Carmahan	Grijalva	Manzullo
Carter	Gutknecht	Marchant
Case	Hall	Markey
Castle	Harman	Marshall
Chabot	Harris	Matheson
Chandler	Hart	Matsui
Chocola	Hastings (FL)	McCarthy
Cleaver	Hastings (WA)	McCaul (TX)
Clyburn	Hayes	McCollum (MN)
Coble	Hayworth	McCotter
Cole (OK)	Hefley	McCrery
Conaway	Hensarling	McDermott
Conyers	Herger	McGovern
Cooper	Herseth	McHenry
Costa	Higgins	McHugh
Costello	Hinojosa	McIntyre
Crenshaw	Hobson	McKeon
Crowley	Hoekstra	McMorris
Cuellar	Holden	McNulty
Culberson	Holt	Meehan
Cummings	Honda	Meek (FL)
Davis (AL)	Hooley	Meeks (NY)
Davis (CA)	Hostettler	Melancon
Davis (IL)	Hoyer	Menendez
Davis (KY)	Hulshof	Mica

Michaud	Radanovich	Snyder
Millender-McDonald	Rahall	Sodrel
Miller (FL)	Ramstad	Solis
Miller (MI)	Rangel	Souder
Miller (NC)	Regula	Spratt
Miller, Gary	Rehberg	Stark
Miller, George	Reichert	Stearns
Mollohan	Renzi	Strickland
Moore (KS)	Reynolds	Stupak
Moore (WI)	Rogers (AL)	Sullivan
Moran (KS)	Rogers (KY)	Tancredo
Murphy	Rogers (MI)	Tanner
Musgrave	Rohrabacher	Tauscher
Myrick	Ros-Lehtinen	Taylor (MS)
Nadler	Ross	Terry
Napolitano	Rothman	Thomas
Neal (MA)	Roybal-Allard	Thompson (CA)
Neugebauer	Royce	Thompson (MS)
Ney	Ruppersberger	Thornberry
Northup	Rush	Tiahrt
Norwood	Ryan (OH)	Tiberi
Nunes	Ryan (WI)	Towns
Nussle	Ryun (KS)	Turner
Oberstar	Sabo	Udall (CO)
Obey	Salazar	Udall (NM)
Ortiz	Sánchez, Linda	Upton
Osborne	T.	Van Hollen
Otter	Sanchez, Loretta	Velázquez
Owens	Sanders	Visclosky
Oxley	Saxton	Walden (OR)
Pallone	Schakowsky	Walsh
Pascarella	Schiff	Wamp
Pastor	Schmidt	Wasserman
Payne	Schwarz (MI)	Schultz
Pearce	Scott (GA)	Waters
Pelosi	Scott (VA)	Watson
Pence	Sensenbrenner	Watt
Peterson (MN)	Serrano	Waxman
Peterson (PA)	Sessions	Weldon (FL)
Petri	Shadegg	Weldon (PA)
Pickering	Shaw	Weller
Pitts	Shays	Westmoreland
Platts	Sherman	Whitfield
Poe	Sherwood	Wicker
Pombo	Shimkus	Wilson (NM)
Pomeroy	Shuster	Wilson (SC)
Porter	Simpson	Wolf
Price (GA)	Skelton	Woolsey
Price (NC)	Slaughter	Wu
Price (OH)	Smith (NJ)	Wynn
Putnam	Smith (TX)	Young (AK)
	Smith (WA)	Young (FL)

NAYS—1

Paul
NOT VOTING—31

Blackburn	Doolittle	Murtha
Brown, Corrine	Ford	Oliver
Brown-Waite, Ginny	Frank (MA)	Reyes
Capps	Green (WI)	Schwartz (PA)
Carson	Gutierrez	Simmons
Clay	Hincher	Sweeney
Cramer	Jones (OH)	Taylor (NC)
Cubin	Kaptur	Tierney
Davis (FL)	Larsen (WA)	Weiner
Diaz-Balart, M.	McKinney	Wexler
	Moran (VA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations a more balanced and constructive approach to resolving conflict in the Middle East."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

130.29 ELECTION OF THE CLERK OF THE HOUSE

Ms. PRYCE of Ohio submitted the following privileged resolution, (H. Res. 580):

Resolved, That Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives.

When said resoution was considered and agreed to.

Whereupon, Karen L. Haas of the State of Maryland, Clerk, presented herself at the bar of the House and took the oath of office prescribed by law.

¶130.30 H. RES. 535—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 535) honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death.

The question being put, Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 399 affirmative } Nays 0

¶130.31 [Roll No. 610] YEAS—399

- Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boren, Boswell, Boucher, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (SC), Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Capito, Capuano, Cardin, Cardoza, Carnahan, Carter, Case

- Johnson, E. B., Johnson, Sam, Jones (NC), Kanjorski, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), Kind, King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCarthy, McCaul (TX), McCollum (MN), McCotter, McCrery, McDermott, McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Mica, Michaud, Millender-McDonald, Miller (FL), Miller (MI), Miller (NC), Brown (OH), Brown, Corrine, Brown-Waite, Ginny, Cantor, Capps, Carson, Clay, Cramer, Cubin, Davis (FL), Diaz-Balart, M., Doolittle, Ford, Frank (MA), Green (WI), Gutierrez, Hinchey, Jones (OH), Kaptur, Larsen (WA), Moran (VA), Murtha, Oliver, Miller, Gary, Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (KS), Murphy, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Ortiz, Osborne, Otter, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Radanovich, Rahall, Ramstad, Rangel, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Roybal-Allard, Royce, Ruppersberger, Rush, Ryan (OH), Ryan (WI), Ryan (KS), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Oxley, Reyes, Schwartz (PA), Simmons, Sweeney, Taylor (NC), Tierney, Wasserman, Schultz, Weiner, Wexler

NOT VOTING—33

- Brown (OH), Doolittle, Oxley, Frank (MA), Green (WI), Gutierrez, Hinchey, Jones (OH), Kaptur, Larsen (WA), Moran (VA), Murtha, Oliver

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.32 H. RES. 479—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 479) recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 395 affirmative } Nays 0

¶130.33 [Roll No. 611] YEAS—395

- Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Bonilla, Bonner, Bono, Boozman, Boren, Boswell, Boucher, Boustany, Bradley (PA), Brady (TX), Brown (SC), Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp, Cannon, Capito, Capuano, Cardin, Cardoza, Carnahan, Carter, Case, Castle, Chabot, Chandler, Chocola, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Conyers, Cooper, Costa, Costello, Crenshaw, Crowley, Cuellar, Culberson, Cummings, Davis (AL), Davis (CA), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Dicks, Dingell, Doggett, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gillmor, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Graves, Green, Al, Green, Gene, Grijalva, Grijalva, Gutknecht, Harman, Harris, Hart, Hastings (FL), Hastings (WA), Hayes, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee, (TX), Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Kanjorski, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kucich, Kuhl (NY), LaHood, Conaway, Conyers, Cooper, Costa, Costello, Crenshaw, Crowley, Cuellar, Culberson, Cummings, Davis (AL), Davis (CA), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Dicks, Dingell, Doggett, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Grijalva, Grijalva, Gutknecht, Harman, Harris, Hart, Hastings (FL), Hastings (WA), Hayes, Hefley, Hensarling, Herger, Herseth, Higgins, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Hyde, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee, (TX), Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL)

Langevin	Northup	Scott (VA)
Lantos	Norwood	Sensenbrenner
Larson (CT)	Nunes	Serrano
Latham	Nussle	Sessions
LaTourette	Oberstar	Shadegg
Leach	Obey	Shaw
Lee	Ortiz	Shays
Levin	Osborne	Sherman
Lewis (GA)	Otter	Sherwood
Lewis (GA)	Owens	Shimkus
Lewis (KY)	Pallone	Shuster
Linder	Pascrell	Simpson
Lipinski	Pastor	Skelton
LoBiondo	Paul	Slaughter
Lofgren, Zoe	Payne	Smith (NJ)
Lowey	Pearce	Smith (TX)
Lucas	Pelosi	Smith (WA)
Lungren, Daniel E.	Pence	Snyder
Lynch	Peterson (MN)	Sodrel
Mack	Peterson (PA)	Solis
Maloney	Petri	Souder
Manzullo	Pickering	Spratt
Marchant	Pitts	Stark
Markey	Platts	Stearns
Marshall	Poe	Strickland
Matheson	Pombo	Stupak
Matsui	Pomeroy	Sullivan
McCarthy	Porter	Tancred
McCaul (TX)	Price (GA)	Tanner
McCollum (MN)	Price (NC)	Tauscher
McCotter	Pryce (OH)	Taylor (MS)
McCrery	Putnam	Terry
McDermott	Radanovich	Thomas
McGovern	Rahall	Thompson (CA)
McHenry	Ramstad	Thompson (MS)
McHugh	Rangel	Thornberry
McIntyre	Regula	Tiahrt
McKeon	Rehberg	Tiberi
McKinney	Reichert	Towns
McMorris	Renzi	Turner
McNulty	Reynolds	Udall (CO)
Meehan	Rogers (AL)	Udall (NM)
Meeks (NY)	Rogers (KY)	Upton
Melancon	Rogers (MI)	Van Hollen
Menendez	Rohrabacher	Velazquez
Mica	Ros-Lehtinen	Visclosky
Michaud	Ross	Walden (OR)
Millender-McDonald	Rothman	Walsh
Miller (FL)	Roybal-Allard	Wamp
Miller (MI)	Royce	Waters
Miller (NC)	Ruppersberger	Watson
Miller, Gary	Rush	Watt
Miller, George	Ryan (OH)	Waxman
Mollohan	Ryan (WI)	Weldon (FL)
Moore (KS)	Ryan (KS)	Weldon (PA)
Moore (WI)	Sabo	Weller
Moran (KS)	Salazar	Westmoreland
Murphy	Sánchez, Linda T.	Whitfield
Musgrave	Sánchez, Loretta	Wicker
Myrick	Sanders	Wilson (NM)
Nadler	Saxton	Wilson (SC)
Napolitano	Schakowsky	Wolf
Neal (MA)	Schiff	Woolsey
Neugebauer	Schmidt	Wu
Ney	Schwarz (MI)	Wynn
	Scott (GA)	Young (AK)
		Young (FL)

NOT VOTING—37

Boehner	Diaz-Balart, M.	Murtha
Boyd	Doolittle	Oliver
Brown (OH)	Ford	Oxley
Brown, Corrine	Frank (MA)	Reyes
Brown-Waite,	Gilchrest	Schwartz (PA)
Ginny	Green (WI)	Simmons
Cantor	Gutierrez	Sweeney
Capps	Hinches	Taylor (NC)
Carson	Jones (OH)	Tierney
Clay	Kaptur	Wasserman
Cramer	Larsen (WA)	Schultz
Cubin	Meek (FL)	Weiner
Davis (FL)	Moran (VA)	Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶130.34 PROVIDING FOR THE CONSIDERATION OF H.R. 4340

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 109-328) the resolution (H. Res. 583) providing for consideration of the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement.

When said resolution and report were referred to the House Calendar and ordered printed.

¶130.35 NOTIFICATION TO THE SENATE OF ELECTION OF CLERK

Mr. HASTINGS of Washington submitted the following privileged resolution, which was considered and agreed to (H. Res. 581):

Resolved, That the Senate be informed that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

¶130.36 NOTIFICATION TO THE PRESIDENT OF ELECTION OF CLERK

Mr. HASTINGS of Washington submitted the following privileged resolution, which was considered and agreed to (H. Res. 582):

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Karen L. Haas, a citizen of the State of Maryland, Clerk of the House of Representatives of the One Hundred Ninth Congress.

¶130.37 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 584. An Act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, to the Committee on Resources.

¶130.38 BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 21, 2005, she presented to the President of the United States, for his approval, the following bill.

H.R. 4133. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program.

Karen L. Haas, Clerk of the House also reports that on November 28, 2005, she presented to the President of the United States, for his approval, the following bills.

H.R. 126. An Act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An Act to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System.

H.R. 584. An Act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An Act to authorize appropriations to the Secretary of the Interior for the

restoration of the Angel Island Immigration Station in the State of California.

H.R. 680. An Act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 1101. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An Act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An Act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 2528. An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3058. An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3853. An Act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An Act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

¶130.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. LARSEN of Washington, for today; and

To Mr. REYES, for today.

And then,

¶130.40 ADJOURNMENT

On motion of Mr. KING of Iowa, at midnight, the House adjourned.

¶130.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; with an amendment (Rept. 109-232 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4340. A bill to implement the

United States—Bahrain Free Trade Agreement (Rept. 109-318). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 452. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System (Rept. 109-319). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1183. A bill to require the Secretary of the Interior to provide public access to Navassa National Wildlife Refuge and Deschecho National Wildlife Refuge (Rept. 109-320). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1190. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; with an amendment (Rept. 109-321). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4192. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes (Rept. 109-322). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4195. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District (Rept. 109-323). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4292. A bill to amend Public Law 107-153 to further encourage the negotiated settlement of tribal claims (Rept. 109-324). Referred to the Committee of the Whole on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; with an amendment (Rept. 109-325 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 3909. A bill to provide emergency authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration, in accordance with guidance issued by the Board of Governors of the Federal Reserve System, to guarantee checks cashed by insured depository institutions and insured credit unions for the benefit of noncustomers who are victims of certain 2005 hurricanes, and for other purposes; with an amendment (Rept. 109-326). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 4314. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; with an amendment (Rept. 109-327). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 583. Resolution providing for consideration of the bill (H.R.

4340) to implement the United States-Bahrain Free Trade Agreement (Rept. 109-328). Referred to the House Calendar.

Mr. KING of New York: Committee on Homeland Security. H.R. 4312. A bill to establish operational control over the international land and maritime borders of the United States, and for other purposes; with an amendment (Rept. 109-329 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

¶130.42 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Armed Services discharged from further consideration. H.R. 4312 committed to the Whole House on the State of the Union and ordered to be printed.

¶130.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS of Alabama (for himself and Mr. MCCAUL of Texas):

H.R. 4433. A bill to direct the Secretary of Homeland Security to conduct outreach to and consult with members of the private sector with respect to the Secure Border Initiative and for the purposes of strengthening security along the international and maritime borders of the United States; to the Committee on Homeland Security.

By Mr. GORDON (for himself, Ms. PELOSI, Mr. HONDA, Mr. EMANUEL, Mr. INSLEE, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. COSTELLO, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. CARNAHAN, Mr. MOORE of Kansas, Ms. ESHOO, Mr. SMITH of Washington, and Mr. UDALL of Colorado):

H.R. 4434. A bill to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Science.

By Mr. GORDON (for himself, Ms. PELOSI, Mr. HONDA, Mr. EMANUEL, Mr. INSLEE, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. COSTA, Mr. CARNAHAN, Ms. ESHOO, Mr. SMITH of Washington, and Mr. UDALL of Colorado):

H.R. 4435. A bill to provide for the establishment of the Advanced Research Projects Agency-Energy; to the Committee on Science.

By Mr. SMITH of New Jersey:

H.R. 4436. A bill to provide certain authorities for the Department of State, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. KING of New York, Mr. SMITH of Texas, Ms. FOXX, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, and Mr. GARY G. MILLER of California):

H.R. 4437. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes; to

the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Ms. NORTON, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. JINDAL, Mr. MENENDEZ, Mr. FORTUÑO, Mr. CUMMINGS, Mr. BAKER, Mr. PASCRELL, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BACHUS, Ms. MILLENDER-MCDONALD, Mr. DENT, Mr. MELANCON, Mr. PICKERING, Mr. HONDA, Mr. POE, Mr. HOLDEN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4438. A bill to establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. ROGERS of Alabama, Mr. MCCAUL of Texas, Mr. REICHERT, and Ms. HARRIS):

H.R. 4439. A bill to establish an Airport Screening Organization in the Transportation Security Administration, and for other purposes; to the Committee on Homeland Security.

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. SHAW, Mr. BRADY of Texas, Mr. JINDAL, Mr. BAKER, and Mr. ENGLISH of Pennsylvania):

H.R. 4440. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4441. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain expenses related to the use of recycled materials in qualified highway or surface freight transfer facilities; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4442. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reestablish the hazard mitigation program cap at 15 percent of major disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 4443. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 4444. A bill to authorize farmers in the State of Louisiana to operate certain commercial motor vehicles anywhere in the State without a commercial drivers license until January 1, 2006; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 4445. A bill to provide an exclusion from gross income for income earned in 2005 from sources within the Hurricanes Katrina and Rita core disaster area; to the Committee on Ways and Means.

By Mr. LAHOOD (for himself, Mr. NEY, and Mr. LEWIS of California):

H.R. 4446. A bill to establish a uniform appointment process and term of service for the Architect of the Capitol, the Comptroller General, and the Librarian of Congress, to prohibit the annual amount of payment of compensation to such officers to exceed the annual salary of a Member of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. WAXMAN):

H.R. 4447. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4448. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 4449. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to allow a credit against tax for qualified fuel-efficient vehicles placed in service during the taxable year, to establish the Energy Assistance Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 4450. A bill to require hospitals and ambulatory surgical centers to disclose charge-related information and to provide price protection for treatments not covered by insurance as conditions for receiving protection from charge-related legal actions; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 4451. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. BARTLETT of Maryland, Mr. GOODE, and Mr. JONES of North Carolina):

H. Res. 579. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected; to the Committee on Government Reform.

By Mr. BOSWELL:

H. Res. 584. A resolution providing for consideration of the bill (H.R. 752) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Ms. HERSETH:

H. Res. 585. A resolution providing for consideration of the bill (H.R. 3861) to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006; to the Committee on Rules.

By Mr. LANGEVIN (for himself, Mr. RAMSTAD, and Mr. OWENS):

H. Res. 586. A resolution commemorating the life, achievements, and contributions of Alan Reich; to the Committee on Government Reform.

By Mr. SODREL (for himself, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HOSTETTLER, and Ms. CARSON):

H. Res. 587. A resolution congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship; to the Committee on Government Reform.

130.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BROWN of Ohio.
 H.R. 19: Mr. JONES of North Carolina and Mr. McCOTTER.
 H.R. 65: Mr. McCOTTER.
 H.R. 111: Mr. ALEXANDER.
 H.R. 176: Mr. STARK.
 H.R. 226: Ms. MATSUI and Ms. JACKSON-LEE of Texas.
 H.R. 284: Mr. FATTAH and Mr. GORDON.
 H.R. 303: Mr. CROWLEY and Mrs. JOHNSON of Connecticut.
 H.R. 333: Ms. BERKLEY.
 H.R. 363: Mr. FRANK of Massachusetts.
 H.R. 501: Mr. PAYNE.
 H.R. 517: Mr. BISHOP of Georgia.
 H.R. 552: Mr. BACHUS and Mr. SULLIVAN.
 H.R. 558: Mr. MOORE of Kansas, Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. MEEHAN, Mr. CONYERS, Mr. TIERNEY, and Mr. UDALL of Colorado.
 H.R. 583: Mr. ANDREWS, Mr. MORAN of Kansas, and Ms. SOLIS.
 H.R. 676: Mr. McNULTY.
 H.R. 690: Mr. MOORE of Kansas.
 H.R. 752: Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, and Ms. KILPATRICK of Michigan.
 H.R. 759: Ms. WATSON.
 H.R. 769: Mrs. MCCARTHY, Mr. MENENDEZ, Mr. KUCINICH, and Mrs. MILLER of Michigan.
 H.R. 780: Mr. GORDON.
 H.R. 819: Mr. BECERRA.
 H.R. 884: Mr. SERRANO, Mr. LEWIS of Georgia, and Mr. LATOURETTE.
 H.R. 896: Mr. TANNER, Mr. CONYERS, Mr. CLEAVER, Mr. DUNCAN, and Mr. MENENDEZ.
 H.R. 916: Ms. LORETTA SANCHEZ of California, Ms. WATSON, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Mr. ROGERS of Kentucky, and Mr. STUPAK.
 H.R. 920: Mr. EVERETT.
 H.R. 925: Mr. MCKEON, Mr. GERLACH, Mr. DUNCAN, Mr. MICA, Mr. AKIN, Mrs. MILLER of Michigan, Mrs. EMERSON, and Mr. BURTON of Indiana.
 H.R. 972: Mr. REYES, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. RAHALL, Mr. MILLER of North Carolina, Ms. GRANGER, Mr. TURNER, and Mr. PORTER.
 H.R. 997: Mr. KING of New York.
 H.R. 998: Mr. SMITH of Texas and Mr. POMBO.
 H.R. 1053: Mr. McNULTY, Mr. ANDREWS, Mr. SHUSTER, Mr. CROWLEY, and Mr. ENGLISH of Pennsylvania.
 H.R. 1059: Mrs. NAPOLITANO.
 H.R. 1100: Mr. BOREN.
 H.R. 1156: Mr. McCOTTER.
 H.R. 1159: Mr. TANCREDO.
 H.R. 1259: Mr. WEINER, Mr. MENENDEZ, Mr. CUELLAR, and Ms. SOLIS.
 H.R. 1287: Mr. HASTERT.
 H.R. 1315: Mr. RENZI.
 H.R. 1356: Ms. VELÁZQUEZ.
 H.R. 1357: Mr. FORTENZUEBBY.
 H.R. 1414: Mr. ANDREWS.
 H.R. 1426: Mr. MOLLOHAN and Mr. RAHALL.
 H.R. 1498: Mr. CONYERS.
 H.R. 1518: Mr. FATTAH and Mr. LARSON of Connecticut.
 H.R. 1554: Mr. PAYNE.
 H.R. 1578: Mr. LANTOS, Mr. MEEK of Florida, Mr. MURPHY, Mr. MICA, Mr. CALVERT, Mr. SESSIONS, Mr. BASS, Mr. RYAN of Wisconsin, Mr. JEFFERSON, Mr. CUMMINGS, Mr. SCHIFF, Mr. EHLERS, and Mr. FERGUSON.
 H.R. 1591: Mr. PETRI.
 H.R. 1602: Mr. FITZPATRICK of Pennsylvania.
 H.R. 1615: Mr. NEAL of Massachusetts.
 H.R. 1671: Mr. BONNER and Ms. SLAUGHTER.
 H.R. 1709: Ms. LORETTA SANCHEZ of California and Ms. ROYBAL-ALLARD.

H.R. 1898: Mr. KING of New York.
 H.R. 1946: Mr. LEACH.
 H.R. 2011: Mr. ETHERIDGE.
 H.R. 2037: Mr. FRANKS of Arizona.
 H.R. 2059: Mr. MICHAUD.
 H.R. 2071: Mr. ENGEL.
 H.R. 2076: Mr. PAUL.
 H.R. 2106: Mrs. MALONEY.
 H.R. 2131: Mr. SANDERS.
 H.R. 2134: Mr. MILLER of North Carolina.
 H.R. 2257: Mr. STRICKLAND.
 H.R. 2317: Mr. CARNAHAN and Mr. OLVER.
 H.R. 2429: Mr. FILNER.
 H.R. 2519: Mr. FRANK of Massachusetts.
 H.R. 2533: Mrs. JOHNSON of Connecticut.
 H.R. 2669: Mr. GRUJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, and Ms. WATSON.
 H.R. 2679: Mr. PENCE.
 H.R. 2694: Mr. STARK.
 H.R. 2719: Mr. RANGEL and Mr. LYNCH.
 H.R. 2793: Mr. KING of Iowa and Ms. SLAUGHTER.
 H.R. 2803: Mr. KING of Iowa.
 H.R. 2835: Mr. LEWIS of Georgia.
 H.R. 2872: Mr. HOSTETTLER, Mr. BACHUS, Mr. RYUN of Kansas, Mr. MURPHY, Mr. PRICE of Georgia, Mr. GERLACH, Mr. FERGUSON, Mr. THOMPSON of Mississippi, Mr. PICKERING, Mr. KILDEE, Mr. CANNON, Mr. FOLEY, Mr. BISHOP of Utah, Mr. GENE GREEN of Texas, Mr. SHUSTER, Mr. TOWNS, Mr. GARRETT of New Jersey, Mr. MURTHA, Mr. ISRAEL, and Ms. HOOLEY.
 H.R. 2892: Mr. HOLT, Mr. TIERNEY, and Mr. KUHL of New York.
 H.R. 2939: Mr. FILNER.
 H.R. 2961: Ms. HERSETH.
 H.R. 2962: Mr. ROTHMAN and Mr. ANDREWS.
 H.R. 2963: Mr. OBEY.
 H.R. 2990: Mr. MCHENRY.
 H.R. 3017: Mr. GOODLATTE.
 H.R. 3042: Mr. HONDA, Mr. NADLER, Mr. GEORGE MILLER of California, and Ms. SLAUGHTER.
 H.R. 3044: Mr. GONZALEZ.
 H.R. 3127: Mr. ISRAEL, Mr. PASCRELL, Mr. MCGOVERN, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. STARK, Mrs. DAVIS of California, Mr. LANGEVIN, and Mr. PLATTS.
 H.R. 3145: Mrs. JONES of Ohio, Mr. MICHAUD, and Mr. GUTIERREZ.
 H.R. 3146: Mr. GOHMERT.
 H.R. 3157: Mr. STUPAK.
 H.R. 3174: Ms. MCKINNEY.
 H.R. 3195: Ms. KILPATRICK of Michigan, Mr. GONZALEZ, and Mr. STRICKLAND.
 H.R. 3263: Mrs. MCCARTHY.
 H.R. 3267: Mr. MORAN of Virginia, Mr. PALLONE, and Mr. FATTAH.
 H.R. 3313: Mr. GEORGE MILLER of California, Ms. HERSETH, Mr. EVANS, and Mr. CONYERS.
 H.R. 3323: Mr. McNULTY and Mr. RAMSTAD.
 H.R. 3326: Ms. CARSON and Mr. FATTAH.
 H.R. 3334: Mr. RYAN of Ohio, Mr. WATT, Mr. FILNER, Mr. BERMAN, Mr. ACKERMAN, Mr. CANTOR, and Ms. LEE.
 H.R. 3360: Mr. POMEROY.
 H.R. 3361: Mr. PAYNE, Mr. CRENSHAW, Mr. COSTA, Mr. POMBO, Mr. ROTHMAN, Mr. FILNER, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. GERLACH, and Ms. KAPTUR.
 H.R. 3373: Mr. LINDER, Mr. PAYNE, Ms. CORRINE BROWN of Florida, and Mr. CLEAVER.
 H.R. 3409: Mr. WELDON of Florida.
 H.R. 3476: Mr. NEAL of Massachusetts and Mr. CASE.
 H.R. 3561: Mr. NADLER and Mr. FRANK of Massachusetts.
 H.R. 3563: Ms. MOORE of Wisconsin.
 H.R. 3579: Mr. STEARNS and Mr. CUMMINGS.
 H.R. 3612: Mr. KILDEE.
 H.R. 3630: Mr. GRAVES.
 H.R. 3640: Mr. FATTAH, Mr. SCOTT of Georgia, Mr. WEXLER, Mr. TOWNS, Ms. MATSUI, Mr. CONYERS, and Ms. MCCOLLUM of Minnesota.
 H.R. 3641: Ms. CARSON, Mr. McNULTY, Ms. WASSERMAN SCHULTZ, Mr. FORTUÑO, Mr.

BRADY of Pennsylvania, Mr. HINOJOSA, Mr. PALLONE, Mr. BURGESS, Mr. FATTAH, Mr. THOMPSON of Mississippi, Ms. ROYBAL-AL-LARD, Ms. BORDALLO, Mrs. CAPPS, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Ms. SOLIS, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3642: Mr. FATTAH, Mr. WEXLER, and Mr. BRADY of Pennsylvania.

H.R. 3690: Mr. CARDIN.

H.R. 3709: Mr. CONAWAY, Mr. COLE of Oklahoma, Ms. WOOLSEY, and Mr. DAVIS of Kentucky.

H.R. 3731: Ms. ZOE LOFGREN of California.

H.R. 3757: Mrs. DRAKE.

H.R. 3758: Mr. PAYNE.

H.R. 3762: Mr. LYNCH, Mr. McNULTY, Mrs. DAVIS of California, and Mr. LANGEVIN.

H.R. 3774: Mr. RUPPERSBERGER and Mr. WAXMAN.

H.R. 3779: Ms. DELAURO, Mr. GRIJALVA, and Mr. CONYERS.

H.R. 3835: Mr. PALLONE.

H.R. 3837: Ms. CARSON.

H.R. 3858: Mr. MARKEY, Mrs. MALONEY, Mr. RUPPERSBERGER, and Mr. NEAL of Massachusetts.

H.R. 3861: Ms. SCHWARTZ of Pennsylvania.

H.R. 3876: Mr. OLVER, Mr. MCINTYRE, and Mr. PLATTS.

H.R. 3883: Mr. CRAMER, Mrs. MYRICK, and Mr. BROWN of South Carolina.

H.R. 3933: Mr. GERLACH.

H.R. 3949: Ms. HARRIS.

H.R. 3954: Mr. McNULTY.

H.R. 3957: Mr. ROGERS of Kentucky, Mr. FRANK of Massachusetts, and Mr. EMANUEL.

H.R. 3984: Mr. BOOZMAN.

H.R. 3985: Mr. ENGEL, Mr. FORD, Mr. LANGEVIN, Mr. KUCINICH, Mr. BAIRD, Ms. LINDA T. SANCHEZ of California, Mr. ACKERMAN, Mr. MCGOVERN, Ms. LEE, Mr. LEVIN, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. PAYNE, Mr. GONZALEZ, Mr. McNULTY, and Mr. MICHAUD.

H.R. 4005: Mr. BLUMENAUER.

H.R. 4025: Mr. DEFAZIO, Mr. TAYLOR of Mississippi, Mr. GORDON, Mr. BOREN, Mr. RAHALL, and Mr. RANGEL.

H.R. 4032: Mr. GORDON.

H.R. 4033: Mr. MOLLOHAN.

H.R. 4042: Mr. SHIMKUS and Mr. WICKER.

H.R. 4047: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4049: Mrs. CAPPS.

H.R. 4066: Mr. GONZALEZ.

H.R. 4096: Mrs. BIGGERT.

H.R. 4106: Mr. RUPPERSBERGER.

H.R. 4120: Mr. MCCAUL of Texas.

H.R. 4129: Mr. BAKER.

H.R. 4157: Mr. MCCOTTER.

H.R. 4196: Mr. EVANS.

H.R. 4212: Mr. FATTAH, Mr. McNULTY, and Mr. HONDA.

H.R. 4217: Mr. CHOCOLA, Mr. TOWNS, Mr. KUHL of New York, Mr. SCHWARZ of Michigan, and Mr. HOSTETTLER.

H.R. 4222: Mr. ANDREWS.

H.R. 4223: Mr. RANGEL and Mr. CLAY.

H.R. 4235: Mrs. MUSGRAVE.

H.R. 4246: Mr. HALL, Mr. BARTON of Texas, Mr. CUELLAR, and Mr. AL GREEN of Texas.

H.R. 4258: Mr. EVANS.

H.R. 4259: Mr. FORTUÑO and Mr. FOLEY.

H.R. 4268: Ms. HERSETH, Mr. SHIMKUS, and Mr. SHUSTER.

H.R. 4272: Ms. BERKLEY.

H.R. 4282: Mr. CANNON.

H.R. 4295: Mr. OTTER.

H.R. 4298: Mr. WOLF.

H.R. 4312: Mr. GORDON, Mr. SHUSTER, and Mr. ISTOOK.

H.R. 4314: Mr. KING of New York.

H.R. 4330: Mr. EVERETT, Mr. KELLER, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of Mississippi.

H.R. 4338: Mr. FILNER.

H.R. 4347: Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. TOWNS,

Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. EVANS, Mr. OWENS, and Mr. RANGEL.

H.R. 4349: Mr. RANGEL.

H.R. 4351: Mr. ENGEL, Mr. McDERMOTT, Mr. BAIRD, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Mr. OBERSTAR.

H.R. 4353: Mr. FORTUÑO.

H.R. 4357: Mr. INSLER, Mr. CASE, and Mr. BURTON of Indiana.

H.R. 4358: Ms. HERSETH and Mr. WEXLER.

H.R. 4366: Ms. ROS-LEHTINEN.

H.R. 4373: Mr. FORTUÑO.

H.R. 4374: Mr. NADLER, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, and Mr. FORTUÑO.

H.R. 4381: Mr. BURTON of Indiana.

H.R. 4394: Mr. WELDON of Pennsylvania.

H.R. 4398: Mr. BACA, Mr. THOMPSON of Mississippi, and Mr. SCOTT of Georgia.

H.R. 4410: Mr. WEINER.

H.J. Res. 55: Ms. CORRINE BROWN of Florida and Ms. VELÁZQUEZ.

H. Con. Res. 42: Mr. FORTUÑO, Mr. BROWN of Ohio, and Mr. KIND.

H. Con. Res. 172: Mr. GUTIERREZ, Mr. REICHERT, and Ms. VELÁZQUEZ.

H. Con. Res. 173: Ms. DELAURO.

H. Con. Res. 197: Mr. DOGGETT, Mr. McNULTY, Mr. WAXMAN, and Mr. UDALL of Colorado.

H. Con. Res. 207: Mr. TAYLOR of Mississippi, Mr. EVANS, and Mr. PETERSON of Minnesota.

H. Con. Res. 222: Mr. HOLT.

H. Con. Res. 278: Mr. RUPPERSBERGER and Mr. LEACH.

H. Con. Res. 289: Mr. MCGOVERN and Mr. FORD.

H. Con. Res. 302: Mr. KUHL of New York, Mr. PENCE, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. FORD, Mr. NORWOOD, Mr. HALL, Mr. WAMP, Mr. ADERHOLT, and Mr. BISHOP of Georgia.

H. Con. Res. 304: Mr. SIMMONS.

H. Res. 97: Mr. INGLIS of South Carolina, Mr. ROGERS of Michigan, Mr. MCINTYRE, and Mr. WICKER.

H. Res. 196: Mr. FARR, Mr. HIGGINS, Mr. MEEHAN, Ms. ZOE LOFGREN of California, Mr. CUELLAR, Mr. NADLER, Mr. CUMMINGS, Mr. TAYLOR of Mississippi, Mr. BERRY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. PAYNE, Mrs. CAPPS, Mr. WAXMAN, Mr. ISRAEL, Ms. HERSETH, and Mr. ETHERIDGE.

H. Res. 223: Mr. ROTHMAN.

H. Res. 367: Mr. ROTHMAN.

H. Res. 456: Mr. STARK and Mr. CONYERS.

H. Res. 471: Mr. LYNCH.

H. Res. 489: Ms. WOOLSEY, Mr. WYNN, Mr. DINGELL, Mr. HONDA, Mrs. LOWEY, Mr. GERLACH, Mr. HASTINGS of Florida, Mr. SHAW, Ms. MCKINNEY, Mr. EVANS, Mr. MARKEY, Mr. PRICE of North Carolina, and Mr. ANDREWS.

H. Res. 499: Mr. ISSA and Mr. BILIRAKIS.

H. Res. 507: Mr. WAMP.

H. Res. 517: Mr. SMITH of New Jersey, Mr. EVANS, Mr. ISRAEL, Mr. OWENS, Mr. ENGEL, Mr. LOBIONDO, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. HOLDEN, Mr. KIND, Mr. ANDREWS, Mrs. KELLY, Mr. MICHAUD, Mr. LANGEVIN, Mr. ETHERIDGE, Mr. TAYLOR of Mississippi, Ms. DELAURO, and Mr. RYAN of Ohio.

H. Res. 526: Mrs. DAVIS of California, Mr. FILNER, Mr. HOLT, and Mr. LATOURETTE.

H. Res. 535: Mr. HOLT.

H. Res. 561: Mr. MEEKS of New York, Ms. SLAGHTER, Ms. MCKINNEY, Ms. BERKLEY, and Mr. FEENEY.

H. Res. 574: Ms. HARMAN, Ms. WATSON, Mr. BACA, Mr. EVANS, and Mr. DICKS.

H. Res. 575: Mr. CROWLEY, Mr. KING of Iowa, Mr. MURPHY, Mr. DAVIS of Tennessee, Mr. HERGER, Mr. CARDOZA, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. WEINER, Mr. BONNER, Mr. POMBO, Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. ANDREWS,

Mrs. NAPOLITANO, Ms. BEAN, Mr. SCOTT of Georgia, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. GRAVES, Ms. HARRIS, Mr. FERGUSON, Ms. ZOE LOFGREN of California, Mr. DENT, Mr. CHABOT, Ms. WASSERMAN SCHULTZ, Mr. CANNON, Ms. MATSUI, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. PALLONE, Mr. MCHENRY, Mr. SHIMKUS, Mr. NUSSLE, Mr. RADANOVICH, Mr. WELLER, Mr. PENCE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. GERLACH, Mr. WAXMAN, Mr. BERMAN, Mr. ADERHOLT, Mr. KIRK, Mr. DAVIS of Alabama, Mr. VAN HOLLEN, Mrs. MCCARTHY, Mr. KNOLLENBERG, Mr. KENNEDY of Minnesota, Mr. LATHAM, Mr. STEARNS, Mr. BARROW, Mr. CARNAHAN, Mr. REYNOLDS, and Mr. SHAW.

H. Res. 578: Mr. MOORE of Kansas.

¶130.45 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4312: Ms. Loretta SANCHEZ of California.

WEDNESDAY, DECEMBER 7, 2005 (131)

The House was called to order by the SPEAKER.

¶131.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, December 6, 2005.

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

¶131.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5510. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — One-Year Post-Employment Restrictions for Senior Examiners [Docket No. 05-19] (RIN: 1557-AC94) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5511. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Assessment of Fees [Docket No. 05-20] (RIN: 1557-AC96) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5512. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Medical Information Regulations [Docket No. 05-18] (RIN: 1557-AC85) received November 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5513. A letter from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — One-Year Post-Employment Restrictions for Senior Examiners [No. 2005-48] (RIN: 1550-AB99) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5514. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Report to Congress

on Energy Savings Performance Contracts," as required by section 1090 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; to the Committee on Energy and Commerce.

5515. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Cystic Fibrosis Transmembrane Conductance Regulator Gene Mutation Detection System [Docket No. 2005P-0397] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5516. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Public Information Regulations [Docket No. 2004N-0214] Received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5517. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Adams-Denver, CO, Non-appropriated Fund Wage Area (RIN: 3206-AK91) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5518. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AK96) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5519. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations — Sanctions Compliance Certification (RIN: 3206-AK71) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5520. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Department of Defense Human Resources Management and Labor Relations Systems (RIN: 3206-AK76) (RIN: 0790-AH82) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5521. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 2004 annual report of the National Center for Preservation Technology and Training (National Center), pursuant to 16 U.S.C. 470 et seq.; to the Committee on Resources.

5522. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 053105F] received November 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5523. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2006 [Docket No. 031015257-3308-02; I.D. 101705B] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5524. A letter from the Deputy Assistant Administrator for Operations, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the U.S. Caribbean [Docket No. 050729208-5267-02; I.D. 060805B] (RIN: 0648-AP51) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5525. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Spiny Dogfish; Open Access; Routine Management Measure; Closure Authority [Docket No. 050302053-5120-03; I.D. 042605G] (RIN: 0648-AT38) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5526. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishery of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5237-02; I.D. 090105A] (RIN: 0648-AT48) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5527. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Area and the Eastern U.S./Canada Haddock Special Access Program Pilot Program [Docket No. 040804229-4300-02; I.D. 081705H] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5528. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery [Docket No. 051028281-5281-01; I.D. 101705C] (RIN: 0648-AT99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5529. A letter from the National President, American Gold Star Mothers, Incorporated, transmitting the organization's report and financial audit for the years ending June 30, 2005 and 2004, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

5530. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's review and recommendation on the Louisiana Coastal Area (LCA), Louisiana, Ecosystem Restoration Program Report (the LCA study report) produced by the Army Corps of Engineers in December 2004; to the Committee on Transportation and Infrastructure.

5531. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report of the amount of acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside the United States in Fiscal Year 2004; to the Committee on Transportation and Infrastructure.

5532. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in

the Arizona-Las Vegas Marketing Area; Order Amending the Order [Docket No. AO-271-A37; DA-03-04-A] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Assistant Secretary of Employment Training, Department of Labor, transmitting the Department's final rule — State Accomplishment of Performance Goals for Trade Adjustment Assistance (TAA) and North America Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) Participants — received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5534. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-77) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5535. A letter from the Supervisor, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-72) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5536. A letter from the Supervisor, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-73) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5537. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-73) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5538. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 7872 — Treatment of Loans with Below-Market Interest Rates (Rev. Rul. 2005-75) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5539. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1274A — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed \$2,800,000.00 (Rev. Rul. 2005-76) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5540. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, technical, and industry trade advisory committees chartered under those Acts, on the U.S.-Oman Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

5541. A letter from the Acting Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Intelligence (Permanent Select).

5542. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Exclusion of Vendor Purchases Made Under the Competitive Acquisition Program (CAP) for Outpatient Drugs and Biologicals Under Part B for the Purpose of Calculating the Average Sales Price (ASP) [CMS-1325-IFC3] (RIN: 0938-AN58) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the

Committees on Energy and Commerce and Ways and Means.

5543. A letter from the Secretary, Department of the Interior, transmitting in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107), a report on regarding the future of Rocky Flats National Wildlife Refuge; jointly to the Committees on Resources and Energy and Commerce.

¶131.3 PROVIDING FOR THE
CONSIDERATION OF H.R. 4340

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 583):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement. The bill shall be considered as read. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4340 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.4 FEDERAL FLIGHT DECK OFFICER
PROGRAM

Mr. PEARCE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 196):

Whereas after the tragic attacks of September 11, 2001, Congress enacted legislation authorizing volunteer pilots of United States commercial air carriers who participate in the Federal flight deck officer program to use lethal force to defend the flight deck of an aircraft against acts of terrorism;

Whereas a volunteer pilot in the Federal flight deck officer program must undergo rigorous psychological screening and a background investigation, as well as complete an intense training curriculum;

Whereas volunteer pilots in the Federal flight deck officer program provide a significant deterrent against potential acts of violence or terrorism in United States airspace, are an essential layer of security for the Nation's flying public, and are a key factor in restoring confidence in the Nation's air transportation system;

Whereas volunteer pilots in the Federal flight deck officer program devote personal time and finances to maintain a high standard of proficiency in the use of firearms and techniques for addressing emergencies in flight; and

Whereas volunteer pilots in the Federal flight deck officer program, at great per-

sonal risk and with no compensation or recognition, are dedicated to the protection of the flight deck, thereby providing an additional layer of protection to the aircraft, passengers, and cargo from acts of terrorism, such as the possible use of the aircraft as a weapon of mass destruction against people on the ground; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes that volunteer pilots in the Federal flight deck officer program are the consummate quiet professionals and embody what is best in our national character;

(2) applauds volunteer pilots in the Federal flight deck officer program for taking a stand against those who would seek to harm the United States through acts of terrorism in the air; and

(3) expresses appreciation to volunteer pilots in the Federal flight deck officer program on behalf of all citizens of the United States for the ongoing contribution of these pilots to the security of the Nation and its air transportation system.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. PEARCE and Mr. COSTELLO, each for 20 minutes.

After debate,

The question being put, *viva voce*, Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.5 FEDERAL WATER POLLUTION
CONTROL

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 1721) to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes.

The SPEAKER pro tempore, Mr. LATOURETTE, recognized Mr. DUNCAN and Mr. BISHOP of New York, each for 20 minutes.

After debate,

The question being put, *viva voce*, Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.6 LONG ISLAND SOUND
AUTHORIZATION EXTENSION

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 3963) to

amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mr. DUNCAN and Mr. BISHOP of New York, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.7 ETHICS IN GOVERNMENT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 4311) to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 United States Code App).

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.8 SECURING AIRCRAFT COCKPITS
AGAINST LASERS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1400) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by

one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 8, 2005.

¶131.9 13TH AMENDMENT

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 196):

Whereas on December 6, 1865, the 13th Amendment to the Constitution was ratified, proclaiming that "neither slavery nor involuntary servitude . . . shall exist within the United States";

Whereas the ratification of the 13th Amendment began a civil rights movement which would radically change African American existence in the United States;

Whereas the 13th Amendment represented a victory for African Americans across the United States, who had been denied the rights of full citizens;

Whereas the 13th Amendment is a symbol of the Federal Government's commitment to fulfill its promise of equality, liberty, and the American dream for all Americans because it liberated African Americans from the yoke of slavery and launched a new age activism advocating equal rights for all minorities;

Whereas December 6, 2005, marks the 140th anniversary of the ratification of the 13th Amendment;

Whereas the observation of the 140th anniversary would put into effect section 2 of the Amendment, by reaffirming Congress' "power to enforce this article by appropriate legislation"; and

Whereas the 13th Amendment Foundation supports the establishment of a national day of recognition commemorating the anniversary of the ratification of the 13th Amendment to renew a national commitment to eradicate racial and ethnic inequalities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 140th anniversary of the ratification of the 13th Amendment to the Constitution;

(2) encourages the American people to educate and instill pride and purpose into their communities about the history of liberation and the civil rights movement in the United States; and

(3) encourages the American people to observe the anniversary of the ratification of the 13th Amendment each year by honoring its significance in United States history with appropriate programs and activities.

The SPEAKER pro tempore, Mr. BISHOP of Utah, recognized Mr. SENSENBRENNER and Ms. LEE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.10 TERRORISM RISK INSURANCE

Mr. OXLEY moved to suspend the rules and pass the bill of the Senate (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. OXLEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KANJORSKI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.11 STEALTH TAX RELIEF

Mr. REYNOLDS moved to suspend the rules and pass the bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. REYNOLDS and Mr. RANGEL, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

Mr. REYNOLDS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.12 S. 467—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 371
affirmative } Nays 49

¶131.13 [Roll No. 612]
YEAS—371

Abercrombie	Engel	Larson (CT)
Ackerman	English (PA)	Latham
Alexander	Eshoo	LaTourette
Allen	Etheridge	Leach
Baca	Evans	Lee
Bachus	Everett	Levin
Baird	Farr	Lewis (CA)
Baker	Fattah	Lewis (GA)
Baldwin	Ferguson	Lewis (KY)
Barrow	Filner	Linder
Bass	Fitzpatrick (PA)	Lipinski
Bean	Foley	LoBiondo
Beauprez	Ford	Lofgren, Zoe
Becerra	Portenberry	Lowey
Berkley	Fossella	Lucas
Berman	Frank (MA)	Lungren, Daniel E.
Berry	Frelinghuysen	Lynch
Biggett	Gallegly	Maloney
Bilirakis	Garrett (NJ)	Manzullo
Bishop (GA)	Gibbons	Marchant
Bishop (NY)	Gilchrest	Markey
Bishop (UT)	Gillmor	Marshall
Blumenauer	Gingrey	Matheson
Blunt	Gonzalez	Matsui
Boehlert	Goode	McCarthy
Bonner	Goodlatte	McCaul (TX)
Bono	Gordon	McCollum (MN)
Boozman	Graves	McCotter
Boren	Green (WI)	McCrery
Boswell	Green, Al	McDermott
Boucher	Green, Gene	McGovern
Boustany	Grijalva	McHenry
Boyd	Gutierrez	McHugh
Bradley (NH)	Hall	McIntyre
Brady (PA)	Harman	McKeon
Brown (OH)	Harris	McKinney
Brown (SC)	Hart	McMorris
Brown, Corrine	Hastings (FL)	McNulty
Burton (IN)	Hastings (WA)	Meehan
Butterfield	Hayes	Meek (FL)
Buyer	Hayworth	Meeks (NY)
Calvert	Hefley	Melancon
Camp	Herger	Menendez
Cannon	Herseth	Mica
Cantor	Higgins	Michaud
Capito	Hinchey	Millender-
Capps	Hinojosa	McDonald
Capuano	Hobson	Miller (MI)
Cardin	Hoekstra	Miller (NC)
Cardoza	Holden	Miller, Gary
Carnahan	Holt	Miller, George
Carson	Honda	Mollohan
Case	Hooley	Moore (KS)
Castle	Hostettler	Moore (WI)
Chandler	Hoyer	Moran (KS)
Chocola	Hulshof	Moran (VA)
Cleaver	Hunter	Murphy
Clyburn	Hyde	Musgrave
Coble	Inglis (SC)	Nadler
Cole (OK)	Inslee	Napolitano
Conaway	Israel	Neal (MA)
Conyers	Issa	Neugebauer
Cooper	Istook	Ney
Costa	Jackson (IL)	Northup
Cramer	Jackson-Lee	Norwood
Crenshaw	(TX)	Nunes
Crowley	Jefferson	Nussle
Cubin	Jenkins	Oberstar
Cuellar	Jindal	Obey
Cummings	Johnson (CT)	Oliver
Davis (AL)	Johnson (IL)	Ortiz
Davis (CA)	Johnson, E. B.	Osborne
Davis (IL)	Jones (OH)	Owens
Davis (KY)	Kanjorski	Oxley
Davis (TN)	Kaptur	Pallone
Davis, Tom	Keller	Pascarell
Deal (GA)	Kelly	Pastor
DeFazio	Kennedy (MN)	Payne
DeGette	Kennedy (RI)	Pearce
Delahunt	Kildee	Pelosi
DeLauro	Kilpatrick (MI)	Peterson (PA)
Dent	Kind	Pickering
Diaz-Balart, L.	King (IA)	Platts
Diaz-Balart, M.	King (NY)	Pombo
Dicks	Kingston	Pomeroy
Dingell	Kirk	Porter
Doggett	Kline	Price (GA)
Doyle	Knollenberg	Price (NC)
Drake	Kucinich	Pryce (OH)
Dreier	Kuhl (NY)	Radanovich
Edwards	LaHood	Rahall
Ehlers	Langevin	Ramstad
Emanuel	Lantos	Rangel
Emerson	Larsen (WA)	

Regula Shaw Tierney
 Rehberg Shays Towns
 Reichert Sherman Turner
 Renzi Sherwood Udall (CO)
 Reynolds Shimkus Udall (NM)
 Rogers (AL) Shuster Upton
 Rogers (KY) Simmons Van Hollen
 Rogers (MI) Simpson Velázquez
 Ros-Lehtinen Skelton Visclosky
 Ross Slaughter Walden (OR)
 Rothman Smith (NJ) Walsh
 Roybal-Allard Smith (TX) Wamp
 Ruppertsberger Smith (WA) Wasserman
 Rush Snyder
 Ryan (OH) Sodrel
 Ryun (KS) Solis
 Sabo Souder
 Salazar Spratt
 Sánchez, Linda Stark
 T. Stearns
 Sanchez, Loretta Strickland
 Sanders Stupak
 Saxton Sullivan
 Schakowsky Tanner
 Schiff Tauscher
 Schmidt Taylor (NC)
 Schwartz (PA) Terry
 Schwarz (MI) Thomas
 Scott (GA) Thompson (CA)
 Scott (VA) Thompson (MS)
 Serrano Tiahrt
 Sessions Tiberi

It was decided in the { Yeas 414
 affirmative } Nays 4

¶131.15 [Roll No. 613]
 YEAS—414

Abercrombie DeLauro Johnson (CT)
 Ackerman DeLay Johnson (IL)
 Aderholt Dent Johnson, E. B.
 Akin Diaz-Balart, L. Johnson, Sam
 Alexander Diaz-Balart, M. Jones (NC)
 Allen Dicks Jones (OH)
 Baca Dingell Kanjorski
 Bachus Doggett Kaptur
 Baird Doolittle Keller
 Baker Doyle Kelly
 Baldwin Drake Kennedy (MN)
 Barrett (SC) Dreier Kennedy (RI)
 Barrow Duncan Kildee
 Bartlett (MD) Edwards Kilpatrick (MI)
 Barton (TX) Ehlers Kind
 Bass Emanuel King (IA)
 Bean Emerson King (NY)
 Beauprez Engel Kingston
 Becerra Eshoo Kirk
 Berkley Eshoo Kline
 Berman Etheridge Knollenberg
 Berry Evans Kolbe
 Biggert Everett Kucinich
 Bilirakis Farr Kuhl (NY)
 Bishop (GA) Fattah LaHood
 Bishop (NY) Peeney Langevin
 Bishop (UT) Ferguson Lantos
 Blackburn Filner Larsen (WA)
 Blumenauer Fitzpatrick (PA) Larson (CT)
 Blunt Flake Latham
 Boehlert Foley LaTourette
 Boehner Forbes Leach
 Bonilla Ford Lee
 Bonner Fortenberry Levin
 Bono Fossella Lewis (CA)
 Boozman Foxx Lewis (GA)
 Boren Frank (MA) Lewis (KY)
 Boswell Franks (AZ) Linder
 Boucher Frelinghuysen Lipinski
 Boustany Gallegly LoBiondo
 Boyd Garrett (NJ) Lofgren, Zoe
 Bradley (NH) Gibbons Lowey
 Brady (PA) Gilchrest Lucas
 Brady (TX) Gillmor Lungren, Daniel
 Brown (OH) Gingrey E.
 Brown (SC) Gohmert Lynch
 Brown, Corrine Gonzalez Mack
 Burgess Goode Maloney
 Burton (IN) Goodlatte Manzullo
 Butterfield Gordon Marchant
 Buyer Granger Markey
 Calvert Graves Marshall
 Camp Green (WI) Matheson
 Cannon Green, Al Matsui
 Cantor Green, Gene McCarthy
 Capito Grijalva McCaul (TX)
 Capps Gutierrez McCollum (MN)
 Capuano Gutknecht McCotter
 Cardin Hall McCreery
 Cardoza Harman McDermott
 Carnahan Harris McGovern
 Carson Hart McHenry
 Carter Hastings (FL) McHugh
 Case Hastings (WA) McIntyre
 Castle Hayes McKeon
 Chabot Hayworth McKinney
 Chandler Hefley McMorris
 Chocola Hensarling McNulty
 Cleaver Herger Meehan
 Clyburn Herseth Meek (FL)
 Coble Higgins Meeks (NY)
 Cole (OK) Hinchey Melancon
 Conaway Hinojosa Menendez
 Conyers Hobson Mica
 Cooper Hoekstra Michaud
 Costa Holden Millender
 Cramer Holt McDonald
 Crenshaw Hooley Miller (FL)
 Crowley Hostettler Miller (MI)
 Cubin Hoyer Miller (NC)
 Cuellar Hulshof Miller, Gary
 Culberson Hunter Miller, George
 Cummings Hyde Mollohan
 Davis (AL) Inglis (SC) Moore (KS)
 Davis (CA) Inslee Moore (WI)
 Davis (IL) Israel Moran (KS)
 Davis (KY) Issa Moran (VA)
 Davis (TN) Istook Murphy
 Davis, Jo Ann Jackson (IL) Murtha
 Davis, Tom Jackson-Lee Musgrave
 Deal (GA) (TX) Myrick
 DeFazio Jefferson Nadler
 DeGette Jenkins Napolitano
 Delahunt Jindal Neal (MA)

Neugebauer Ros-Lehtinen Stupak
 Ney Ross Sullivan
 Northup Rothman Tancredo
 Norwood Roybal-Allard Tanner
 Nunes Royce Tauscher
 Nussle Ruppertsberger Taylor (MS)
 Oberstar Rush Taylor (NC)
 Obey Ryan (OH) Terry
 Oliver Ryan (WI) Thomas
 Ortiz Ryan (KS) Thompson (CA)
 Osborne Salazar Thompson (MS)
 Otter Sánchez, Linda
 Owens T. Thornberry
 Oxley Sanchez, Loretta Tiahrt
 Pallone Sanders Tiberi
 Pascrell Saxton Tierney
 Pastor Schakowsky Towns
 Paul Schiff Turner
 Payne Schmidt Udall (CO)
 Pearce Schwartz (PA) Udall (NM)
 Peterson (PA) Schwarz (MI) Upton
 Petri Sensenbrenner Van Hollen
 Pickering Serrano Velázquez
 Pitts Sessions Visclosky
 Platts Shadegg Walden (OR)
 Poe Shaw Walsh
 Pombo Shays Wamp
 Pomeroy Sherman Wasserman
 Porter Sherwood Schultz
 Price (GA) Shimkus Watson
 Price (NC) Shuster Waxman
 Pryce (OH) Simmons Weiner
 Putnam Simpson Weldon (FL)
 Radanovich Skelton Weldon (PA)
 Rahall Slaughter Weller
 Ramstad Smith (NJ) Westmoreland
 Rangel Smith (TX) Whitfield
 Regula Smith (WA) Wicker
 Rehberg Snyder Wilson (NM)
 Reichert Sodrel Wilson (SC)
 Renzi Solis Wolf
 Reynolds Souder Woolsey
 Rogers (AL) Spratt Wu
 Rogers (KY) Stark Wynn
 Rogers (MI) Stearns Young (AK)
 Rohrabacher Strickland Young (FL)

NAYS—49

Aderholt Feeney Peterson (MN)
 Akin Flake Petri
 Barrett (SC) Forbes Pitts
 Bartlett (MD) Foxx Poe
 Barton (TX) Franks (AZ) Putnam
 Blackburn Gohmert Rohrabacher
 Bonilla Granger Royce
 Brady (TX) Gutknecht Ryan (WI)
 Burgess Hensarling Sensenbrenner
 Carter Johnson, Sam Shadegg
 Chabot Jones (NC) Tancredo
 Costello Kolbe Taylor (MS)
 Culberson Mack Taylor (MS)
 Davis, Jo Ann Miller (FL) Thornberry
 DeLay Myrick Weldon (FL)
 Doolittle Otter Westmoreland
 Duncan Paul

NOT VOTING—12

Andrews Davis (FL) Sweeney
 Boehner Gerlach Watt
 Brown-Waite, Murtha Wexler
 Ginny Pence
 Clay Reyes

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶131.14 H.R. 4096—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

NAYS—4

Costello Sabo
 Peterson (MN) Scott (VA)

NOT VOTING—14

Andrews Gerlach Scott (GA)
 Brown-Waite, Honda Sweeney
 Ginny Pelosi Waters
 Clay Pence Watt
 Davis (FL) Reyes Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.16 H. CON. RES. 196—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 413
affirmative { Nays 2

¶131.17

[Roll No. 614]

YEAS—413

Abercrombie	DeLay	Johnson (CT)
Ackerman	Dent	Johnson (IL)
Aderholt	Diaz-Balart, L.	Johnson, E. B.
Akin	Diaz-Balart, M.	Jones (NC)
Alexander	Dicks	Jones (OH)
Allen	Dingell	Kanjorski
Baca	Doggett	Kaptur
Bachus	Doolittle	Keller
Baird	Doyle	Kelly
Baker	Drake	Kennedy (MN)
Baldwin	Dreier	Kennedy (RI)
Barrett (SC)	Duncan	Kildee
Barrow	Edwards	Kilpatrick (MI)
Bartlett (MD)	Ehlers	Kind
Barton (TX)	Emanuel	King (IA)
Bass	Emerson	King (NY)
Bean	Engel	Kingston
Beauprez	English (PA)	Kirk
Becerra	Eshoo	Kline
Berkley	Etheridge	Knollenberg
Berman	Evans	Kolbe
Berry	Everett	Kucinich
Biggert	Farr	Kuhl (NY)
Bilirakis	Fattah	LaHood
Bishop (GA)	Feeney	Langevin
Bishop (NY)	Ferguson	Lantos
Bishop (UT)	Filner	Larsen (WA)
Blackburn	Fitzpatrick (PA)	Larson (CT)
Blumenauer	Flake	Latham
Blunt	Foley	LaTourette
Boehlert	Forbes	Leach
Boehner	Ford	Lee
Bonilla	Fortenberry	Levin
Bonner	Fossella	Lewis (CA)
Bono	Fox	Lewis (GA)
Boozman	Frank (MA)	Lewis (KY)
Boren	Franks (AZ)	Linder
Boswell	Frelinghuysen	Lipinski
Boucher	Gallely	LoBiondo
Boustany	Garrett (NJ)	Lofgren, Zoe
Boyd	Gibbons	Lowey
Bradley (NH)	Gilchrest	Lucas
Brady (PA)	Gillmor	Lungren, Daniel
Brady (TX)	Gingrey	E.
Brown (OH)	Gohmert	Lynch
Brown (SC)	Gonzalez	Mack
Brown, Corrine	Goode	Maloney
Burgess	Goodlatte	Manzullo
Burton (IN)	Gordon	Marchant
Butterfield	Granger	Markey
Buyer	Graves	Marshall
Calvert	Green (WI)	Matheson
Camp	Green, Al	Matsui
Cannon	Green, Gene	McCaul (TX)
Cantor	Grijalva	McCollum (MN)
Capps	Gutierrez	McCotter
Capuano	Gutknecht	McCrery
Cardin	Hall	McDermott
Cardoza	Harman	McGovern
Carnahan	Harris	McHenry
Carson	Hart	McHugh
Carter	Hastings (FL)	McIntyre
Case	Hastings (WA)	McKeon
Castle	Hayes	McKinney
Chabot	Hayworth	McMorris
Chandler	Hefley	McNulty
Chocola	Hensarling	Meehan
Cleaver	Herger	Meek (FL)
Clyburn	Herseth	Meeke (NY)
Coble	Higgins	Melancon
Conaway	Hinchee	Menendez
Conyers	Hinojosa	Mica
Cooper	Hobson	Michaud
Costa	Hoekstra	Millender-
Costello	Holden	McDonald
Cramer	Holt	Miller (FL)
Crenshaw	Honda	Miller (MI)
Crowley	Hooley	Miller (NC)
Cubin	Hostettler	Miller, Gary
Cuellar	Hoyer	Miller, George
Culberson	Hulshof	Mollohan
Cummings	Hunter	Moore (KS)
Davis (AL)	Hyde	Moore (WI)
Davis (CA)	Inglis (SC)	Moran (KS)
Davis (IL)	Inslee	Moran (VA)
Davis (KY)	Israel	Murphy
Davis (TN)	Issa	Murtha
Davis, Jo Ann	Istook	Musgrave
Davis, Tom	Jackson (IL)	Myrick
Deal (GA)	Jackson-Lee	Nadler
DeFazio	(TX)	Napolitano
DeGette	Jefferson	Neal (MA)
DeLaHunt	Jenkins	Neugebauer
DeLauro	Jindal	Ney

Northup	Ross	Strickland
Norwood	Rothman	Stupak
Nunes	Roybal-Allard	Sullivan
Nussle	Royce	Tancredo
Oberstar	Ruppersberger	Tanner
Obey	Rush	Tauscher
Oliver	Ryan (OH)	Taylor (NC)
Ortiz	Ryan (WI)	Terry
Osborne	Ryun (KS)	Thomas
Otter	Sabo	Thompson (CA)
Owens	Salazar	Thompson (MS)
Oxley	Sánchez, Linda	Thornberry
Pallone	T.	Tiahrt
Pascarell	Sanchez, Loretta	Tiberi
Pastor	Sanders	Tierney
Paul	Saxton	Towns
Payne	Schakowsky	Turner
Pearce	Schiff	Udall (CO)
Peterson (MN)	Schmidt	Udall (NM)
Peterson (PA)	Schwartz (PA)	Upton
Petri	Schwarz (MI)	Van Hollen
Pickering	Scott (GA)	Velázquez
Pitts	Scott (VA)	Visclosky
Platts	Sensenbrenner	Walden (OR)
Poe	Serrano	Wamp
Pombo	Sessions	Wasserman
Pomeroy	Shadegg	Schultz
Porter	Shaw	Waters
Price (GA)	Shays	Watson
Price (NC)	Sherman	Waxman
Putnam	Sherwood	Weiner
Radanovich	Shimkus	Weldon (FL)
Rahall	Shuster	Weldon (PA)
Ramstad	Simmons	Weller
Rangel	Simpson	Westmoreland
Regula	Skelton	Whitfield
Rehberg	Slaughter	Wicker
Reichert	Smith (NJ)	Wilson (NM)
Renzi	Smith (TX)	Wilson (SC)
Reynolds	Smith (WA)	Wolf
Rogers (AL)	Snyder	Woolsey
Rogers (KY)	Sodrel	Wynn
Rogers (MI)	Solis	Young (AK)
Rohrabacher	Souder	Young (FL)
Ros-Lehtinen	Spratt	
	Stearns	

NAYS—2

Stark

Wu
NOT VOTING—17

Andrews	Davis (FL)	Reyes
Mack	Gerlach	Sweeney
Brown-Waite,	Johnson, Sam	Taylor (MS)
Ginny	McCarthy	Walsh
Capito	Pelosi	Watt
Clay	Pence	Wexler
Cole (OK)		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶131.18 GILA RIVER INDIAN COMMUNITY RESERVATION

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 327) to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HAYWORTH and Mr. GRIJALVA, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.19 TAX REVISION

Mr. MCCRERY moved to suspend the rules and pass the bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. MCCRERY and Mr. RANGEL, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCRERY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.20 HURRICANE BENEFITS

Mr. MCCRERY moved to suspend the rules and pass the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. MCCRERY and Mr. JEFFERSON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCRERY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.21 UNITED STATES-BAHRAIN FREE TRADE AGREEMENT

Mr. SHAW, pursuant to House Resolution 583, called up for consideration the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement.

When said bill was considered.

After debate,
Pursuant to House Resolution 583, and section 151 of the Trade Act of 1974 the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. BONILLA, announced that the yeas had it.

Mr. SHAW demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BONILLA, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶131.22 LABOR, HHS, AND EDUCATION
APPROPRIATIONS FY 2006

On motion of Mr. REGULA, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. REGULA, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶131.23 MOTION TO INSTRUCT
CONFEREES—H.R. 3010

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 3010, be instructed to insist that the conference agreement include \$4.183 billion for the Low-Income Home Energy Assistance Program (LIHEAP), an increase of \$2.176 billion over the House bill and \$2 billion over the Senate bill, to help the elderly and the poor cope with rising energy prices, and that the additional cost be offset through reductions in tax cuts for households with incomes above \$1,000,000. The additional amounts above the House-passed level should be appropriated to the LIHEAP contingency fund, and in allocating the funds among States, the Secretary should be directed to give due regard to estimated increases in the heating and cooling costs for low-income households during fiscal year 2006 as compared to the previous year.

Pending consideration of said motion,

¶131.24 POINT OF ORDER

Mr. REGULA made a point of order against said motion, and said:

“Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to conference.

I ask for a ruling from the Chair.”

Mr. OBEY was recognized to speak to the point of order and said:

“Yes, I do, Mr. Speaker.

“Mr. Speaker, 2 weeks ago the Labor, Health appropriation bill was defeated on this floor largely because it contained inadequate investments in education and health. Today, the bill is back, and what this motion would do is to say to the majority that if they do not want to recognize the need for additional education and health funding, that they at least recognize that an emergency situation exists with respect to the rapidly rising home heating costs with natural gas, for instance, expected to be 50 percent higher than it was last year and with only 15 percent of persons in the country who are eligible getting help from LIHEAP as it is.

“I would simply ask the majority to withdraw the point of order in order to allow us to simply proceed to at least debate and vote on the question of rearranging priorities so that we can add \$2 billion to the Low Income Heating Assistance Program and fully pay for that by cutting back the scheduled tax cut for persons who make over \$1 million to \$131,000. I think that is quite ample for them. I would urge the gentleman from Ohio to withdraw his point of order.”

The SPEAKER pro tempore, Mr. BASS, sustained the point of order, and said:

“The Chair finds that the proposed instructions dwell their operative focus on matters not within the scope of differences committed to the conference by the two Houses.

“On these premises, the Chair holds that the motion is not in order.

“The point of order is sustained.”

¶131.25 MOTION TO INSTRUCT
CONFEREES—H.R. 3010

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 3010, be instructed to insist that the conference agreement include \$4.183 billion for the Low-Income Home Energy Assistance Program (LIHEAP), including \$2 billion in emergency funding, thereby bringing the total for LIHEAP to \$2.176 billion over the House bill and \$2 billion over the Senate bill, to help the elderly and the poor cope with rising energy prices. The emergency funds should be appropriated to the LIHEAP contingency fund, and in allocating the funds among States the Secretary should be directed to give due regard to the estimated increases in the heating and cooling costs for low-income households during fiscal year 2006 as compared to the previous year.

Pending consideration of said motion,

¶131.26 POINT OF ORDER

Mr. REGULA made a point of order against said motion, and said:

“Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to conference.

“I ask for a ruling from the Chair.”

Mr. OBEY was recognized to speak to the point of order and said:

“Yes, I do, Mr. Speaker.

“Mr. Speaker, the last motion sought to increase funding for the Low Income Heating Assistance Program by \$2 billion and fully pay for that with an offset on the revenue side of the ledger. The gentleman from Ohio did raise a point of order against that. We would have preferred to fully fund the amendment, but given the fact that the majority has chosen to exercise its rights under the rules of the House to raise a point of order, this is the only remaining avenue that we have to try to increase funding for Low Income Heating Assistance, recognizing that there is indeed an emergency; and we would simply ask that the amount of money for Low Income Heating Assistance be increased by \$2 billion and recognized as emergency funding under the Budget Act so that we can proceed to deal with the very real problem that persons in this country will have heating their homes with higher energy prices. If we are not allowed to do that, then there is no way that we are going to be able to provide substantial help to them.”

The SPEAKER pro tempore, Mr. BASS, sustained the point of order, and said:

“As in the previous motion, the proposed instructions exceed the scope of conference.

“The point of order is sustained.”

Mr. OBEY appealed the ruling of the Chair.

The question being stated,
Will the decision of the Chair stand as the judgment of the House?

Mr. REGULA moved to lay the appeal on the table.

The question being put, *viva voce*,
Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 226
affirmative } Nays 196

¶131.27 [Roll No. 615]

YEAS—226

Aderholt	Bass	Boehner
Akin	Beauprez	Bonilla
Alexander	Biggert	Bonner
Bachus	Bilirakis	Bono
Baker	Bishop (UT)	Boozman
Barrett (SC)	Blackburn	Boustany
Bartlett (MD)	Blunt	Bradley (NH)
Barton (TX)	Boehlert	Brady (TX)

Brown (SC) Hobson
 Burgess Hoekstra
 Burton (IN) Hostettler
 Buyer Hulshof
 Calvert Hunter
 Camp Hyde
 Cannon Inglis (SC)
 Cantor Issa
 Capito Istook
 Carter Jenkins
 Castle Jindal
 Chabot Johnson (CT)
 Choccola Johnson (IL)
 Coble Johnson, Sam
 Cole (OK) Jones (NC)
 Conaway Keller
 Crenshaw Kelly
 Cubin Kennedy (MN)
 Culberson King (IA)
 Davis (KY) King (NY)
 Davis, Jo Ann Kingston
 Davis, Tom Kirk
 Deal (GA) Kline
 DeLay Knollenberg
 Dent Kolbe
 Diaz-Balart, L. Kuhl (NY)
 Diaz-Balart, M. LaHood
 Doolittle Latham
 Drake LaTourette
 Dreier Leach
 Duncan Lewis (CA)
 Ehlers Lewis (KY)
 Emerson Linder
 English (PA) LoBiondo
 Everett Lucas
 Feeney Lungren, Daniel
 Ferguson E.
 Fitzpatrick (PA) Mack
 Flake Manzullo
 Foley Marchant
 Forbes McCaul (TX)
 Fortenberry McCotter
 Fossella McCrery
 Foxx McHenry
 Franks (AZ) McHugh
 Frelinghuysen McKeon
 Gallegly McMorris
 Garrett (NJ) Mica
 Gerlach Miller (FL)
 Gibbons Miller (MI)
 Gilchrest Miller, Gary
 Gillmor Moran (KS)
 Gingrey Murphy
 Gohmert Musgrave
 Goode Myrick
 Goodlatte Neugebauer
 Granger Ney
 Graves Northup
 Green (WI) Norwood
 Gutknecht Nunes
 Hall Nussle
 Harris Osborne
 Hart Otter
 Hayes Oxley
 Hayworth Paul
 Hefley Pearce
 Hensarling Peterson (PA)
 Herger Petri

NAYS—196

Abercrombie Chandler
 Ackerman Cleaver
 Allen Clyburn
 Baca Conyers
 Baird Cooper
 Baldwin Costa
 Barrow Costello
 Bean Cramer
 Becerra Crowley
 Berkeley Cuellar
 Berman Cummings
 Berry Davis (AL)
 Bishop (GA) Davis (CA)
 Bishop (NY) Davis (IL)
 Blumenauer Davis (TN)
 Boren DeFazio
 Boswell DeGette
 Boucher Delahunt
 Boyd DeLauro
 Brady (PA) Dicks
 Brown (OH) Dingell
 Brown, Corrine Doggett
 Butterfield Doyle
 Capps Edwards
 Capuano Emanuel
 Cardin Engel
 Cardoza Eshoo
 Carnahan Etheridge
 Carson Evans
 Case Farr

Pickering Pitts
 Platts Hostettler
 Poe
 Pombo
 Porter
 Price (GA)
 Pryce (OH)
 Putnam
 Radanovich
 Ramstad
 Regula
 Rehberg
 Reichert
 Renzi
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Royce
 Ryan (WI)
 Ryan (KS)
 Saxton
 Schmidt
 Schwarz (MI)
 Sensenbrenner
 Sessions
 Leach
 Shadegg
 Shaw
 Shays
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Smith (NJ)
 Smith (TX)
 Sodrel
 Souder
 Stearns
 Sullivan
 Sweeney
 Tancredo
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walden (OR)
 Walsh
 Wamp
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Young (AK)
 Young (FL)

Andrews
 Brown-Waite,
 Ginny
 Clay

Kaptur
 Kennedy (RI)
 Kildee
 Kilpatrick (MI)
 Kind
 Kucinich
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Lee
 Levin
 Lewis (GA)
 Lipinski
 Lofgren, Zoe
 Lowey
 Lynch
 Maloney
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy
 McCollum (MN)
 McDermott
 McGovern
 McIntyre
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Melancon
 Menendez
 Michaud
 Millender-
 McDonald

Fattah
 Filner
 Ford
 Frank (MA)
 Gonzalez
 Gordon
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Harman
 Hastings (FL)
 Herseth
 Higgins
 Hinchey
 Hinojosa
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson (NY)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson, E. B.
 Jones (OH)
 Kanjorski

Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murtha
 Neal (MA)
 Oberstar
 Obey
 Oliver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor
 Payne
 Peterson (MN)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Reyes
 Ross
 Rothman
 Roybal-Allard
 Ruppberger
 Rush
 Ryan (OH)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Schakowsky
 Schiff

Davis (FL)
 Hastings (WA)
 Nadler
 Napolitano

Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murtha
 Neal (MA)
 Oberstar
 Obey
 Oliver
 Ortiz
 Owens
 Pallone
 Pascrell
 Pastor
 Payne
 Peterson (MN)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Reyes
 Ross
 Rothman
 Roybal-Allard
 Ruppberger
 Rush
 Ryan (OH)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Schakowsky
 Schiff

Bonilla
 Bonner
 Bono
 Boozman
 Boren
 Boswell
 Boustany
 Boyd
 Bradley (NH)
 Brady (TX)
 Brown (SC)
 Burgess
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp
 Cannon
 Cantor
 Bishop (GA)
 Bishop (NY)
 Blackburn
 Blumenauer
 Blunt
 Boehlert
 Boehner

Schwartz (PA)
 Scott (GA)
 Scott (VA)
 Serrano
 Sherman
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Solis
 Spratt
 Stark
 Strickland
 Stupak
 Tanner
 Tauscher
 Taylor (MS)
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Udall (CO)
 Udall (NM)
 Van Hollen
 Velazquez
 Visclosky
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Woolsey
 Wu
 Wynn

Pelosi
 Pence
 Wexler

Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Doolittle
 Drake
 Dreier
 Duncan
 Edwards
 Ehlers
 Emanuel
 Emerson
 Engel
 English (PA)
 Eshoo
 Etheridge
 Farr
 Feeney
 Ferguson
 Fitzpatrick (PA)
 Flake
 Foley
 Forbes
 Ford
 Fortenberry
 Fossella
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gerlach
 Harris
 Hart
 Hayworth
 Hefley
 Hensarling
 Herger
 Herseth
 Hinojosa
 Hobson
 Hoekstra
 Honda
 Hooley
 Hoyer
 Hulshof
 Hunter
 Hyde
 Inslee
 Israel
 Issa
 Istook
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 Jindal
 Johnson (CT)
 Johnson (IL)
 Johnson, Sam
 Jones (OH)
 Keller
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kind
 King (IA)
 King (NY)
 Kingston

Green, Gene
 Grijalva
 Gutierrez
 Hastings (FL)
 Hayes
 Higgins
 Hinchey
 Holden
 Holt
 Hostettler
 Inglis (SC)
 Jackson (IL)
 Johnson, E. B.
 Jones (NC)

NOT VOTING—10

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

131.28 H.R. 4340—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on passage of the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement.

The question being put, Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 327 Nays 95

131.29 [Roll No. 616] YEAS—327

Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Bachus
 Baird
 Baker
 Barrow
 Bartlett (MD)
 Barton (TX)
 Bass
 Bean
 Beauprez
 Becerra
 Berkeley
 Berman
 Biggert
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Blackburn
 Blumenauer
 Blunt
 Boehlert
 Boehner

Chabot
 Chandler
 Chocola
 Cleaver
 Cole (OK)
 Conaway
 Cooper
 Costa
 Cramer
 Crenshaw
 Crowley
 Cubin
 Cuellar
 Culberson
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (KY)
 Davis (TN)
 Davis, Tom
 Deal (GA)
 DeGette
 Delahunt
 DeLay
 Dent
 Diaz-Balart, L.

NAYS—95

Abercrombie
 Baca
 Baldwin
 Barrett (SC)
 Berry
 Bishop (UT)
 Boucher
 Brady (PA)
 Brown (OH)
 Brown, Corrine
 Capuano
 Carnahan
 Carson
 Clyburn

Kanjorski Mollohan Schakowsky
Kaptur Murtha Scott (VA)
Kildee Napolitano Serrano
Kilpatrick (MI) Oberstar Slaughter
Kucinich Obey Solis
Lantos Olver Spratt
Lee Owens Stark
Lipinski Pallone Strickland
Lynch Pascrell Stupak
Markey Pastor Taylor (MS)
McCollum (MN) Paul Taylor (NC)
McGovern Payne Thompson (MS)
McIntyre Rahall Tierney
McKinney Rogers (AL) Visclosky
Menendez Ryan (OH) Waters
Michaud Sabo Watt
Millender-Sanchez, Linda
McDonald T. Woolsey
Miller (NC) Sanders

NOT VOTING—10

Andrews Davis (FL) Pence
Brown-Waite, Hastings (WA) Royce
Ginny Nadler Wexler
Clay Pelosi

So the bill was passed.
Ordered, That the a motion to recon-
sider the vote whereby said bill was
passed was, by unanimous consent, laid
on the table.

¶131.30 H.R. 4388—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr.
BASS, pursuant to clause 8, rule XX,
announced the further unfinished busi-
ness to be the motion to suspend the
rules and pass the bill (H.R. 4388) to
amend the Internal Revenue Code of
1986 to extend certain expiring provi-
sions, and for other purposes; as
amended.

The question being put,
Will the House suspend the rules and
pass said bill, as amended?

The vote was taken by electronic de-
vice.

It was decided in the { Yeas 423
affirmative Nays 0

¶131.31 [Roll No. 617]
YEAS—423

Abercrombie Bradley (NH) Culberson
Ackerman Brady (PA) Cummings
Aderholt Brady (TX) Davis (AL)
Akin Brown (OH) Davis (CA)
Alexander Brown (SC) Davis (IL)
Allen Brown, Corrine Davis (KY)
Baca Burgess Davis (TN)
Bachus Burton (IN) Davis, Jo Ann
Baird Butterfield Davis, Tom
Baker Buyer Deal (GA)
Baldwin Calvert DeFazio
Barrett (SC) Camp DeGette
Barrow Cannon Delahunt
Bartlett (MD) Cantor DeLauro
Barton (TX) Capito DeLay
Bass Capps Dent
Bean Capuano Diaz-Balart, L.
Beauprez Cardin Diaz-Balart, M.
Becerra Cardoza Dicks
Berkley Carnahan Dingell
Berman Carson Doggett
Berry Carter Doolittle
Biggart Case Doyle
Bilirakis Castle Drake
Bishop (GA) Chabot Dreier
Bishop (NY) Chandler Duncan
Bishop (UT) Chocola Edwards
Blackburn Cleaver Ehlers
Blumenauer Clyburn Emanuel
Blunt Coble Emerson
Boehlert Cole (OK) Engel
Boehner Conaway English (PA)
Bonilla Conyers Eshoo
Bonner Cooper Etheridge
Bono Costa Evans
Boozman Costello Everett
Boren Cramer Farr
Boswell Crenshaw Fattah
Boucher Crowley Feeney
Boustany Cubin Ferguson
Boyd Cuellar Filner

Fitzpatrick (PA) Levin
Flake Lewis (CA)
Foley Lewis (GA)
Forbes Lewis (KY)
Ford Linder
Fortenberry Lipinski
Fossella LoBiondo
Foxy LoFgren, Zoe
Frank (MA) Lowey
Franks (AZ) Lucas
Frelinghuysen Lungren, Daniel
Gallegly E.
Garrett (NJ) Lynch
Gerlach Mack
Gibbons Maloney
Gilchrest Manzullo
Gillmor Marchant
Gingrey Markey
Gohmert Marshall
Gonzalez Matheson
Goode Matsui
Goodlatte McCarthy
Gordon McCaul (TX)
Granger McCollum (MN)
Graves McCotter
Green (WI) McCrery
Green, Al McDermott
Green, Gene McGovern
Grijalva McHenry
Gutierrez McHugh
Gutknecht McIntyre
Hall McKeon
Harman McKinney
Harris McMorris
Hart McNulty
Hastings (FL) Meehan
Hayes Meek (FL)
Hayworth Meeks (NY)
Hefley Melancon
Hensarling Menendez
Herger Mica
Herseht Michaud
Higgins Millender-
Hinchey McDonald
Hinojosa Miller (FL)
Hobson Miller (MI)
Hoekstra Miller (NC)
Holden Miller, Gary
Holt Miller, George
Honda Mollohan
Hooley Moore (KS)
Hostettler Moore (WI)
Hoyer Moran (KS)
Hulshof Moran (VA)
Hunter Murphy
Hyde Murtha
Inglis (SC) Musgrave
Inslee Myrick
Israel Napolitano
Issa Neal (MA)
Istook Neugebauer
Jackson (IL) Ney
Jackson-Lee Northup
(TX) Norwood
Jefferson Nunes
Jenkins Nussle
Jindal Oberstar
Johnson (CT) Obey
Johnson (IL) Olver
Johnson, E. B. Ortiz
Johnson, Sam Osborne
Jones (NC) Otter
Jones (OH) Owens
Kanorski Oxley
Kaptur Pallone
Keller Pascrell
Kelly Pastor
Kennedy (MN) Paul
Kennedy (RI) Payne
Kildee Pearce
Kilpatrick (MI) Peterson (MN)
Kind Peterson (PA)
King (IA) Petri
King (NY) Pickering
Kingston Pitts
Kirk Platts
Kline Poe
Knollenberg Pombo
Kolbe Pomeroy
Kucinich Porter
Kuhl (NY) Price (GA)
LaHood Price (NC)
Langevin Pryce (OH)
Lantos Putnam
Larsen (WA) Radanovich
Larsen (CT) Rahall
Latham Ramstad
LaTourrette Rangel
Leach Regula
Lee Rehberg

Reichert Wolf Wu Young (AK)
Renzi Woolsey Wynn Young (FL)
Reyes
Reynolds
NOT VOTING—9
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadeegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd

So, two-thirds of the Members
present having voted in favor thereof,
the rules were suspended and said bill,
as amended, was passed.

A motion to reconsider the vote
whereby the rules were suspended and
said bill, as amended, was passed was,
by unanimous consent, laid on the
table.

Ordered, That the Clerk request the
concurrence of the Senate in said bill.

¶131.32 H.R. 4440—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr.
BASS, pursuant to clause 8, rule XX,
announced the further unfinished busi-
ness to be the motion to suspend the
rules and pass the bill (H.R. 4440) to
amend the Internal Revenue Code of
1986 to provide tax benefits for the Gulf
Opportunity Zone and certain areas af-
fected by Hurricanes Rita and Wilma,
and for other purposes.

The question being put,
Will the House suspend the rules and
pass said bill?

The vote was taken by electronic de-
vice.

It was decided in the { Yeas 415
affirmative Nays 4

¶131.33 [Roll No. 618]
YEAS—415

Abercrombie Buyer Diaz-Balart, M.
Ackerman Calvert Dicks
Aderholt Camp Dingell
Akin Cannon Doggett
Alexander Cantor Doolittle
Allen Capito Doyle
Baca Capps Drake
Bachus Capuano Dreier
Baird Cardin Duncan
Baker Cardoza Edwards
Baldwin Carnahan Ehlers
Barrett (SC) Carson Emanuel
Barrow Carter Emerson
Bartlett (MD) Case Engel
Barton (TX) Castle English (PA)
Bass Chabot Eshoo
Bean Chandler Etheridge
Beauprez Chocola Evans
Becerra Cleaver Everett
Berman Clyburn Farr
Berry Coble Fattah
Biggart Cole (OK) Feeney
Bilirakis Conaway Ferguson
Bishop (GA) Conyers Filner
Bishop (NY) Cooper Fitzpatrick (PA)
Bishop (UT) Costa Flake
Blackburn Costello Foley
Blumenauer Blumenauer Cramer Forbes
Blunt Crenshaw Ford
Boehlert Velazquez Fortenberry
Boehner Cubin Fossella
Bonilla Cuellar Foxx
Bonner Culberson Frank (MA)
Bono Cummings Franks (AZ)
Boozman Davis (AL) Frelinghuysen
Boren Davis (CA) Gallegly
Boswell Davis (IL) Garrett (NJ)
Boucher Davis (KY) Gerlach
Boustany Davis (TN) Gilchrest
Boyd Davis, Jo Ann Gillmor
Bradley (NH) Davis, Tom Gingrey
Brady (PA) Deal (GA) Gohmert
Brady (TX) DeFazio Gonzalez
Brown (TX) DeGette Goode
Brown (OH) Delahunt Goodlatte
Brown (SC) DeLauro Gordon
Brown, Corrine DeLay Granger
Burgess Dent Graves
Burton (IN) Diaz-Balart, L. Green (WI)
Butterfield

Green, Al	Matsui	Royce
Green, Gene	McCarthy	Ruppersberger
Grijalva	McCauley (TX)	Rush
Gutknecht	McCullum (MN)	Ryan (OH)
Hall	McCotter	Ryan (WI)
Harman	McCree	Ryun (KS)
Harris	McDermott	Sabo
Hart	McGovern	Salazar
Hastings (FL)	McHenry	Sánchez, Linda
Hayes	McHugh	T.
Hayworth	McIntyre	Sanchez, Loretta
Hefley	McKeon	Sanders
Hensarling	McKinney	Saxton
Herger	McMorris	Schakowsky
Herse	McNulty	Schiff
Higgins	Meehan	Schmidt
Hinchee	Meek (FL)	Schwartz (PA)
Hinojosa	Meeke (NY)	Schwarz (MI)
Hobson	Melancon	Scott (GA)
Hoekstra	Menendez	Sensenbrenner
Holden	Mica	Serrano
Holt	Michaud	Sessions
Honda	Millender-	Shadegg
Hooley	McDonald	Shaw
Hostettler	Miller (FL)	Shays
Hoyer	Miller (MI)	Sherman
Hulshof	Miller (NC)	Sherwood
Hunter	Miller, Gary	Shimkus
Hyde	Miller, George	Shuster
Inglis (SC)	Mollohan	Simmons
Inslee	Moore (KS)	Simpson
Israel	Moore (WI)	Skelton
Issa	Moran (KS)	Smith (NJ)
Istook	Moran (VA)	Smith (TX)
Jackson (IL)	Murphy	Smith (WA)
Jackson-Lee	Murtha	Snyder
(TX)	Musgrave	Sodrel
Jefferson	Myrick	Solis
Jenkins	Napolitano	Souder
Jindal	Neal (MA)	Spratt
Johnson (CT)	Neugebauer	Stark
Johnson (IL)	Ney	Stearns
Johnson, Sam	Northup	Strickland
Jones (NC)	Norwood	Stupak
Jones (OH)	Nunes	Sullivan
Kanjorski	Nussle	Sweeney
Kaptur	Oberstar	Tancredo
Keller	Obey	Tanner
Kelly	Olver	Tauscher
Kennedy (MN)	Ortiz	Taylor (MS)
Kennedy (RI)	Osborne	Taylor (NC)
Kildee	Otter	Terry
Kilpatrick (MI)	Owens	Thomas
Kind	Oxley	Thompson (CA)
King (IA)	Pallone	Thompson (MS)
King (NY)	Pascarell	Thornberry
Kingston	Pastor	Tiahrt
Kirk	Paul	Tiberi
Kline	Payne	Tierney
Knollenberg	Pearce	Towns
Kolbe	Peterson (MN)	Turner
Kucinich	Peterson (PA)	Udall (CO)
Kuhl (NY)	Petri	Udall (NM)
LaHood	Pickering	Upton
Langevin	Pitts	Van Hollen
Lantos	Platts	Velázquez
Larsen (WA)	Poe	Viscosky
Larson (CT)	Pombo	Walden (OR)
Latham	Pomeroy	Walsh
LaTourette	Price (GA)	Wamp
Leach	Price (NC)	Wasserman
Lee	Pryce (OH)	Schultz
Levin	Putnam	Waters
Lewis (CA)	Radanovich	Watson
Lewis (GA)	Rahall	Watt
Lewis (KY)	Ramstad	Waxman
Linder	Rangel	Weiner
Lipinski	Regula	Weldon (FL)
Lofgren, Zoe	Rehberg	Weldon (PA)
Lowe	Reichert	Weller
Lucas	Renzi	Westmoreland
Lungren, Daniel	Reyes	Whitfield
E.	Reynolds	Wicker
Lynch	Rogers (AL)	Wilson (NM)
Mack	Rogers (KY)	Wilson (SC)
Maloney	Rogers (MI)	Wolf
Manzullo	Rohrabacher	Woolsey
Marchant	Ros-Lehtinen	Wu
Markey	Ross	Wynn
Marshall	Rothman	Young (AK)
Matheson	Roybal-Allard	Young (FL)

NAYS—4

Berkley	LoBiondo
Gibbons	Porter

NOT VOTING—13

Andrews	Clay	Hastings (WA)
Brown-Waite,	Davis (FL)	Johnson, E. B.
Ginny	Gutierrez	

Nadler	Pence	Slaughter
Pelosi	Scott (VA)	Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.34 TERRORISM RISK INSURANCE

On motion of Mr. OXLEY, by unanimous consent, the bill of the Senate (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002; together with the amendment of the House thereto, was taken from the Speaker's table.

When on motion of Mr. OXLEY, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. MCCAUL of Texas, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. OXLEY, BAKER, Ms. PRYCE of Ohio, Mrs. KELLY, Messrs. KANJORSKI, CAPUANO, and CROWLEY.

Provided that Mr. ISRAEL is appointed in lieu of Mr. CAPUANO for consideration of sections 4, 5, and 7 of the Senate bill, and sections 103 and 105 of the House amendment, and modifications committed to conference.

From the Committee on the Judiciary, for consideration of sections 2 and 6 of the Senate bill, and modifications committed to conference: Messrs. SENSENBRENNER, GOODLATTE, and CONYERS.

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SESSIONS.

Ordered, That the Clerk notify the Senate thereof.

¶131.35 APPOINTMENT OF CONFEREES—
H.R. 3010

The SPEAKER pro tempore, Mr. MCCAUL of Texas, by unanimous consent, appointed the following Members as managers on the part of the House to the further conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD,

WELDON of Florida, WALSH, LEWIS of California, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Messrs. JACKSON of Illinois, KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶131.36 COMMUNICATION REGARDING
SUBPOENA

The SPEAKER pro tempore, Mr. MCCAUL of Texas, laid before the House the following communication from Pat Fabio, District Representative, office of the Honorable Gary G. Miller of California:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Superior Court of Orange County, California, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
PAT FABIO,
District Representative.

¶131.37 PROVIDING FOR THE
CONSIDERATION OF H.R. 4297

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-330) the resolution (H. Res. 588) providing for consideration of the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

When said resolution and report were referred to the House Calendar and ordered printed.

¶131.38 COMMUNICATION FROM THE
CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2005.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Caren Daniels-Meade, Chief, Elections Division, State of California, indicating that, according to the unofficial returns of the Special Election held December 6, 2005, the Honorable John Campbell was elected Representative in Congress for the Forty-eighth Congressional District, State of California.

With best wishes, I am
Sincerely,

KAREN L. HASS,
Clerk.

¶131.39 ORDER OF BUSINESS—SWEARING
IN OF MEMBER-ELECT

On motion of Mr. DREIER, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. John Campbell, 48th District of the State of California, has not been received by the Clerk of the House of

Representatives, Mr. JOHN CAMPBELL be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. John CAMPBELL then presented himself at the bar of the House and took the oath of office prescribed by law.

¶131.40 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER, pursuant to clause 5(d) of rule XX, announced that the whole number of the House is 434.

¶131.41 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 52. An Act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An Act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An Act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An Act to authorize the transfer of naval vessels to certain foreign recipients.

¶131.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for the week of December 6; and

To Mr. HASTINGS of Washington, for today after 3 p.m. and balance of the week.

And then,

¶131.43 ADJOURNMENT

On motion of Mr. RYAN of Ohio, 11 o'clock 6 minutes p.m., the House adjourned.

¶131.44 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONER, & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same;

that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25: JOHN CAMPBELL, California, Forty-eighth.

¶131.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 588. Resolution providing for consideration of the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-330). Referred to the House Calendar.

¶131.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CROWLEY (for himself, Mr. MARKEY, Mr. MCDERMOTT, and Mr. PALLONE):

H.R. 4452. A bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft; to the Committee on Homeland Security.

By Ms. FOXX (for herself, Mr. HENSARLING, Mr. LUCAS, Mr. FLAKE, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. KINGSTON, Mr. PITTS, Mr. GARRETT of New Jersey, Mrs. BLACKBURN, Mr. WAMP, Mr. BURTON of Indiana, Mr. AKIN, Mr. CANTOR, Ms. WOOLSEY, Mr. NEUGEBAUER, Mrs. CUBIN, and Mr. SAM JOHNSON of Texas):

H.R. 4453. A bill to require reimbursement by the Federal Emergency Management Agency of any amounts borrowed for purposes of the National Flood Insurance Program, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 4454. A bill to amend the Internal Revenue Code of 1986 to provide for the amendment of a claim for abatement, remission, or refund of tax imposed on distilled spirits returned to the bonded premises of a distilled spirits plant; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4455. A bill to clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. ROSS, Mr. SNYDER, and Mr. BOOZMAN):

H.R. 4456. A bill to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie Caraway Station"; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. MORAN of Virginia):

H.R. 4457. A bill to identify certain roads in the vicinity of Fort Belvoir, Virginia, as de-

fense access roads for purposes of the Defense Access Road Program; to the Committee on Armed Services.

By Mr. EMANUEL:

H.R. 4458. A bill to amend the Internal Revenue Code of 1986 to increase the credit for certain alternative motor vehicles assembled in the United States and to increase the credit for research related to alternative motor vehicle technology; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4459. A bill to provide tuition assistance to undergraduate students in exchange for the performance of National service; to the Committee on Education and the Workforce.

By Mr. FOSSELLA:

H.R. 4460. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire alarm detection systems, or other fire prevention technologies, in qualified student housing, dormitories, and other university buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBONS:

H.R. 4461. A bill to make a technical correction relating to the land conveyance authorized by Public Law 108-67; to the Committee on Resources.

By Mr. GINGREY:

H.R. 4462. A bill to amend the National Voter Registration Act of 1993 to require an individual to provide proof that the individual is a citizen of the United States as a condition of registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT (for himself, Mr. LEWIS of Georgia, Mr. OWENS, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mr. DEFazio, Mr. KENNEDY of Rhode Island, Ms. MOORE of Wisconsin, Mr. BROWN of Ohio, Ms. LEE, Ms. WOOLSEY, Mr. NADLER, Mr. SNYDER, Mr. MICHAUD, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Ms. CARSON, and Mr. LANTOS):

H.R. 4463. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself and Mr. RANGEL):

H.R. 4464. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mrs. MALONEY, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. HOLT, Mr. MCGOVERN, Mrs. MCCARTHY, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Ms. SOLIS, Mr. SHERMAN, Mr. NADLER, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. LEE, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. SANDERS, Mr. LEVIN, Ms. WOOLSEY, Mr. STARK, Mr. KUCINICH, Mr. ENGEL, Mr. ACKERMAN, Mr. OWENS, Mr. BERMAN, Mr. McNULTY, Mr. LANTOS, and Mrs. CAPPS):

H.R. 4465. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. RUSH:

H.R. 4466. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules

regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4467. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2006; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4468. A bill to improve certain compensation, health care, and education benefits for individuals who serve in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS:

H.R. 4469. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself and Mr. KUHLMANN of New York):

H.R. 4470. A bill to amend the Elementary and Secondary Education Act of 1965 to extend the deadline by which State educational agencies and local educational agencies are required to ensure that an educator is highly qualified in order to account for the educator's applicable period of military service; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself and Ms. ESHOO):

H. Con. Res. 311. Concurrent resolution urging Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself and Mr. PETERSON of Minnesota):

H. Res. 589. A resolution creating a select committee to oversee and, where necessary, investigate and maximize the necessarily significant appropriations expended to win the War on Terror, especially within the operational theaters of Afghanistan and Iraq; to the Committee on Rules.

By Mr. TURNER:

H. Res. 590. A resolution recognizing the 10th anniversary of the Dayton Peace Accords; to the Committee on International Relations.

131.47 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 460 memorializing the Congress of the United States to allow subsequent consolidated loans; to the Committee on Education and the Workforce.

206. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 43 memorializing the Congress of the United States to amend the Social Security Act to provide for long-term caregiver benefits; to the Committee on Energy and Commerce.

207. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 27 encouraging the Congress of the United States to eliminate caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas;

jointly to the Committees on Energy and Commerce and Ways and Means.

208. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 454 urging the Congress of the United States to create a task force to develop solutions to rapidly increasing health care costs; jointly to the Committees on Ways and Means, Education and the Workforce, and Energy and Commerce.

131.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 195: Ms. GRANGER.
 H.R. 226: Mr. WELDON of Pennsylvania.
 H.R. 297: Mr. WYNN.
 H.R. 305: Mr. HINCHEY.
 H.R. 333: Mr. CAPUANO.
 H.R. 341: Mr. BOOZMAN.
 H.R. 389: Mr. BONILLA and Mr. REICHERT.
 H.R. 424: Mr. ABERCROMBIE.
 H.R. 515: Ms. BORDALLO.
 H.R. 586: Mr. BONILLA and Mr. PETERSON of Minnesota.
 H.R. 698: Mr. SHUSTER, Mr. MURPHY, and Mr. BRADLEY of New Hampshire.
 H.R. 699: Mr. EMANUEL, Mr. PICKERING, and Mrs. CUBIN.
 H.R. 820: Mr. GORDON.
 H.R. 839: Mr. JEFFERSON.
 H.R. 916: Mr. KING of New York, Mr. BECERRA, and Mr. OSBORNE.
 H.R. 921: Mr. THOMPSON of Mississippi.
 H.R. 934: Mr. FITZPATRICK of Pennsylvania.
 H.R. 949: Mr. DAVIS of Illinois and Ms. VELÁZQUEZ.
 H.R. 960: Mr. MORAN of Virginia, Mr. STUPAK, and Mrs. MCCARTHY.
 H.R. 972: Mrs. TAUSCHER and Mr. ORTIZ.
 H.R. 995: Mr. GONZALEZ.
 H.R. 999: Mrs. MCCARTHY.
 H.R. 1002: Mr. HINOJOSA, Mr. SWEENEY, and Mr. CUELLAR.
 H.R. 1053: Mr. WEXLER, Mr. PETERSON of Pennsylvania, and Mr. LANGEVIN.
 H.R. 1120: Mr. HOYER, Mr. CHANDLER, and Mr. ALLEN.
 H.R. 1125: Mr. FATTAH and Mr. SIMMONS.
 H.R. 1227: Mr. WHITFIELD, Mr. PEARCE, and Mr. INGLIS of South Carolina.
 H.R. 1249: Mr. SANDERS.
 H.R. 1259: Mr. HINCHEY.
 H.R. 1298: Mr. NADLER, Mr. RUSH, and Mr. FATTAH.
 H.R. 1322: Mr. MICHAUD, Mr. LANGEVIN, Mr. CAPUANO, and Mr. BROWN of Ohio.
 H.R. 1345: Mr. FITZPATRICK of Pennsylvania.
 H.R. 1413: Mr. RANGEL, Mr. GONZALEZ, and Ms. MCKINNEY.
 H.R. 1426: Mr. SHAYS.
 H.R. 1431: Mr. KIRK, Ms. VELÁZQUEZ, and Mrs. JOHNSON of Connecticut.
 H.R. 1438: Mr. BARRETT of South Carolina.
 H.R. 1443: Mr. RAHALL.
 H.R. 1518: Mr. SHAW.
 H.R. 1588: Mr. ALLEN and Mr. SANDERS.
 H.R. 1616: Mr. RENZI.
 H.R. 1649: Mr. BRADY of Pennsylvania.
 H.R. 1668: Mr. HIGGINS.
 H.R. 1806: Ms. KILPATRICK of Michigan.
 H.R. 1951: Mr. FRANK of Massachusetts, Mr. PITTS, Mr. GIBBONS, Mr. KLINE, and Mr. HOLDEN.
 H.R. 2012: Mrs. NAPOLITANO.
 H.R. 2090: Mr. FATTAH, Mr. McNULTY, and Mr. SANDERS.
 H.R. 2177: Mr. ALLEN, Mr. WOLF, Mr. SANDERS, and Mrs. NORTHUP.
 H.R. 2193: Mr. MILLER of North Carolina.
 H.R. 2230: Mr. WEXLER.
 H.R. 2231: Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. MCINTYRE, and Mr. BACA.
 H.R. 2325: Mr. SCHIFF.

H.R. 2359: Mr. EVANS and Ms. MCKINNEY.
 H.R. 2370: Ms. HARMAN.
 H.R. 2378: Mr. THOMPSON of Mississippi.
 H.R. 2637: Mr. KING of New York.
 H.R. 2669: Mr. HOLT and Mr. INSLEE.
 H.R. 2716: Mr. SHAYS.
 H.R. 2717: Mr. CUELLAR and Ms. WATERS.
 H.R. 2746: Mr. BERMAN and Mr. KUCINICH.
 H.R. 2811: Mr. CASTLE.
 H.R. 2861: Mr. CASTLE, Mr. HONDA, Mr. McNULTY, Mr. BRADY of Pennsylvania, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 2892: Mr. LARSON of Connecticut.
 H.R. 2943: Mr. SCHIFF, Ms. BALDWIN, and Mr. SHIMKUS.
 H.R. 2989: Mr. TOM DAVIS of Virginia.
 H.R. 3022: Mr. RAHALL.
 H.R. 3063: Mr. MORAN of Kansas.
 H.R. 3072: Mr. LEWIS of Georgia and Mr. JACKSON of Illinois.
 H.R. 3145: Mr. GORDON and Mr. EVANS.
 H.R. 3321: Mr. KENNEDY of Rhode Island.
 H.R. 3369: Mr. SABO.
 H.R. 3506: Mr. BISHOP of Georgia.
 H.R. 3553: Mr. INGLIS of South Carolina.
 H.R. 3563: Ms. WATSON.
 H.R. 3579: Mr. BROWN of Ohio.
 H.R. 3644: Mr. REICHERT and Mr. LOBIONDO.
 H.R. 3760: Mr. MEEHAN.
 H.R. 3838: Mr. JACKSON of Illinois and Mr. SMITH of Washington.
 H.R. 3883: Mr. MCHENRY, Ms. HOOLEY, Mr. PUTNAM, and Mr. WESTMORELAND.
 H.R. 3907: Mr. WILSON of South Carolina.
 H.R. 3908: Mr. LAHOOD.
 H.R. 3925: Mr. NADLER.
 H.R. 3931: Ms. WATSON and Ms. DELAURO.
 H.R. 3948: Mr. CONYERS.
 H.R. 4019: Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, and Mr. KELLER.
 H.R. 4047: Mr. PLATTS.
 H.R. 4062: Ms. WOOLSEY, Mr. LARSON of Connecticut, and Ms. LINDA T. SÁNCHEZ of California.
 H.R. 4063: Mr. SMITH of Washington, Mr. CARNAHAN, Mr. DENT, and Mr. JEFFERSON.
 H.R. 4093: Mr. MCCOTTER and Mr. MCHENRY.
 H.R. 4096: Mr. SMITH of Texas.
 H.R. 4098: Mr. FATTAH, Mr. BISHOP of New York, Mr. SMITH of Texas, Ms. NORTON, and Mr. DICKS.
 H.R. 4186: Mr. STUPAK and Mr. RANGEL.
 H.R. 4217: Mr. PAUL.
 H.R. 4229: Mr. McNULTY, Ms. LEE, and Mr. NADLER.
 H.R. 4231: Mr. KLINE, Mr. PETERSON of Minnesota, and Mr. RAMSTAD.
 H.R. 4239: Mr. RYAN of Wisconsin.
 H.R. 4246: Mr. PAUL.
 H.R. 4254: Mr. OWENS.
 H.R. 4278: Mr. CAPUANO.
 H.R. 4315: Mr. KLINE.
 H.R. 4325: Mr. GOODLATTE.
 H.R. 4343: Mr. DINGELL, Mr. MARKEY, Mrs. LOWEY, Mr. WATT, Mr. MEEK of Florida, Mr. MEEHAN, Mr. COSTELLO, Mr. LIPINSKI, Mr. WYNN, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. MEEKS of New York, Mr. WEINER, Ms. WOOLSEY, Mr. WU, Mr. HOYER, Mr. AL GREEN of Texas, Ms. WATERS, Mr. OLVER, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. NADLER, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SÁNCHEZ of California, Mr. SERRANO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. CARSON, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. MCKINNEY, Ms. MILLENDER-McDONALD, Ms. MOORE of Wisconsin, Mr. OWENS, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. LEE, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr.

JEFFERSON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. EMANUEL, Mr. TOWNS, Ms. BERKLEY, Mr. FORD, Mr. BUTTERFIELD, Mr. HOLDEN, Ms. KAPTUR, Ms. BEAN, Ms. HERSETH, Mr. SHAYS, Mr. CHABOT, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. LATOURETTE, Mrs. EMERSON, Mr. WHITFIELD, Mr. FERGUSON, Mr. BILIRAKIS, Mr. BURGESS, Mr. HALL, Mr. DEAL of Georgia, Mr. LAHOOD, Mr. BRADLEY of New Hampshire, Mr. TIAHRT, Mr. OSBORNE, Mr. GALLEGLEY, Mr. BRADY of Texas, Mr. BLUNT, Mr. BOEHLERT, Mr. KUHL of New York, Mr. SHIMKUS, Mr. KOLBE, Mr. HOEKSTRA, Mrs. CAPITO, Mr. CASTLE, Mr. KIRK, Ms. ROS-LEHTINEN, Mr. BASS, Ms. GRANGER, Mr. GILCREST, Ms. PRYCE of Ohio, Mr. HULSHOF, Mr. COBLE, Mr. WALSH, Mr. HAYES, Mr. HOBSON, Mr. PLATTS, Mr. WOLF, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. WALDEN of Oregon, Mr. TIBERI, Mr. TURNER, Mrs. MILLER of Michigan, Mr. OXLEY, Mrs. KELLY, Mr. STEARNS, Mr. CANNON, Mr. GERLACH, Mr. HUNTER, Mr. SOUDER, Mrs. JOHNSON of Connecticut, Mr. MCCREERY, Mr. EHLERS, Mrs. WILSON of New Mexico, Mr. REGULA, Mr. DENT, Mr. LEWIS of California, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 4350: Mr. HIGGINS and Mr. OWENS.
H.R. 4352: Ms. HARRIS.
H.R. 4361: Mr. ACKERMAN, Mr. PETERSON of Minnesota, and Mr. RANGEL.
H.R. 4372: Mr. MENENDEZ.
H.R. 4388: Mr. SHAW.
H.R. 4408: Mr. WICKER and Mr. EVERETT.
H.R. 4410: Mr. MEEHAN.
H.R. 4433: Mr. PEARCE.
H.R. 4437: Mr. FORBES, Mr. BURTON of Indiana, Mr. DREIER, Mr. STEARNS, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. BAGHUS, Mrs. SCHMIDT, Mr. RAMSTAD, Mr. THORNBERRY, Mr. MCCAUL of Texas and Mr. ISTOOK.

H.R. 4440: Mr. MELANCON and Mr. FOLEY.
H. J. Res. 70: Mr. WATT, Mr. EVANS, and Ms. SCHAKOWSKY.

H. J. Res. 73: Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. NADLER, Mr. STARK, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. FATTAH, Mr. FARR, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Ms. WOOLSEY, Ms. WATERS, Mr. BLUMENAUER, Mr. CONYERS, Ms. ESHOO, Ms. NORTON, Ms. CARSON, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. MARKEY, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. MEEHAN, Ms. MCCOLLUM of Minnesota, and Mrs. CAPPS.

H. Con. Res. 174: Mr. HONDA, Mr. PRICE of North Carolina, Mr. BOOZMAN, and Mr. NADLER.

H. Con. Res. 234: Ms. BALDWIN and Mr. DAVIS of Alabama.

H. Con. Res. 296: Ms. ROS-LEHTINEN, Ms. MCCOLLUM of Minnesota, Mr. LEACH, Mr. MCCOTTER, Mr. PAYNE, Mr. HIGGINS, Mrs. KELLY, Mr. WAXMAN, Ms. NORTON, Mr. FARR, Mr. WOLF, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. HARMAN, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. DOYLE, Ms. SOLIS, Mr. UDALL of Colorado, Mr. DOGGETT, Mr. KUCINICH, and Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 297: Mr. DOGGETT and Ms. WOOLSEY.

H. Con. Res. 309: Ms. BORDALLO, Mr. SERRANO, Mr. KILDÉE, and Mr. GONZALEZ.

H. Res. 123: Mr. STRICKLAND.

H. Res. 179: Mr. DELAHUNT.

H. Res. 196: Ms. WASSERMAN SCHULTZ, Mrs. TAUSCHER, Mr. DICKS, Mr. HINCHEY, Mr. ACKERMAN, Mrs. JONES of Ohio, Mr. WYNN, and Mr. SCHIFF.

H. Res. 246: Mr. CUMMINGS.

H. Res. 323: Mr. STARK, Mr. STUPAK, and Mr. CALVERT.

H. Res. 471: Mr. WYNN.

H. Res. 498: Mr. BOOZMAN, Mrs. KELLY, and Mr. McNULTY.

H. Res. 526: Mr. SANDERS.

H. Res. 556: Mr. CARNAHAN.

H. Res. 566: Ms. HERSETH, Mr. DELAHUNT, Mr. MCINTYRE, Mr. COSTA, Mr. BAIRD, Ms. HARMAN, Mr. POMBO, Mr. MCGOVERN, Ms. BORDALLO, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. BOSWELL, Mr. LYNCH, Mr. PETERSON of Minnesota, and Mr. TERRY.

H. Res. 579: Mr. NORWOOD, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. WILSON of South Carolina, and Mr. BOOZMAN.

¶131.49 PETITIONS

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 497 requesting the Congress of the United States pass S.1086 and H.R.2423, "A Bill To Improve The National Program To Register And Monitor Individuals Who Commit Crimes Against Children or Sex Offenses"; which was referred to the Committee on the Judiciary.

THURSDAY, DECEMBER 8, 2005 (132)

¶132.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,

December 8, 2005.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶132.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Wednesday, December 7, 2005.

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

¶132.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5544. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — One-Year Post-Employment Restrictions for Senior Examiners [Docket No. R-1230] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5545. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Medical Information Regulations [Regulation V and FF; Docket No. R-1188] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5546. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Release in the Public Use Database of Certain Mortgage Data and Annual Housing Activities Report (AHAR) Information of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) [Docket No. FR-4947-F-02] (RIN: 2501-AD09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5547. A letter from the Regulations Coordinator, CMS, Department of Health and

Human Services, transmitting the Department's final rule — Federal Enforcement in Group and Individual Health Insurance Markets [CMS-4091-F] (RIN: 0938-AN35) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5548. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Company, transmitting the Corporation's final rule — Deposit Insurance Coverage; Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code (RIN: 3064-AC90) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5549. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Medical Devices; General and Plastic Surgery Devices; Classification of the Low Energy Ultrasound Wound Cleaner [Docket No. 2005P-0366] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5550. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Establishment of New License Exception for the Export of Re-export to U.S. Persons in Libya of Certain Items Controlled for Anti-Terrorism Reasons Only on the Commerce Control List [Docket No. 051028279-5279-01] (RIN: 0694-AD57) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5551. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of License Requirements and Licensing Policy, and Increased Availability of License Exceptions for Certain North Atlantic Treaty Organizations (NATO) Member States [Docket No. 051020273-5273-01] (RIN: 0694-AD61) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5552. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters [Docket No.: 2005-P-053] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5553. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers; Removal of Addresses From Rules [BOP-1136-I] (RIN: 1120-AB36) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5554. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal [BOP-1112-F] (RIN: 1120-AB12) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5555. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the D.C. Code [BOP-1113-F] (RIN: 1120-AB13) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-17-AD; Amendment 39-14265; AD 2005-01-15R1] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMS) One Million World (1M or 700k) Data Bases (9104 Cycle or Ea as Installed in, but Not Limited to, McDonnell Douglas Model MD-MD-11F Airplanes, Boeing Model 747-400 Series Airplanes, and Boe Model 757 and 767 Airplanes [Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-Amendment 39-14328; AD 2005-20-31] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-35-AD; Amendment 39-14339; AD 2005-21-01] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 212, 412, and 412EP Helicopters [Docket No. FAA-2005-22634; Directorate Identifier 2005-SW-12-AD; Amendment 39-14335; AD 2005-20-38] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and McDonnell Douglas Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. FAA-2005-21140; Directorate Identifier 2004-NM-274-AD; Amendment 39-14273; AD 2005-19-08] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-20364; Directorate Identifier 2004-NM-186-AD; Amendment 39-14274; AD 2005-1909] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22625; Directorate Identifier 2003-NM-213-AD; Amendment 39-14331; AD 2005-20-34] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, 402B, 402C, 404, 411, 411A, 414, 414A, 421, 421A, 421B, 421C, 425, and 441 Airplanes [Docket No. FAA-2005-21173; Directorate Identifier 2005-

CE-22-AD; Amendment 39-14321; AD 2005-20-25] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-12-AD; Amendment 39-14319; AD 2005-20-23] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-211, -212, -311, and -312 Airplanes [Docket No. FAA-2005-22614; Directorate Identifier 2005-NM-035-AD; Amendment 39-14324; AD 2005-20-27] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5566. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F-13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-14306; AD 2005-20-12] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5567. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 Series Airplanes; Model A320-111 Airplanes; Model A321-200 Series Airplanes, and Model A321-100 and -200 Series Airplanes [Docket No. FAA-2005-20874; Directorate Identifier 2004-NM-279-AD; Amendment 39-14311; AD 2005-20-17] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5568. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21085; Directorate Identifier 2004-NM-252-AD; Amendment 39-14307; AD 2005-20-13] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5569. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. FAA-2005-21138; Directorate Identifier 2004-NM-131-AD; Amendment 39-14310; AD 2005-20-16] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5570. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 Airplanes [Docket No. FAA-2005-22032; Directorate Identifier 2005-NM-049-AD; Amendment 39-14308; AD 2005-20-14] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5571. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30

and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes; Model MD-10-10F and MD-10-30F Airplanes; and Model MD-11 and MD-11F Aiplanes [Docket No. FAA-2005-21594; Directorate Identifier 2005-NM-067-AD; Amendment 39-14309; AD 2005-20-15] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5572. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-21346; Directorate Identifier 2005-NM-031-AD; Amendment 39-14336; AD 2005-20-39] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5573. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF Series Airplanes [Docket No. FAA-2005-20726; Directorate Identifier 2004-NM-265-AD; Amendment 39-14337; AD 2005-20-40] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5574. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 and A340-200 and -300 Series Airplanes [Docket No. FAA-2005-20221; Directorate Identifier 2004-NM-173-AD; Amendment 39-14329; AD 2005-20-32] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5575. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & Co KG Modes G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. FAA-2005-20441; Directorate Identifier 2003-CE-35-AD; Amendment 39-14322; AD 2003-19-14 R2] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5576. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. 2003-NM-238-AD; Amendment 39-14330; AD 2005-20-33] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5577. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B BUD, 747-200B, 747-300, 747SP, and 747SR Series Airplanes [Docket No. FAA-2005-20880; Directorate Identifier 2003-NM-229-AD; Amendment 39-14327; AD 2005 20-30] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5578. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes; and Model A320-200, A321-100, and A321-200 Series Airplanes [Docket No. FAA-2005-21862; Directorate Identifier 2005-NM-091-AD; Amendment 39-14333; AD 2005-20-36] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5579. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.A. (formerly ALVEN), Series 312 Box Mounted Seats [Docket No. FAA-2005-20848; Directorate Identifier 2005-NE-02-AD; Amendment 39-14323; AD 2005-20-26] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5580. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -13KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20223; Directorate Identifier 2004-NM-193-AD; Amendment 39-14334; AD 2005-20-37] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5581. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes, Powered by Pratt & Whitney PW2000 Series Engines [Docket No. FAA-2005-20137; Directorate Identifier 2004-NM-96-AD; Amendment 39-14338; AD 2005-20-41] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5582. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200F, -200C, -100B, -300, -100B SUD, -400, -400D, and -400F Series Airplanes; and Model 747SR Series Airplanes [Docket No. FAA-2005-10917; Directorate Identifier 2004-NM-85-AD; Amendment 39-14312; AD 2005-20-18] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5583. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Care Amendments [CMS-1022-F] (RIN: 0938-AJ36) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5584. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 415 Regulations and Pre-existing Plans [Notice 2005-87] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5585. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted Disparity in Employer-Provided Contributions or Benefits (Rev. Rul. 2005-72) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5586. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2005-75] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5587. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-76) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5588. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2005-75) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5589. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Retail Industry — Audit Technique Guide (ATG) — received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5590. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Medicare Claims [CMS-0008-F] (RIN: 0938-AM22) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

132.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4297

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 588):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

132.5 BUDGET RECONCILIATION

Mr. THOMAS, pursuant to House Resolution 588, called up for consideration the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

Pending consideration of said bill.

Pursuant to House Resolution 588, the following amendment in the nature of a substitute recommended by the Committee on Ways and Means was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Tax Relief Extension Reconciliation Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

- Sec. 101. Allowance of nonrefundable personal credits against regular and minimum tax liability.
- Sec. 102. Tax incentives for business activities on Indian reservations.
- Sec. 103. Work opportunity credit.
- Sec. 104. Welfare-to-work credit.
- Sec. 105. Deduction for corporate donations of computer technology and equipment.
- Sec. 106. Availability of medical savings accounts.
- Sec. 107. 15-year cost recovery for leasehold improvements.
- Sec. 108. 15-year cost recovery for restaurant improvements.
- Sec. 109. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
- Sec. 110. District of Columbia Enterprise Zone.
- Sec. 111. Possession tax credit with respect to American Samoa.
- Sec. 112. Parity in the application of certain limits to mental health benefits.
- Sec. 113. Research credit.
- Sec. 114. Qualified Zone Academy Bonds.
- Sec. 115. Certain expenses of elementary and secondary school teachers.
- Sec. 116. Qualified tuition and related expenses.

Sec. 117. State and local general sales taxes.

TITLE II—EXTENSIONS OF CERTAIN PROVISIONS FOR 2 ADDITIONAL YEARS AND OTHER MODIFICATIONS

Sec. 201. Expensing of environmental remediation costs.
 Sec. 202. Controlled foreign corporations.
 Sec. 203. Capital gains and dividends rates.
 Sec. 204. Saver's credit.
 Sec. 205. Increased expensing for small business.

TITLE III—OTHER PROVISIONS

Sec. 301. Clarification of taxation of certain settlement funds.
 Sec. 302. Modification of active business definition under section 355.
 Sec. 303. Veterans' mortgage bonds.
 Sec. 304. Capital gains treatment for certain self-created musical works.
 Sec. 305. Vessel tonnage limit.
 Sec. 306. Modification of special arbitrage rule for certain funds.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

SEC. 101. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2005) is amended—

(1) in the text by striking “or 2005” and inserting “2005, or 2006”, and
 (2) in the heading by striking “2005” and inserting “2006”.

(b) CONFORMING PROVISIONS.—

(1) Subsection (i) of section 904 (relating to coordination with nonrefundable personal credits) is amended by striking “or 2005” and inserting “2005, or 2006”.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2006.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. TAX INCENTIVES FOR BUSINESS ACTIVITIES ON INDIAN RESERVATIONS.

(a) INDIAN EMPLOYMENT TAX CREDIT.—

(1) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2005.

(b) ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.—

(1) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to property placed in service after December 31, 2005.

SEC. 103. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) INCREASE IN AGE LIMIT FOR FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) (relating to qualified food stamp recipient) is amended by striking “25” and inserting “35”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 104. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to indi-

viduals who begin work for the employer after December 31, 2005.

SEC. 105. DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made in taxable years beginning after December 31, 2005.

SEC. 106. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking “2005” each place it appears in the text and headings and inserting “2006”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking “or 2004” each place it appears and inserting “2004, or 2005”, and

(B) in the heading by striking “OR 2004” and inserting “2004, OR 2005”.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking “and 2004” and inserting “2004, and 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 107. 15-YEAR COST RECOVERY FOR LEASEHOLD IMPROVEMENTS.

(a) IN GENERAL.—Clause (iv) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 108. 15-YEAR COST RECOVERY FOR RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clause (v) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 109. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 110. DISTRICT OF COLUMBIA ENTERPRISE ZONE.

(a) PERIOD FOR WHICH DESIGNATION APPLICABLE.—Subsection (f) of section 1400 (relating to time for which designation applicable)

is amended by striking “December 31, 2005” both places it appears and inserting “December 31, 2006”.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—Subsection (b) of section 1400A (relating to period of applicability) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B (relating to DC Zone Asset) is amended by striking “January 1, 2006” each place it appears and inserting “January 1, 2007”.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 1400B(e) (relating to gain before 1998 and after 2010 not qualified) is amended—

(i) by striking “December 31, 2010” and inserting “December 31, 2011”, and

(ii) by striking “2010” in the heading and inserting “2011”.

(B) Paragraph (2) of section 1400B(g) (relating to sales and exchanges of interests in partnerships and S corporations which are DC Zone businesses) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(C) Subsection (d) of section 1400F (relating to certain rules to apply) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(d) FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Subsection (i) of section 1400C (relating to application of section) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2006.

(2) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—The amendment made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 111. POSSESSION TAX CREDIT WITH RESPECT TO AMERICAN SAMOA.

(a) IN GENERAL.—Subparagraph (A) of section 936(j)(8) (relating to special rules for certain possessions) is amended by inserting before the period at the end the following: “(before January 1, 2007, in the case of American Samoa)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 112. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) EFFECTIVE DATES.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 113. RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking “2.65 percent” and inserting “3 percent”,

(B) by striking “3.2 percent” and inserting “4 percent”, and

(C) by striking “3.75 percent” and inserting “5 percent”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) **ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.**—

(1) **IN GENERAL.**—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) **ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.**—

“(A) **IN GENERAL.**—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

“(B) **SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.**—

“(i) **TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.**—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

“(ii) **CREDIT RATE.**—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

“(C) **ELECTION.**—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.”

(2) **COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.**—

(A) **IN GENERAL.**—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: “An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.”

(B) **TRANSITION RULE.**—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 114. QUALIFIED ZONE ACADEMY BONDS.

(a) **IN GENERAL.**—Paragraph (1) of section 1397E(e) (relating to national limit) is amended by striking “and 2005” and inserting “2005, and 2006”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

SEC. 115. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking “or 2005” and inserting “2005, or 2006”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2005.

SEC. 116. QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **LIMITATIONS.**—Paragraph (2) of section 222(b) (relating to applicable dollar limit) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following:

“(A) 2006.—In the case of a taxable year beginning in 2006, the applicable dollar amount shall be equal to—

“(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed \$65,000 (\$130,000 in the case of a joint return), \$4,000,

“(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed \$80,000 (\$160,000 in the case of a joint return), \$2,000, and

“(iii) in the case of any other taxpayer, zero.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

SEC. 117. STATE AND LOCAL GENERAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) (relating to application of paragraph) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

TITLE II—EXTENSIONS OF CERTAIN PROVISIONS FOR 2 ADDITIONAL YEARS AND OTHER MODIFICATIONS

SEC. 201. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) **EXTENSION OF TERMINATION DATE.**—Subsection (h) of section 198 (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2007”.

(b) **PETROLEUM PRODUCTS TREATED AS HAZARDOUS SUBSTANCE.**—Paragraph (1) of section 198(d) (relating to hazardous substance) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) any petroleum product (as defined in section 4612(a)(3)).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 202. CONTROLLED FOREIGN CORPORATIONS.

(a) **SUBPART F EXCEPTION FOR ACTIVE FINANCING.**—

(1) **EXEMPT INSURANCE INCOME.**—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking “January 1, 2007” and inserting “January 1, 2009”, and

(B) by striking “December 31, 2006” and inserting “December 31, 2008”.

(2) **EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.**—Paragraph (9) of section 954(h) (relating to application) is amended by striking “January 1, 2007” and inserting “January 1, 2009”.

(b) **LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.**—Subsection (c) of section 954 (relating to foreign personal holding company income) is amended by adding at the end the following new paragraph:

“(6) **LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.**—

“(A) **IN GENERAL.**—For purposes of this subsection, dividends, interest, rents, and royalties received or accrued from a controlled foreign corporation which is a related person shall not be treated as foreign personal holding company income to the extent attributable or properly allocable (determined under rules similar to the rules of subparagraphs (C) and (D) of section 904(d)(3)) to income of the related person which is not subpart F income. For purposes of this subparagraph, interest shall include factoring income which is treated as income equivalent to interest for purposes of paragraph (1)(E). The Secretary shall prescribe such regulations as may be appropriate to prevent the abuse of the purposes of this paragraph.

“(B) **APPLICATION.**—Subparagraph (A) shall apply to taxable years of foreign corporations beginning after December 31, 2005, and before January 1, 2009, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.”

SEC. 203. CAPITAL GAINS AND DIVIDENDS RATES.

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2008” and inserting “December 31, 2010”.

SEC. 204. SAVER'S CREDIT.

Subsection (h) of section 25B (relating to elective deferrals and IRA contributions by certain individuals) is amended by striking “December 31, 2006” and inserting “December 31, 2008”.

SEC. 205. INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179(b) (relating to election to expense certain depreciable business assets) are each amended by striking “2008” and inserting “2010”.

TITLE III—OTHER PROVISIONS

SEC. 301. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) **IN GENERAL.**—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

“(g) **CLARIFICATION OF TAXATION OF CERTAIN FUNDS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.

“(2) **EXEMPTION FROM TAX FOR CERTAIN SETTLEMENT FUNDS.**—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

“(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

“(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

“(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

“(D) upon termination, any remaining funds will be disbursed to such government entity for use in accordance with applicable law.

For purposes of this paragraph, the term ‘government entity’ means the United States, any State or political subdivision

thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

“(3) TERMINATION.—Paragraph (2) shall not apply to accounts and funds established after December 31, 2010.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to accounts and funds established after the date of the enactment of this Act.

SEC. 302. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

Subsection (b) of section 355 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE RELATING TO ACTIVE BUSINESS REQUIREMENT.—

“(A) IN GENERAL.—In the case of any distribution made after the date of the enactment of this paragraph and before December 31, 2010, a corporation shall be treated as meeting the requirement of paragraph (2)(A) if and only if such corporation is engaged in the active conduct of a trade or business.

“(B) AFFILIATED GROUP RULE.—For purposes of subparagraph (A), all members of such corporation’s separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation’s separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

“(C) TRANSITION RULE.—Subparagraph (A) shall not apply to any distribution pursuant to a transaction which is—

“(i) made pursuant to an agreement which was binding on the date of the enactment of this paragraph and at all times thereafter,

“(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

“(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

The preceding sentence shall not apply if the distributing corporation elects not to have such sentence apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

“(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under paragraph (2)(A) of distributions made before the date of the enactment of this paragraph as a result of an acquisition, disposition, or other restructuring after such date and before December 31, 2010, such distribution shall be treated as made after the date of the enactment of this paragraph for purposes of applying subparagraphs (A) through (C) of this paragraph.”

SEC. 303. VETERANS’ MORTGAGE BONDS.

(a) ALL VETERANS ELIGIBLE FOR STATE HOME LOAN PROGRAMS FUNDED BY QUALIFIED VETERANS’ MORTGAGE BONDS.—

(1) IN GENERAL.—Paragraph (4) of section 143(1) (defining qualified veteran) is amended—

(A) by striking “at some time before January 1, 1977” in subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

“(B) who applied for the financing before the date 25 years after the last date on which such veteran left active service.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to financing provided after the date of the enactment of this Act.

(b) REVISION OF STATE VETERANS LIMIT.—

(1) IN GENERAL.—Subparagraph (B) of section 143(1)(3) (relating to volume limitation) is amended to read as follows:

“(B) STATE VETERANS LIMIT.—

“(i) IN GENERAL.—A State veterans limit for any calendar year is the amount equal to—

“(I) \$53,750,000 for the State of Texas,

“(II) \$66,250,000 for the State of California,

“(III) \$25,000,000 for the State of Oregon,

“(IV) \$25,000,000 for the State of Wisconsin, and

“(V) \$25,000,000 for the State of Alaska.

“(ii) PHASEIN.—In the case of calendar years beginning before 2010, clause (i) shall be applied by substituting for each of the dollar amounts therein by the applicable percentage. For purposes of the preceding sentence, the applicable percentage shall be determined in accordance with the following table:

<i>Calendar Year:</i>	<i>Applicable percentage is:</i>
2006	20 percent
2007	40 percent
2008	60 percent
2009	80 percent.

“(iii) TERMINATION.—The State veterans limit for any calendar year after 2010 is zero.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

SEC. 304. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS.

(a) IN GENERAL.—Subsection (b) of section 1221 (relating to capital asset defined) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) SALE OR EXCHANGE OF SELF-CREATED MUSICAL WORKS.—At the election of the taxpayer, paragraphs (1) and (3) of subsection (a) shall not apply with respect to any sale or exchange before January 1, 2011, of musical compositions or copyrights in musical works by a taxpayer described in subsection (a)(3).”

(b) LIMITATION ON CHARITABLE CONTRIBUTIONS.—Subparagraph (A) of section 170(e)(1) is amended by inserting “(determined without regard to section 1221(b)(3))” after “long-term capital gain”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges in taxable years beginning after the date of the enactment of this Act.

SEC. 305. VESSEL TONNAGE LIMIT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) (relating to qualifying vessel) is amended by inserting “(6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)” after “10,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 306. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS.

In the case of bonds issued after the date of the enactment of this Act and before August 31, 2009—

(1) the requirement of paragraph (1) of section 648 of the Deficit Reduction Act of 1984 (98 Stat. 941) shall be treated as met with respect to the securities or obligations referred to in such section if such securities or obligations are held in a fund the annual distributions from which cannot exceed 7 percent of the average fair market value of the assets held in such fund except to the extent distributions are necessary to pay debt service on the bond issue, and

(2) paragraph (3) of such section shall be applied by substituting “distributions from” for “the investment earnings of” both places it appears.

When said bill was considered.

After debate,

Pursuant to House Resolution 588, the following further amendment in

the nature of a substitute, printed in House Report 109-330, was submitted by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Tax Relief Extension Reconciliation Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

Sec. 101. Allowance of nonrefundable personal credits against regular and minimum tax liability.

Sec. 102. State and local general sales taxes.

Sec. 103. Research credit.

Sec. 104. Qualified tuition and related expenses.

Sec. 105. Certain expenses of elementary and secondary school teachers.

Sec. 106. Qualified Zone Academy Bonds.

Sec. 107. Tax incentives for business activities on Indian reservations.

Sec. 108. Deduction for corporate donations of computer technology and equipment.

Sec. 109. Availability of medical savings accounts.

Sec. 110. 15-year cost recovery for leasehold improvements.

Sec. 111. 15-year cost recovery for restaurant improvements.

Sec. 112. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 113. District of Columbia Enterprise Zone.

Sec. 114. Possession tax credit with respect to American Samoa.

Sec. 115. Parity in the application of certain limits to mental health benefits.

Sec. 116. Election to include combat pay under earned income credit.

Sec. 117. Work opportunity credit.

Sec. 118. Welfare-to-work credit.

Sec. 119. Extension of expensing of environmental remediation costs.

Sec. 120. Temporary relief from the alternative minimum tax.

TITLE II—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000

Sec. 201. Reduction in benefit of rate reduction for families with incomes over \$1,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Modification of active business definition under section 355.

Sec. 302. Veterans’ mortgage bonds.

Sec. 303. Capital gains treatment for certain self-created musical works.

Sec. 304. Vessel tonnage limit.

Sec. 305. Clarification of taxation of certain settlement funds.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

SECTION 101. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2005) is amended—

(1) in the text by striking “or 2005” and inserting “2005, or 2006”, and

(2) in the heading by striking "2005" and inserting "2006".

(b) CONFORMING PROVISIONS.—

(1) Subsection (i) of section 904 (relating to coordination with nonrefundable personal credits) is amended by striking "or 2005" and inserting "2005, or 2006".

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2006.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. STATE AND LOCAL GENERAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) (relating to application of paragraph) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 103. RESEARCH CREDIT.

(a) EXTENSION.—

(1) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) **INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—**

(1) **IN GENERAL.**—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) **ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—**

(1) **IN GENERAL.**—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) **ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—**

"(A) **IN GENERAL.**—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) **SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—**

"(i) **TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.**—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) **CREDIT RATE.**—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) **ELECTION.**—An election under this paragraph shall apply to the taxable year for

which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies."

(2) **COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—**

(A) **IN GENERAL.**—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies."

(B) **TRANSITION RULE.**—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 104. QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) **LIMITATIONS.**—Paragraph (2) of section 222(b) (relating to applicable dollar limit) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following:

"(A) 2006.—In the case of a taxable year beginning in 2006, the applicable dollar amount shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed \$65,000 (\$130,000 in the case of a joint return), \$4,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed \$80,000 (\$160,000 in the case of a joint return), \$2,000, and

"(iii) in the case of any other taxpayer, zero."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

SEC. 105. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2005" and inserting "2005, or 2006".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2005.

SEC. 106. QUALIFIED ZONE ACADEMY BONDS.

(a) **IN GENERAL.**—Paragraph (1) of section 1397E(e) (relating to national limit) is amended by striking "and 2005" and inserting "2005, and 2006".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

SEC. 107. TAX INCENTIVES FOR BUSINESS ACTIVITIES ON INDIAN RESERVATIONS.

(a) **INDIAN EMPLOYMENT TAX CREDIT.—**

(1) **IN GENERAL.**—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2005.

(b) **ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.—**

(1) **IN GENERAL.**—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to property placed in service after December 31, 2005.

SEC. 108. DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) **IN GENERAL.**—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to contributions made in taxable years beginning after December 31, 2005.

SEC. 109. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) **IN GENERAL.**—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2005" each place it appears in the text and headings and inserting "2006".

(b) **CONFORMING AMENDMENTS.—**

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking "or 2004" each place it appears and inserting "2004, or 2005", and

(B) in the heading by striking "OR 2004" and inserting "2004, OR 2005".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, and 2005".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) **TIME FOR FILING REPORTS, ETC.—**

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 110. 15-YEAR COST RECOVERY FOR LEASE-HOLD IMPROVEMENTS.

(a) **IN GENERAL.**—Clause (iv) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 111. 15-YEAR COST RECOVERY FOR RESTAURANT IMPROVEMENTS.

(a) **IN GENERAL.**—Clause (v) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 112. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) **IN GENERAL.**—Subparagraph (H) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 113. DISTRICT OF COLUMBIA ENTERPRISE ZONE.

(a) **PERIOD FOR WHICH DESIGNATION APPLICABLE.**—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking “December 31, 2005” both places it appears and inserting “December 31, 2006”.

(b) **TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.**—Subsection (b) of section 1400A (relating to period of applicability) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) **ZERO PERCENT CAPITAL GAINS RATE.**—

(1) **IN GENERAL.**—Subsection (b) of section 1400B (relating to DC Zone Asset) is amended by striking “January 1, 2006” each place it appears and inserting “January 1, 2007”.

(2) **CONFORMING AMENDMENTS.**—

(A) Paragraph (2) of section 1400B(e) (relating to gain before 1998 and after 2010 not qualified) is amended—

(i) by striking “December 31, 2010” and inserting “December 31, 2011”, and

(ii) by striking “2010” in the heading and inserting “2011”.

(B) Paragraph (2) of section 1400B(g) (relating to sales and exchanges of interests in partnerships and S corporations which are DC Zone businesses) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(C) Subsection (d) of section 1400F (relating to certain rules to apply) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(d) **FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.**—Subsection (i) of section 1400C (relating to application of section) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2006.

(2) **TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.**—The amendment made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 114. POSSESSION TAX CREDIT WITH RESPECT TO AMERICAN SAMOA.

(a) **IN GENERAL.**—Subparagraph (A) of section 936(j)(8) (relating to special rules for certain possessions) is amended by inserting before the period at the end the following: “(before January 1, 2007, in the case of American Samoa)”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 115. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) **IN GENERAL.**—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **EFFECTIVE DATES.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 116. ELECTION TO INCLUDE COMBAT PAY UNDER EARNED INCOME CREDIT.

(a) **IN GENERAL.**—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) **SPECIAL RULE.**—The amount of any refund to which an individual is entitled by reason of amendment made by subsection (a) shall not exceed the aggregate liability reflected in the individual’s tax account (determined by taking into account the taxable year and all prior taxable years).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 117. WORK OPPORTUNITY CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **INCREASE IN AGE LIMIT FOR FOOD STAMP RECIPIENTS.**—Clause (i) of section 51(d)(8)(A) (relating to qualified food stamp recipient) is amended by striking “25” and inserting “35”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 118. WELFARE-TO-WORK CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 51A (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 119. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) **IN GENERAL.**—Subsection (h) of section 198 (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 120. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) **IN GENERAL.**—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

“(f) **EXEMPTION FOR INDIVIDUALS FOR TAXABLE YEARS BEGINNING IN 2006.**—For any taxable year beginning in 2006, in the case of an individual—

“(1) **IN GENERAL.**—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

“(2) **PHASEIN OF LIABILITY ABOVE EXEMPTION LEVEL.**—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed \$112,500 (\$225,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

“(A) the excess of—

“(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over

“(ii) the threshold amount, bears to

“(B) \$12,500 (\$25,000 in the case of a joint return).

“(3) **THRESHOLD AMOUNT.**—For purposes of this paragraph, the term ‘threshold amount’ means \$100,000 (\$200,000 in the case of a joint return).

“(4) **ESTATES AND TRUSTS.**—This subsection shall not apply to any estate or trust.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE II—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000

SEC. 201. REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000.

(a) **GENERAL RULE.**—Section 1 (relating to imposition of tax on individuals) is amended by adding at the end the following new subsection:

“(j) **REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000.**—

“(1) **IN GENERAL.**—If the adjusted gross income of a taxpayer exceeds the threshold amount, the tax imposed by this section (de-

termined without regard to this subsection) shall be increased by an amount equal to 1.45 percent of so much of the adjusted gross income as exceeds the threshold amount.

“(2) **THRESHOLD AMOUNTS.**—For purposes of this subsection, the term ‘threshold amount’ means—

“(A) \$1,000,000 in the case of a joint return, and

“(B) \$500,000 in the case of any other return.

“(3) **TAX NOT TO APPLY TO ESTATES AND TRUSTS.**—This subsection shall not apply to an estate or trust.

“(4) **SPECIAL RULE.**—For purposes of section 55, the amount of the regular tax shall be determined without regard to this subsection.

“(5) **TERMINATION.**—This subsection shall not apply to taxable years beginning after December 31, 2010.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) **SECTION 15 NOT TO APPLY.**—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

Subsection (b) of section 355 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE RELATING TO ACTIVE BUSINESS REQUIREMENT.**—

“(A) **IN GENERAL.**—In the case of any distribution made after the date of the enactment of this paragraph and before December 31, 2010, a corporation shall be treated as meeting the requirement of paragraph (2)(A) if and only if such corporation is engaged in the active conduct of a trade or business.

“(B) **AFFILIATED GROUP RULE.**—For purposes of subparagraph (A), all members of such corporation’s separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation’s separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

“(C) **TRANSITION RULE.**—Subparagraph (A) shall not apply to any distribution pursuant to a transaction which is—

“(i) made pursuant to an agreement which was binding on the date of the enactment of this paragraph and at all times thereafter,

“(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

“(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

The preceding sentence shall not apply if the distributing corporation elects not to have such sentence apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

“(D) **SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.**—For purposes of determining the continued qualification under paragraph (2)(A) of distributions made before the date of the enactment of this paragraph as a result of an acquisition, disposition, or other restructuring after such date and before December 31, 2010, such distribution shall be treated as made after the date of the enactment of this paragraph for purposes of applying subparagraphs (A) through (C) of this paragraph.”.

SEC. 302. VETERANS’ MORTGAGE BONDS.

(a) **ALL VETERANS ELIGIBLE FOR STATE HOME LOAN PROGRAMS FUNDED BY QUALIFIED VETERANS’ MORTGAGE BONDS.**—

(1) IN GENERAL.—Paragraph (4) of section 143(1) (defining qualified veteran) is amended—

(A) by striking “at some time before January 1, 1977” in subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

“(B) who applied for the financing before the date 25 years after the last on which such veteran left active service.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to financing provided after the date of the enactment of this Act.

(b) REVISION OF STATE VETERANS LIMIT.—

(1) IN GENERAL.—Subparagraph (B) of section 143(1)(3) (relating to volume limitation) is amended to read as follows:

“(B) STATE VETERANS LIMIT.—

“(i) IN GENERAL.—A State veterans limit for any calendar year is the amount equal to—

- “(I) \$53,750,000 for the State of Texas,
“(II) \$66,250,000 for the State of California,
“(III) \$25,000,000 for the State of Oregon,
“(IV) \$25,000,000 for the State of Wisconsin, and
“(V) \$25,000,000 for the State of Alaska.

“(ii) PHASEIN.—In the case of calendar years beginning before 2010, clause (i) shall be applied by substituting for each of the dollar amounts therein by the applicable percentage. For purposes of the preceding sentence, the applicable percentage shall be determined in accordance with the following table:

Table with 2 columns: Calendar Year, Applicable percentage is:
2006 20 percent
2007 40 percent
2008 60 percent
2009 80 percent.

“(iii) TERMINATION.—The State veterans limit for any calendar year after 2010 is zero.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

SEC. 303. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS.

(a) IN GENERAL.—Subsection (b) of section 1221 (relating to capital asset defined) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) SALE OR EXCHANGE OF SELF-CREATED MUSICAL WORKS.—At the election of the taxpayer, paragraphs (1) and (3) of subsection (a) shall not apply with respect to any sale or exchange before January 1, 2011, of musical compositions or copyrights in musical works by a taxpayer described in subsection (a)(3).”.

(b) LIMITATION ON CHARITABLE CONTRIBUTIONS.—Subparagraph (A) of section 170(e)(1) is amended by inserting “(determined without regard to section 1221(b)(3))” after “long-term capital gain”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges in taxable years beginning after the date of the enactment of this Act.

SEC. 304. VESSEL TONNAGE LIMIT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) (relating to qualifying vessel) is amended by inserting “(6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)” after “10,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 305. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) IN GENERAL.—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

“(g) CLARIFICATION OF TAXATION OF CERTAIN FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.

“(2) EXEMPTION FROM TAX FOR CERTAIN SETTLEMENT FUNDS.—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

“(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

“(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

“(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

“(D) upon termination, any remaining funds will be disbursed to such government entity for use in accordance with applicable law.

For purposes of this paragraph, the term ‘government entity’ means the United States, any State or political subdivision thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

“(3) TERMINATION.—This subsection shall not apply to accounts and funds established after December 31, 2010.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to accounts and funds established after the date of the enactment of this Act.

After debate, Pursuant to House Resolution 588, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce, Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it. Mr. RANGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device. It was decided in the { Yeas 192 negative } Nays 239

132.6 [Roll No. 619] YEAS—192

- Abercrombie Bishop (NY) Cardoza
Ackerman Blumenauer Carnahan
Allen Boswell Carson
Andrews Boucher Case
Baca Boyd Chandler
Baird Brady (PA) Clay
Baldwin Brown (OH) Cleaver
Becerra Brown, Corrine Clyburn
Berkley Butterfield Conyers
Berman Capps Cooper
Berry Capuano Costa
Bishop (GA) Cardin Cramer

- Crowley Kildee Rangel
Cuellar Kilpatrick (MI) Reyes
Cummings Kind Ross
Davis (AL) Kucinich Rothman
Davis (CA) Langevin Roybal-Allard
Davis (FL) Lantos Ruppersberger
Davis (IL) Larsen (WA) Rush
Davis (TN) Larson (CT) Ryan (OH)
DeFazio Leach Salazar
DeGette Lee Sanchez, Linda
Delahunt Levin T.
DeLauro Lewis (GA) Sanchez, Loretta
Dicks Lipinski Sanders
Dingell Lofgren, Zoe Schakowsky
Doggett Lowey Schiff
Doyle Lynch Schwartz (PA)
Edwards Maloney Scott (GA)
Emanuel Markey Scott (VA)
Engel Matsui Serrano
Eshoo McCarthy Sherman
Etheridge McDermott Skelton
Evans McGovern Slaughter
Farr McIntyre Smith (WA)
Fattah McKinney Snyder
Filner McNulty Solis
Ford Meehan Spratt
Frank (MA) Meek (FL) Stark
Gonzalez Meeks (NY) Strickland
Gordon Melancon Stupak
Green, Al Menendez Tanner
Green, Gene Michaud
Grijalva Millender Tauscher
Gutierrez McDonald Taylor (MS)
Harman Miller (NC) Thompson (CA)
Hastings (FL) Miller, George Thompson (MS)
Herseth Mollohan Tierney
Higgins Moore (KS) Towns
Hinchey Moore (WI) Udall (CO)
Hinojosa Moran (VA) Udall (NM)
Holden Nadler Van Hollen
Holt Napolitano Velazquez
Honda Neal (MA) Wasserman
Hooley Obey Schultz
Hoyer Olver Waters
Inslee Ortiz Watson
Israel Owens Watt
Jackson (IL) Pallone Waxman
Jackson-Lee Pascrell Weiner
(TX) Pastor Wexler
Jefferson Payne Wilson (NM)
Johnson, E. B. Pelosi Woolsey
Jones (OH) Pomeroy Wu
Kaptur Price (NC) Wu
Kennedy (RI) Rahall Wynn

NAYS—239

- Aderholt Costello Gutknecht
Akin Crenshaw Hall
Alexander Cubin Harris
Bachus Culberson Hart
Baker Davis (KY) Hayes
Barrett (SC) Davis, Jo Ann Hayworth
Barrow Davis, Tom Hefley
Bartlett (MD) Deal (GA) Hensarling
Barton (TX) DeLay Herger
Bass Dent Hobson
Bean Diaz-Balart, L. Hoekstra
Beauprez Diaz-Balart, M. Hostettler
Biggert Doolittle Hulshof
Bilirakis Drake Hunter
Bishop (UT) Dreier Hyde
Blackburn Duncan Inglis (SC)
Blunt Ehlers Issa
Boehlert Emerson Istook
Boehner English (PA) Jenkins
Bonilla Everett Jindal
Bonner Feeney Johnson (CT)
Bono Ferguson Johnson (IL)
Boozman Fitzpatrick (PA) Johnson, Sam
Boren Flake Jones (NC)
Boustany Foley Kanjorski
Bradley (NH) Forbes Keller
Brady (TX) Fortenberry Kelly
Brown (SC) Fossella Kennedy (MN)
Burgess Foxx King (IA)
Burton (IN) Franks (AZ) King (NY)
Buyer Frelinghuysen Kingston
Calvert Gallegly Kirk
Camp (MI) Garrett (NJ) Kline
Campbell (CA) Campbell (CA) Knollenberg
Cannon Gibbons Kolbe
Cantor Gilchrest Kuhl (NY)
Capito Gillmor LaHood
Carter Gingrey Latham
Castle Gohmert LaTourette
Chabot Goode Lewis (CA)
Chocola Goodlatte Lewis (KY)
Coble Granger Linder
Cole (OK) Graves LoBiondo
Conaway Green (WI) Lucas

Lungren, Daniel Pence
 E. Peterson (MN)
 Mack Peterson (PA)
 Manzullo Petri
 Marchant Pickering
 Marshall Pitts
 Matheson Platts
 McCaul (TX) Poe
 McCollum (MN) Pombo
 McCotter Porter
 McCrery Price (GA)
 McHenry Pryce (OH)
 McHugh Putnam
 McKeon Radanovich
 McMorris Ramstad
 Mica Regula
 Miller (FL) Rehberg
 Miller (MI) Reichert
 Miller, Gary Renzi
 Moran (KS) Reynolds
 Murphy Rogers (AL)
 Murtha Rogers (KY)
 Musgrave Rogers (MI)
 Myrick Rohrabacher
 Neugebauer Ros-Lehtinen
 Ney Royce
 Northup Ryan (WI)
 Norwood Ryun (KS)
 Nunes Sabo
 Nussle Saxton
 Oberstar Schmidt
 Osborne Schwarz (MI)
 Otter Sensenbrenner
 Oxley Sessions
 Paul Shadegg
 Pearce Shaw

Shays
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Smith (NJ)
 Smith (TX)
 Sodrel
 Souder
 Stearns
 Sullivan
 Sweeney
 Tancredo
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Whitfield
 Wicker
 Wilson (SC)
 Wolf
 Young (AK)
 Young (FL)

means \$100,000 (\$200,000 in the case of a joint return).
 “(4) ESTATES AND TRUSTS.—This subsection shall not apply to any estate or trust.”
 (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

After debate,
 By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,
 Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.
 Mr. RANGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 193
 negative Nays 235

NOT VOTING—2
 Brown-Waite, Hastings (WA)
 Ginny

So the further amendment in the nature of a substitute was not agreed to.
 The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. RANGEL moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

Strike section 203 (relating to capital gains and dividends rates) and redesignate succeeding sections accordingly, and strike the item in the table of contents relating to section 203 and redesignate the items relating to succeeding sections accordingly.

Insert after section 117 the following new section (and amend the table of contents accordingly):

SEC. 118. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

“(f) EXEMPTION FOR INDIVIDUALS FOR TAXABLE YEARS BEGINNING IN 2006.—For any taxable year beginning in 2006, in the case of an individual—

“(1) IN GENERAL.—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

“(2) PHASE IN OF LIABILITY ABOVE EXEMPTION LEVEL.—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed \$112,500 (\$225,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

- “(A) the excess of—
- “(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over
- “(ii) the threshold amount, bears to
- “(B) \$12,500 (\$25,000 in the case of a joint return).
- “(3) THRESHOLD AMOUNT.—For purposes of this paragraph, the term ‘threshold amount’

132.7 [Roll No. 620]
 YEAS—193

Abercrombie
 Ackerman
 Allen
 Andrews
 Baca
 Baird
 Baldwin
 Barrow
 Becerra
 Berkley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brown (OH)
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardin
 Cardoza
 Carnahan
 Carson
 Case
 Chandler
 Clay
 Cleaver
 Clyburn
 Conyers
 Cooper
 Costa
 Costello
 Crowley
 Cuellar
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Doyle
 Edwards
 Emanuel
 Engel
 Eshoo
 Etheridge
 Evans
 Farr
 Fattah
 Filner
 Ford
 Frank (MA)

Waxman
 Weiner
 Wexler
 Woolsey
 Wu
 Wynn

NAYS—235

Aderholt
 Akin
 Alexander
 Bachus
 Baker
 Barrett (SC)
 Bartlett (MD)
 Barton (TX)
 Bass
 Bean
 Beauprez
 Biggert
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bonner
 Bono
 Boren
 Boustany
 Bradley (NH)
 Brady (TX)
 Brown (SC)
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp (MI)
 Campbell (CA)
 Cannon
 Cantor
 Capito
 Carter
 Castle
 Chabot
 Chocoma
 Coble
 Cole (OK)
 Conaway
 Cramer
 Crenshaw
 Cubin
 Culberson
 Davis (KY)
 Davis, Jo Ann
 Davis, Tom
 Deal (GA)
 DeLay
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Doolittle
 Drake
 Dreier
 Duncan
 Ehlers
 Emerson
 English (PA)
 Everett
 Feeney
 Ferguson
 Fitzpatrick (PA)
 Flake
 Foley
 Forbes
 Fortenberry
 Fossella
 Fox
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gibbons
 Gilchrest
 Gillmor

NOT VOTING—5
 Boozman
 Brown-Waite,
 Ginny
 Hastings (WA)
 Markey
 Smith (NJ)

So the motion to recommit with instructions was not agreed to.
 The question being put, viva voce,
 Will the House pass said bill?
 The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.
 Mr. STARK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of

the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 234
affirmative { Nays 197

¶132.8 [Roll No. 621]

YEAS—234

Aderholt	Gilchrest	Norwood
Akin	Gillmor	Nunes
Alexander	Gingrey	Nussle
Bachus	Gohmert	Osborne
Baker	Goode	Otter
Barrett (SC)	Goodlatte	Oxley
Barrow	Gordon	Paul
Bartlett (MD)	Granger	Pearce
Barton (TX)	Graves	Pence
Bass	Green (WI)	Peterson (PA)
Bean	Gutknecht	Petri
Beauprez	Hall	Pickering
Biggert	Harris	Pitts
Bilirakis	Hart	Platts
Bishop (UT)	Hastert	Poe
Blackburn	Hayes	Pombo
Blunt	Hayworth	Porter
Boehner	Hefley	Price (GA)
Bonilla	Hensarling	Pryce (OH)
Bonner	Herger	Putnam
Bono	Hobson	Radanovich
Boozman	Hoekstra	Ramstad
Boren	Hostettler	Regula
Boustany	Hulshof	Rehberg
Bradley (NH)	Hunter	Reichert
Brady (TX)	Hyde	Renzi
Brown (SC)	Inglis (SC)	Reynolds
Burgess	Issa	Rogers (AL)
Burton (IN)	Istook	Rogers (KY)
Buyer	Jenkins	Rogers (MI)
Calvert	Jindal	Rohrabacher
Camp (MI)	Johnson (CT)	Ros-Lehtinen
Campbell (CA)	Johnson (IL)	Royce
Cannon	Johnson, Sam	Ryan (WI)
Cantor	Jones (NC)	Ryun (KS)
Capito	Keller	Saxton
Carter	Kelly	Schmidt
Castle	Kennedy (MN)	Schwarz (MI)
Chabot	King (IA)	Sensenbrenner
Chocola	King (NY)	Sessions
Coble	Kingston	Shadegg
Cole (OK)	Kirk	Shaw
Conaway	Kline	Shays
Cramer	Knollenberg	Sherwood
Crenshaw	Kolbe	Shimkus
Cubin	Kuhl (NY)	Shuster
Cuellar	LaHood	Simmons
Culberson	Latham	Simpson
Davis (KY)	LaTourette	Smith (NJ)
Davis (TN)	Lewis (CA)	Smith (TX)
Davis, Jo Ann	Lewis (KY)	Sodrel
Davis, Tom	Linder	Souder
Deal (GA)	LoBiondo	Stearns
DeLay	Lucas	Sullivan
Dent	Lungren, Daniel	Sweeney
Diaz-Balart, L.	E.	Tancredo
Diaz-Balart, M.	Mack	Taylor (NC)
Doolittle	Manzullo	Terry
Drake	Marchant	Thomas
Dreier	Marshall	Thornberry
Duncan	McCaul (TX)	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McCrery	Turner
English (PA)	McHenry	Walden (OR)
Everett	McHugh	Walsh
Feeney	McIntyre	Wamp
Ferguson	McKeon	Weldon (FL)
Fitzpatrick (PA)	McMorris	Weldon (PA)
Flake	Mica	Weller
Foley	Miller (FL)	Westmoreland
Forbes	Miller (MI)	Whitfield
Fortenberry	Miller, Gary	Wicker
Fossella	Moran (KS)	Wilson (NM)
Foxx	Murphy	Wilson (SC)
Frelinghuysen	Musgrave	Wolf
Galleghy	Myrick	Young (AK)
Garrett (NJ)	Neugebauer	Young (FL)
Gerlach	Ney	
Gibbons	Northup	

NAYS—197

Abercrombie	Becerra	Boehlert
Ackerman	Berkley	Boswell
Allen	Berman	Boucher
Andrews	Berry	Boyd
Baca	Bishop (GA)	Brady (PA)
Baird	Bishop (NY)	Brown (OH)
Baldwin	Blumenauer	Brown, Corrine

Butterfield	Jackson-Lee	Payne
Capps	(TX)	Pelosi
Capuano	Jefferson	Peterson (MN)
Cardin	Johnson, E. B.	Pomeroy
Cardoza	Jones (OH)	Price (NC)
Carmahan	Kanjorski	Rahall
Carson	Kaptur	Rangel
Case	Kennedy (RI)	Reyes
Chandler	Kildee	Ross
Clay	Kilpatrick (MI)	Rothman
Cleaver	Kind	Roybal-Allard
Clyburn	Kucinich	Ruppersberger
Conyers	Langevin	Rush
Cooper	Lantos	Ryan (OH)
Costa	Larsen (WA)	Sabo
Costello	Larson (CT)	Salazar
Crowley	Leach	Sánchez, Linda
Cummings	Lee	T.
Davis (AL)	Levin	Sanchez, Loretta
Davis (CA)	Lewis (GA)	Sanders
Davis (FL)	Lipinski	Schakowsky
Davis (IL)	Lofgren, Zoe	Schiff
DeFazio	Lowey	Schwartz (PA)
DeGette	Lynch	Scott (GA)
DeLahunt	Maloney	Scott (VA)
DeLauro	Markey	Serrano
Dicks	Matheson	Sherman
Dingell	Matsui	Skelton
Doggett	McCarthy	Slaughter
Doyle	McCollum (MN)	Smith (WA)
Edwards	McDermott	Snyder
Emanuel	McGovern	Solis
Engel	McKinney	Spratt
Eshoo	McNulty	Stark
Etheridge	Meehan	Strickland
Evans	Meeke (FL)	Stupak
Farr	Meeke (NY)	Tanner
Fattah	Melancon	Tauscher
Filner	Menendez	Taylor (MS)
Ford	Michaud	Thompson (CA)
Frank (MA)	Millender-Gonzalez	Thompson (MS)
Gonzalez	McDonald	Tierney
Green, Al	Miller (NC)	Towns
Green, Gene	Miller, George	Udall (CO)
Grijalva	Mollohan	Udall (NM)
Gutierrez	Moore (KS)	Upton
Harman	Moore (WI)	Van Hollen
Hastings (FL)	Moran (VA)	Velázquez
Hereth	Murtha	Visclosky
Higgins	Nadler	Wasserman
Hincheey	Napolitano	Schultz
Hinojosa	Neal (MA)	Waters
Holden	Oberstar	Watson
Holt	Obey	Watt
Honda	Olver	Waxman
Hooley	Ortiz	Weiner
Hoyer	Owens	Wexler
Inslee	Pallone	Woolsey
Israel	Pascrell	Wu
Jackson (IL)	Pastor	Wynn

NOT VOTING—3

Brown-Waite,	Franks (AZ)
Ginny	Hastings (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶132.9 PROCEEDINGS VACATED—H.R. 1400

On motion of Mr. PUTNAM, by unanimous consent, requested that the ordering of the yeas and nays on the motion to suspend the rules and pass the bill (H.R. 1400) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended; be vacated to the end that the Chair put the question on the motion de novo.

Accordingly

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶132.10 PRIVILEGES OF THE HOUSE

Ms. PELOSI, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 591):

Whereas the recurring practice of improperly holding votes open for the sole purpose of overturning the will of the majority, including bullying and threatening Members to vote against their conscience, has occurred eight times since 2003, and three times in the 109th Congress alone;

Whereas on November 22, 2003, the Republican Leadership held open the vote on H.R. 1, the Prescription Drug Conference Report, for nearly three hours, the longest period of time in the history of electronic voting in the U.S. House of Representatives;

Whereas the normal period of time for a recorded vote is 15 minutes, and the Speaker of the House has reiterated that policy on Opening Day of each Congress by saying, "The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes";

Whereas the sole purpose of holding the Prescription Drug vote open was to undermine the will of the House, and reverse the position that a majority of the House of Representatives had taken during the entire vote;

Whereas it was widely reported in the press that former Representative Nick Smith (R-MI) was bribed on the House floor, and the incident was described in Robert Novak's column in the Chicago Sun-Times, November 27, 2003: "Nick Smith was told business interests would give his son \$100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress. After (Rep.) Nick Smith voted no and the bill passed, (Rep.) Duke Cunningham of California and other Republicans taunted him that his son was dead meat";

Whereas the cost of the Prescription Drug bill was a critical factor in determining the votes of many Members of Congress and Richard S. Foster, the chief actuary for the Centers of Medicare and Medicaid Services, conducted numerous estimates indicating the cost to be much higher, including a June 11, 2003 analysis of a similar plan in the Senate which would have cost \$551 billion over ten years and Members were not made aware of this;

Whereas the Congressional Budget Office (CBO) estimated the cost of the Republican Prescription Drug bill to be \$395 billion over ten years and, yet just two months after the vote in Congress, Joshua Bolten, Director of the Office of Management and Budget, disclosed that the Administration's estimate of the cost was actually \$534 billion;

Whereas Representative Bill Thomas, the Chairman of the Ways and Means Committee and a key negotiator on the bill, told HHS Secretary Thompson on February 10, 2004 in a hearing before the Ways and Means Committee, "I know some people were surprised that your (HHS) number was higher. I personally was not . . ." (Hearing Transcript, February 10, 2004);

Whereas, Representative Nancy Johnson, the Chairman of the Ways and Means Health

Subcommittee and a key negotiator on the bill, said she knew of the higher estimates and stated, "Absolutely, we knew about these numbers." (The New York Times, March 18, 2004);

Whereas the Republican Leadership and the Committees of jurisdiction chose to ignore the warnings of higher cost estimates and intentionally misled Members of the House for the sole purpose of winning passage of an extremely controversial bill;

Whereas in a clear conflict of interest the Chairman of the Energy and Commerce Committee, former Representative Billy Tauzin (R-LA), was actively engaged in a job search with the pharmaceutical industry at the same time that he was a key negotiator on major provisions in the bill, and after its passage, he subsequently left Congress to take a highly paid executive position with the head of the pharmaceutical lobby, and is reportedly making many times his congressional salary;

Whereas the Republican Leadership's submissiveness to the influence of corporate interests, and their illegitimate efforts to overturn the will of the House to pass flawed legislation like the Prescription Drug bill, which was written to meet the needs of drug companies, call into question the legitimacy of the laws they enact and the agenda they pursue;

Whereas the culture of corruption has so permeated the Republican Leadership that they will violate their own rules and the customs and decorum of the House to win votes on the floor of the House of Representatives; therefore, be it

Resolved, That the House denounces the culture of corruption exhibited by the Republican Leadership, denounces the ongoing resort to illegitimate actions taken to pass legislation like the Prescription Drug bill under false pretenses, rejects the practice of improperly holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse.

The SPEAKER pro tempore, Mr. BASS, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. PUTNAM moved to lay the resolution on the table.

The question being put, viva voce, Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Ms. PELOSI demanded a recorded vote on agreeing to the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 219 affirmative } { Nays 188

¶132.11 [Roll No. 622] AYES—219

Table listing names of representatives voting 'AYES' for Roll No. 622, including Abercrombie, Aderholt, Akin, Alexander, Bachus, Baker, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Biggart, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boustany, Bradley (NH), Brady (TX), Brown (SC), Burgess, Burton (IN), Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Carter, Castle, Chabot, Cole (OK), Conaway, Crenshaw, Cubin, Culberson, Davis (KY), Davis, Jo Ann, Davis, Tom, Deal (GA), DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Ehlers, Emerson, English (PA), Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrist, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Green (WI), Gutknecht, Hall, Harris, Hart, Hastert, Hayworth, Hefley, Hensarling, Herger, Hobson, Hoekstra, Hostettler, Hulshof, Hunter, Inglis (SC), Issa, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Ackerman, Allen, Andrews, Baca, Baird, Baldwin, Barrow, Bean, Becerra, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Boren, Boswell, Boucher, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Capps, Capuano, Cardin, Cardoza, Carman, Carson, Case, Chandler, Clay, Cleaver, Clyburn, Conyers, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (TN), DeGette, Delahunt, DeLauro, Dicks, Dingell, Doggett, Edwards, Emanuel, Engel, Eshoo, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Gonzalez, Gordon, Green, Al, Grijalva, Gutierrez, Harman, Hastings (FL), Hereth, Higgins, Hinchey, Hinojosa, Holt, Honda, Hooley, Hoyer, Inslee, Israel, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Lee, Levin, Lewis (GA), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McGovern, McIntyre, McKinney, Meehan, Meek (FL), Meeks (NY), Melancon, Michaud, Millender, Ross, McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Blumenaer, Boyd, Brown-Waite, Ginny, Buyer, Chocola, Coble, DeFazio, Doyle, Etheridge, Everett, Green, Gene, Hastings (WA), Hayes, Holden, Hyde, Jones (NC), Kind, McDermott, McNulty, Menendez, Pascrell, Paul, Peterson (PA), Sullivan, Walden (OR), Waters, Woolsey

Table listing names of representatives, including Davis (KY), Davis, Jo Ann, Davis, Tom, Deal (GA), DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Drake, Dreier, Duncan, Ehlers, Emerson, English (PA), Feeney, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrist, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Green (WI), Gutknecht, Hall, Harris, Hart, Hastert, Hayworth, Hefley, Hensarling, Herger, Hobson, Hoekstra, Hostettler, Hulshof, Hunter, Inglis (SC), Issa, Istook, Jenkins, Jindal, Johnson (CT), Johnson (IL), Johnson, Sam, Keller, Kelly, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Royce, Ryan (WI), Ryun (KS), Saxton, Schmidt, Schwarz (MI), Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simmons, Simpson, Smith (NJ), Smith (TX), Sodrel, Souder, Stearns, Sweeney, Tancredo, Taylor (NC), Terry, Thomas, Thornberry, Tiahrt, Tiberi, Turner, Upton, Walsh, Wamp, Weldon (FL), Weldon (PA), Pearce, Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Young (AK), Young (FL), Johnson, Sam, Keller, Kelly, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Royce, Ryan (WI), Ryun (KS), Saxton, Schmidt, Schwarz (MI), Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simmons, Simpson, Smith (NJ), Smith (TX), Sodrel, Souder, Stearns, Sweeney, Tancredo, Taylor (NC), Terry, Thomas, Thornberry, Tiahrt, Tiberi, Turner, Upton, Walsh, Wamp, Weldon (FL), Weldon (PA), Pearce, Weller, Westmoreland, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Young (AK), Young (FL)

NOES—188

Table listing names of representatives voting 'NOES' for Roll No. 622, including Ackerman, Allen, Andrews, Baca, Baird, Baldwin, Barrow, Bean, Becerra, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Boren, Boswell, Boucher, Brady (PA), Brown (OH), Brown, Corrine, Butterfield, Capps, Capuano, Cardin, Cardoza, Carman, Carson, Case, Chandler, Clay, Cleaver, Clyburn, Conyers, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (TN), DeGette, Delahunt, DeLauro, Dicks, Dingell, Doggett, Edwards, Emanuel, Engel, Eshoo, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Gonzalez, Gordon, Green, Al, Grijalva, Gutierrez, Harman, Hastings (FL), Hereth, Higgins, Hinchey, Hinojosa, Holt, Honda, Hooley, Hoyer, Inslee, Israel, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Lee, Levin, Lewis (GA), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McGovern, McIntyre, McKinney, Meehan, Meek (FL), Meeks (NY), Melancon, Michaud, Millender, Ross, McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Blumenaer, Boyd, Brown-Waite, Ginny, Buyer, Chocola, Coble, DeFazio, Doyle, Etheridge, Everett, Green, Gene, Hastings (WA), Hayes, Holden, Hyde, Jones (NC), Kind, McDermott, McNulty, Menendez, Pascrell, Paul, Peterson (PA), Sullivan, Walden (OR), Waters, Woolsey

Table listing names of representatives, including Melancon, Michaud, Millender, Ross, McDonald, Miller (NC), Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Rahl, Rangel, Reyes, Ross, Rothman, Roybal-Allard, Ruppertsberger, Rush, Ryan (OH), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (GA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson (CA), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velázquez, Velosky, Wasserman, Schultz, Watson, Watt, Waxman, Weiner, Wexler, Wu, Wynn

NOT VOTING—27

Table listing names of representatives not voting for Roll No. 622, including Blumenaer, Boyd, Brown-Waite, Ginny, Buyer, Chocola, Coble, DeFazio, Doyle, Etheridge, Everett, Green, Gene, Hastings (WA), Hayes, Holden, Hyde, Jones (NC), Kind, McDermott, McNulty, Menendez, Pascrell, Paul, Peterson (PA), Sullivan, Walden (OR), Waters, Woolsey

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶132.12 ADJOURNMENT OVER

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, December 12, 2005, at noon, and further, when the House adjourns on Monday, December 12, 2005, it adjourn to meet at 12:30 p.m. on Tuesday, December 13, 2005, for morning-hour debate.

¶132.13 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, December 14, 2005, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶132.14 SUBMISSION OF CONFERENCE REPORT—H.R. 3199

Mr. SENSENBRENNER submitted a conference report (Rept. No. 109-333) on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule. And then,

¶132.15 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the previous order of the House, at 7 o'clock and 50 minutes p.m., the House adjourned until noon on Monday, December 12, 2005.

132.16 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 109-317 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1090. A bill to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; with an amendment (Rept. 109-331). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; with an amendment (Rept. 109-332 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee of Conference. Conference report on H.R. 3199. A bill to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109-333). Ordered to be printed.

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 109-317 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1090. A bill to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; with an amendment (Rept. 109-331). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; with an amendment (Rept. 109-332 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee of Conference. Conference report on H.R. 3199. A bill to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109-333). Ordered to be printed.

132.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CLAY:

H.R. 4471. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act,

so as to enact the "Fair and Responsible Lending Act;" to provide for definitions; to provide for prohibited practices and limitations relating to high-cost home loans; to provide for prohibited practices and limitations relating to home loans; to provide for penalties and remedies and enforcement; to provide for corrections of certain unintentional violations; to provide for coordination with state laws; to provide for related matters; to provide for consumer counseling requirements; to expand housing counseling opportunities; and for other purposes; to the Committee on Financial Services.

By Mr. SENSENBRENNER:

H.R. 4472. A bill to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 4473. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW (for himself, Ms.

VELÁZQUEZ, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Alabama, Mr. CLAY, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. OWENS, Mr. GRIJALVA, Ms. BORDALLO, Mr. TOWNS, Mr. WYNN, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. FORD, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. UDALL of New Mexico, Ms. LEE, Ms. BEAN, Mr. MICHAUD, Mr. LIPINSKI, Ms. MCKINNEY, and Ms. LINDA T. SANCHEZ of California):

H.R. 4474. A bill to enhance the section 8(a) program of the Small Business Act; to the Committee on Small Business.

By Ms. JACKSON-LEE of Texas (for

herself, Ms. WATSON, Mr. RUSH, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. CONYERS, Mr. SERRANO, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. BROWN of Ohio, Mr. MEEKS of New York, and Mr. CHABOT):

H.R. 4475. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Ms. DELAURO (for herself, Mrs. LOWEY, and Mr. CASE):

H.R. 4476. A bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 4477. A bill to authorize Federal judges to carry firearms; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mrs. LOWEY):

H.R. 4478. A bill to amend the Public Health Service Act to extend the program of grants for rape prevention education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HIGGINS (for himself, Mr. MARKEY, Mr. BISHOP of New York, Ms. DELAURO, Mr. RUSH, and Mr. ISRAEL):

H.R. 4479. A bill to repeal provisions of the Energy Policy Act of 2005, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Science, Energy and Commerce, Education and the Workforce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr.

ENGLISH of Pennsylvania, Mr. BOEHNER, Mr. GILLMOR, Mr. TIBERI, Mr. SHAYS, Mr. LATOURETTE, Mr. HOBSON, Mr. NEY, Ms. HART, Mr. REGULA, Ms. PRYCE of Ohio, Mr. GERLACH, Mr. KLINE, Mrs. JONES of Ohio, Mr. OXLEY, and Mrs. JOHNSON of Connecticut):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr.

SHAYS, Mr. ENGEL, Mr. GRIJALVA, Mr. HOLT, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. SANDERS, Mr. MARKEY, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. LEVIN, Mr. MCDERMOTT, Mr. NADLER, Mr. TOWNS, Mr. FARR, Mr. RANGEL, Ms. SCHWARTZ of Pennsylvania, Mr. OWENS, Mrs. MALONEY, Mrs. LOWEY, Ms. CARSON, Ms. WOOLSEY, and Mr. MCNULTY):

H.R. 4481. A bill to amend the Internal Revenue Code of 1986 to extend the financing for Superfund for purposes of cleanup activities with respect to Hurricanes Katrina and Rita, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INGLIS of South Carolina:

H.R. 4482. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4483. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4484. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4485. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on certain integrated machines for manufacturing pneumatic tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4487. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4488. A bill to extend the temporary suspension of duty on certain rolled glass in sheets; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4489. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 4490. A bill to provide higher education relief to individuals and institutions affected by Hurricanes Katrina and Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut (for himself, Mr. KING of New York, Mr. NEAL of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. RANGEL, Mr. WEXLER, Mr. PAYNE, Mr. SCHWARZ of Michigan, Mr. TERRY, Mr. CLEAVER, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. ENGLISH of Pennsylvania, and Mr. GORDON):

H.R. 4491. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. WATERS, and Mr. MELANCON):

H.R. 4492. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. HIGGINS, Ms. CORRINE BROWN of Florida, Mr. COSTELLO, Ms. BERKLEY, Mr. RAHALL, Mr. BAIRD, Mr. NADLER, Ms. CARSON, Mr. CAPUANO, Mr. DEFazio, Mr. HONDA, Mr. LARSEN of Washington, Mr. BLUMENAUER, Mr. SALAZAR, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. FILNER, Mr. MENENDEZ, Mr. TAYLOR of Mississippi, Mr. BOSWELL, Mr. MATHESON, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. MICHAUD, and Mr. DAVIS of Tennessee):

H.R. 4493. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. MATHESON):

H.R. 4494. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. SIMPSON, and Mr. OTTER):

H.R. 4495. A bill to direct the Administrator of the Environmental Protection Agency to extend by two years the date by

which small public water systems must comply with the maximum contaminant level for arsenic in drinking water; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4496. A bill to amend title 28, United States Code, to provide for certain transportation and subsistence in cases where district courts are holding special sessions as a result of emergency conditions; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. POE, Mr. SULLIVAN, Mr. TANCREDO, and Mr. HAYWORTH):

H.R. 4497. A bill to establish terms and conditions for delivery bonds in immigration cases, and for other purposes; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 4498. A bill to amend the Immigration and Nationality Act to authorize a case-by-case waiver of certain naturalization requirements for children of members of the Armed Forces who are adopted outside the United States; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Con. Res. 312. Concurrent resolution urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. MEEKS of New York, Ms. MCCOLLUM of Minnesota, Ms. WATSON, Mr. TANCREDO, and Ms. LEE):

H. Con. Res. 313. Concurrent resolution commending the people of the Republic of Liberia for holding peaceful national elections in 2005 and congratulating President Ellen Johnson-Sirleaf on her victory and becoming the first female president of any African country; to the Committee on International Relations.

By Mr. SHAYS:

H. Con. Res. 314. Concurrent resolution recognizing the artistic excellence and community value of a national service organization for the performing arts and how this community improves diplomacy through global cultural exchange by the celebration of humanity's transcendent power to imagine and create across geographic, political and cultural borders; to the Committee on International Relations.

By Ms. PELOSI:

H. Res. 591. A resolution raising a question of the privileges of the House.

By Mr. LANGEVIN (for himself, Mr. RAMSTAD, Mr. OWENS, Mr. VAN HOLLEN, Mr. GRIJALVA, and Mr. LANTOS):

H. Res. 592. A resolution commemorating the life, achievements, and contributions of Alan Reich; to the Committee on Education and the Workforce.

By Mr. MARKEY:

H. Res. 593. A resolution directing the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General, and requesting the President, to provide certain information to the House of Representatives relating to extraordinary rendition of certain foreign persons; to the Committee on International Relations.

132.18 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BAIRD introduced a bill (H.R. 4499) for the relief of Juanita Jimenez; which was referred to the Committee on the Judiciary.

132.19 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 87: Mr. ROTHMAN.
 H.R. 227: Mr. SANDERS.
 H.R. 282: Mr. EVERETT.
 H.R. 389: Mr. PLATTS.
 H.R. 445: Mr. PASCRELL and Mr. BARRETT of South Carolina.
 H.R. 515: Mr. MILLER of North Carolina.
 H.R. 517: Mr. JENKINS, Mr. OSBORNE, Mr. MCCOTTER, Mr. CUELLAR, Mr. ETHERIDGE, Mr. FORD, and Mr. CHANDLER.
 H.R. 551: Mr. McNULTY.
 H.R. 557: Mr. RADANOVICH.
 H.R. 558: Mr. GENE GREEN of Texas.
 H.R. 602: Ms. MOORE of Wisconsin and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 615: Mr. BILIRAKIS.
 H.R. 752: Ms. HERSETH, Mr. THOMPSON of Mississippi, and Mrs. MALONEY.
 H.R. 769: Mr. WALSH.
 H.R. 772: Mr. EVANS.
 H.R. 872: Mr. BOYD, Mr. LARSEN of Washington, Mr. McDERMOTT, Mr. SMITH of Washington, and Mr. MICHAUD.
 H.R. 874: Ms. HARRIS.
 H.R. 884: Ms. LEE.
 H.R. 896: Mrs. KELLY.
 H.R. 916: Ms. MCKINNEY.
 H.R. 930: Ms. CARSON.
 H.R. 964: Mr. FRANK of Massachusetts and Mr. BERRY.
 H.R. 972: Mr. STARK.
 H.R. 997: Mr. WALDEN of Oregon.
 H.R. 1059: Mr. MICHAUD.
 H.R. 1124: Mr. ABERCROMBIE.
 H.R. 1131: Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, and Mr. HONDA.
 H.R. 1141: Mr. BAKER.
 H.R. 1290: Mr. HONDA.
 H.R. 1306: Mr. BECERRA, Mr. JEFFERSON, and Mr. POMBO.
 H.R. 1333: Mr. MICHAUD, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, and Ms. LORETTA SANCHEZ of California.
 H.R. 1348: Ms. MCKINNEY.
 H.R. 1366: Mr. CASE.
 H.R. 1380: Mr. DENT and Mr. HINOJOSA.
 H.R. 1402: Mr. LATOURETTE.
 H.R. 1405: Mr. ABERCROMBIE.
 H.R. 1424: Mr. NEAL of Massachusetts.
 H.R. 1426: Mr. WYNN.
 H.R. 1456: Mr. CONYERS.
 H.R. 1594: Ms. LORETTA SANCHEZ of California.
 H.R. 1634: Mr. MACK and Mr. PLATTS.
 H.R. 1646: Ms. JACKSON-LEE of Texas, Mr. LANTOS, and Mr. CASE.
 H.R. 1665: Mr. STARK.
 H.R. 1669: Mr. BOOZMAN.
 H.R. 1704: Mr. ROGERS of Michigan and Mr. TURNER.
 H.R. 1951: Ms. WOOLSEY and Mr. LEACH.
 H.R. 2134: Mr. EVANS and Mr. KUCINICH.
 H.R. 2206: Mr. SCOTT of Georgia, Mr. CONAWAY, Mr. JENKINS, and Mr. ENGEL.
 H.R. 2378: Mr. McHUGH.
 H.R. 2521: Mr. HIGGINS.
 H.R. 2554: Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. McGOVERN, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. RUSH, Mr. TOWNS, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISSTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. OLVER, Mr. PAS-TOR, Mr. PAYNE, Ms. SOLIS, and Mr. STARK.
 H.R. 2592: Mr. FRANK of Massachusetts.

H.R. 2629: Mr. LEACH and Ms. MCKINNEY.
 H.R. 2646: Mr. BLUMENAUER.
 H.R. 2669: Mr. LANTOS, Ms. KAPTUR, and Mr. LARSON of Connecticut.
 H.R. 2695: Mr. DAVIS of Illinois.
 H.R. 2872: Mr. WELDON of Pennsylvania, Mr. SHERWOOD, Mr. PEARCE, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. GARY G. MILLER of California, Mr. RANGEL, Ms. MCKINNEY, and Mr. MCGOVERN.
 H.R. 2928: Ms. SCHWARTZ of Pennsylvania.
 H.R. 2961: Mr. TAYLOR of Mississippi and Mr. HINCHEY.
 H.R. 3046: Mr. FATTAH, Mr. SIMMONS, Mr. LEACH, and Mr. PRICE of North Carolina.
 H.R. 3072: Ms. JACKSON-LEE of Texas and Mr. THOMPSON of Mississippi.
 H.R. 3095: Mr. DEAL of Georgia and Mr. POE.
 H.R. 3127: Mr. HIGGINS, Mr. LARSON of Connecticut, and Mr. NEAL of Massachusetts.
 H.R. 3142: Mr. GRIJALVA.
 H.R. 3248: Mr. ROTHMAN, Mr. BAIRD, and Mr. NADLER.
 H.R. 3254: Mr. ROTHMAN.
 H.R. 3307: Mr. ORTIZ and Mr. LINCOLN DIAZ-BALART of Florida.
 H.R. 3319: Mr. ENGLISH of Pennsylvania.
 H.R. 3334: Mr. HAYWORTH, Mr. EVANS, Mr. FARR, and Ms. MOORE of Wisconsin.
 H.R. 3372: Mr. BERMAN.
 H.R. 3373: Ms. GRANGER, Mr. SANDERS, and Mr. KELLER.
 H.R. 3406: Ms. MCCOLLUM of Minnesota.
 H.R. 3476: Mr. VAN HOLLEN.
 H.R. 3616: Mr. CAPUANO, Mr. CUMMINGS, Mr. FITZPATRICK of Pennsylvania, Mr. SCOTT of Georgia, Mr. GILLMOR, Mr. SCHIFF, Mr. NEAL of Massachusetts, Mr. BARROW, Mr. PAYNE, and Mr. CARNAHAN.
 H.R. 3628: Mr. McNULTY.
 H.R. 3640: Mr. RANGEL.
 H.R. 3641: Mr. SANDERS.
 H.R. 3642: Mr. CLEAVER and Mr. RANGEL.
 H.R. 3731: Mr. GRIJALVA.
 H.R. 3748: Ms. WASSERMAN SCHULTZ.
 H.R. 3795: Mr. PAYNE and Mr. MCCOTTER.
 H.R. 3861: Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. HARMAN, Mr. CARDOZA, Mr. KIND, and Mr. GENE GREEN of Texas.
 H.R. 3883: Mr. BERRY, Mr. CRENSHAW, Mr. CARTER, and Mr. MCINTYRE.
 H.R. 3911: Mr. CUELLAR.
 H.R. 3954: Mr. DOGGETT and Mr. OBERSTAR.
 H.R. 3957: Mr. DAVIS of Illinois and Mr. RAMSTAD.
 H.R. 3985: Mr. FRANK of Massachusetts, Mr. UDALL of New Mexico, Mr. BISHOP of New York, Ms. MOORE of Wisconsin, and Ms. WOOLSEY.
 H.R. 4019: Mr. FEENEY.
 H.R. 4028: Mr. NORWOOD.
 H.R. 4033: Mrs. MALONEY.
 H.R. 4049: Mrs. BONO, Mr. ISSA, Ms. WOOLSEY, Mr. CALVERT, and Mr. ROHRABACHER.
 H.R. 4078: Mr. EVERETT, Mrs. DRAKE, and Mr. SOUDER.
 H.R. 4100: Mr. JEFFERSON, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, and Mr. JINDAL.
 H.R. 4123: Mr. RUPPERSBERGER.
 H.R. 4139: Mr. HINCHEY, Mr. OWENS, Mr. DAVIS of Illinois, and Mr. TOWNS.
 H.R. 4167: Mr. PETERSON of Pennsylvania, Mr. INGLIS of South Carolina, Mr. MILLER of Florida, Mr. GUTKNECHT, Mr. TANCREDO, Mr. SALAZAR, Mr. MACK, Mr. HOBSON, Ms. HARRIS, Mr. KELLER, Mr. SHAYS, Mr. BOOZMAN, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. LIPINSKI, Mr. CLAY, and Mrs. JONES of Ohio.
 H.R. 4173: Mr. OWENS and Mr. GRIJALVA.
 H.R. 4194: Mr. STARK, Mr. DOGGETT, and Mr. NADLER.
 H.R. 4196: Mr. GRIJALVA and Mr. MCDERMOTT.
 H.R. 4200: Mr. KUHL of New York.
 H.R. 4212: Ms. MCKINNEY.

H.R. 4223: Mr. MILLER of North Carolina.
 H.R. 4225: Mr. BACA and Ms. SOLIS.
 H.R. 4228: Mr. REICHERT.
 H.R. 4231: Mr. DAVIS of Illinois.
 H.R. 4233: Mr. FILNER, Mr. FATTAH, and Ms. MCKINNEY.
 H.R. 4259: Ms. WOOLSEY.
 H.R. 4294: Mr. GREEN of Wisconsin.
 H.R. 4300: Mr. WAMP.
 H.R. 4313: Mr. GORDON, Mrs. MUSGRAVE, Mr. PRICE of Georgia, and Mr. BOOZMAN.
 H.R. 4315: Mr. KING of Iowa, Mr. SOUDER, Mr. GINGREY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LIPINSKI, Mr. SHIMKUS, Mr. PLATTIS, Mr. PUTNAM, Mr. CASE, and Mr. FORTENBERRY.
 H.R. 4317: Mr. ALEXANDER and Mr. JONES of North Carolina.
 H.R. 4321: Mr. MILLER of Florida.
 H.R. 4330: Mr. BILIRAKIS.
 H.R. 4334: Mr. YOUNG of Florida.
 H.R. 4341: Mr. BERRY, Mr. KINGSTON, and Mr. SHERWOOD.
 H.R. 4350: Mr. GRIJALVA, Mr. HINCHEY, and Ms. JACKSON-LEE of Texas.
 H.R. 4351: Mr. STUPAK and Mr. GRIJALVA.
 H.R. 4357: Mr. MCHUGH.
 H.R. 4370: Mr. HIGGINS.
 H.R. 4372: Mr. THOMPSON of Mississippi and Mr. GRIJALVA.
 H.R. 4384: Mr. UDALL of New Mexico.
 H.R. 4391: Mr. ALEXANDER.
 H.R. 4392: Mr. SANDERS, Mr. BROWN of Ohio, and Mr. GRIJALVA.
 H.R. 4411: Mr. SHADEGG, Mr. KENNEDY of Minnesota, Mr. FRANKS of Arizona, Mr. TERRY, and Ms. HOOLEY.
 H.R. 4412: Mr. MILLER of Florida.
 H.R. 4424: Mr. McNULTY and Mr. PAYNE.
 H.R. 4434: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas.
 H.R. 4435: Ms. SCHAKOWSKY and Mr. GRIJALVA.
 H.R. 4437: Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. ALEXANDER, and Mr. FEENEY.
 H.R. 4447: Mr. MCDERMOTT.
 H.R. 4452: Mr. SHAYS, Mr. McNULTY, Mr. BURTON of Indiana, Ms. WATERS, Mr. DICKS, and Mrs. MALONEY.
 H.J. Res. 3: Mr. CARDOZA and Mr. SOUDER.
 H.J. Res. 60: Mr. TAYLOR of North Carolina.
 H.J. Res. 73: Ms. PELOSI, Ms. KILPATRICK of Michigan, Mr. WU, Mr. DELAHUNT, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. OLVER, Ms. KAPTUR, Mr. PASTOR, Mr. MOLLOHAN, Mr. RAHALL, Mr. RYAN of Ohio, Mr. MICHAUD, Ms. BALDWIN, Mr. JACKSON of Illinois, and Ms. LORETTA SANCHEZ of California.
 H. Con. Res. 88: Mr. FRANK of Massachusetts, Mr. CLAY, Mr. GERLACH, and Mr. McNULTY.
 H. Con. Res. 90: Mr. EHLERS.
 H. Con. Res. 123: Mr. PAYNE.
 H. Con. Res. 158: Mr. STARK.
 H. Con. Res. 231: Mr. MICHAUD.
 H. Con. Res. 271: Ms. LEE, Mr. VAN HOLLEN, Mr. DAVIS of Alabama, Mr. SERRANO, Mr. NADLER, Mr. BERMAN, Mr. COOPER, Ms. SOLIS, Mr. GRIJALVA, Mr. CUMMINGS, Mr. KUCINICH, Ms. KAPTUR, and Ms. MCKINNEY.
 H. Con. Res. 272: Mrs. DRAKE, Mr. PRICE of North Carolina, Mr. CONYERS, and Mr. EVANS.
 H. Con. Res. 278: Mr. STARK and Ms. ZOE LOFGREN of California.
 H. Con. Res. 282: Mr. OWENS, Mr. CONYERS, and Mr. GRIJALVA.
 H. Con. Res. 287: Mr. GEORGE MILLER of California, Mr. MCDERMOTT, and Ms. DELAURO.
 H. Con. Res. 302: Mr. SODREL and Mr. RYUN of Kansas.
 H. Res. 357: Ms. CORRINE BROWN of Florida.
 H. Res. 411: Mr. McNULTY and Mr. GARY G. MILLER of California.
 H. Res. 414: Mr. ANDREWS.

H. Res. 477: Ms. WATSON and Ms. CARSON.
 H. Res. 489: Mr. PASTOR.
 H. Res. 504: Mr. CONAWAY and Mr. BAKER.
 H. Res. 517: Mr. HIGGINS and Mr. WEXLER.
 H. Res. 521: Ms. WATSON, Mr. MCGOVERN, and Mr. MENENDEZ.
 H. Res. 526: Mr. SMITH of Washington.
 H. Res. 529: Mr. BILIRAKIS.
 H. Res. 545: Mr. MCCOTTER, Mr. BONNER, Mr. SCHIFF, Ms. HARRIS, Mr. ROHRABACHER, Mr. WICKER, Mr. WOLF, Mr. CROWLEY, Mr. CHABOT, Mr. PENCE, Mr. BACHUS, Mr. TANCREDO, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. CARDOZA, Mr. ADERHOLT, Mr. DAVIS of Alabama, and Mr. BURTON of Indiana.
 H. Res. 548: Mr. PAYNE, Mr. BERMAN, Mr. ROYCE, and Mr. MENENDEZ.
 H. Res. 561: Mr. SIMMONS and Mr. WOLF.
 H. Res. 573: Mr. HOLT, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Ms. JACKSON-LEE of Texas.
 H. Res. 574: Ms. ROYBAL-ALLARD, Mr. NORWOOD, Mr. UDALL of Colorado, Mr. BERMAN, Ms. SOLIS, and Mr. HONDA.
 H. Res. 575: Mr. HIGGINS, Mr. BOSWELL, Ms. HART, Mr. CHOCOLA, Mrs. KELLY, Mr. ENGEL, Mrs. DRAKE, Mrs. LOWEY, Mr. SOUDER, Mr. FRELINGHUYSEN, Mr. BASS, Mr. LOBIONDO, Mr. TERRY, Mr. CUELLAR, Mr. TIAHRT, Mr. MARCHANT, Mrs. JO ANN DAVIS of Virginia, Mr. STRICKLAND, Mr. RANGEL, Mr. HOLDEN, Mr. CARDIN, Mr. AL GREEN of Texas, Mr. WICKER, Mr. MELANCON, Mr. BONILLA, Mr. COLE of Oklahoma, Mr. SESSIONS, Mr. FOLEY, Mr. DOOLITTLE, Mr. PORTER, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. SIMMONS, Mr. SAM JOHNSON of Texas, Mr. GENE GREEN of Texas, Mr. FORBES, Mr. KLINE, Mr. BISHOP of New York, Mr. NUNES, Mr. FLAKE, Mr. STUPAK, Mr. ACKERMAN, Mr. SHERWOOD, Mr. BOYD, and Mr. HOLT.
 H. Res. 578: Mr. WALSH.
 H. Res. 590: Mr. BOEHNER, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. HOBSON, Mr. BUTTERFIELD, Mr. PALLONE, and Mr. SCHWARZ of Michigan.

¶132.20 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3875: Mr. WEXLER.
 H.R. 4099: Mr. BISHOP of Georgia.

MONDAY, DECEMBER 12, 2005 (133)

¶133.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PRICE of Georgia, who laid before the House the following communication:

WASHINGTON, DC,
 December 12, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT
 Speaker of the House of Representatives.

¶133.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PRICE of Georgia, announced he had examined and approved the Journal of the proceedings of Thursday, December 8, 2005.

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

¶133.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5591. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Organization and Functions; Releasing Information; Privacy Act Regulations; Farm Credit Administration Board Meetings; and Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration (RIN: 3052-AB82) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5592. A letter from the Office of the Secretary, Department of Defense, transmitting the Department's final rule — Munitions Response Site Prioritization Protocol — received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5593. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures [DFARS Case 2003-D025] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5594. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Update of Clauses for Telecommunications Services [DFARS Case 2003-D053] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5595. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule — Resource Agency Procedures for Conditions and Prescriptions on Hydropower Licenses (RIN: 0596-AC42) (RIN: 1094-AA51) (RIN: 0648-AU01) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5596. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries; Data Collection Requirements for U.S. Commercial and Recreational Charter Fishing Vessels [Docket No. 051027277-5277-01; I.D. 102903C] (RIN: 0648-AT97) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5597. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 102505B] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5598. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9 — Adjustment of the Recreational Fishery from Leadbetter Point, Washington to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 110905D] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5599. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11 — Adjustment of the Commercial Salmon Fishery from the

Oregon-California Border to Humboldt South Jetty, California [Docket No. 040429134-4135-01; I.D. 110905F] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5600. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders [I.D. 110905G] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Organization Designation Authorization Program; Rule — received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Training Requirements [Docket No. FAA-2003-15085; Amendment Nos. 119-10, 121-316, 135-101, 145-24] (RIN: 2120-AG75) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22583; Directorate Identifier 2002-NM-303-AD; Amendment 39-14318; AD 2005-20-22] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22586; Directorate Identifier 2002-NM-258-AD; Amendment 39-14315; AD 2005-20-19] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22587; Directorate Identifier 2003-NM0266-AD; Amendment 39-14316; AD 2005-20-20] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250-C28, -C28B, and -C28C Turboshaft Engines [Docket No. FAA-2005-22534; Directorate Identifier 2005-NE-27-AD; Amendment 39-143-5; AD 2005-20-11] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2005-22588; Directorate Identifier 2005-NM-096-AD; Amendment 39-14317; AD 2005-20-21] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5608. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30461; Amdt. No. 3137] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30460; Amdt. No. 3136] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. FAA-2005-22584; Directorate Identifier 2005-NM-044-AD; Amendment 39-14313; AD 2004-19-06 R1] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶133.4 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PRICE of Georgia, laid before the House the following communication from John Hodges, Manager, Office Supply Service, office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, December 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena, issued by the Superior Court of the District of Columbia, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN HODGES,
Manager, Office Supply Service
U.S. House of Representatives.

¶133.5 ADJOURNMENT

On motion of Ms. PELOSI, pursuant to the special order of the House of Thursday, December 8, 2005, at 12 o'clock and 8 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, December 13, 2005.

¶133.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3124. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; with an amendment (Rept. 109-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3929. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary

of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; with an amendment (Rept. 109-335, Pt. 1). Ordered to be printed.

¶133.7 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 3929 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶133.8 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

Mr. HASTERT (for and Ms. PELOSI): introduced a resolution (H. Res. 594) honoring the 50th anniversary of the Honorable John D. Dingell's service in the House of Representatives; which was referred to the Committee on House Administration.

¶133.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1105: Mr. SALAZAR.
H.R. 2106: Ms. MCCOLLUM of Minnesota.
H.R. 4197: Ms. WOOLSEY.
H.R. 4495: Mr. DOOLITTLE.
H. Con. Res. 302: Mrs. MYRICK and Mr. ROHRBACHER.
H. Res. 85: Mr. WAXMAN.
H. Res. 534: Mr. LEACH, Mr. CHABOT, Mr. POE, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. MCCOTTER.
H. Res. 579: Mr. BROWN of South Carolina and Mrs. MYRICK.

TUESDAY, DECEMBER 13, 2005 (134)

¶134.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PEARCE, who laid before the House the following communication:

WASHINGTON, DC,
December 13, 2005.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶134.2 MESSAGE FROM THE SENATE

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

S. 1231. An Act to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education.

S. 1295. An Act to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1281) "An Act to authorize appropriations for the Na-

tional Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Messrs. STEVENS, LOTT, Mrs. HUTCHISON, Messrs. INOUE and NELSON of Florida, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 108-199, title VI, section 637, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Jerome F. Climer of Virginia.

¶134.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. PEARCE, pursuant to the order of the House of Tuesday, January 4, 2005, recognized Members for morning-hour debate.

¶134.4 RECESS—12:46 P.M.

The SPEAKER pro tempore, Mr. PEARCE, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 46 minutes p.m., until 2 p.m.

¶134.5 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶134.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, December 12, 2005.

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

¶134.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5611. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylhexyl Glucopyranosides; Exemption from the Requirement of a Tolerance [OPP-2002-0166; FRL-7729-6] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5612. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alkyl (C10-C16) Polyglycosides; Exemptions from the Requirement of a Tolerance [OPP-2003-0362; FRL-7729-7] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5613. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Announcement of the Delegation of Partial Administrative Authority for Implementation of Federal Implementation Plan for the Nez Perce Reservation to the Nez Perce Tribe [R10-OAR-2005-TR-0001; FRL-7970-2] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5614. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Myclobutanol; Re-Establishment of a Tolerance for Emergency Exemption [OPP-2005-0248; FRL-7736-1] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5615. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tralkoxydim; Pesticide Tolerance [OPP-2005-0175; FRL-7722-6] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5616. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluoxastrobin; Pesticide Tolerances [OPP-2003-0129; FRL-7719-9] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5617. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General David D. McKiernan, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5618. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Steven R. Polk, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5619. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Leon J. LaPorte, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2-ethoxyethanol, 2-ethoxyethanol acetate, 2-methoxyethanol, and 2-mthoxyethanol acetate; Significant New Use Rule [OPPT-2004-0111; FRL-7740-7] (RIN: 2070-AJ12) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey Architectural Coatings Rule [Region 2 Docket No. R02-OAR-2005-NJ-0002, FRL-7999-8] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [R05-OAR-2005-IN-0007; FRL-7999-3] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5623. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California; Carbon Monoxide Maintenance Plan Update for Ten Planning Areas; Motor Vehicle Emissions Budgets; Technical Correction [R09-OAR-2005-CA-0010; FRL-8002-4] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5624. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment for Ozone; Correction [R04-OAR-2005-KY-0001-200521(c); FRL-7999-5] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-8001-3] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision [FRL-7998-8] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5627. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial and Santa Barbara County Air Pollution Control Districts [R09-OAR-2005-CA-0006; FRL-7998-4] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5628. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol; Technical Correction [OPP-2005-0075; FRL-7744-8] (RIN: 2070-AC61) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5629. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Underground Injection Control Program—Revision to the Federal Underground Injection Control Requirements for Class I Municipal Disposal Wells in Florida [FRL-7999-7] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5630. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about the deployments of U.S. combat-equipped armed forces in support of the global war on terrorism, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93-148; (H. Doc. No. 109-73); to the Committee on International Relations and ordered to be printed.

5631. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5632. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5633. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005

through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, "Technical Amendments Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-195, "Closing of a Portion of a Public Alley in Square 5217, S.O. 03-1548, Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-210, "Anti-Drunk Driving Clarification Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-208, "Department of Small and Local Business Development Clarification Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-207, "Natural Gas Taxation Relief Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-199, "Producer Summary Suspension Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-198, "Health-Care Decisions for Persons with Mental Retardation and Development Disabilities Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-197, "Heating Oil and Artificial Gas Consumer Relief Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-196, "Gasoline Fuel Tax Examination Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5643. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5644. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5645. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Section 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's annual performance and accountability report for FY 2005; to the Committee on Government Reform.

5646. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's annual commercial activities inventory

report as required by the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

5647. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5648. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5649. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5650. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Identification of District Government Employees Earning Annual Salaries of At Least \$90,000 But Less than \$100,000 During Fiscal Year 2001 Through 2004"; to the Committee on Government Reform.

5651. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's report that the standards of reasonable assurance pertaining to internal management controls during FY 2005 have been met as required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

5652. A letter from the General Counsel, Office of Government Ethics, transmitting the Office's final rule—Additional Exemption Under 18 U.S.C. 208(b)(2) (RIN: 3209-AA09) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5653. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations: Offshore Super Series Boat Race, St. Petersburg Beach, FL [CGD07-05-116] (RIN: 1625-AA08) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Application Fee Increase for Administrative Waivers of the Coastwise Trade Laws [Docket Number: MARAD-2005-21105] (RIN: 2133-AB50) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; McCook, NE [Docket No. FAA-2005-21608; Airspace Docket No. 05-ACE-18] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received November 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Area Navigation Instrument

Flight Rules Terminal Transition Routes (RITTR); Charlotte, NC [Docket No. FAA-2005-20246; Airspace Docket No. 04-ASO-15] (RIN: 2120-AA66) received November 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Cortland, NY; Ithaca, NY; Elmira, NY; Endicott, NY; Sayre, PA [Docket No. FAA-2005-22494; Airspace Docket No. 05-AEA-22] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Binghamton, NY [Docket No. FAA-2005-22100; Airspace Docket No. 05-AEA-16] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Cincinnati, OH [Docket No. FAA-2005-20699; Airspace Docket No. 04-ASO-19] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶134.8 KOREAN AMERICAN DAY

Mr. CANNON moved to suspend the rules and agree to the following resolution (H. Res. 487):

Whereas the influence of Korean Americans may be observed in all facets of American life, including entrepreneurship, the arts, and education;

Whereas on January 13, 1903, 102 pioneer Korean immigrants arrived in the United States initiating the first chapter of Korean immigration to America;

Whereas the centennial year of 2003 marked an important milestone in the history of Korean immigration;

Whereas Korean Americans, like other groups of immigrants that came to the United States before them, have settled and thrived in the United States through strong family ties, community support, and hard work;

Whereas Korean Americans have made significant contributions to the economic vitality of the United States and the global marketplace;

Whereas Korean Americans have invigorated businesses, churches, and academic communities in the United States;

Whereas Korean Americans have made enormous contributions to the military strength of the United States;

Whereas today, at least 4,000 Korean Americans serve in the Armed Forces of the United States, with approximately 25 percent of them currently serving in Iraq; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13 of each year as "Korean American Day" to commemorate the first step of the long and prosperous journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a Korean American Day;

(2) urges all Americans to observe Korean American Day so as to have a greater appreciation of the invaluable contributions Ko-

rean Americans have made to United States; and

(3) honors and recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANNON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶134.9 MONT AND MARK STEPHENSEN VETERANS MEMORIAL POST OFFICE BUILDING

Mr. CANNON moved to suspend the rules and pass the bill (H.R. 4295) to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.10 MARYLAND STATE DELEGATE LENA K. LEE POST OFFICE BUILDING

Mr. CANNON moved to suspend the rules and pass the bill (H.R. 4107) to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.11 FILIPINO-AMERICAN CONTRIBUTIONS

Mr. CANNON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 218):

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our two countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2.4 million Americans of Filipino ancestry living in all parts of our country, including the top two States: California, with almost 1.1 million Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the U.S.-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our two great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of two hundred "pensionados" arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and

helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶134.12 LOS ANGELES GALAXY

Mr. CANNON moved to suspend the rules and agree to the following resolution (H. Res. 574):

Whereas on November 13, 2005, the Los Angeles Galaxy won the 2005 Major League Soccer (MLS) championship by defeating the New England Revolution 1-0 in MLS Cup 2005, in Frisco, Texas;

Whereas the Galaxy's victory in MLS Cup 2005 was the team's second MLS championship in the last four years, the first also won over the New England Revolution in a 1-0 victory in MLS Cup 2002;

Whereas the victory in the MLS Cup gave the Galaxy their second major championship of 2005, the first won by defeating FC Dallas in the Lamar Hunt U.S. Open Cup championship game in September;

Whereas the owner of the Los Angeles Galaxy, Anschutz Entertainment Group, has made the Galaxy the model MLS club

through sound management and by instilling a team-first philosophy;

Whereas Galaxy's success is a result of contributions by the entire team, including players Chris Albright, Benjamin Benditson, Pablo Chinchilla, Mubarike Chisoni, Steve Cronin, Edinaldo da Conceicao, Landon Donovan, Todd Dunivant, Michael Enfield, Josh Gardner, Herculez Gomez, Guillermo Gonzalez, Alan Gordon, Ned Grabavoy, Kevin Hartman, Ugo Ihemelu, David Johnson, Cobi Jones, Quavas Kirk, Tyrone Marshall, Paulo Nagamura, Joseph Ngenya, Michael Nsien, Guillermo Ramirez, Troy Roberts, Marcelo Saragosa, Josh Saunders, Michael Umana, and Peter Vagenas;

Whereas head coach Steve Sampson, and assistant coaches Afshin Ghotbi, Billy McNicol, and Ignacio Hernandez, Head Athletic Trainer Ivan Pierra, Team Administrator Anthony Garcia, and Equipment Manager Raul Vargas led the Galaxy to their second MLS championship by stressing teamwork and determination;

Whereas the Galaxy went undefeated during the 2005 MLS playoffs, advancing to the MLS Cup by defeating the top-seeded San Jose Earthquakes and the Colorado Rapids in the Western Conference playoffs and scoring seven goals and allowing just one over the span of four games, which included three shutouts;

Whereas the Galaxy's ability to win this season despite several player absences due to call-ups by the United States men's national team is a testament to the skill of the coaching staff and the desire of the team to play with pride for the city of Los Angeles;

Whereas midfielder Guillermo Ramirez, who scored the game-winning goal of MLS Cup 2005 in overtime, was selected as the game's Most Valuable Player, joining fellow Guatemalan and 2002 MLS Cup MVP Carlos Ruiz as the only Galaxy players ever to win this prestigious award;

Whereas the Galaxy have the most devoted and spirited fans who contributed to eight sold out home games and brought the average home game attendance to 24,000 people this season;

Whereas the Galaxy continue to captivate a growing and diverse audience from across Southern California; and

Whereas all of Southern California is proud of the accomplishments of the Los Angeles Galaxy team, the entire Galaxy organization, and the dedicated and faithful Galaxy fans throughout the 2005 MLS season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; and

(2) recognizes the dedication and teamwork of all the players, coaches, and staff of the Galaxy, all of whom were instrumental in helping the Galaxy win their second MLS Cup championship.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said resolution was agreed to was, by unanimous consent, laid on the table.

¶134.13 SUBMISSION OF FURTHER CONFERENCE REPORT—H.R. 3010

Mr. REGULA submitted a further conference report (Rept. No. 109-337) on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶134.14 SANTA MARGARITA RIVER, CALIFORNIA

Mrs. DRAKE moved to suspend the rules and pass the bill (H.R. 125) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. DRAKE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.15 MAMMOTH COMMUNITY WATER DISTRICT

Mrs. DRAKE moved to suspend the rules and pass the bill (H.R. 853) to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. DRAKE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.16 TRAIL RESPONSIBILITY AND
ACCOUNTABILITY FOR THE
IMPROVEMENT OF LANDS

Mrs. DRAKE moved to suspend the rules and pass the bill (H.R. 975) to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. DRAKE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.17 NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

Mrs. DRAKE moved to suspend the rules and pass the bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. DRAKE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.18 SOLDIERS' MEMORIAL MILITARY
MUSEUM

Mrs. DRAKE moved to suspend the rules and pass the bill (H.R. 452) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating

the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

The SPEAKER pro tempore, Mr. PETRI, recognized Mrs. DRAKE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.19 PRESIDENTIAL \$1 COIN

Mr. OXLEY moved to suspend the rules and pass the bill of the Senate (S. 1047) to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. OXLEY and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OXLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶134.20 SMALL PUBLIC HOUSING
AUTHORITY

Mr. OXLEY moved to suspend the rules and pass the bill (H.R. 3422) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. OXLEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OXLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶134.21 BROWNFIELD REDEVELOPMENT

Mr. OXLEY moved to suspend the rules and pass the bill (H.R. 280) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. OXLEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SODREL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.22 CENTERS FOR DISEASE CONTROL
AND PREVENTION

Mr. BOOZMAN moved to suspend the rules and pass the bill (H.R. 4500) to designate certain buildings of the Centers for Disease Control and Prevention.

The SPEAKER pro tempore, Mr. SODREL, recognized Mr. BOOZMAN and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.23 METHAMPHETAMINE
REMEDATION RESEARCH

Mr. BOEHLERT moved to suspend the rules and pass the bill (H.R. 798) to provide for a research program for mediation of closed

methamphetamine production laboratories, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BOEHLERT and Mr. GORDON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.24 RECESS—5:17 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 17 minutes p.m., until approximately 6:30 p.m.

¶134.25 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, called the House to order.

¶134.26 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 3199

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-343) the resolution (H. Res. 595) waiving points of order against the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶134.27 WAIVING POINTS OF ORDER AGAINST THE FURTHER CONFERENCE REPORT TO H.R. 3010

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109-344) the resolution (H. Res. 596) waiving points of order against the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶134.28 H. RES. 487—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 487) supporting the

goals and ideals of Korean American Day.

The question being put,
Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 405
Nays 0

¶134.29 [Roll No. 623] YEAS—405

- | | | |
|---------------|------------------|-----------------|
| Abercrombie | Davis (IL) | Inslee |
| Ackerman | Davis (KY) | Israel |
| Aderholt | Davis (TN) | Issa |
| Akin | Davis, Jo Ann | Istook |
| Alexander | Davis, Tom | Jackson (IL) |
| Allen | Deal (GA) | Jackson-Lee |
| Andrews | DeFazio | (TX) |
| Baca | Delahunt | Jefferson |
| Baird | DeLauro | Jenkins |
| Baker | DeLay | Jindal |
| Baldwin | Dent | Johnson (CT) |
| Barrett (SC) | Diaz-Balart, L. | Johnson (IL) |
| Barrow | Dicks | Johnson, E. B. |
| Bartlett (MD) | Dingell | Johnson, Sam |
| Barton (TX) | Doggett | Jones (NC) |
| Bass | Doolittle | Jones (OH) |
| Bean | Doyle | Kanjorski |
| Beauprez | Drake | Kaptur |
| Becerra | Dreier | Keller |
| Berkley | Duncan | Kelly |
| Berman | Edwards | Kennedy (MN) |
| Berry | Ehlers | Kennedy (RI) |
| Biggert | Emanuel | Kildee |
| Bilirakis | Emerson | Kilpatrick (MI) |
| Bishop (GA) | Engel | King (IA) |
| Bishop (NY) | English (PA) | King (NY) |
| Bishop (UT) | Eshoo | Kingston |
| Blackburn | Etheridge | Kirk |
| Blumenauer | Evans | Kline |
| Blunt | Farr | Knollenberg |
| Boehert | Fattah | Kolbe |
| Boehner | Feeney | Kucinich |
| Bonilla | Ferguson | Kuhl (NY) |
| Bono | Filner | LaHood |
| Boozman | Fitzpatrick (PA) | Langevin |
| Boren | Flake | Lantos |
| Boswell | Foley | Larsen (WA) |
| Boucher | Forbes | Larson (CT) |
| Boustany | Fossella | Latham |
| Boyd | Fox | LaTourette |
| Bradley (NH) | Frank (MA) | Leach |
| Brady (PA) | Franks (AZ) | Lee |
| Brady (TX) | Frelinghuysen | Levin |
| Brown (OH) | Garrett (NJ) | Lewis (CA) |
| Brown (SC) | Gerlach | Lewis (GA) |
| Brown-Waite, | Gibbons | Lewis (KY) |
| Ginny | Gilchrest | Linder |
| Burgess | Gillmor | Lipinski |
| Burton (IN) | Gingrey | LoBiondo |
| Butterfield | Gohmert | Lofgren, Zoe |
| Buyer | Gonzalez | Lowe |
| Camp (MI) | Goodlatte | Lucas |
| Campbell (CA) | Gordon | Lungren, Daniel |
| Cannon | Granger | E. |
| Cantor | Graves | Lynch |
| Capito | Green (WI) | Mack |
| Capps | Green, Al | Maloney |
| Capuano | Green, Gene | Manzullo |
| Cardin | Grijalva | Marchant |
| Cardoza | Gutierrez | Markey |
| Carnahan | Gutknecht | Marshall |
| Carson | Hall | Matheson |
| Carter | Harman | Matsui |
| Case | Hart | McCarthy |
| Castle | Hastings (FL) | McCaul (TX) |
| Chabot | Hastings (WA) | McCollum (MN) |
| Chandler | Hayes | McCotter |
| Chocoma | Hefley | McCotter |
| Clay | Hensarling | McCrery |
| Cleaver | Herger | McGovern |
| Coble | Herseth | McHenry |
| Cole (OK) | Higgins | McHugh |
| Conaway | Hinojosa | McIntyre |
| Conyers | Hobson | McKeon |
| Cooper | Hoekstra | McKinney |
| Costa | Holden | McMorris |
| Cramer | Holt | McNulty |
| Crenshaw | Honda | Meehan |
| Crowley | Hooley | Meek (FL) |
| Cuellar | Hostettler | Meeks (NY) |
| Culberson | Hoyer | Melancon |
| Cummings | Hulshof | Menendez |
| Davis (AL) | Hunter | Mica |
| Davis (CA) | Inglis (SC) | Michaud |

- | | | |
|--------------------|------------------|---------------|
| Millender-McDonald | Putnam | Solis |
| Miller (FL) | Radanovich | Souder |
| Miller (MI) | Rahall | Spratt |
| Miller (NC) | Ramstad | Stark |
| Miller, Gary | Rangel | Stearns |
| Miller, George | Regula | Strickland |
| Mollohan | Reichert | Stupak |
| Moore (KS) | Renzi | Sullivan |
| Moore (WI) | Reyes | Sweeney |
| Moran (KS) | Rogers (AL) | Tancredo |
| Moran (VA) | Rogers (KY) | Tanner |
| Murphy | Rogers (MI) | Tauscher |
| Murtha | Rohrabacher | Taylor (MS) |
| Musgrave | Ross | Taylor (NC) |
| Myrick | Rothman | Terry |
| Nadler | Roybal-Allard | Thomas |
| Napolitano | Royce | Thompson (CA) |
| Neal (MA) | Ruppersberger | Thompson (MS) |
| Neugebauer | Rush | Thornberry |
| Ney | Ryan (OH) | Tiahrt |
| Northup | Ryan (WI) | Tiberi |
| Norwood | Ryun (KS) | Tierney |
| Nunes | Salazar | Towns |
| Nussle | Sánchez, Linda | Turner |
| Oberstar | T. | Udall (NM) |
| Obey | Sanchez, Loretta | Upton |
| Oliver | Sanders | Van Hollen |
| Ortiz | Saxton | Velazquez |
| Osborne | Schakowsky | Viscosky |
| Otter | Schiff | Walden (OR) |
| Owens | Schmidt | Walsh |
| Oxley | Schwartz (PA) | Wamp |
| Pallone | Schwarz (MI) | Wasserman |
| Pascarella | Scott (GA) | Schultz |
| Pastor | Scott (VA) | Waters |
| Paul | Sensenbrenner | Watson |
| Payne | Serrano | Watt |
| Pearce | Sessions | Waxman |
| Pelosi | Shadegg | Weldon (FL) |
| Pence | Shaw | Weldon (PA) |
| Peterson (MN) | Shays | Weller |
| Peterson (PA) | Sherman | Westmoreland |
| Petri | Sherwood | Wexler |
| Pickering | Shimkus | Whitfield |
| Pitts | Shuster | Wicker |
| Platts | Simmons | Wilson (NM) |
| Poe | Simpson | Wilson (SC) |
| Pombo | Skelton | Wolf |
| Pomeroy | Slaughter | Woolsey |
| Porter | Smith (NJ) | Wu |
| Price (GA) | Smith (TX) | Young (AK) |
| Price (NC) | Smith (WA) | Young (FL) |
| Pryce (OH) | Snyder | |
| | Sodrel | |

NOT VOTING—28

- | | | |
|-----------------|-------------|--------------|
| Bachus | Everett | McDermott |
| Bonner | Ford | Rehberg |
| Brown, Corrine | Fortenberry | Reynolds |
| Calvert | Gallegly | Ros-Lehtinen |
| Clyburn | Goode | Sabo |
| Costello | Harris | Udall (CO) |
| Cubin | Hayworth | Weiner |
| Davis (FL) | Hinchee | Wynn |
| DeGette | Hyde | |
| Diaz-Balart, M. | Kind | |

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶134.30 S. 1047—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1047) to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

The question being put,
Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 291
Nays 113

¶134.31 [Roll No. 624]
YEAS—291

Abercrombie Gillmor Miller, George
Ackerman Gonzalez Mollohan
Aderholt Gordon Moore (KS)
Allen Graves Moore (WI)
Andrews Green, Al Moran (KS)
Baca Green, Gene Moran (VA)
Baird Grijalva Murtha
Baker Gutierrez Nadler
Baldwin Gutknecht Napolitano
Barrow Harman Neal (MA)
Barton (TX) Hastings (FL)
Bass Hastings (WA)
Bean Herseht Ney
Becerra Higgins Northup
Berkley Hinojosa Nunes
Berman Hobson Oberstar
Berry Hoekstra Oby
Biggert Holden Olver
Bishop (GA) Holt Ortiz
Bishop (NY) Honda Osborne
Blumenauer Hooley Owens
Boehert Hostettler Pallyone
Boehner Hoyer Pascrell
Boren Hulshof Pastor
Boswell Inglis (SC) Payne
Boucher Insee Pearce
Boustany Israel Pelosi
Boyd Issa Peterson (MN)
Bradley (NH) Jackson (IL) Petri
Brady (PA) Jackson-Lee Pickering
Brady (TX) (TX) Pombo
Brown (OH) Jefferson Pomeroy
Brown (SC) Jenkins Porter
Butterfield Johnson (CT) Price (NC)
Cantor Johnson, Sam Pryce (OH)
Capito Jones (OH) Putnam
Capps Kanjorski Radanovich
Capuano Kaptur Rahall
Cardin Keller Ramstad
Cardoza Kelly Rangel
Carnahan Kennedy (RI) Regula
Carson Kildee Rehberg
Case Kilpatrick (MI) Reichert
Castle King (NY) Renzi
Chandler Kirk Reyes
Clay Knollenberg Rogers (AL)
Cleaver Kucinich Rogers (KY)
Conyers LaHood Rogers (MI)
Cooper Langevin Rohrabacher
Costa Lantos Ross
Cramer Larsen (WA) Rothman
Crenshaw Larson (CT) Roybal-Allard
Crowley Latham Ruppberger
Cuellar LaTourette Rush
Cummings Leach Ryan (OH)
Davis (AL) Lee Salazar
Davis (CA) Levin Sanchez, Linda
Davis (IL) Lewis (CA) T.
Davis (TN) Lewis (GA) Sanchez, Loretta
Deal (GA) Linder Sanders
DeFazio Lipinski Schakowsky
Delahunt Lofgren, Zoe Schiff
DeLauro Lowey Schwartz (PA)
Dent Lucas Schwarz (MI)
Diaz-Balart, L. Lynch Scott (GA)
Dicks Maloney Scott (VA)
Dingell Manzullo Serrano
Doggett Marchant Shaw
Doyle Markey Shays
Dreier Marshall Sherman
Edwards Matheson Sherwood
Ehlers Matsui Shimkus
Emanuel McCarthy Simmons
Emerson McCaul (TX) Simpson
Engel McCollum (MN) Skelton
English (PA) McGovern Slaughter
Eshoo McHugh Smith (NJ)
Etheridge McIntyre Smith (TX)
Evans McKeon Smith (WA)
Farr McKinney Snyder
Fattah McNulty Solis
Ferguson Meehan Spratt
Filner Meek (FL) Stark
Fitzpatrick (PA) Meeks (NY) Stupak
Foley Melancon Tancred
Fossella Menendez Tanner
Frank (MA) Mica Tauscher
Frelinghuysen Michaud Taylor (MS)
Gerlach Millender Thomas
Gibbons McDonald Thompson (CA)
Gilchrest Miller (NC) Thompson (MS)

Tierney Wasserman Wexler
Towns Schultz Wilson (NM)
Udall (NM) Waters Wilson (SC)
Van Hollen Watson Wolf
Velázquez Watt Woolsey
Visclosky Waxman Wu
Walden (OR) Weldon (PA)
Walsh Weller

NAYS—113

Akin Gingrey Norwood
Alexander Gohmert Otter
Barrett (SC) Goodlatte Paul
Bartlett (MD) Granger Pence
Beaprez Green (WI) Peterson (PA)
Bilirakis Hall Pitts
Bishop (UT) Hart Poe
Blackburn Hayes Price (GA)
Blunt Hefley Royce
Bonilla Hensarling Ryan (WI)
Bono Herger Ryan (KS)
Boozman Hunter Saxton
Brown-Waite, Istook Schmidt
Ginny Jindal Sensenbrenner
Burgess Johnson (IL) Sessions
Burton (IN) Johnson, E. B. Shadegg
Buyer Jones (NC) Shuster
Camp (MI) Kennedy (MN) Sodre
Campbell (CA) King (IA) Souder
Cannon Kingston Stearns
Carter Kline Strickland
Chabot Kolbe Sullivan
Chocola Kuhl (NY) Sweeney
Coble Lewis (KY) Taylor (NC)
Conaway LoBiondo Terry
Culberson Lungren, Daniel
Davis (KY) E. Thornberry
Davis, Jo Ann Mack Tiahrt
Davis, Tom McCotter Tiberi
DeLay McCrery Turner
Doolittle McHenry Upton
Drake McMorris Wamp
Duncan Miller (FL) Weldon (FL)
Feeney Miller (MI) Westmoreland
Flake Miller, Gary Whitfield
Forbes Murphy Wicker
Foxy Musgrave Young (AK)
Franks (AZ) Myrick Young (FL)
Garrett (NJ) Neugebauer

NOT VOTING—29

Bachus Diaz-Balart, M. Kind
Bonner Everett McDermott
Brown, Corrine Ford Platts
Calvert Fortenberry Reynolds
Clyburn Gallegly Ros-Lehtinen
Cole (OK) Goode Sabo
Costello Harris Udall (CO)
Cubin Hayworth Weiner
Davis (FL) Hinchey Wynn
DeGette Hyde

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶134.32 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 330

In the Senate of the United States, December 12, 2005.

Whereas Eugene J. McCarthy devoted many years of his life to teaching in public high schools and other institutions of higher learning in the service of the youth of our Nation;

Whereas Eugene J. McCarthy served in the House of Representatives from 1949 to 1959;

Whereas Eugene J. McCarthy served the people of Minnesota with distinction from 1959 to 1971 in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the an-

nouncement of the death of the Honorable Eugene J. McCarthy, former member of the United States Senate;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Eugene J. McCarthy.

The message also announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 4340. An Act to implement the United States-Bahrain Free Trade Agreement.

The message also announced that the Senate has passed bills of the following title in which the concurrence of the House is requested:

S. 2093. An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes.

S. 2094. An Act to reauthorize certain provisions relating to Indian tribal justice systems.

¶134.33 HONORABLE JOHN D. DINGELL

On motion of Mr. HASTERT, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 594):

Whereas John D. Dingell learned firsthand about the institution of Capitol Hill at an early age, serving as a House of Representatives Page from 1938 to 1943;

Whereas John D. Dingell served his country during the World War II as a member of the United States Army;

Whereas John D. Dingell has served 50 years in the House of Representatives, since succeeding his late father, the Honorable John David Dingell, Sr., a 12-term incumbent, in a special election to the 84th Congress on December 13, 1955;

Whereas a member of the Dingell family has represented the Detroit metropolitan area in the House of Representatives since 1933;

Whereas John D. Dingell, the Dean of the House of Representatives since the 104th Congress, is the longest serving current Member of the House of Representatives, having been re-elected on 25 subsequent occasions;

Whereas John D. Dingell's term of service is the third-longest term of service in the history of the House of Representatives and the fifth-longest in Congressional history; and

Whereas John D. Dingell has served on the Energy and Commerce Committee (and its predecessors) since the 85th Congress in 1957, and chaired that panel from the 97th through the 103rd Congresses (1981-1995); Now, therefore, be it

Resolved, SECTION 1. HONORING THE 50TH ANNIVERSARY OF JOHN D. DINGELL'S SERVICE IN THE HOUSE.

The House of Representatives— (1) honors the lifelong commitment of the Honorable John D. Dingell to the ideals of our Nation;

(2) recognizes the Honorable John D. Dingell's half-century of exceptional dedication to his constituents, to the State of Michigan, and to the United States; and

(3) congratulates the Honorable John D. Dingell on 50 years of superior service in the United States Congress.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Honorable John D. Dingell.

When said resolution was considered. After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

134.34 H.R. 3422—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3422) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 387 affirmative } Nays 2

134.35 [Roll No. 625] YEAS—387

- Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Baird, Baker, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Becerra, Berkley, Berman, Berry, Biggart, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bono, Boozman, Boren, Boswell, Boucher, Boustany, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Butterfield, Buyer, Camp (MI), Campbell (CA), Cannon, Capito, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Carter, Case, Castle, Chabot, Chandler, Chocola, Cleaver, Cole (OK), Conaway, Conyers, Cooper, Cramer, Crenshaw, Blumenauer, Cuellar, Culberson, Cummings, Davis (AL), Davis (CA), Davis (IL), Davis (KY), Davis (TN), Davis, Jo Ann, DeFazio, Delahunt, DeLauro, DeLay, Dent, Diaz-Balart, L., Dicks, Dingell, Doggett, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards, Ehlers, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Evans, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Frank (MA), Franks (AZ), Frelinghuysen, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Gohmert, Gonzalez, Goodlatte, Gordon, Granger, Graves, Green (WI), Green, Al, Green, Gene, Grijalva, Gutierrez, Gutknecht, Hall, Harman, Hart, Hastings (FL), Hastings (WA), Hayes, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jindal, Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), King (IA), King (NY), Kingston, Kirk, Kline, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCaul (TX), McCollum (MN), McCotter, McCrery, Fox, Bachus, Bonner, Brown, Corrine, Calvert, Cantor, Clyburn, Coble, Costello, Cubin, Davis (FL), Davis, Tom, Deal (GA), McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Mica, Michaud, Millender-McDonald, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Oliver, Ortiz, Osborne, Otter, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Poe, Pombo, Pomeroy, Porter, Price (NC), Pryce (OH), Radanovich, Rahall, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ross, Rothman, Roybal-Allard, Royce, Ruppertsberger, Rush, Kind, Knollenberg, Lewis (CA), McCarthy, McDermott, Murtha, Oxley, Platts, Price (GA), Rangel, Reynolds, Ros-Lehtinen, Ryan (OH), Ryan (WI), Ryun (KS), Salazar, Sanchez, Loretta, Sanders, Saxton, Schakowsky, Schiff, Schmidt, Schwartz (PA), Schwarz (MI), Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shadegg, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Souder, Spratt, Stark, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Turner, Udall (NM), Upton, Van Hollen, Velázquez, Visclosky, Walden (OR), Walsh, Wamp, Wasserman, Schultz, Watson, Watt, Waxman, Weldon (FL), Weldon (PA), Weller, Westmoreland, Wexler, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Young (AK), Young (FL)

- Hastings (FL), Hastings (WA), Hayes, Hefley, Hensarling, Herger, Herseth, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holden, Holt, Honda, Hooley, Hostettler, Hoyer, Hulshof, Hunter, Inglis (SC), Inslee, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jindal, Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick (MI), King (IA), King (NY), Kingston, Kirk, Kline, Kolbe, Kucinich, Kuhl (NY), LaHood, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Zoe, Lowey, Lucas, Lungren, Daniel E., Lynch, Mack, Maloney, Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCaul (TX), McCollum (MN), McCotter, McCrery, Ryan (OH), Ryan (WI), Ryun (KS), Salazar, Sanchez, Loretta, Sanders, Saxton, Schakowsky, Schiff, Schmidt, Schwartz (PA), Schwarz (MI), Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shadegg, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Sodrel, Souder, Spratt, Stark, Stearns, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Turner, Udall (NM), Upton, Van Hollen, Velázquez, Visclosky, Walden (OR), Walsh, Wamp, Wasserman, Schultz, Watson, Watt, Waxman, Weldon (FL), Weldon (PA), Weller, Westmoreland, Wexler, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Young (AK), Young (FL), Sabo, Sánchez, Linda T., Shaw, Solis, Udall (CO), Waters, Weiner, Wynn, McGovern, McHenry, McHugh, McIntyre, McKeon, McKinney, McMorris, McNulty, Meehan, Meek (FL), Meeks (NY), Melancon, Menendez, Mica, Michaud, Millender-McDonald, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mollohan, Moore (KS), Moore (WI), Moran (KS), Moran (VA), Murphy, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Oliver, Ortiz, Osborne, Otter, Owens, Pallone, Pascrell, Pastor, Paul, Payne, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Poe, Pombo, Pomeroy, Porter, Price (NC), Pryce (OH), Radanovich, Rahall, Ramstad, Regula, Rehberg, Reichert, Renzi, Reyes, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ross, Rothman, Roybal-Allard, Royce, Ruppertsberger, Rush, Putnam, DeGette, Diaz-Balart, M., Everett, Ford, Gallegly, Goode, Harris, Hayworth, Hyde, Jefferson, Jenkins, Johnson (CT), Kind, Knollenberg, Lewis (CA), McCarthy, McDermott, Murtha, Oxley, Platts, Price (GA), Rangel, Reynolds, Ros-Lehtinen

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

134.36 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1295. An Act to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Resources.

S. 2094. An Act to reauthorize certain provisions relating to Indian tribal justice systems; to the Committee on Resources in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

134.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

- To Mr. MARIO DIAZ-BALART of Florida, for today; To Mr. MCDERMOTT, for today; and To Mr. WYNN, for today. And then,

134.38 ADJOURNMENT

On motion of Mr. KING of Iowa, at midnight, the House adjourned.

134.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 2695. A bill to amend the McKinney-Vento Homeless Assistance Act to protect the personally identifying information of victims of domestic violence, dating violence, sexual assault, and stalking (Rept. 109-336). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee of Conference. Conference report on H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-337). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 1728. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; with an amendment (Rept. 109-338). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3626. A bill to authorize the Secretary of

the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; with an amendment (Rept. 109-339). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3153. A bill to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs (Rept. 109-340). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2720. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes (Rept. 109-341 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 3422. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; with an amendment (Rept. 109-342). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 595. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109-343). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 596. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-344). Referred to the House Calendar.

134.40 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4437. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with an amendment; (Rept. 109-345, Pt. 1); referred to the Committees on Education and the Workforce, and Ways and Means for a period ending not later than December 14, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(e) and clause 1(t), rule X, respectively. Ordered to be printed.

134.41 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2720 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Homeland Security discharged from further consideration of H.R. 4437.

134.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. NORTHUP (for herself, Mr. DAVIS of Illinois, Mr. KING of Iowa, and Mr. FLAKE):

H.R. 4500. A bill to designate certain buildings of the Centers for Disease Control and Prevention; considered and passed.

By Mr. HYDE:

H.R. 4501. A bill to amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on International Relations.

By Mr. NORWOOD (for himself, Mr. DAVIS of Tennessee, and Mr. GRAVES):

H.R. 4502. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide an exemption for workers who work year-round and for other purposes; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. DAVIS of Tennessee, and Mr. GRAVES):

H.R. 4503. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for mandatory mediation; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. DAVIS of Tennessee, and Mr. GRAVES):

H.R. 4504. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for recovery of attorneys fees and a statute of limitations, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 4505. A bill to provide for a credit for certain health care benefits in determining the minimum wage for employers required to pay a minimum wage at a rate higher than the current Federal rate; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. SCOTT of Virginia, Ms. ZOE LOFGREN of California, Mr. DINGELL, Mr. FRANK of Massachusetts, and Ms. HARMAN):

H.R. 4506. A bill to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Intelligence (Permanent Select), and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 4507. A bill to establish a Federal program to provide reinsurance for State natural disaster insurance programs; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, Mr. FILNER, Mr. BOUSTANY, Mr. COBLE, Mr. BOYD, Mr. BAKER, Mr. TAYLOR of Mississippi, Mr. MELANCON, Mr. SIMMONS, Mr. FORTUÑO, Mr. HOEKSTRA, Mr. MACK, Mr. ALEXANDER, Ms. SCHWARTZ of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4508. A bill to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 4509. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building"; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Mr. RUSH, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. CONYERS, Mr. SERRANO, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. BROWN of Ohio, Mr. MEEKS of New York, Ms. KAPTUR, Mr. CHABOT, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Mr. GILCHREST, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HOEKSTRA, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. SHIMKUS, Mr. MARKEY, Mr. DINGELL, Mrs. CAPPS, and Ms. MATSUI):

H.R. 4510. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol; to the Committee on House Administration.

By Mr. CANTOR (for himself and Mr. BURGESS):

H.R. 4511. A bill to amend the Internal Revenue Code of 1986 to allow the use of flexible spending and health reimbursement arrangements in combination with health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 4512. A bill to direct the Secretary of Homeland Security to conduct a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts:

H.R. 4513. A bill to temporarily extend the applicability of Terrorism Risk Insurance Act of 2002; to the Committee on Financial Services.

By Mr. JINDAL (for himself, Mr. THOMPSON of Mississippi, Mr. MCCRERY, Mr. PICKERING, Mr. WICKER, and Mr. BONNER):

H.R. 4514. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina or Hurricane Rita, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHLMAN of New York (for himself, Mr. HUNTER, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. RANGEL, Mr. WALSH, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. HIGGINS, Mr. MCHUGH, Mr. HINCHEY, Mr. SWEENEY, Mr. MCNULTY, Mrs. KELLY, Mrs. LOWEY, Mr. KING of New York, Mr. ENGEL, Mr.

FOSSILLA, Mrs. MCCARTHY, Mr. BISHOP of New York, Mr. ISRAEL, Mr. ACKERMAN, Mr. CROWLEY, Mr. NADLER, Mr. OWENS, Mr. MEEKS of New York, Mr. WEINER, Mr. SERRANO, Mr. TOWNS, Mrs. MALONEY, and Ms. VELÁZQUEZ):

H.R. 4515. A bill to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office"; to the Committee on Government Reform.

By Mr. MCHUGH (for himself, Mr. SWEENEY, Mrs. KELLY, Mr. FOSSILLA, Mr. KUHL of New York, Mr. WALSH, Mr. KING of New York, Mr. REYNOLDS, Mr. BOEHLERT, Mrs. MALONEY, Mr. TOWNS, Mr. ENGEL, and Mr. CROWLEY):

H.R. 4516. A bill to establish the Hudson-Fulton-Champlain Quadricentennial Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. JINDAL, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Mr. OWENS, Mr. PAYNE, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 4517. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to restore Federal aid for the repair, restoration, and replacement of private nonprofit educational facilities that are damaged or destroyed by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4518. A bill to amend title 5, United States Code, to deny Federal retirement benefits to Government officials convicted of certain crimes; to amend title 18, United States Code, to increase the penalties for certain corruption-related offenses; and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 4519. A bill to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. SPRATT, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. MARKEY, Mr. PALLONE, Mrs. CAPPS, Mr. ALLEN, Ms. BALDWIN, Mr. CAPUANO, Mr. FARR, Ms. HARMAN, Ms. MATSUI, Mr. FRANK of Massachusetts, Mr. HONDA, Mr. BERMAN, Mr. VAN HOLLEN, Ms. LEE, Mr. KILDEE, Mr. KANJORSKI, and Ms. WOOLSEY):

H.R. 4520. A bill to amend part B of title XVIII of the Social Security Act to assure equitable payment for physicians services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4521. A bill to prohibit the Secretary of Defense from purchasing certain steel or

equipment, products, or systems made with steel that is not melted and poured in the United States; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 4522. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain school administrators in low income areas; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE (for himself, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. DOYLE, Mr. SHERMAN, Mr. HOLT, Mr. MURTHA, Mr. RYAN of Ohio, Mr. PETERSON of Pennsylvania, Mr. PASCRELL, Mr. KANJORSKI, Mr. UDALL of New Mexico, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Ms. WATERS, Ms. HOOLEY, Mrs. MCCARTHY, Mr. FATTAH, Ms. SCHWARTZ of Pennsylvania, Mr. VISCIOSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. MENENDEZ, Mr. FARR, Mr. HOYER, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mr. BERRY, Mr. ETHERIDGE, Mr. BOYD, Ms. DELAULO, Mr. CARDOZA, Mr. CROWLEY, Mr. THOMPSON of California, Mr. ALLEN, Mr. BARROW, Ms. KAPTUR, Mr. EDWARDS, Mr. MARKEY, Mr. SANDERS, Mr. INSLEE, Mr. GENE GREEN of Texas, Mr. NADLER, Mr. RUSH, Mr. DEFazio, Mr. DELAHUNT, Mr. FILNER, Mr. TANNER, and Mr. HASTINGS of Florida):

H. Res. 597. A resolution recognizing and congratulating Don Ho on his career in music; to the Committee on Education and the Workforce.

134.43 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UPTON introduced a bill (H.R. 4523) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

134.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WESTMORELAND.
 H.R. 114: Mr. MEEHAN.
 H.R. 136: Mr. INGLIS of South Carolina.
 H.R. 226: Mr. BUTTERFIELD and Mr. ALLEN.
 H.R. 284: Mr. GILLMOR.
 H.R. 303: Mr. SHAYS.
 H.R. 389: Mr. MOORE of Kansas and Mr. SANDERS.
 H.R. 503: Mr. RYAN of Ohio and Mr. CONYERS.
 H.R. 517: Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. SNYDER, and Ms. MCKINNEY.
 H.R. 615: Mr. ENGLISH of Pennsylvania and Mr. JEFFERSON.
 H.R. 670: Mr. SHERMAN.
 H.R. 676: Ms. SCHAKOWSKY and Mr. CAPUANO.
 H.R. 752: Mr. BOSWELL.
 H.R. 769: Mr. DAVIS of Illinois, Mr. KILDEE, Mr. GARRETT of New Jersey, and Ms. DELAULO.
 H.R. 896: Mr. MATHESON and Mr. BOUSTANY.
 H.R. 925: Mr. BOOZMAN.
 H.R. 1020: Mr. SANDERS.
 H.R. 1053: Mr. MCCOTTER, Mr. ROTHMAN, Mr. HINCHEY, Mr. COLBE, and Mr. BERMAN.
 H.R. 1070: Mr. BOUSTANY.
 H.R. 1073: Mr. KING of Iowa.
 H.R. 1074: Mr. KING of Iowa.
 H.R. 1075: Mr. KING of Iowa.
 H.R. 1177: Mr. SIMPSON, Mr. ROTHMAN, Mr. FILNER, Mr. KUHL of New York, Mr. RUPPERSBERGER, Mr. SAXTON, Mr. MCGOV-

ERN, Mr. RAHALL, Mr. BOUCHER, Mr. MENENDEZ, Mr. MURPHY, Mr. THOMPSON of Mississippi, Mr. EVANS, and Mr. PAYNE.

H.R. 1188: Mr. GORDON and Mr. INGLIS of South Carolina.

H.R. 1259: Mr. VAN HOLLEN and Mr. PORTER.

H.R. 1290: Mr. RAMSTAD.

H.R. 1298: Mr. THOMPSON of Mississippi and Ms. SOLIS.

H.R. 1310: Mr. ANDREWS.

H.R. 1357: Mr. CONAWAY.

H.R. 1426: Mr. MURPHY.

H.R. 1471: Mr. MORAN of Virginia.

H.R. 1498: Mr. SAM JOHNSON of Texas.

H.R. 1578: Ms. ROS-LEHTINEN, Mr. CRENSHAW, Mrs. MALONEY, Mr. DAVIS of Kentucky, Mr. CAPUANO, Ms. HARRIS, Mr. NEUGEBAUER, Mr. FORD, Ms. SCHWARTZ of Pennsylvania, Mrs. NORTHUP, Mrs. LOWEY, Mrs. TAUSCHER, Mr. MCHUGH, and Mr. COLE of Oklahoma.

H.R. 1588: Ms. MOORE of Wisconsin.

H.R. 1645: Ms. SCHWARTZ of Pennsylvania.

H.R. 1646: Mr. VAN HOLLEN, Mrs. MCCARTHY, Mr. FITZPATRICK of Pennsylvania, Mr. SMITH of Washington, Mr. SKELTON, Mr. SANDERS, Mr. DOGGETT, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. WEXLER, and Mr. MCHUGH.

H.R. 1668: Mr. TOWNS.

H.R. 2048: Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. BOUCHER, Ms. BERKLEY, and Mr. ANDREWS.

H.R. 2134: Ms. CORRINE BROWN of Florida.

H.R. 2206: Mr. BOSWELL.

H.R. 2238: Mr. BROWN of South Carolina.

H.R. 2317: Mr. GIBBONS and Mr. KUCINICH.

H.R. 2345: Ms. NORTON, Mr. CUMMINGS, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. ACKERMAN, Mr. OWENS, and Mr. DAVIS of Illinois.

H.R. 2369: Mr. BROWN of Ohio.

H.R. 2378: Mr. GRAVES and Mr. PAUL.

H.R. 2428: Ms. ROYBAL-ALLARD, Mrs. CAPPS, and Ms. HOOLEY.

H.R. 2637: Mr. BISHOP of New York.

H.R. 2669: Mr. MCCOTTER, Mr. WEXLER, Mr. SANDERS, Mr. GUTIERREZ, Mr. SAXTON, Mr. PASTOR, Mr. LEACH, Ms. HOOLEY, Ms. DELAULO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2793: Mr. CUMMINGS and Mr. JENKINS.

H.R. 2861: Mr. STRICKLAND.

H.R. 2892: Mr. FORTUÑO and Mr. CONYERS.

H.R. 2963: Ms. WOOLSEY.

H.R. 2971: Mr. INGLIS of South Carolina.

H.R. 3037: Mr. SABO and Ms. MCKINNEY.

H.R. 3080: Mr. RADANOVICH, Mr. HOSTETTLER, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. TURNER, and Mr. DEAL of Georgia.

H.R. 3137: Mr. EVERETT.

H.R. 3142: Mr. BRADY of Pennsylvania.

H.R. 3145: Mr. SMITH of New Jersey and Mr. GRIJALVA.

H.R. 3195: Ms. WOOLSEY and Mr. COSTELLO.

H.R. 3337: Mr. FORTUÑO.

H.R. 3361: Mr. CARDIN and Mr. CONYERS.

H.R. 3375: Mr. SHAYS.

H.R. 3449: Mr. CASE.

H.R. 3476: Ms. CARSON and Mr. SAM JOHNSON of Texas.

H.R. 3478: Mr. BUTTERFIELD, Mr. SNYDER, and Mrs. MALONEY.

H.R. 3546: Mr. FARR, Mr. SANDERS, and Ms. WOOLSEY.

H.R. 3607: Mr. HINCHEY.

H.R. 3617: Mr. STRICKLAND and Ms. GRANGER.

H.R. 3657: Mr. GRIJALVA.

H.R. 3753: Mrs. SCHMIDT.

H.R. 3760: Mr. MARKEY.

H.R. 3787: Mr. EVANS.

H.R. 3794: Mr. THOMPSON of Mississippi.

H.R. 3838: Ms. ESHOO and Mr. HOLT.

H.R. 3861: Mr. FILNER, Mr. INSLEE, Mr. OLIVER, Mr. CLEAVER, Mr. SNYDER, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, and Mr. UDALL of Colorado.

H.R. 3876: Mr. PRICE of North Carolina.
 H.R. 3883: Mr. RENZI, Mr. SENSENBRENNER, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. STUPAK, and Mr. WAMP.
 H.R. 3888: Mr. EVANS and Ms. SOLIS.
 H.R. 3925: Ms. DEGETTE.
 H.R. 3940: Mr. BOUSTANY.
 H.R. 3973: Mr. MILLER of North Carolina.
 H.R. 3985: Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. MEEKS of New York, Mr. VAN HOLLEN, Ms. MATSUI, Mrs. LOWEY, and Mr. SMITH of Washington.
 H.R. 4015: Mr. KENNEDY of Minnesota.
 H.R. 4019: Mr. MARCHANT and Mr. CHABOT.
 H.R. 4092: Mr. OWENS, Mr. ORTIZ, Mr. GRIJALVA, Mr. WAXMAN, and Mr. BUTTERFIELD.
 H.R. 4158: Mrs. MCCARTHY.
 H.R. 4167: Mr. REYNOLDS, Mr. KANJORSKI, Mr. STEARNS, Mr. SAXTON, Mr. REICHERT, Mr. MCHUGH, Mrs. MILLER of Michigan, and Mr. KING of Iowa.
 H.R. 4170: Mr. COBLE.
 H.R. 4194: Mr. WAMP.
 H.R. 4200: Mr. SHIMKUS and Mr. FRANKS of Arizona.
 H.R. 4217: Mr. WAMP.
 H.R. 4222: Mr. VAN HOLLEN.
 H.R. 4246: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 4254: Mr. VAN HOLLEN and Mr. CONYERS.
 H.R. 4259: Mr. BROWN of Ohio.
 H.R. 4282: Ms. WOOLSEY.
 H.R. 4299: Mr. COLE of Oklahoma and Mr. ISTOOK.
 H.R. 4315: Mr. SAXTON, Mr. BONNER, Mr. GREEN of Wisconsin, Mr. RAMSTAD, Mr. BOUSTANY, Mr. ENGLISH of Pennsylvania, Ms. WOOLSEY, Mr. HAYES, Mr. SESSIONS, Mr. KING of New York, Mr. SNYDER, Mr. KUHL of New York, and Mr. GERLACH.
 H.R. 4318: Mr. BONNER, Mrs. Drake, Miss MCMORRIS, Mr. GOHMERT, Mr. TANCREDO, Mr. CANNON, Mr. FORTUÑO, Mr. BEAUPREZ, Mr. WALDEN of Oregon, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. LINDER, Mr. PITTS, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. RENZI, Mr. WELLER, and Mr. REHBERG.
 H.R. 4341: Mr. RADANOVICH, Mr. SCOTT of Georgia, and Ms. HERSETH.
 H.R. 4351: Mr. RYAN of Ohio, Mr. VAN HOLLEN, Ms. DELAURO, Mr. DEFAZIO, Mr. ROTHMAN, Ms. KILPATRICK of Michigan, Mr. PALLONE, Mr. CONYERS, and Mr. EVANS.
 H.R. 4372: Mr. OWENS, Mr. BACA, and Mr. WEXLER.
 H.R. 4384: Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. CONYERS, and Mr. LEACH.
 H.R. 4392: Mr. CONYERS and Mr. STARK.
 H.R. 4407: Mr. PETERSON of Minnesota.
 H.R. 4408: Mr. PRICE of Georgia.
 H.R. 4416: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. OWENS, Mrs. CHRISTENSEN, Mr. EVANS, Ms. MCKINNEY, and Mr. BUTTERFIELD.
 H.R. 4437: Mr. PICKERING, Mr. BAKER, Mr. BURGESS, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. POE, Mr. KLINE, Mr. MCHUGH, Mr. LEWIS of California, Mrs. BONO, Mr. ROYCE, Mr. MURPHY, and Mr. RYUN of Kansas.
 H.R. 4463: Mr. MCDERMOTT, Ms. ESHOO, Mr. ABERCROMBIE, Mr. DAVIS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. SANDERS, Mr. PAYNE, Ms. LINDA T. SANCHEZ of California, Mr. RUPPERSBERGER, and Ms. ZOE LOFGREN of California.
 H.R. 4465: Ms. BALDWIN, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. ANDREWS, and Mr. UDALL of Colorado.
 H.R. 4472: Mr. FOLEY, Mr. FORBES, Mr. GALLEGLY, Mr. GIBBONS, Mr. PENCE, Mr. PORTER, Mr. GREEN of Wisconsin, Mr. KLINE, Mr. KENNEDY of Minnesota, Mr. GILLMOR, Mr. WESTMORELAND, Mr. MOORE of Kansas, Mr. ROYCE, Mrs. CAPITO, Ms. HARRIS, Mr. POE, Mr. CALVERT, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, and Mr. GRAVES.
 H.R. 4479: Mr. GRIJALVA, Mr. HINCHEY, Mr. MICHAUD, Ms. NORTON, Mr. TOWNS, Mr. CONYERS, and Mr. PALLONE.

H.R. 4481: Mr. STUPAK, Ms. DELAURO, and Mr. FRANK of Massachusetts.
 H.R. 4491: Mr. STUPAK.
 H.R. 4492: Mr. KUCINICH, Mr. CONYERS, and Mr. OWENS.
 H. J. Res. 54: Mr. VAN HOLLEN.
 H. J. Res. 63: Mr. RAMSTAD.
 H. J. Res. 73: Mr. GEORGE MILLER of California, Mr. BACA, Ms. LINDA T. SANCHEZ of California, Mr. DOGGETT, Mr. OWENS, Ms. WATSON, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. KUCINICH, Mr. TOWNS, Ms. ROYBAL-AL-LARD, Mrs. NAPOLITANO, and Mr. OBERSTAR.
 H. Con. Res. 106: Mr. JOHNSON of Illinois.
 H. Con. Res. 177: Mr. SAXTON and Mr. BRADY of Pennsylvania.
 H. Con. Res. 222: Mr. SNYDER, Mr. POMBO, and Mrs. DRAKE.
 H. Con. Res. 302: Mr. PITTS, Mr. GOODLATTE, Mr. ENGLISH of Pennsylvania, Mr. COLE of Oklahoma, and Mr. CONAWAY.
 H. Con. Res. 311: Mr. NEAL of Massachusetts.
 H. Res. 85: Mr. HINOJOSA.
 H. Res. 483: Mr. FORTUÑO and Mr. ENGLISH of Pennsylvania.
 H. Res. 487: Mr. AL GREEN of Texas and Mr. KUCINICH.
 H. Res. 498: Mr. PETRI.
 H. Res. 526: Mr. SKELTON.
 H. Res. 529: Mr. HINCHEY.
 H. Res. 566: Mr. UDALL of Colorado, Mr. CASE, Mr. CARNAHAN, Mr. RADANOVICH, and Ms. LINDA T. SANCHEZ of California.
 H. Res. 573: Mr. CONYERS, Mr. GRIJALVA, and Mr. PAYNE.
 H. Res. 574: Mr. McNULTY, Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, and Mr. FARR.
 H. Res. 575: Mr. FRANKS of Arizona, Mr. SCHIFF, Mr. MICHAUD, Mr. SIMPSON, Mr. LANGEVIN, Mr. MOORE of Kansas, Mr. MCHUGH, Mr. NADLER, Mr. SAXTON, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. SMITH of Washington, Ms. HOOLEY, Miss MCMORRIS, Mr. COSTA, Mr. GINGREY, Ms. CORINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. EVERETT, Mr. MILLER of Florida, Mr. KINGSTON, Mrs. BIGGERT, Mr. MEEK of Florida, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of Utah, Mr. MARSHALL, Mr. SPRATT, Mr. BARRETT of South Carolina, Mr. MEEKS of New York, Mrs. MUSGRAVE, Mr. TANCREDO, and Mr. CLYBURN.
 H. Res. 579: Mr. ISTOOK, Mr. RYUN of Kansas, Mr. CARTER, Mr. PITTS, Mr. MILLER of Florida, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. MCCOTTER, Mr. COLE of Oklahoma, Mrs. EMERSON, and Mr. FORBES.
 H. Res. 590: Ms. BERKLEY, Mr. RADANOVICH, Mr. GILLMOR, Mr. MORAN of Virginia, and Mr. BOOZMAN.
 H. Res. 592: Mr. CASTLE.

¶134.45 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4099: Mr. BOREN.

WEDNESDAY, DECEMBER 14, 2005 (135)

¶135.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. FOLEY, who laid before the House the following communication:

WASHINGTON, DC,
 December 14, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
 Speaker of the House of Representatives.

¶135.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FOLEY, announced he had examined and approved the Journal of the proceedings of Tuesday, December 13, 2005.

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

¶135.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5661. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fifth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

5662. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2003 through December 2004, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

5663. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5664. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5665. A letter from the Acting Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, transmitting the Department's final rule — Obligation to Solicit Race and Gender Data for Agency Enforcement Purposes (RIN: 1215-AB45) received October 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5666. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's 2004 through 2005 Annual Report and 2006 calendar; to the Committee on Government Reform.

5667. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Fourth Financial Statement for the period October 1, 2003 to September 30, 2004, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5668. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2005, required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

5669. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the "Accountability of Tax Dollars Act of 2002" and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability

Report for FY 2005; to the Committee on Government Reform.

5670. A letter from the Chairman, Railroad Retirement Board, transmitting the semi-annual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5671. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2005 through September 30, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5672. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5673. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Determination Concerning Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox (RIN: 1018-AT78) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5674. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims [WO 630-1610-EI-25-2Z] (RIN: 1004-AD77) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5675. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [Docket No. IL-103-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5676. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alaska Regulatory Program [SATS No. AK-006-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5677. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [ND-048-FOR, Amendment No. XXXV] received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 111705A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 102605A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5680. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

5681. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Civil Penalty Adjustments (RIN: 1029-AC48) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5682. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Georgia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5683. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of an editorial entitled, "US Veterans Health Care Healed Itself — So Can Our (Canadian) Medicare System"; to the Committee on Veterans' Affairs.

5684. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Account Eligibility During A Cafeteria Plan Grace Period [Notice 2005-86] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5685. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withholding on Payments to Partnerships, Trusts and Estates (Rev. Proc. 2005-77) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gains Derived from Dealings in Property (Rev. Rul. 2005-74) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5687. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for Certain Foreign Withholding Taxes [Notice 2005-90] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶135.4 WAIVING POINTS OF ORDER

AGAINST THE FURTHER CONFERENCE REPORT TO H.R. 3010

Mrs. CAPITO, by direction of the Committee on Rules, called up the following resolution (H. Res. 596):

Resolved, That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mrs. CAPITO, the previous question was ordered on the reso-

lution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.5 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO H.R. 3199

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 595):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

When said resolution was considered.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.6 USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION

Mr. SENSENBRENNER, pursuant to House Resolution 595, called up the following conference report (Rept. No. 109-333):

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 3199), to extend and modify authorities needed to combat terrorism, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "USA PATRIOT Improvement and Reauthorization Act of 2005".

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

Sec. 1. Short title; table of contents.

TITLE I—USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT

Sec. 101. References to, and modification of short title for, USA PATRIOT Act.

Sec. 102. USA PATRIOT Act sunset provisions.

Sec. 103. Extension of sunset relating to individual terrorists as agents of foreign powers.

Sec. 104. Section 2332b and the material support sections of title 18, United States Code.

Sec. 105. Duration of FISA surveillance of non-United States persons under section 207 of the USA PATRIOT Act.

Sec. 106. Access to certain business records under section 215 of the USA PATRIOT Act.

Sec. 106A. Audit on access to certain business records for foreign intelligence purposes.

- Sec. 107. Enhanced oversight of good-faith emergency disclosures under section 212 of the USA PATRIOT Act.
- Sec. 108. Multipoint electronic surveillance under section 206 of the USA PATRIOT Act.
- Sec. 109. Enhanced congressional oversight.
- Sec. 110. Attacks against railroad carriers and mass transportation systems.
- Sec. 111. Forfeiture.
- Sec. 112. Section 2332b(g)(5)(B) amendments relating to the definition of Federal crime of terrorism.
- Sec. 113. Amendments to section 2516(1) of title 18, United States Code.
- Sec. 114. Delayed notice search warrants.
- Sec. 115. Judicial review of national security letters.
- Sec. 116. Confidentiality of national security letters.
- Sec. 117. Violations of nondisclosure provisions of national security letters.
- Sec. 118. Reports on national security letters.
- Sec. 119. Audit of use of national security letters.
- Sec. 120. Definition for forfeiture provisions under section 806 of the USA PATRIOT Act.
- Sec. 121. Penal provisions regarding trafficking in contraband cigarettes or smokeless tobacco.
- Sec. 122. Prohibition of narco-terrorism.
- Sec. 123. Interfering with the operation of an aircraft.
- Sec. 124. Sense of Congress relating to lawful political activity.
- Sec. 125. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.
- Sec. 126. Report on data-mining activities.
- Sec. 127. Sense of Congress.
- Sec. 128. USA PATRIOT Act section 214; authority for disclosure of additional information in connection with orders for pen register and trap and trace authority under FISA.

TITLE II—TERRORIST DEATH PENALTY ENHANCEMENT

- Sec. 201. Short title.
- Subtitle A—Terrorist penalties enhancement Act
- Sec. 211. Death penalty procedures for certain air piracy cases occurring before enactment of the Federal Death Penalty Act of 1994.
- Sec. 212. Postrelease supervision of terrorists.
- Subtitle B—Federal Death Penalty Procedures
- Sec. 221. Elimination of procedures applicable only to certain Controlled Substances Act cases.
- Sec. 222. Counsel for financially unable defendants.

TITLE III—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

- Sec. 301. Short title.
- Sec. 302. Entry by false pretenses to any seaport.
- Sec. 303. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.
- Sec. 304. Criminal sanctions for violence against maritime navigation, placement of destructive devices.
- Sec. 305. Transportation of dangerous materials and terrorists.
- Sec. 306. Destruction of, or interference with, vessels or maritime facilities.
- Sec. 307. Theft of interstate or foreign shipments or vessels.
- Sec. 308. Stowaways on vessels or aircraft.
- Sec. 309. Bribery affecting port security.
- Sec. 310. Penalties for smuggling goods into the United States.
- Sec. 311. Smuggling goods from the United States.

TITLE IV—COMBATING TERRORISM FINANCING

- Sec. 401. Short title.
- Sec. 402. Increased penalties for terrorism financing.
- Sec. 403. Terrorism-related specified activities for money laundering.
- Sec. 404. Assets of persons committing terrorist acts against foreign countries or international organizations.
- Sec. 405. Money laundering through hawalas.
- Sec. 406. Technical and conforming amendments relating to the USA PATRIOT Act.
- Sec. 407. Cross reference correction.
- Sec. 408. Amendment to amendatory language.
- Sec. 409. Designation of additional money laundering predicate.
- Sec. 410. Uniform procedures for criminal forfeiture.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Residence of United States attorneys and assistant United States attorneys.
- Sec. 502. Interim appointment of United States Attorneys.
- Sec. 503. Secretary of Homeland Security in Presidential line of succession.
- Sec. 504. Bureau of Alcohol, Tobacco and Firearms to the Department of Justice.
- Sec. 505. Qualifications of United States Marshals.
- Sec. 506. Department of Justice intelligence matters.
- Sec. 507. Review by Attorney General.

TITLE VI—SECRET SERVICE

- Sec. 601. Short title.
- Sec. 602. Interference with national special security events.
- Sec. 603. False credentials to national special security events.
- Sec. 604. Forensic and investigative support of missing and exploited children cases.
- Sec. 605. The Uniformed Division, United States Secret Service.
- Sec. 606. Savings provisions.
- Sec. 607. Maintenance as distinct entity.
- Sec. 608. Exemptions from the Federal Advisory Committee Act.

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

- Sec. 701. Short title.
- Subtitle A—Domestic regulation of precursor chemicals
- Sec. 711. Scheduled listed chemical products; restrictions on sales quantity, behind-the-counter access, and other safeguards.
- Sec. 712. Regulated transactions.
- Sec. 713. Authority to establish production quotas.
- Sec. 714. Penalties; authority for manufacturing; quota.
- Sec. 715. Restrictions on importation; authority to permit imports for medical, scientific, or other legitimate purposes.
- Sec. 716. Notice of importation or exportation; approval of sale or transfer by importer or exporter.
- Sec. 717. Enforcement of restrictions on importation and of requirement of notice of transfer.
- Sec. 718. Coordination with United States Trade Representative.
- Subtitle B—International regulation of precursor chemicals
- Sec. 721. Information on foreign chain of distribution; import restrictions regarding failure of distributors to cooperate.
- Sec. 722. Requirements relating to the largest exporting and importing countries of certain precursor chemicals.
- Sec. 723. Prevention of smuggling of methamphetamine into the United States from Mexico.

- Subtitle C—Enhanced criminal penalties for methamphetamine production and trafficking
- Sec. 731. Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs.
- Sec. 732. Manufacturing controlled substances on Federal property.
- Sec. 733. Increased punishment for methamphetamine kingpins.
- Sec. 734. New child-protection criminal enhancement.
- Sec. 735. Amendments to certain sentencing court reporting requirements.
- Sec. 736. Semiannual reports to Congress.
- Subtitle D—Enhanced environmental regulation of methamphetamine byproducts
- Sec. 741. Biennial report to Congress on agency designations of by-products of methamphetamine laboratories as hazardous materials.
- Sec. 742. Methamphetamine production report.
- Sec. 743. Cleanup costs.
- Subtitle E—Additional programs and activities
- Sec. 751. Improvements to Department of Justice drug court grant program.
- Sec. 752. Drug courts funding.
- Sec. 753. Feasibility study on Federal drug courts.
- Sec. 754. Grants to hot spot areas to reduce availability of methamphetamine.
- Sec. 755. Grants for programs for drug-endangered children.
- Sec. 756. Authority to award competitive grants to address methamphetamine use by pregnant and parenting women offenders.

TITLE I—USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT

SEC. 101. REFERENCES TO, AND MODIFICATION OF SHORT TITLE FOR, USA PATRIOT ACT.

(a) REFERENCES TO USA PATRIOT ACT.—A reference in this Act to the USA PATRIOT Act shall be deemed a reference to the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)* of 2001.

(b) MODIFICATION OF SHORT TITLE OF USA PATRIOT ACT.—Section 1(a) of the USA PATRIOT Act is amended to read as follows:

“(a) SHORT TITLE.—This Act may be cited as the ‘*Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*’ or the ‘*USA PATRIOT Act*’.”

SEC. 102. USA PATRIOT ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 224 of the USA PATRIOT Act is repealed.

(b) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Effective December 31, 2009, the *Foreign Intelligence Surveillance Act of 1978* is amended so that sections 501, 502, and 105(c)(2) read as they read on October 25, 2001.

(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

SEC. 103. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001(b) of the *Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742)* is amended to read as follows:

“(b) SUNSET.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

“(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions

referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which the provisions cease to have effect, such provisions shall continue in effect.”.

SEC. 104. SECTION 2332b AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.

Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3762) is amended by striking subsection (g).

SEC. 105. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER SECTION 207 OF THE USA PATRIOT ACT.

(a) **ELECTRONIC SURVEILLANCE.**—Section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking “, as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

(2) in subsection (2)(B), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

(b) **PHYSICAL SEARCH.**—Section 304(d) of such Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

(2) in paragraph (2), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

(c) **PEN REGISTERS, TRAP AND TRACE DEVICES.**—Section 402(e) of such Act (50 U.S.C. 1842(e)) is amended—

(1) by striking “(e) An” and inserting “(e)(1) Except as provided in paragraph (2), an”; and

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

“(2) In the case of an application under subsection (c) where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order, or an extension of an order, under this section may be for a period not to exceed one year.”.

SEC. 106. ACCESS TO CERTAIN BUSINESS RECORDS UNDER SECTION 215 OF THE USA PATRIOT ACT.

(a) **DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.**—Subsection (a) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking “The Director” and inserting “Subject to paragraph (3), the Director”; and

(2) by adding at the end the following:

“(3) In the case of an application for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person, the Director of the Federal Bureau of Investigation may delegate the authority to make such application to either the Deputy Director of the Federal Bureau of Investigation or the Executive Assistant Director for National Security (or any successor position). The Deputy Director or the Executive Assistant Director may not further delegate such authority.”.

(b) **FACTUAL BASIS FOR REQUESTED ORDER.**—Subsection (b)(2) of such section is amended to read as follows:

“(2) shall include—

“(A) a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, such things being presumptively relevant to an authorized investigation if the applicant shows in the statement of the facts that they pertain to—

“(i) a foreign power or an agent of a foreign power;

“(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(iii) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigation; and

“(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.”.

(c) **CLARIFICATION OF JUDICIAL DISCRETION.**—Subsection (c)(1) of such section is amended to read as follows:

“(c)(1) Upon an application made pursuant to this section, if the judge finds that the application meets the requirements of subsections (a) and (b), the judge shall enter an ex parte order as requested, or as modified, approving the release of tangible things. Such order shall direct that minimization procedures adopted pursuant to subsection (g) be followed.”.

(d) **ADDITIONAL PROTECTIONS.**—Subsection (c)(2) of such section is amended to read as follows:

“(2) An order under this subsection—

“(A) shall describe the tangible things that are ordered to be produced with sufficient particularity to permit them to be fairly identified;

“(B) shall include the date on which the tangible things must be provided, which shall allow a reasonable period of time within which the tangible things can be assembled and made available;

“(C) shall provide clear and conspicuous notice of the principles and procedures described in subsection (d);

“(D) may only require the production of a tangible thing if such thing can be obtained with a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation or with any other order issued by a court of the United States directing the production of records or tangible things; and

“(E) shall not disclose that such order is issued for purposes of an investigation described in subsection (a).”.

(e) **PROHIBITION ON DISCLOSURE.**—Subsection (d) of such section is amended to read as follows:

“(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section, other than to—

“(A) those persons to whom disclosure is necessary to comply with such order;

“(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

“(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(2)(A) A person to whom disclosure is made pursuant to paragraph (1) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as such person.

“(B) Any person who discloses to a person described in subparagraphs (A), (B), or (C) of paragraph (1) that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section shall notify such person of the nondisclosure requirements of this subsection.

“(C) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.”.

(f) **JUDICIAL REVIEW.**—

(1) **PETITION REVIEW POOL.**—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

“(e)(1) Three judges designated under subsection (a) who reside within 20 miles of the District of Columbia, or, if all of such judges are unavailable, other judges of the court established under subsection (a) as may be designated by the presiding judge of such court, shall comprise a petition review pool which shall have jurisdiction to review petitions filed pursuant to section 501(f)(1).

“(2) Not later than 60 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the court established under subsection (a) shall adopt and, consistent with the protection of national security, publish procedures for the review of petitions filed pursuant to section 501(f)(1) by the panel established under paragraph (1). Such procedures shall provide that review of a petition shall be conducted in camera and shall also provide for the designation of an acting presiding judge.”.

(2) **PROCEEDINGS.**—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsection:

“(f)(1) A person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition with the pool established by section 103(e)(1). The presiding judge shall immediately assign the petition to one of the judges serving in such pool. Not later than 72 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the petition. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order. If the assigned judge determines the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2). The judge considering the petition may modify or set aside the order only if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

“(2) A petition for review of a decision to affirm, modify, or set aside an order by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

“(3) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

“(4) All petitions under this subsection shall be filed under seal. In any proceedings under this subsection, the court shall, upon request of the government, review ex parte and in camera any government submission, or portions thereof, which may include classified information.”.

(g) **MINIMIZATION PROCEDURES AND USE OF INFORMATION.**—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsections:

“(g) MINIMIZATION PROCEDURES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Attorney General shall adopt specific minimization procedures governing the retention and dissemination by the Federal Bureau of Investigation of any tangible things, or information therein, received by the Federal Bureau of Investigation in response to an order under this title.

“(2) DEFINED.—In this section, the term ‘minimization procedures’ means—

“(A) specific procedures that are reasonably designed in light of the purpose and technique of an order for the production of tangible things, to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

“(h) USE OF INFORMATION.—Information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures adopted pursuant to subsection (g). No otherwise privileged information acquired from tangible things received by the Federal Bureau of Investigation in accordance with the provisions of this title shall lose its privileged character. No information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this title may be used or disclosed by Federal officers or employees except for lawful purposes.”

(h) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a)—

(A) by striking “semiannual basis” and inserting “annual basis”; and

(B) by inserting “and the Committee on the Judiciary” after “and the Select Committee on Intelligence”;

(2) in subsection (b)—

(A) by striking “On a semiannual basis” and all that follows through “the preceding 6-month period” and inserting “In April of each year, the Attorney General shall submit to the House and Senate Committees on the Judiciary and the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence a report setting forth with respect to the preceding calendar year”;

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

“(3) the number of such orders either granted, modified, or denied for the production of each of the following:

“(A) Library circulation records, library patron lists, book sales records, or book customer lists.

“(B) Firearms sales records.

“(C) Tax return records.

“(D) Educational records.

“(E) Medical records containing information that would identify a person.”; and

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

“(c)(1) In April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

“(A) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

“(B) the total number of such orders either granted, modified, or denied.

“(2) Each report under this subsection shall be submitted in unclassified form.”

SECTION 106A. AUDIT ON ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES.

(a) AUDIT.—The Inspector General of the Department of Justice shall perform a comprehensive audit of the effectiveness and use, including any improper or illegal use, of the investigative authority provided to the Federal Bureau of Investigation under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) REQUIREMENTS.—The audit required under subsection (a) shall include—

(1) an examination of each instance in which the Attorney General, any other officer, employee, or agent of the Department of Justice, the Director of the Federal Bureau of Investigation, or a designee of the Director, submitted an application to the Foreign Intelligence Surveillance Court (as such term is defined in section 301(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(3))) for an order under section 501 of such Act during the calendar years of 2002 through 2006, including—

(A) whether the Federal Bureau of Investigation requested that the Department of Justice submit an application and the request was not submitted to the court (including an examination of the basis for not submitting the application);

(B) whether the court granted, modified, or denied the application (including an examination of the basis for any modification or denial);

(2) the justification for the failure of the Attorney General to issue implementing procedures governing requests for the production of tangible things under such section in a timely fashion, including whether such delay harmed national security;

(3) whether bureaucratic or procedural impediments to the use of such requests for production prevent the Federal Bureau of Investigation from taking full advantage of the authorities provided under section 501 of such Act;

(4) any noteworthy facts or circumstances relating to orders under such section, including any improper or illegal use of the authority provided under such section; and

(5) an examination of the effectiveness of such section as an investigative tool, including—

(A) the categories of records obtained and the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation or any other Department or agency of the Federal Government;

(B) the manner in which such information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to such information (such as access to “raw data”) provided to any other Department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(C) with respect to calendar year 2006, an examination of the minimization procedures adopted by the Attorney General under section 501(g) of such Act and whether such minimization procedures protect the constitutional rights of United States persons;

(D) whether, and how often, the Federal Bureau of Investigation utilized information acquired pursuant to an order under section 501 of such Act to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence commu-

nity (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government Departments, agencies, or instrumentalities; and

(E) whether, and how often, the Federal Bureau of Investigation provided such information to law enforcement authorities for use in criminal proceedings.

(c) SUBMISSION DATES.—

(1) PRIOR YEARS.—Not later than one year after the date of the enactment of this Act, or upon completion of the audit under this section for calendar years 2002, 2003, and 2004, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2002, 2003, and 2004.

(2) CALENDAR YEARS 2005 AND 2006.—Not later than December 31, 2007, or upon completion of the audit under this section for calendar years 2005 and 2006, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2005 and 2006.

(d) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(1) NOTICE.—Not less than 30 days before the submission of a report under subsections (c)(1) or (c)(2), the Inspector General of the Department of Justice shall provide such report to the Attorney General and the Director of National Intelligence.

(2) COMMENTS.—The Attorney General or the Director of National Intelligence may provide comments to be included in the reports submitted under subsections (c)(1) and (c)(2) as the Attorney General or the Director of National Intelligence may consider necessary.

(e) UNCLASSIFIED FORM.—The reports submitted under subsection (c)(1) and (c)(2) and any comments included under subsection (d)(2) shall be in unclassified form, but may include a classified annex.

SEC. 107. ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES UNDER SECTION 212 OF THE USA PATRIOT ACT.

(a) ENHANCED OVERSIGHT.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

“(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

“(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

“(2) a summary of the basis for disclosure in those instances where—

“(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

“(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.”

(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8), by striking “Federal, State, or local”; and

(B) by striking paragraph (4) of subsection (c) and inserting the following:

“(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to

any person requires disclosure without delay of information relating to the emergency.”.

(2) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the term ‘governmental entity’ means a department or agency of the United States or any State or political subdivision thereof.”.

(c) ADDITIONAL EXCEPTION.—Section 2702(a) of title 18, United States Code, is amended by inserting “or (c)” after “Except as provided in subsection (b)”.

SEC. 108. MULTIPOINT ELECTRONIC SURVEILLANCE UNDER SECTION 206 OF THE USA PATRIOT ACT.

(a) INCLUSION OF SPECIFIC FACTS IN APPLICATION.—

(1) APPLICATION.—Section 104(a)(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(3)) is amended by inserting “specific” after “description of the”.

(2) ORDER.—Subsection (c) of section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(A) in paragraph (1)(A) by striking “target of the electronic surveillance” and inserting “specific target of the electronic surveillance identified or described in the application pursuant to section 104(a)(3)”; and

(B) in paragraph (2)(B), by striking “where the Court finds” and inserting “where the Court finds, based upon specific facts provided in the application.”.

(b) ADDITIONAL DIRECTIONS.—Such subsection is further amended—

(1) by striking “An order approving” and all that follows through “specify” and inserting “(1) SPECIFICATIONS.—An order approving an electronic surveillance under this section shall specify”;

(2) in paragraph (1)(F), by striking “; and” and inserting a period;

(3) in paragraph (2), by striking “direct” and inserting “DIRECTIONS.—An order approving an electronic surveillance under this section shall direct”; and

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

“(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within ten days after the date on which surveillance begins to be directed at any new facility or place, unless the court finds good cause to justify a longer period of up to 60 days, of—

“(A) the nature and location of each new facility or place at which the electronic surveillance is directed;

“(B) the facts and circumstances relied upon by the applicant to justify the applicant’s belief that each new facility or place at which the electronic surveillance is directed is or was being used, or is about to be used, by the target of the surveillance;

“(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed; and

“(D) the total number of electronic surveillances that have been or are being conducted under the authority of the order.”.

(c) ENHANCED OVERSIGHT.—

(1) REPORT TO CONGRESS.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting “, and the Committee on the Judiciary of the Senate,” after “Senate Select Committee on Intelligence”.

(2) MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Paragraph

(2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is unknown;

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report; and

“(C) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”.

SEC. 109. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) EMERGENCY PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by inserting “, and the Committee on the Judiciary of the Senate,” after “the Senate”;

(2) in the second sentence, by striking “and the Committees on the Judiciary of the House of Representatives and the Senate” and inserting “and the Committee on the Judiciary of the House of Representatives”;

(3) in paragraph (2), by striking “and” at the end;

(4) in paragraph (3), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) and the total number of subsequent orders approving or denying such physical searches.”.

(b) EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”.

(c) ADDITIONAL REPORT.—At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a written report providing a description of internal affairs operations at U.S. Citizenship and Immigration Services, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted not later than April 1, 2006.

(d) RULES AND PROCEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(f)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

“(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

“(A) All of the judges on the court established pursuant to subsection (a).

“(B) All of the judges on the court of review established pursuant to subsection (b).

“(C) The Chief Justice of the United States.

“(D) The Committee on the Judiciary of the Senate.

“(E) The Select Committee on Intelligence of the Senate.

“(F) The Committee on the Judiciary of the House of Representatives.

“(G) The Permanent Select Committee on Intelligence of the House of Representatives.

“(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 110. ATTACKS AGAINST RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 through 1993 and inserting the following:

“§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air

“(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly and without lawful authority or permission—

“(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

“(2) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

“(3) places or releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (4), with intent to endanger the safety of any person, or with reckless disregard for the safety of human life;

“(4) sets fire to, under, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

“(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, and with intent to, or knowing or having reason to know, such activity would likely, derail, disable, or wreck railroad on-track equipment; or

“(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, and with intent to, or knowing or having reason to know, such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

“(5) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal;

“(6) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, controlling, or maintaining railroad on-track equipment or a mass transportation vehicle;

“(7) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (4);

“(8) surveils, photographs, videotapes, diagrams, or otherwise collects information with

the intent to plan or assist in planning any of the acts described in the paragraphs (1) through (6);

"(9) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt to engage in a violation of this subsection; or

"(10) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (9),

shall be fined under this title or imprisoned not more than 20 years, or both, and if the offense results in the death of any person, shall be imprisoned for any term of years or for life, or subject to death, except in the case of a violation of paragraphs (8), (9), or (10).

"(b) **AGGRAVATED OFFENSE.**—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

"(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense,

"(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense, or

"(3) the offense was committed with the intent to endanger the safety of any person, or with a reckless disregard for the safety of any person, and the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

"(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, and

"(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations,

shall be fined under this title or imprisoned for any term of years or life, or both, and if the offense resulted in the death of any person, the person may be sentenced to death.

"(c) **CIRCUMSTANCES REQUIRED FOR OFFENSE.**—A circumstance referred to in subsection (a) is any of the following:

"(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider, or a railroad carrier engaged in interstate or foreign commerce.

"(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

"(d) **DEFINITIONS.**—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1);

"(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4);

"(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

"(5) the term 'hazardous material' has the meaning given to that term in chapter 51 of title 49;

"(6) the term 'high-level radioactive waste' has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

"(7) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7)

of title 49, except that the term includes school bus, charter, and sightseeing transportation and passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

"(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

"(9) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

"(10) the term 'railroad' has the meaning given to that term in chapter 201 of title 49;

"(11) the term 'railroad carrier' has the meaning given to that term in chapter 201 of title 49;

"(12) the term 'serious bodily injury' has the meaning given to that term in section 1365;

"(13) the term 'spent nuclear fuel' has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

"(14) the term 'State' has the meaning given to that term in section 2266;

"(15) the term 'toxin' has the meaning given to that term in section 178(2); and

"(16) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air."

(b) **CONFORMING AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

(A) by striking "**RAILROADS**" in the chapter heading and inserting "**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**";

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

"1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air."

(2) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

"**97. Railroad carriers and mass transportation systems on land, on water, or through the air 1991**".

(3) Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking "1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems)," and inserting "1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air);";

(B) in section 2339A, by striking "1993,"; and

(C) in section 2516(1)(c) by striking "1992 (relating to wrecking trains)."

SEC. 111. FORFEITURE.

Section 981(a)(1)(B)(i) of title 18, United States Code, is amended by inserting "trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or" after "involves".

SEC. 112. SECTION 2332b(g)(5)(B) AMENDMENTS RELATING TO THE DEFINITION OF FEDERAL CRIME OF TERRORISM.

(a) **ADDITIONAL OFFENSES.**—Section 2332b(g)(5)(B) of title 18, United States Code, is amended—

(1) in clause (i), by inserting "2339D (relating to military-type training from a foreign terrorist organization)" before "2340A";

(2) in clause (ii), by striking "or" after the semicolon;

(3) in clause (iii), by striking the period and inserting "or"

(4) by inserting after clause (iii) the following:

"(iv) section 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism)."

(b) **CLERICAL CORRECTION.**—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting "or" after "2339C (relating to financing of terrorism)".

SEC. 113. AMENDMENTS TO SECTION 2516(1) OF TITLE 18, UNITED STATES CODE.

(a) **PARAGRAPH (a) AMENDMENT.**—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 10 (relating to biological weapons)" after "under the following chapters of this title:"

(b) **PARAGRAPH (c) AMENDMENT.**—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism)," after "the following sections of this title:"

(2) by inserting "section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities)," after "section 751 (relating to escape);";

(3) by inserting "section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials)," after "section 1014 (relating to loans and credit applications generally; renewals and discounts);";

(4) by inserting "section 1992 (relating to terrorist attacks against mass transportation)," after "section 1344 (relating to bank fraud);";

(5) by inserting "section 2340A (relating to torture)," after "section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts);";

(6) by inserting "section 81 (arson within special maritime and territorial jurisdiction)," before "section 201 (bribery of public officials and witnesses);"; and

(7) by inserting "section 956 (conspiracy to harm persons or property overseas)," after "section 175c (relating to variola virus)".

(c) **PARAGRAPH (g) AMENDMENT.**—Section 2516(1)(g) of title 18, United States Code, is amended by inserting before the semicolon "or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited)".

(d) **PARAGRAPH (j) AMENDMENT.**—Section 2516(1)(j) of title 18, United States Code, is amended—

(1) by striking "or" before "section 46502 (relating to aircraft piracy)" and inserting a comma after "section 60123(b) (relating to the destruction of a natural gas pipeline); and

(2) by inserting "the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)" before of "title 49".

(e) **PARAGRAPH (p) AMENDMENT.**—Section 2516(1)(p) of title 18, United States Code, is amended by inserting "section 1028A (relating to aggravated identity theft)" after "other documents".

(f) **PARAGRAPH (q) AMENDMENT.**—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by inserting "2339" after "2332h";

(2) by striking "or" before "2339C"; and

(3) by inserting "2339D" after "2339C".

(g) **AMENDMENT OF PREDICATE CRIMES FOR AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.**—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (q), by striking "or" after the semicolon;

(2) by redesignating subparagraph (r) as subparagraph (s); and

(3) by adding after subparagraph (q) the following:

“(r) any criminal violation of section 1 (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the District of Columbia) of the Sherman Act (15 U.S.C. 1, 2, 3); or”.

SEC. 114. DELAYED NOTICE SEARCH WARRANTS.

(a) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a of title 18, United States Code, is amended—

(1) by striking subsection (b)(3) and inserting the following:

“(3) the warrant provides for the giving of such notice within a reasonable period not to exceed 30 days after the date of its execution, or on a later date certain if the facts of the case justify a longer period of delay.”.

(2) by adding at the end the following:

“(c) EXTENSIONS OF DELAY.—Any period of delay authorized by this section may be extended by the court for good cause shown, subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay.”.

(b) LIMITATION ON AUTHORITY TO DELAY NOTICE.—Section 3103a(b)(1) of title 18, United States Code, is amended by inserting “, except if the adverse results consist only of unduly delaying a trial” after “2705”.

(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is further amended by adding at the end the following:

“(d) REPORTS.—

“(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

“(A) the fact that a warrant was applied for;

“(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

“(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

“(D) the offense specified in the warrant or application.

“(2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Beginning with the fiscal year ending September 30, 2007, the Director of the Administrative Office of the United States Courts shall transmit to Congress annually a full and complete report summarizing the data required to be filed with the Administrative Office by paragraph (1), including the number of applications for warrants and extensions of warrants authorizing delayed notice, and the number of such warrants and extensions granted or denied during the preceding fiscal year.

“(3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).”.

SEC. 115. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Chapter 223 of title 18, United States Code, is amended—

(1) by inserting at the end of the table of sections the following new item:

“3511. Judicial review of requests for information.”;

and

(3) by inserting after section 3510 the following:

“§3511. Judicial review of requests for information

“(a) The recipient of a request for records, a report, or other information under section

2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947 may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the request. The court may modify or set aside the request if compliance would be unreasonable, oppressive, or otherwise unlawful.

“(b)(1) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) for an order modifying or setting aside a nondisclosure requirement imposed in connection with such a request.

“(2) If the petition is filed within one year of the request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If, at the time of the petition, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality, certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith.

“(3) If the petition is filed one year or more after the request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114 (a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Federal Bureau of Investigation, the head or deputy head of such department, agency, or instrumentality, within ninety days of the filing of the petition, shall either terminate the nondisclosure requirement or re-certify that disclosure may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. In the event of re-certification, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If the recertification that disclosure may endanger the national security of the United States or interfere with diplomatic relations is made by the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the

Director of the Federal Bureau of Investigation, such certification shall be treated as conclusive unless the court finds that the recertification was made in bad faith. If the court denies a petition for an order modifying or setting aside a nondisclosure requirement under this paragraph, the recipient shall be precluded for a period of one year from filing another petition to modify or set aside such nondisclosure requirement.

“(c) In the case of a failure to comply with a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General may invoke the aid of any district court of the United States within the jurisdiction in which the investigation is carried on or the person or entity resides, carries on business, or may be found, to compel compliance with the request. The court may issue an order requiring the person or entity to comply with the request. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

“(d) In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947. Petitions, filings, records, orders, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947.

“(e) In all proceedings under this section, the court shall, upon request of the government, review ex parte and in camera any government submission or portions thereof, which may include classified information.”.

SEC. 116. CONFIDENTIALITY OF NATIONAL SECURITY LETTERS.

(a) Section 2709(c) of title 18, United States Code, is amended to read:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no wire or electronic communications service provider, or officer, employee, or agent thereof, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

“(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such person of any applicable nondisclosure requirement. Any person who receives a disclosure

under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

“(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.”

(b) Section 626(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)) is amended to read:

“(d) CONFIDENTIALITY.—

“(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information on a consumer report.

“(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

“(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

“(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.”

(c) Section 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)) is amended to read:

“(c) CONFIDENTIALITY.—

“(1) If the head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or his designee, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of such consumer reporting agency, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request), or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

“(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

“(4) At the request of the authorized Government agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform such requesting official that the person intends to consult an attorney to obtain legal advice or legal assistance.”

(d) Section 1114(a)(3) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)) is amended to read as follows:

“(3)(A) If the Government authority described in paragraph (1) or the Secret Service, as the case may be, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Government authority or the Secret Service has sought or obtained access to a customer's financial records.

“(B) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under subparagraph (A).

“(C) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under subparagraph (A).

“(D) At the request of the authorized Government agency or the Secret Service, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government agency or the Secret Service the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform such requesting official that the person intends to consult an attorney to obtain legal advice or legal assistance.”

(e) Section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)) is amended to read:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(i) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bu-

reau of Investigation has sought or obtained access to a customer's or entity's financial records under subparagraph (A).

“(ii) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under clause (i).

“(iii) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under clause (i).

“(iv) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.”

(f) Section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) is amended to read as follows:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) If an authorized investigative agency described in subsection (a) certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that such entity has received or satisfied a request made by an authorized investigative agency under this section.

“(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

“(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

“(4) At the request of the authorized investigative agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized investigative agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform such official that the person intends to consult an attorney to obtain legal advice or legal assistance.”

SEC. 117. VIOLATIONS OF NONDISCLOSURE PROVISIONS OF NATIONAL SECURITY LETTERS.

Section 1510 of title 18, United States Code, is amended by adding at the end the following:

“(e) Whoever, having been notified of the applicable disclosure prohibitions or confidentiality requirements of section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), or section 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 436(b)(1)), knowingly and with the intent to obstruct an investigation or judicial proceeding violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.”

SEC. 118. REPORTS ON NATIONAL SECURITY LETTERS.

(a) **EXISTING REPORTS.**—Any report made to a committee of Congress regarding national security letters under section 2709(c)(1) of title 18, United States Code, sections 626(d) or 627(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall also be made to the Committees on the Judiciary of the House of Representatives and the Senate.

(b) **ENHANCED OVERSIGHT OF FAIR CREDIT REPORTING ACT COUNTERTERRORISM NATIONAL SECURITY LETTER.**—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by inserting at the end the following new subsection:

“(f) **REPORTS TO CONGRESS.**—(1) On a semi-annual basis, the Attorney General shall fully inform the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to subsection (a).

“(2) In the case of the semiannual reports required to be submitted under paragraph (1) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947 (50 U.S.C. 415b).”

(c) **REPORT ON REQUESTS FOR NATIONAL SECURITY LETTERS.**—

(1) **IN GENERAL.**—In April of each year, the Attorney General shall submit to Congress an aggregate report setting forth with respect to the preceding year the total number of requests made by the Department of Justice for information concerning different United States persons under—

(A) section 2709 of title 18, United States Code (to access certain communication service provider records), excluding the number of requests for subscriber information;

(B) section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414) (to obtain financial institution customer records);

(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); and

(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations).

(2) **UNCLASSIFIED FORM.**—The report under this section shall be submitted in unclassified form.

(d) **NATIONAL SECURITY LETTER DEFINED.**—In this section, the term “national security letter” means a request for information under one of the following provisions of law:

(1) Section 2709(a) of title 18, United States Code (to access certain communication service provider records).

(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records).

(3) Section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports).

(4) Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports).

(5) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations).

SEC. 119. AUDIT OF USE OF NATIONAL SECURITY LETTERS.

(a) **AUDIT.**—The Inspector General of the Department of Justice shall perform an audit of

the effectiveness and use, including any improper or illegal use, of national security letters issued by the Department of Justice.

(b) **REQUIREMENTS.**—The audit required under subsection (a) shall include—

(1) an examination of the use of national security letters by the Department of Justice during calendar years 2003 through 2006;

(2) a description of any noteworthy facts or circumstances relating to such use, including any improper or illegal use of such authority; and

(3) an examination of the effectiveness of national security letters as an investigative tool, including—

(A) the importance of the information acquired by the Department of Justice to the intelligence activities of the Department of Justice or to any other department or agency of the Federal Government;

(B) the manner in which such information is collected, retained, analyzed, and disseminated by the Department of Justice, including any direct access to such information (such as access to “raw data”) provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(C) whether, and how often, the Department of Justice utilized such information to produce an analytical intelligence product for distribution within the Department of Justice, to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government departments, agencies, or instrumentalities;

(D) whether, and how often, the Department of Justice provided such information to law enforcement authorities for use in criminal proceedings;

(E) with respect to national security letters issued following the date of the enactment of this Act, an examination of the number of occasions in which the Department of Justice, or an officer or employee of the Department of Justice, issued a national security letter without the certification necessary to require the recipient of such letter to comply with the nondisclosure and confidentiality requirements potentially applicable under law; and

(F) the types of electronic communications and transactional information obtained through requests for information under section 2709 of title 18, United States Code, including the types of dialing, routing, addressing, or signaling information obtained, and the procedures the Department of Justice uses if content information is obtained through the use of such authority.

(c) **SUBMISSION DATES.**—

(1) **PRIOR YEARS.**—Not later than one year after the date of the enactment of this Act, or upon completion of the audit under this section for calendar years 2003 and 2004, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this subsection for calendar years 2003 and 2004.

(2) **CALENDAR YEARS 2005 AND 2006.**—Not later than December 31, 2007, or upon completion of the audit under this subsection for calendar years 2005 and 2006, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this subsection for calendar years 2005 and 2006.

(d) **PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.**—

(1) **NOTICE.**—Not less than 30 days before the submission of a report under subsections (c)(1) or (c)(2), the Inspector General of the Department of Justice shall provide such report to the Attorney General and the Director of National Intelligence.

(2) **COMMENTS.**—The Attorney General or the Director of National Intelligence may provide comments to be included in the reports submitted under subsections (c)(1) or (c)(2) as the Attorney General or the Director of National Intelligence may consider necessary.

(e) **UNCLASSIFIED FORM.**—The reports submitted under subsections (c)(1) or (c)(2) and any comments included under subsection (d)(2) shall be in unclassified form, but may include a classified annex.

(f) **MINIMIZATION PROCEDURES FEASIBILITY.**—Not later than February 1, 2007, or upon completion of review of the report submitted under subsection (c)(1), whichever is earlier, the Attorney General and the Director of National Intelligence shall jointly submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report on the feasibility of applying minimization procedures in the context of national security letters to ensure the protection of the constitutional rights of United States persons.

(g) **NATIONAL SECURITY LETTER DEFINED.**—In this section, the term “national security letter” means a request for information under one of the following provisions of law:

(1) Section 2709(a) of title 18, United States Code (to access certain communication service provider records).

(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records).

(3) Section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports).

(4) Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports).

(5) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations).

SEC. 120. DEFINITION FOR FORFEITURE PROVISIONS UNDER SECTION 806 OF THE USA PATRIOT ACT.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) in clause (i), by striking “act of international or domestic terrorism (as defined in section 2331)” and inserting “any Federal crime of terrorism (as defined in section 2332b(g)(5))”;

(2) in clause (ii), by striking “an act of international or domestic terrorism (as defined in section 2331)” with “any Federal crime of terrorism (as defined in section 2332b(g)(5))”; and

(3) in clause (iii), by striking “act of international or domestic terrorism (as defined in section 2331)” and inserting “Federal crime of terrorism (as defined in section 2332b(g)(5))”.

SEC. 121. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO.

(a) **THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND CIGARETTES.**—(1) Section 2341(2) of title 18, United States Code, is amended by striking “60,000 cigarettes” and inserting “10,000 cigarettes”.

(2) Section 2342(b) of that title is amended by striking “60,000” and inserting “10,000”.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking “60,000” and inserting “10,000”; and

(B) in subsection (b), by striking “60,000” and inserting “10,000”.

(b) **CONTRABAND SMOKELESS TOBACCO.**—(1) Section 2341 of that title is amended—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

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

"(6) the term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted;

"(7) the term 'contraband smokeless tobacco' means a quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, that are in the possession of any person other than—

"(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as manufacturer of tobacco products or as an export warehouse proprietor, a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311, 1555), or an agent of such person;

"(B) a common carrier transporting such smokeless tobacco under a proper bill of lading or freight bill which states the quantity, source, and designation of such smokeless tobacco;

"(C) a person who—
 "(i) is licensed or otherwise authorized by the State where such smokeless tobacco is found to engage in the business of selling or distributing tobacco products; and

"(ii) has complied with the accounting, tax, and payment requirements relating to such license or authorization with respect to such smokeless tobacco; or

"(D) an officer, employee, or agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State), having possession of such smokeless tobacco in connection with the performance of official duties;"

(2) Section 2342(a) of that title is amended by inserting "or contraband smokeless tobacco" after "contraband cigarettes".

(3) Section 2343(a) of that title is amended by inserting ", or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages," before "in a single transaction".

(4) Section 2344(c) of that title is amended by inserting "or contraband smokeless tobacco" after "contraband cigarettes".

(5) Section 2345 of that title is amended by inserting "or smokeless tobacco" after "cigarettes" each place it appears.

(6) Section 2341 of that title is further amended in paragraph (2), as amended by subsection (a)(1) of this section, in the matter preceding subparagraph (A), by striking "State cigarette taxes in the State where such cigarettes are found, if the State" and inserting "State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government".

(c) RECORDKEEPING, REPORTING, AND INSPECTION.—Section 2343 of that title, as amended by this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "only—" and inserting "such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—"; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Any person, except for a tribal government, who engages in a delivery sale, and who ships, sells, or distributes any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, within a single month, shall submit to the Attorney General, pursuant to rules or regulations prescribed by the Attorney General, a report that sets forth the following:

"(1) The person's beginning and ending inventory of cigarettes and cans or packages of smokeless tobacco (in total) for such month.

"(2) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person received within such month from each other person (itemized by name and address).

"(3) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser."; and

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

"(d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

"(e) In this section, the term 'delivery sale' means any sale of cigarettes or smokeless tobacco in interstate commerce to a consumer if—

"(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or by any other means where the consumer is not in the same physical location as the seller when the purchase or offer of sale is made; or

"(2) the cigarettes or smokeless tobacco are delivered by use of the mails, common carrier, private delivery service, or any other means where the consumer is not in the same physical location as the seller when the consumer obtains physical possession of the cigarettes or smokeless tobacco.

"(f) In this section, the term 'interstate commerce' means commerce between a State and any place outside the State, or commerce between points in the same State but through any place outside the State.".

(d) DISPOSAL OR USE OF FORFEITED CIGARETTES AND SMOKELESS TOBACCO.—Section 2344(c) of that title, as amended by this section, is further amended by striking "seizure and forfeiture," and all that follows and inserting "seizure and forfeiture. The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. Any cigarettes or smokeless tobacco so seized and forfeited shall be either—

"(1) destroyed and not resold; or

"(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.".

(e) EFFECT ON STATE AND LOCAL LAW.—Section 2345 of that title is amended—

(1) in subsection (a), by striking "a State to enact and enforce" and inserting "a State or local government to enact and enforce its own"; and

(2) in subsection (b), by striking "of States, through interstate compact or otherwise, to provide for the administration of State" and inserting "of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local".

(f) ENFORCEMENT.—Section 2346 of that title is amended—

(1) by inserting "(a)" before "The Attorney General"; and

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

"(b)(1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such an action against a State or local government. No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).

"(2) A State, through its attorney general, or a local government, through its chief law en-

forcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government, or an Indian tribe against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government, or an Indian tribe.

"(3) The remedies under paragraphs (1) and (2) are in addition to any other remedies under Federal, State, local, or other law.

"(4) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

"(5) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.".

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 2343 of that title is amended to read as follows:

"§2343. Recordkeeping, reporting, and inspection".

(2) The section heading for section 2345 of such title is amended to read as follows:

"§2345. Effect on State and local law".

(3) The table of sections at the beginning of chapter 114 of that title is amended—

(A) by striking the item relating to section 2343 and inserting the following new item:

"2343. Recordkeeping, reporting, and inspection.";

and

(B) by striking the item relating to section 2345 and insert the following new item:

"2345. Effect on State and local law.".

(4)(A) The heading for chapter 114 of that title is amended to read as follows:

"CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO".

(B) The table of chapters at the beginning of part I of that title is amended by striking the item relating to section 114 and inserting the following new item:

"114. Trafficking in contraband cigarettes and smokeless tobacco 2341".
SEC. 122. PROHIBITION OF NARCO-TERRORISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

"FOREIGN TERRORIST ORGANIZATIONS, TERRORIST PERSONS AND GROUPS

"Prohibited Acts

"SEC. 1010A. (a) Whoever engages in conduct that would be punishable under section 841(a) of this title if committed within the jurisdiction of the United States, or attempts or conspires to do so, knowing or intending to provide, directly or indirectly, anything or pecuniary value to any person or organization that has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), shall be sentenced to a term of imprisonment of not less than twice the minimum punishment under section 841(b)(1), and not more than life, a fine in accordance with the provisions of title 18, United States Code, or both. Notwithstanding section 3583 of title 18, United States Code, any sentence imposed under this subsection shall include a term of supervised release of at least 5 years in addition to such term of imprisonment.

“Jurisdiction

“(b) There is jurisdiction over an offense under this section if—

“(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

“(2) the offense, the prohibited drug activity, or the terrorist offense occurs in or affects interstate or foreign commerce;

“(3) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(4) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

“(5) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

“Proof Requirements

“(c) To violate subsection (a), a person must have knowledge that the person or organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

“Definition

“(d) As used in this section, the term ‘anything of pecuniary value’ has the meaning given the term in section 1958(b)(1) of title 18, United States Code.”.

SEC. 123. INTERFERING WITH THE OPERATION OF AN AIRCRAFT.

Section 32 of title 18, United States Code, is amended—

(1) in subsection (a), by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively;

(2) by inserting after paragraph (4) of subsection (a), the following:

“(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;”;

(3) in subsection (a)(8), by striking “paragraphs (1) through (6)” and inserting “paragraphs (1) through (7)”;

(4) in subsection (c), by striking “paragraphs (1) through (5)” and inserting “paragraphs (1) through (6)”.

SEC. 124. SENSE OF CONGRESS RELATING TO LAWFUL POLITICAL ACTIVITY.

It is the sense of Congress that government should not investigate an American citizen solely on the basis of the citizen’s membership in a non-violent political organization or the fact that the citizen was engaging in other lawful political activity.

SEC. 125. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) **LIABILITY PROTECTION.**—A person who donates qualified fire control or rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) **EXCEPTIONS.**—Subsection (a) does not apply to a person if—

(1) the person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the qualified fire control or rescue equipment.

(3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer’s specifications.

(c) **PREEMPTION.**—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) **DEFINITIONS.**—In this section:

(1) **PERSON.**—The term “person” includes any governmental or other entity.

(2) **FIRE CONTROL OR RESCUE EQUIPMENT.**—The term “fire control or fire rescue equipment” includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) **QUALIFIED FIRE CONTROL OR RESCUE EQUIPMENT.**—The term “qualified fire control or rescue equipment” means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer’s specifications.

(4) **STATE.**—The term “State” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(5) **VOLUNTEER FIRE COMPANY.**—The term “volunteer fire company” means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(6) **AUTHORIZED TECHNICIAN.**—The term “authorized technician” means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the State or local agency administering the distribution of the fire control or fire rescue equipment.

(e) **EFFECTIVE DATE.**—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this section.

SEC. 126. REPORT ON DATA-MINING ACTIVITIES.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on any initiative of the Department of Justice that uses or is intended to develop pattern-based data-mining technology, including, for each such initiative, the following information:

(1) A thorough description of the pattern-based data-mining technology consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods.

(2) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the pattern-based data-mining technology.

(3) An assessment of the likely efficacy of the pattern-based data-mining technology quality assurance controls to be used in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(4) An assessment of the likely impact of the implementation of the pattern-based data-mining technology on privacy and civil liberties.

(5) A list and analysis of the laws and regulations applicable to the Department of Justice that govern the application of the pattern-based data-mining technology to the information to be collected, reviewed, gathered, and analyzed with the pattern-based data-mining technology.

(6) A thorough discussion of the policies, procedures, and guidelines of the Department of Justice that are to be developed and applied in the use of such technology for pattern-based data-mining in order to—

(A) protect the privacy and due process rights of individuals; and

(B) ensure that only accurate information is collected and used or account for the possibility of inaccuracy in that information and guard against harmful consequences of potential inaccuracies.

(7) Any necessary classified information in an annex that shall be available consistent with national security to the Committee on the Judiciary of both the Senate and the House of Representatives.

(b) **DEFINITIONS.**—In this section:

(1) **DATA-MINING.**—The term “data-mining” means a query or search or other analysis of one or more electronic databases, where—

(A) at least one of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use personal identifiers of a specific individual or does not utilize inputs that appear on their face to identify or be associated with a specified individual to acquire information; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) **DATABASE.**—The term “database” does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public, any databases maintained, operated, or controlled by a State, local, or tribal government (such as a State motor vehicle database), or databases of judicial and administrative opinions.

SEC. 127. SENSE OF CONGRESS.

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

SEC. 128. USA PATRIOT ACT SECTION 214; AUTHORITY FOR DISCLOSURE OF ADDITIONAL INFORMATION IN CONNECTION WITH ORDERS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) **RECORDS.**—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by adding “and” at the end; and

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(2) in subparagraph (B)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

“(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

“(I) the name of the customer or subscriber;

“(II) the address of the customer or subscriber;

“(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

“(IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

“(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

“(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

“(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

“(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

“(I) the name of such customer or subscriber; (II) the address of such customer or subscriber;

“(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

“(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.”

(b) **ENHANCED OVERSIGHT.**—Section 406(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(a)) is amended by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”.

TITLE II—TERRORIST DEATH PENALTY ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Terrorist Death Penalty Enhancement Act of 2005”.

Subtitle A—Terrorist Penalties Enhancement Act

SEC. 211. DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

(a) **IN GENERAL.**—Section 6003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103-322), is amended, as of the time of its enactment, by adding at the end the following:

“(C) **DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.**—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93-366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term ‘especially heinous, cruel, or depraved’, as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language ‘in that it involved torture or serious physical abuse to the victim’, and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.”

(b) **SEVERABILITY CLAUSE.**—If any provision of section 6003(b)(2) of the Violent Crime and

Law Enforcement Act of 1994 (Public Law 103-322), or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.

SEC. 212. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking “, the commission” and all that follows through “person.”

Subtitle B—Federal Death Penalty Procedures

SEC. 221. ELIMINATION OF PROCEDURES APPLICABLE ONLY TO CERTAIN CONTROLLED SUBSTANCES ACT CASES.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) in subsection (e)(2), by striking “(1)(b)” and inserting (1)(B);

(2) by striking subsection (g) and all that follows through subsection (p);

(3) by striking subsection (r); and

(4) in subsection (q), by striking paragraphs (1) through (3).

SEC. 222. COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.

(a) **IN GENERAL.**—Chapter 228 of title 18, United States Code, is amended by adding at the end the following new section:

“§3599. Counsel for financially unable defendants

“(a)(1) Notwithstanding any other provision of law to the contrary, in every criminal action in which a defendant is charged with a crime which may be punishable by death, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time either—

“(A) before judgment; or

“(B) after the entry of a judgment imposing a sentence of death but before the execution of that judgment;

shall be entitled to the appointment of one or more attorneys and the furnishing of such other services in accordance with subsections (b) through (f).

“(2) In any post conviction proceeding under section 2254 or 2255 of title 28, United States Code, seeking to vacate or set aside a death sentence, any defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services shall be entitled to the appointment of one or more attorneys and the furnishing of such other services in accordance with subsections (b) through (f).

“(b) If the appointment is made before judgment, at least one attorney so appointed must have been admitted to practice in the court in which the prosecution is to be tried for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court.

“(c) If the appointment is made after judgment, at least one attorney so appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in that court in felony cases.

“(d) With respect to subsections (b) and (c), the court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

“(e) Unless replaced by similarly qualified counsel upon the attorney’s own motion or upon motion of the defendant, each attorney so appointed shall represent the defendant throughout every subsequent stage of available judicial proceedings, including pretrial proceedings, trial, sentencing, motions for new trial, appeals,

applications for writ of certiorari to the Supreme Court of the United States, and all available post-conviction process, together with applications for stays of execution and other appropriate motions and procedures, and shall also represent the defendant in such competency proceedings and proceedings for executive or other clemency as may be available to the defendant.

“(f) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant’s attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under subsection (g). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.

“(g)(1) Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than \$125 per hour for in-court and out-of-court time. The Judicial Conference is authorized to raise the maximum for hourly payment specified in the paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay for the General Schedule made pursuant to section 5305 of title 5 on or after such date. After the rates are raised under the preceding sentence, such hourly range may be raised at intervals of not less than one year, up to the aggregate of the overall average percentages of such adjustments made since the last raise under this paragraph.

“(2) Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under subsection (f) shall not exceed \$7,500 in any case, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge, if the services were rendered in connection with the case disposed of entirely before such magistrate judge, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active circuit judge.

“(3) The amounts paid under this paragraph for services in any case shall be disclosed to the public, after the disposition of the petition.”

(b) **CONFORMING AMENDMENT.**—The table of sections of the bill is amended by inserting after the item relating to section 3598 the following new item:

“3599. Counsel for financially unable defendants.”

(c) **REPEAL.**—Subsection (q) of section 408 of the Controlled Substances Act is amended by striking paragraphs (4) through (10).

TITLE III—REDUCING CRIME AND TERRORISM AT AMERICA’S SEAPORTS

SEC. 301. SHORT TITLE.

This title may be cited as the “Reducing Crime and Terrorism at America’s Seaports Act of 2005”.

SEC. 302. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) **IN GENERAL.**—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “or” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or”;

(2) in subsection (b)(1), by striking “5 years” and inserting “10 years”;

(3) in subsection (c)(1), by inserting “, captain of the seaport,” after “airport authority”; and
(4) by striking the section heading and inserting the following:

“§1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.”.

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“§26. Definition of seaport

“As used in this title, the term ‘seaport’ means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

“26. Definition of seaport.”.

SEC. 303. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

“§2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

“(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

“(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

“(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

“(B) provide materially false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel’s destination, origin, ownership, registration, nationality, cargo, or crew.

“(b) Any person who intentionally violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

“(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

“(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

“(e) In this section—

“(1) the term ‘Federal law enforcement officer’ has the meaning given the term in section 115(c);

“(2) the term ‘heave to’ means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

“(3) the term ‘vessel subject to the jurisdiction of the United States’ has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

“(4) the term ‘vessel of the United States’ has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.”.

SEC. 304. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES.

(a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

“§2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

“(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life, or both.

“(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

“(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

“(d) In this section:

“(1) The term ‘dangerous substance’ means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

“(2) The term ‘device’ means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

“2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.”.

(b) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

“§2282B. Violence against aids to maritime navigation

“Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of

May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years, or both.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

“2282B. Violence against aids to maritime navigation.”.

SEC. 305. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section 305, is further amended by adding at the end the following:

“§2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

“(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

“(b) CAUSING DEATH.—Any person who causes the death of a person by engaging in conduct prohibited by subsection (a) may be punished by death.

“(c) DEFINITIONS.—In this section:

“(1) BIOLOGICAL AGENT.—The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

“(2) BY-PRODUCT MATERIAL.—The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

“(3) CHEMICAL WEAPON.—The term ‘chemical weapon’ has the meaning given that term in section 229F(1).

“(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term ‘explosive or incendiary device’ has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

“(5) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

“(6) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means—

“(A) source material and special nuclear material, but does not include natural or depleted uranium;

“(B) nuclear by-product material;

“(C) material made radioactive by bombardment in an accelerator; or

“(D) all refined isotopes of radium.

“(8) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

“(9) SPECIAL NUCLEAR MATERIAL.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

“§2284. Transportation of terrorists

“(a) IN GENERAL.—Whoever knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title

or imprisoned for any term of years or for life, or both.

“(b) DEFINED TERM.—In this section, the term ‘terrorist’ means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section 305, is further amended by adding at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

“2284. Transportation of terrorists.”

SEC. 306. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

“§2290. Jurisdiction and scope

“(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

“(1) within the United States and within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

“(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(B) the activity involves a vessel in which a national of the United States was on board; or

“(C) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

“(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

“§2291. Destruction of vessel or maritime facility

“(a) OFFENSE.—Whoever knowingly—

“(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

“(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

“(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(6) performs an act of violence against or incapacitates any individual on any vessel, if

such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

“(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8), shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

“(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

“(d) PENALTY WHEN DEATH RESULTS.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the prohibited conduct, if the conduct resulted in the death of any person, shall be subject also to the death penalty or to a term of imprisonment for a period up to life.

“(e) THREATS.—Whoever knowingly and intentionally imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

“§2292. Imparting or conveying false information

“(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than \$5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) MALICIOUS CONDUCT.—Whoever knowingly, intentionally, maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.

“(c) JURISDICTION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

“(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 111 of this title, to which the imparted or conveyed false information relates, as applicable.

“§2293. Bar to prosecution

“(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

“(1) the conduct in question occurred within the United States in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed; or

“(2) such conduct is prohibited as a misdemeanor, and not as a felony, under the law of the State in which it was committed.

“(b) DEFINITIONS.—In this section:

“(1) LABOR DISPUTE.—The term ‘labor dispute’ has the same meaning given that term in section 13(c) of the Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (29 U.S.C. 113(c), commonly known as the Norris-LaGuardia Act).

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

“111A. Destruction of, or interference with, vessels or maritime facilities 2290”.
SEC. 307. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting “trailer,” after “motortruck,”;

(B) by inserting “air cargo container,” after “aircraft,”; and

(C) by inserting “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”;

(2) in the fifth undesignated paragraph, by striking “in each case” and all that follows through “or both” the second place it appears and inserting “be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than \$1,000, shall be fined under this title or imprisoned for not more than 3 years, or both”; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.”

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following, as a new undesignated paragraph: “‘Vessel’ means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.”

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—

(A) TRANSPORTATION.—Section 2312 of title 18, United States Code, is amended by striking “motor vehicle or aircraft” and inserting “motor vehicle, vessel, or aircraft”.

(B) SALE.—Section 2313(a) of title 18, United States Code, is amended by striking “motor vehicle or aircraft” and inserting “motor vehicle, vessel, or aircraft”.

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this title.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution

of offenses under section 659 of title 18, United States Code, as amended by this title.

(e) **REPORTING OF CARGO THEFT.**—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2006.

SEC. 308. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking “Shall be fined under this title or imprisoned not more than one year, or both.” and inserting the following:

“(1) shall be fined under this title, imprisoned not more than 5 years, or both;

“(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and

“(3) if an individual commits an act proscribed by this section, with the intent to cause death, and if the death of any person other than a participant occurs as a result of a violation of this section, shall be fined under this title, imprisoned for any number of years or for life, or both.”

SEC. 309. BRIBERY AFFECTING PORT SECURITY.

(a) **IN GENERAL.**—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

“§226. Bribery affecting port security

“(a) **IN GENERAL.**—Whoever knowingly—
“(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—
“(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or
“(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or
“(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—
“(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and
“(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism,
shall be fined under this title or imprisoned not more than 15 years, or both.

“(b) **DEFINITION.**—In this section, the term ‘secure or restricted area’ means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.”

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

“226. Bribery affecting port security.”

SEC. 310. PENALTIES FOR SMUGGLING GOODS INTO THE UNITED STATES.

The third undesignated paragraph of section 545 of title 18, United States Code, is amended by striking “5 years” and inserting “20 years”.

SEC. 311. SMUGGLING GOODS FROM THE UNITED STATES.

(a) **IN GENERAL.**—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“§554. Smuggling goods from the United States

“(a) **IN GENERAL.**—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) **DEFINITION.**—In this section, the term ‘United States’ has the meaning given that term in section 545.”

(b) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“554. Smuggling goods from the United States.”

(c) **SPECIFIED UNLAWFUL ACTIVITY.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 554 (relating to smuggling goods from the United States),” before “section 641 (relating to public money, property, or records).”

(d) **TARIFF ACT OF 1990.**—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

“(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be seized and forfeited to the United States.”

(e) **REMOVING GOODS FROM CUSTOMS CUSTODY.**—Section 549 of title 18, United States Code, is amended in the 5th paragraph by striking “two years” and inserting “10 years”.

TITLE IV—COMBATING TERRORISM FINANCING

SEC. 401. SHORT TITLE.

This title may be cited as the “Combating Terrorism Financing Act of 2005”.

SEC. 402. INCREASED PENALTIES FOR TERRORISM FINANCING.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by deleting “\$10,000” and inserting “\$50,000”.

(2) in subsection (b), by deleting “ten years” and inserting “twenty years”.

SEC. 403. TERRORISM-RELATED SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.

(a) **AMENDMENTS TO RICO.**—Section 1961(1) of title 18, United States Code, is amended in subparagraph (B), by inserting “section 1960 (relating to illegal money transmitters),” before “sections 2251”.

(b) **AMENDMENT TO SECTION 1956(c)(7).**—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking “or any felony violation of the Foreign Corrupt Practices Act” and inserting “any felony violation of the Foreign Corrupt Practices Act”.

(c) **CONFORMING AMENDMENTS TO SECTIONS 1956(e) AND 1957(e).**—

(1) Section 1956(e) of title 18, United States Code, is amended to read as follows:

“(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may di-

rect, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, and the Attorney General.”

(2) Section 1957(e) of title 18, United States Code, is amended to read as follows:

“(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may di-

rect, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.”

SEC. 404. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES OR INTERNATIONAL ORGANIZATIONS.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) by striking “or” at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting “; or”; and

(3) by inserting the following after clause (iii):

“(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government. Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.”

SEC. 405. MONEY LAUNDERING THROUGH HAWALAS.

Section 1956(a)(1) of title 18, United States Code, is amended by adding at the end the following: “For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.”

SEC. 406. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE USA PATRIOT ACT.

(a) **TECHNICAL CORRECTIONS.**—

(1) Section 322 of Public Law 107-56 is amended by striking “title 18” and inserting “title 28”.

(2) Section 1956(b)(3) and (4) of title 18, United States Code, are amended by striking “described in paragraph (2)” each time it appears; and

(3) Section 981(k) of title 18, United States Code, is amended by striking “foreign bank” each time it appears and inserting “foreign financial institution (as defined in section 984(c)(2)(A) of this title)”.

(b) **CODIFICATION OF SECTION 316 OF THE USA PATRIOT ACT.**—

(1) Chapter 46 of title 18, United States Code, is amended—

(1) Chapter 46 of title 18, United States Code, is amended—

(A) in the chapter analysis, by inserting at the end the following:

"987. Anti-terrorist forfeiture protection."
; and

(B) by inserting at the end the following:

"§987. Anti-terrorist forfeiture protection

"(a) **RIGHT TO CONTEST.**—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

"(1) the property is not subject to confiscation under such provision of law; or

"(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

"(b) **EVIDENCE.**—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

"(c) **CLARIFICATIONS.**—

"(1) **PROTECTION OF RIGHTS.**—The exclusion of certain provisions of Federal law from the definition of the term 'civil forfeiture statute' in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

"(A) subsection (a) of this section;

"(B) the Constitution; or

"(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(2) **SAVINGS CLAUSE.**—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law."

(2) Subsections (a), (b), and (c) of section 316 of Public Law 107-56 are repealed.

(c) **CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.**—

(1) Section 33(a) of title 18, United States Code is amended by inserting "or conspires" before "to do any of the aforesaid acts".

(2) Section 1366(a) of title 18, United States Code, is amended—

(A) by striking "attempts" each time it appears and inserting "attempts or conspires"; and

(B) by inserting ", or if the object of the conspiracy had been achieved," after "the attempted offense had been completed".

SEC. 407. CROSS REFERENCE CORRECTION.

Section 5318(n)(4)(A) of title 31, United States Code, is amended by striking "National Intelligence Reform Act of 2004" and inserting "Intelligence Reform and Terrorism Prevention Act of 2004".

SEC. 408. AMENDMENT TO AMENDATORY LANGUAGE.

Section 6604 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended (effective on the date of the enactment of that Act)—

(1) by striking "Section 2339c(c)(2)" and inserting "Section 2339C(c)(2)"; and

(2) by striking "Section 2339c(e)" and inserting "Section 2339C(e)".

SEC. 409. DESIGNATION OF ADDITIONAL MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ", section 2339C (relating to financing of terrorism), or section 2339D (relating to receiving military-type training from a foreign terrorist organization)" after "section 2339A or 2339B (relating to providing material support to terrorists)"; and

(2) by striking "or" before "section 2339A or 2339B".

SEC. 410. UNIFORM PROCEDURES FOR CRIMINAL FORFEITURE.

Section 2461(c) of title 28, United States Code, is amended to read as follows:

"(c) If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case pursuant to the Federal Rules of Criminal Procedure and section 3554 of title 18, United States Code. The procedures in section 413 of the Controlled Substances Act (21 U.S.C. 853) apply to all stages of a criminal forfeiture proceeding, except that subsection (d) of such section applies only in cases in which the defendant is convicted of a violation of such Act."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RESIDENCE OF UNITED STATES ATTORNEYS AND ASSISTANT UNITED STATES ATTORNEYS.

(a) **IN GENERAL.**—Subsection (a) of section 545 of title 28, United States Code, is amended by adding at the end the following new sentence:

"Pursuant to an order from the Attorney General or his designee, a United States attorney or an assistant United States attorney may be assigned dual or additional responsibilities that exempt such officer from the residency requirement in this subsection for a specific period as established by the order and subject to renewal."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as of February 1, 2005.

SEC. 502. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection:

"(c) A person appointed as United States attorney under this section may serve until the qualification of a United States Attorney for such district appointed by the President under section 541 of this title."

SEC. 503. SECRETARY OF HOMELAND SECURITY IN PRESIDENTIAL LINE OF SUCCESSION.

Section 19(d)(1) of title 3, United States Code, is amended by inserting ", Secretary of Homeland Security" after "Secretary of Veterans Affairs".

SEC. 504. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO THE DEPARTMENT OF JUSTICE.

The second sentence of section 1111(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 531(a)(2)) is amended by striking "Attorney General" the first place it appears and inserting "President, by and with the advice and consent of the Senate".

SEC. 505. QUALIFICATIONS OF UNITED STATES MARSHALS.

Section 561 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(i) Each marshal appointed under this section should have—

"(1) a minimum of 4 years of command-level law enforcement management duties, including personnel, budget, and accountable property issues, in a police department, sheriff's office or Federal law enforcement agency;

"(2) experience in coordinating with other law enforcement agencies, particularly at the State and local level;

"(3) college-level academic experience; and

"(4) experience in or with county, State, and Federal court systems or experience with protection of court personnel, jurors, and witnesses."

SECTION 506. DEPARTMENT OF JUSTICE INTELLIGENCE MATTERS.

(a) **ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY.**—

(1) **IN GENERAL.**—Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following new section:

"§507A. Assistant Attorney General for National Security

"(a) Of the Assistant Attorneys General appointed under section 506, one shall serve, upon the designation of the President, as the Assistant Attorney General for National Security.

"(b) The Assistant Attorney General for National Security shall—

"(1) serve as the head of the National Security Division of the Department of Justice under section 509A of this title;

"(2) serve as primary liaison to the Director of National Intelligence for the Department of Justice; and

"(3) perform such other duties as the Attorney General may prescribe."

(2) **ADDITIONAL ASSISTANT ATTORNEY GENERAL.**—Section 506 of title 28, United States Code, is amended by striking "ten" and inserting "11".

(3) **EXECUTIVE SCHEDULE MATTERS.**—Section 5315 of title 5, United States Code, is amended by striking the matter relating to Assistant Attorneys General and inserting the following:

"Assistant Attorneys General (11)."

(4) **CONSULTATION OF DIRECTOR OF NATIONAL INTELLIGENCE IN APPOINTMENT.**—Section 106(c)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code."

(5) **AUTHORITY TO ACT FOR ATTORNEY GENERAL UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**—Section 101(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(g)) is amended by striking "or the Deputy Attorney General" and inserting ", the Deputy Attorney General, or, upon the designation of the Attorney General, the Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code".

(6) **AUTHORIZATION FOR INTERCEPTION OF COMMUNICATIONS.**—Section 2516(1) of title 18, United States Code, is amended by inserting "or National Security Division" after "the Criminal Division".

(7) **AUTHORITY TO ACT FOR ATTORNEY GENERAL IN MATTERS INVOLVING WITNESS RELOCATION OR PROTECTION.**—Section 3521(d)(3) of title 18, United States Code, is amended by striking "to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice" and inserting "to any Assistant Attorney General in charge of the Criminal Division or National Security Division of the Department of Justice".

(8) **PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.**—Section 9A(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting "or the Assistant Attorney General for National Security, as appropriate," after "Assistant Attorney General for the Criminal Division".

(9) **INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTION.**—Section 341(b) of the Intelligence Authorization Act for Fiscal Year 2004 (28 U.S.C. 519 note) is amended by striking "acting through the Office of Intelligence Policy and Review of the Department of Justice" and inserting "acting through the Assistant Attorney General for National Security".

(10) **CERTIFICATIONS FOR CERTAIN UNDERCOVER FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE INVESTIGATIVE OPERATIONS.**—Section 102(b)(1) of Public Law 102-395 (28 U.S.C. 533 note) is amended by striking "Counsel for Intelligence Policy" and inserting "Assistant Attorney General for National Security".

(11) **INCLUSION IN FEDERAL LAW ENFORCEMENT COMMUNITY FOR EMERGENCY FEDERAL LAW ENFORCEMENTS ASSISTANCE PURPOSES.**—Section

609N(2) of the Justice Assistance Act of 1984 (42 U.S.C. 10502(2)) is amended—

(A) by redesignating subparagraphs (L) and (M) as subparagraphs (M) and (N), respectively; and

(B) by inserting after subparagraph (K) the following new subparagraph (L):

“(L) the National Security Division of the Department of Justice.”

(b) NATIONAL SECURITY DIVISION OF DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Chapter 31 of title 28, United States Code, is further amended by inserting after section 509 the following new section:

“§509A. National Security Division

“(a) There is a National Security Division of the Department of Justice.

“(b) The National Security Division shall consist of the elements of the Department of Justice (other than the Federal Bureau of Investigation) engaged primarily in support of the intelligence and intelligence-related activities of the United States Government, including the following:

“(1) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of this title.

“(2) The Office of Intelligence Policy and Review (or any successor organization).

“(3) The counterterrorism section (or any successor organization).

“(4) The counterespionage section (or any successor organization).

“(5) Any other element, component, or office designated by the Attorney General.”

(2) PROHIBITION ON POLITICAL ACTIVITY.—Section 7323(b)(3) of title 5, United States Code, is amended by inserting “or National Security Division” after “Criminal Division”.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 31 of title 28, United States Code, is amended—

(1) by inserting after the item relating to section 507 the following new item:

“507A. Assistant Attorney General for National Security.”;

and

(2) by inserting after the item relating to section 509 the following new item:

“509A. National Security Division.”.

(d) PROCEDURES FOR CONFIRMATION OF THE ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY.—(1) Section 17 of Senate Resolution 400 (94th Congress) is amended—

(A) in subsection (a), by striking “(a) The” and inserting “(a)(1) Except as otherwise provided in subsection (b), the”;

(B) in subsection (b), by striking “(b)” and inserting “(2)”;

(C) by inserting after subsection (a) the following new subsection:

“(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.”.

(2) Paragraph (1) is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules of the Senate at any time and to the same extent as in the case of any other rule of the Senate.

SEC. 507. REVIEW BY ATTORNEY GENERAL.

(a) APPLICABILITY.—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) COUNSEL.—This chapter is applicable if—

“(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

“(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.”.

(b) SCOPE OF PRIOR REPRESENTATION.—Section 2261(d) of title 28, United States Code is amended by striking “or on direct appeal”.

(c) CERTIFICATION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

“§2265. Certification and judicial review

“(a) CERTIFICATION.—

“(1) IN GENERAL.—If requested by an appropriate State official, the Attorney General of the United States shall determine—

“(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

“(B) the date on which the mechanism described in subparagraph (A) was established; and

“(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

“(2) EFFECTIVE DATE.—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

“(3) ONLY EXPRESS REQUIREMENTS.—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

“(b) REGULATIONS.—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

“(c) REVIEW OF CERTIFICATION.—

“(1) IN GENERAL.—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

“(2) VENUE.—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

“(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be subject to de novo review.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

“2265. Certification and judicial review.”.

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to cases pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section establish a time limit for taking certain action, the period of which began on the date of an event that occurred prior to the date of enactment of this Act, the period of such time limit shall instead begin on the date of enactment of this Act.

(e) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking “180 days after the date on which the application is filed” and inserting “450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier”.

(f) STAY OF STATE COURT PROCEEDINGS.—Section 2251 of title 28, United States Code, is amended—

(1) in the first undesignated paragraph, by striking “A justice” and inserting the following:

“(a) IN GENERAL.—

“(1) PENDING MATTERS.—A justice”;

(2) in the second undesignated paragraph, by striking “After the” and inserting the following:

“(b) NO FURTHER PROCEEDINGS.—After the”;

and

(3) in subsection (a), as so designated by paragraph (1), by adding at the end the following:

“(2) MATTER NOT PENDING.—For purposes of this section, a habeas corpus proceeding is not pending until the application is filed.

“(3) APPLICATION FOR APPOINTMENT OF COUNSEL.—If a State prisoner sentenced to death applies for appointment of counsel pursuant to section 3599(a)(2) of title 18 in a court that would have jurisdiction to entertain a habeas corpus application regarding that sentence, that court may stay execution of the sentence of death, but such stay shall terminate not later than 90 days after counsel is appointed or the application for appointment of counsel is withdrawn or denied.”.

TITLE VI—SECRET SERVICE

SEC. 601. SHORT TITLE.

This title may be cited as the “Secret Service Authorization and Technical Modification Act of 2005”.

SEC. 602. INTERFERENCE WITH NATIONAL SPECIAL SECURITY EVENTS.

(a) IN GENERAL.—Section 1752 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting”;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

“(2) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds so restricted in conjunction with an event designated as a special event of national significance”;

(D) in paragraph (3), as redesignated by subparagraph (B)—

(i) by inserting “willfully, knowingly, and” before “with intent to impede or disrupt”;

(ii) by striking “designated” and inserting “described”; and

(iii) by inserting “or (2)” after “paragraph (1)”;

(E) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking “designated or enumerated” and inserting “described”; and

(ii) by inserting “or (2)” after “paragraph (1)”;

(F) in paragraph (5), as redesignated by subparagraph (B)—

(i) by striking “designated or enumerated” and inserting “described”; and

(ii) by inserting “or (2)” after “paragraph (1)”;

(2) by amending subsection (b) to read as follows:

“(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by—

“(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

“(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

“(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

“(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.”; and

(3) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

“§1752. Restricted building or grounds”.

(2) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

“1752. Restricted building or grounds.”.

SEC. 603. FALSE CREDENTIALS TO NATIONAL SPECIAL SECURITY EVENTS.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(6), by inserting “or a sponsoring entity of an event designated as a special event of national significance” after “States”;

(2) in subsection (c)(1), by inserting “or a sponsoring entity of an event designated as a special event of national significance” after “States”;

(3) in subsection (d)(3), by inserting “a sponsoring entity of an event designated as a special event of national significance,” after “political subdivision of a State,”; and

(4) in each of subsections (d)(4)(B) and (d)(6)(B), by inserting “a sponsoring entity of an event designated by the President as a special event of national significance,” after “political subdivision of a State,”.

SEC. 604. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN CASES.

Section 3056(f) of title 18, United States Code, is amended by striking “officers and agents of the Secret Service are” and inserting “the Secret Service is”.

SEC. 605. THE UNIFORMED DIVISION, UNITED STATES SECRET SERVICE.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3056 the following:

“§3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division

“(a) There is hereby created and established a permanent police force, to be known as the ‘United States Secret Service Uniformed Division’. Subject to the supervision of the Secretary of Homeland Security, the United States Secret Service Uniformed Division shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following:

“(1) The White House in the District of Columbia.

“(2) Any building in which Presidential offices are located.

“(3) The Treasury Building and grounds.

“(4) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, the Vice President-elect, and their immediate families.

“(5) Foreign diplomatic missions located in the metropolitan area of the District of Columbia.

“(6) The temporary official residence of the Vice President and grounds in the District of Columbia.

“(7) Foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only—

“(A) on the basis of extraordinary protective need;

“(B) upon request of an affected metropolitan area; and

“(C) when the extraordinary protective need arises at or in association with a visit to—

“(i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or

“(ii) an international organization of which the United States is a member;

except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit.

“(8) Foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

“(9) Visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located twenty or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits when such officials are in the United States to conduct official business with the United States Government.

“(10) Former Presidents and their spouses, as provided in section 3056(a)(3) of title 18.

“(11) An event designated under section 3056(e) of title 18 as a special event of national significance.

“(12) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates, as provided in section 3056(a)(7) of title 18.

“(13) Visiting heads of foreign states or foreign governments.

“(b)(1) Under the direction of the Director of the Secret Service, members of the United States Secret Service Uniformed Division are authorized to—

“(A) carry firearms;

“(B) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

“(C) perform such other functions and duties as are authorized by law.

“(2) Members of the United States Secret Service Uniformed Division shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

“(c) Members of the United States Secret Service Uniformed Division shall be furnished with uniforms and other necessary equipment.

“(d) In carrying out the functions pursuant to paragraphs (7) and (9) of subsection (a), the Secretary of Homeland Security may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Homeland Security may carry out the functions pursuant to paragraphs (7) and (9) of subsection (a) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. In carrying out any duty under paragraphs (7) and (9) of subsection (a), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.”.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3056 the following new item:

3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division.

(c) CONFORMING REPEAL TO EFFECTUATE TRANSFER.—Chapter 3 of title 3, United States Code, is repealed.

(d) CONFORMING AMENDMENTS TO LAWS AFFECTING DISTRICT OF COLUMBIA.—(1) Section 1537(d) of title 31, United States Code, is amended—

(A) by striking “and the Executive Protective Service” and inserting “and the Secret Service Uniformed Division”; and

(B) by striking “their protective duties” and all that follows and inserting “their protective duties under sections 3056 and 3056A of title 18.”

(2) Section 204(e) of the State Department Basic Authorities Act (sec. 6—1304(e), D.C. Official Code) is amended by striking “section 202 of title 3, United States Code, or section 3056” and inserting “sections 3056 or 3056A”.

(3) Section 214(a) of the State Department Basic Authorities Act (sec. 6—1313(a), D.C. Official Code) is amended by striking “sections 202(8) and 208 of title 3” and inserting “section 3056A(a)(7) and (d) of title 18”.

(e) ADDITIONAL CONFORMING AMENDMENTS.—(1) Title 12, United States Code, section 3414, “Special procedures”, is amended by striking “3 U.S.C. 202” in subsection (a)(1)(B) and inserting “18 U.S.C. 3056A”.

(2) The State Department Basic Authorities Act of 1956 is amended—

(A) in the first sentence of section 37(c) (22 U.S.C. 2709(c)), by striking “section 202 of title 3, United States Code, or section 3056 of title 18, United States Code” and inserting “section 3056 or 3056A of title 18, United States Code”; and

(B) in section 204(e) (22 U.S.C. 4304(e)), by striking “section 202 of title 3, United States Code, or section 3056 of title 18, United States Code” and inserting “section 3056 or 3056A of title 18, United States Code”; and

(C) in section 214(a) (22 U.S.C. 4314(a)), by striking “sections 202(7) and 208 of title 3, United States Code” and inserting “subsections (a)(7) and (d) of section 3056A of title 18, United States Code”.

(3) Section 8D(a)(1)(F) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “section 202 of title 3” and inserting “section 3056A of title 18”.

(4) Section 8I(a)(1)(E) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “section 202 of title 3” and inserting “section 3056A of title 18”.

SEC. 606. SAVINGS PROVISIONS.

(a) This title does not affect the retirement benefits of current employees or annuitants that existed on the day before the effective date of this Act.

(b) This title does not affect any Executive Order transferring to the Secretary of State the authority of section 208 of title 3 (now section 3056A(d) of title 18) in effect on the day before the effective date of this Act.

SEC. 607. MAINTENANCE AS DISTINCT ENTITY.

Section 3056 of title 18 is amended by adding the following at the end of the section:

“(g) The United States Secret Service shall be maintained as a distinct entity within the Department of Homeland Security and shall not be merged with any other Department function. No personnel and operational elements of the United States Secret Service shall report to an individual other than the Director of the United States Secret Service, who shall report directly to the Secretary of Homeland Security without being required to report through any other official of the Department.”.

SEC. 608. EXEMPTIONS FROM THE FEDERAL ADVISORY COMMITTEE ACT.

(a) ADVISORY COMMITTEE REGARDING PROTECTION OF MAJOR PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES.—Section 3056(a)(7) of title 18, United States Code, is amended by inserting “The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2.)” after “other members of the Committee.”.

(b) ELECTRONIC CRIMES TASK FORCES.—Section 105 of Public Law 107-56 (18 U.S.C. 3056 note) is amended by inserting “The electronic crimes task forces shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2.)” after “financial payment systems.”.

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

SEC. 701. SHORT TITLE.

This title may be cited as the “Combat Methamphetamine Epidemic Act of 2005”.

Subtitle A—Domestic Regulation of Precursor Chemicals

SEC. 711. SCHEDULED LISTED CHEMICAL PRODUCTS; RESTRICTIONS ON SALES QUANTITY, BEHIND-THE-COUNTER ACCESS, AND OTHER SAFEGUARDS.

(a) SCHEDULED LISTED CHEMICAL PRODUCTS.—

(1) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(A) by redesignating paragraph (46) as paragraph (49); and

(B) by inserting after paragraph (44) the following paragraphs:

“(45)(A) The term ‘scheduled listed chemical product’ means, subject to subparagraph (B), a product that—

“(i) contains ephedrine, pseudoephedrine, or phenylpropanolamine; and

“(ii) may be marketed or distributed lawfully in the United States under the Federal, Food, Drug, and Cosmetic Act as a nonprescription drug.

Each reference in clause (i) to ephedrine, pseudoephedrine, or phenylpropanolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical.

“(B) Such term does not include a product described in subparagraph (A) if the product contains a chemical specified in such subparagraph that the Attorney General has under section 201(a) added to any of the schedules under section 202(c). In the absence of such scheduling by the Attorney General, a chemical specified in such subparagraph may not be considered to be a controlled substance.

“(46) The term ‘regulated seller’ means a retail distributor (including a pharmacy or a mobile retail vendor), except that such term does not include an employee or agent of such distributor.

“(47) The term ‘mobile retail vendor’ means a person or entity that makes sales at retail from a stand that is intended to be temporary, or is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility (such as a kiosk at a shopping center or an airport) or whether the stand is located on unimproved real estate (such as a lot or field leased for retail purposes).

“(48) The term ‘at retail’, with respect to the sale or purchase of a scheduled listed chemical product, means a sale or purchase for personal use, respectively.”.

(2) CONFORMING AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(A) in section 102, in paragraph (49) (as redesignated by paragraph (1)(A) of this subsection)—

(i) in subparagraph (A), by striking “pseudoephedrine or” and inserting “ephedrine, pseudoephedrine, or”; and

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(B) in section 310(b)(3)(D)(ii), by striking “102(46)” and inserting “102(49)”.

(b) RESTRICTIONS ON SALES QUANTITY, BEHIND-THE-COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

(1) IN GENERAL.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding at the end the following subsections:

“(d) SCHEDULED LISTED CHEMICALS; RESTRICTIONS ON SALES QUANTITY; REQUIREMENTS REGARDING NONLIQUID FORMS.—With respect to ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product—

“(1) the quantity of such base sold at retail in such a product by a regulated seller, or a distributor required to submit reports by subsection (b)(3) may not, for any purchaser, exceed a daily amount of 3.6 grams, without regard to the number of transactions; and

“(2) such a seller or distributor may not sell such a product in nonliquid form (including gel

caps) at retail unless the product is packaged in blister packs, each blister containing not more than 2 dosage units, or where the use of blister packs is technically infeasible, the product is packaged in unit dose packets or pouches.

“(e) SCHEDULED LISTED CHEMICALS; BEHIND-THE-COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

“(1) REQUIREMENTS REGARDING RETAIL TRANSACTIONS.—

“(A) IN GENERAL.—Each regulated seller shall ensure that, subject to subparagraph (F), sales by such seller of a scheduled listed chemical product at retail are made in accordance with the following:

“(i) In offering the product for sale, the seller places the product such that customers do not have direct access to the product before the sale is made (in this paragraph referred to as ‘behind-the-counter’ placement). For purposes of this paragraph, a behind-the-counter placement of a product includes circumstances in which the product is stored in a locked cabinet that is located in an area of the facility involved to which customers do not have direct access.

“(ii) The seller delivers the product directly into the custody of the purchaser.

“(iii) The seller maintains, in accordance with criteria issued by the Attorney General, a written or electronic list of such sales that identifies the products by name, the quantity sold, the names and addresses of purchasers, and the dates and times of the sales (which list is referred to in this subsection as the ‘logbook’), except that such requirement does not apply to any purchase by an individual of a single sales package if that package contains not more than 60 milligrams of pseudoephedrine.

“(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does not sell such a product unless—

“(I) the prospective purchaser—

“(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after the date of the enactment of the Combat Methamphetamine Epidemic Act of 2005); and

“(bb) signs the logbook and enters in the logbook his or her name, address, and the date and time of the sale; and

“(II) the seller—

“(aa) determines that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct; and

“(bb) enters in the logbook the name of the product and the quantity sold.

“(v) The logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

“(vi) The seller maintains each entry in the logbook for not fewer than two years after the date on which the entry is made.

“(vii) In the case of individuals who are responsible for delivering such products into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products, the seller has submitted to the Attorney General a self-certification that all such individuals have, in accordance with criteria under subparagraph (B)(ii), undergone training provided by the seller to ensure that the individuals understand the requirements that apply under this subsection and subsection (d).

“(viii) The seller maintains a copy of such certification and records demonstrating that individuals referred to in clause (vii) have undergone the training.

“(ix) If the seller is a mobile retail vendor:

“(I) The seller complies with clause (i) by placing the product in a locked cabinet.

“(II) The seller does not sell more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in such products per customer during a 30-day period.

“(B) ADDITIONAL PROVISIONS REGARDING CERTIFICATIONS AND TRAINING.—

“(i) IN GENERAL.—A regulated seller may not sell any scheduled listed chemical product at retail unless the seller has submitted to the Attorney General the self-certification referred to in subparagraph (A)(vii). The certification is not effective for purposes of the preceding sentence unless, in addition to provisions regarding the training of individuals referred to in such subparagraph, the certification includes a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements.

“(ii) ISSUANCE OF CRITERIA; SELF-CERTIFICATION.—The Attorney General shall by regulation establish criteria for certifications under this paragraph. The criteria shall—

“(I) provide that the certifications are self-certifications provided through the program under clause (iii);

“(II) provide that a separate certification is required for each place of business at which a regulated seller sells scheduled listed chemical products at retail; and

“(III) include criteria for training under subparagraph (A)(vii).

“(iii) PROGRAM FOR REGULATED SELLERS.—The Attorney General shall establish a program regarding such certifications and training in accordance with the following:

“(I) The program shall be carried out through an Internet site of the Department of Justice and such other means as the Attorney General determines to be appropriate.

“(II) The program shall inform regulated sellers that section 1001 of title 18, United States Code, applies to such certifications.

“(III) The program shall make available to such sellers an explanation of the criteria under clause (ii).

“(IV) The program shall be designed to permit the submission of the certifications through such Internet site.

“(V) The program shall be designed to automatically provide the explanation referred to in subclause (III), and an acknowledgement that the Department has received a certification, without requiring direct interactions of regulated sellers with staff of the Department (other than the provision of technical assistance, as appropriate).

“(vi) AVAILABILITY OF CERTIFICATION TO STATE AND LOCAL OFFICIALS.—Promptly after receiving a certification under subparagraph (A)(vii), the Attorney General shall make available a copy of the certification to the appropriate State and local officials.

“(C) PRIVACY PROTECTIONS.—In order to protect the privacy of individuals who purchase scheduled listed chemical products, the Attorney General shall by regulation establish restrictions on disclosure of information in logbooks under subparagraph (A)(iii). Such regulations shall—

“(i) provide for the disclosure of the information as appropriate to the Attorney General and to State and local law enforcement agencies; and

“(ii) prohibit accessing, using, or sharing information in the logbooks for any purpose other than to ensure compliance with this title or to facilitate a product recall to protect public health and safety.

“(D) FALSE STATEMENTS OR MISREPRESENTATIONS BY PURCHASERS.—For purposes of section 1001 of title 18, United States Code, entering information in the logbook under subparagraph (A)(iii) shall be considered a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States.

“(E) GOOD FAITH PROTECTION.—A regulated seller who in good faith releases information in

a logbook under subparagraph (A)(iii) to Federal, State, or local law enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

“(F) INAPPLICABILITY OF REQUIREMENTS TO CERTAIN SALES.—Subparagraph (A) does not apply to the sale at retail of a scheduled listed chemical product if a report on the sales transaction is required to be submitted to the Attorney General under subsection (b)(3).

“(G) CERTAIN MEASURES REGARDING THEFT AND DIVERSION.—A regulated seller may take reasonable measures to guard against employing individuals who may present a risk with respect to the theft and diversion of scheduled listed chemical products, which may include, notwithstanding State law, asking applicants for employment whether they have been convicted of any crime involving or related to such products or controlled substances.”.

(2) EFFECTIVE DATES.—With respect to subsections (d) and (e)(1) of section 310 of the Controlled Substances Act, as added by paragraph (1) of this subsection:

(A) Such subsection (d) applies on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(B) Such subsection (e)(1) applies on and after September 30, 2006.

(c) MAIL-ORDER REPORTING.—

(1) IN GENERAL.—Section 310(e) of the Controlled Substances Act, as added by subsection (b)(1) of this section, is amended by adding at the end the following:

“(2) MAIL-ORDER REPORTING; VERIFICATION OF IDENTITY OF PURCHASER; 30-DAY RESTRICTION ON QUANTITIES FOR INDIVIDUAL PURCHASERS.—Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General is subject to the following:

“(A) The person shall, prior to shipping the product, confirm the identity of the purchaser in accordance with procedures established by the Attorney General. The Attorney General shall by regulation establish such procedures.

“(B) The person may not sell more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropranolamine base in such products per customer during a 30-day period.”.

(2) INAPPLICABILITY OF REPORTING EXEMPTION FOR RETAIL DISTRIBUTORS.—Section 310(b)(3)(D)(ii) of the Controlled Substances Act (21 U.S.C. 830(b)(3)(D)(ii)) is amended by inserting before the period the following: “, except that this clause does not apply to sales of scheduled listed chemical products at retail”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) apply on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(d) EXEMPTIONS FOR CERTAIN PRODUCTS.—Section 310(e) of the Controlled Substances Act, as added and amended by subsections (b) and (c) of this section, respectively, is amended by adding at the end the following paragraph:

“(3) EXEMPTIONS FOR CERTAIN PRODUCTS.—Upon the application of a manufacturer of a scheduled listed chemical product, the Attorney General may by regulation provide that the product is exempt from the provisions of subsection (d) and paragraphs (1) and (2) of this subsection if the Attorney General determines that the product cannot be used in the illicit manufacture of methamphetamine.”.

(e) RESTRICTIONS ON QUANTITY PURCHASED DURING 30-DAY PERIOD.—

(1) IN GENERAL.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after the second sentence the following: “It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropranolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by

means of shipping through any private or commercial carrier or the Postal Service.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(f) ENFORCEMENT OF REQUIREMENTS FOR RETAIL SALES.—

(1) CIVIL AND CRIMINAL PENALTIES.—

(A) IN GENERAL.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(i) in paragraph (10), by striking “or” after the semicolon;

(ii) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(iii) by inserting after paragraph (11) the following paragraphs:

“(12) who is a regulated seller, or a distributor required to submit reports under subsection (b)(3) of section 310—

“(A) to sell at retail a scheduled listed chemical product in violation of paragraph (1) of subsection (d) of such section, knowing at the time of the transaction involved (independent of consulting the logbook under subsection (e)(1)(A)(iii) of such section) that the transaction is a violation; or

“(B) to knowingly or recklessly sell at retail such a product in violation of paragraph (2) of such subsection (d);

“(13) who is a regulated seller to knowingly or recklessly sell at retail a scheduled listed chemical product in violation of subsection (e) of such section; or

“(14) who is a regulated seller or an employee or agent of such seller to disclose, in violation of regulations under subparagraph (C) of section 310(e)(1), information in logbooks under subparagraph (A)(iii) of such section, or to refuse to provide such a logbook to Federal, State, or local law enforcement authorities.”.

(B) CONFORMING AMENDMENT.—Section 401(f)(1) of the Controlled Substances Act (21 U.S.C. 841(f)(1)) is amended by inserting after “shall” the following: “, except to the extent that paragraph (12), (13), or (14) of section 402(a) applies.”.

(2) AUTHORITY TO PROHIBIT SALES BY VIOLATORS.—Section 402(c) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended by adding at the end the following paragraph:

“(4)(A) If a regulated seller, or a distributor required to submit reports under section 310(b)(3), violates paragraph (12) of subsection (a) of this section, or if a regulated seller violates paragraph (13) of such subsection, the Attorney General may by order prohibit such seller or distributor (as the case may be) from selling any scheduled listed chemical product. Any sale of such a product in violation of such an order is subject to the same penalties as apply under paragraph (2).

“(B) An order under subparagraph (A) may be imposed only through the same procedures as apply under section 304(c) for an order to show cause.”.

(g) PRESERVATION OF STATE AUTHORITY TO REGULATE SCHEDULED LISTED CHEMICALS.—This section and the amendments made by this section may not be construed as having any legal effect on section 708 of the Controlled Substances Act as applied to the regulation of scheduled listed chemicals (as defined in section 102(45) of such Act).

SEC. 712. REGULATED TRANSACTIONS.

(a) CONFORMING AMENDMENTS REGARDING SCHEDULED LISTED CHEMICALS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102—

(A) in paragraph (39)(A)—

(i) by amending clause (iv) to read as follows: “(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act, subject to clause (v), unless—

“(I) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

“(II) the quantity of the listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General;”;

(ii) by redesignating clause (v) as clause (vi); and

(iii) by inserting after clause (iv) the following clause:

“(v) any transaction in a scheduled listed chemical product that is a sale at retail by a regulated seller or a distributor required to submit reports under section 310(b)(3); or”;

(B) by striking the paragraph (45) that relates to the term “ordinary over-the-counter pseudoephedrine or phenylpropranolamine product”;

(2) in section 204, by striking subsection (e); and

(3) in section 303(h), in the second sentence, by striking “section 102(39)(A)(iv)” and inserting “clause (iv) or (v) of section 102(39)(A)”.

(b) PUBLIC LAW 104-237.—Section 401 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) (Public Law 104-237) is amended by striking subsections (d), (e), and (f).

SEC. 713. AUTHORITY TO ESTABLISH PRODUCTION QUOTAS.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended—

(1) in subsection (a), by inserting “and for ephedrine, pseudoephedrine, and phenylpropranolamine” after “for each basic class of controlled substance in schedules I and II”;

(2) in subsection (b), by inserting “or for ephedrine, pseudoephedrine, or phenylpropranolamine” after “for each basic class of controlled substance in schedule I or II”;

(3) in subsection (c), in the first sentence, by inserting “and for ephedrine, pseudoephedrine, and phenylpropranolamine” after “for the basic classes of controlled substances in schedules I and II”;

(4) in subsection (d), by inserting “or ephedrine, pseudoephedrine, or phenylpropranolamine” after “that basic class of controlled substance”;

(5) in subsection (e), by inserting “or for ephedrine, pseudoephedrine, or phenylpropranolamine” after “for a basic class of controlled substance in schedule I or II”;

(6) in subsection (f)—

(A) by inserting “or ephedrine, pseudoephedrine, or phenylpropranolamine” after “controlled substances in schedules I and II”;

(B) by inserting “or of ephedrine, pseudoephedrine, or phenylpropranolamine” after “the manufacture of a controlled substance”; and

(C) by inserting “or chemicals” after “such incidentally produced substances”; and

(7) by adding at the end the following subsection:

“(g) Each reference in this section to ephedrine, pseudoephedrine, or phenylpropranolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical.”.

SEC. 714. PENALTIES; AUTHORITY FOR MANUFACTURING; QUOTA.

Section 402(b) of the Controlled Substances Act (21 U.S.C. 842(b)) is amended by inserting after “manufacture a controlled substance in schedule I or II” the following: “, or ephedrine, pseudoephedrine, or phenylpropranolamine or any of the salts, optical isomers, or salts of optical isomers of such chemical.”

SEC. 715. RESTRICTIONS ON IMPORTATION; AUTHORITY TO PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC, OR OTHER LEGITIMATE PURPOSES.

Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or ephedrine, pseudoephedrine, or phenylpropanolamine,” after “schedule III, IV, or V of title II,”; and

(B) in paragraph (1), by inserting “, and of ephedrine, pseudoephedrine, and phenylpropanolamine,” after “coca leaves”; and

(2) by adding at the end the following subsections:

“(d)(1) With respect to a registrant under section 1008 who is authorized under subsection (a)(1) to import ephedrine, pseudoephedrine, or phenylpropanolamine, at any time during the year the registrant may apply for an increase in the amount of such chemical that the registrant is authorized to import, and the Attorney General may approve the application if the Attorney General determines that the approval is necessary to provide for medical, scientific, or other legitimate purposes regarding the chemical.

“(2) With respect to the application under paragraph (1):

“(A) Not later than 60 days after receiving the application, the Attorney General shall approve or deny the application.

“(B) In approving the application, the Attorney General shall specify the period of time for which the approval is in effect, or shall provide that the approval is effective until the registrant involved is notified in writing by the Attorney General that the approval is terminated.

“(C) If the Attorney General does not approve or deny the application before the expiration of the 60-day period under subparagraph (A), the application is deemed to be approved, and such approval remains in effect until the Attorney General notifies the registrant in writing that the approval is terminated.

“(e) Each reference in this section to ephedrine, pseudoephedrine, or phenylpropanolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical.”.

SEC. 716. NOTICE OF IMPORTATION OR EXPORTATION; APPROVAL OF SALE OR TRANSFER BY IMPORTER OR EXPORTER.

(a) IN GENERAL.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1), in the first sentence, by striking “or to an importation by a regular importer” and inserting “or to a transaction that is an importation by a regular importer”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(3) by inserting after subsection (c) the following subsection:

“(d)(1)(A) Information provided in a notice under subsection (a) or (b) shall include the name of the person to whom the importer or exporter involved intends to transfer the listed chemical involved, and the quantity of such chemical to be transferred.

“(B) In the case of a notice under subsection (b) submitted by a regular importer, if the transferee identified in the notice is not a regular customer, such importer may not transfer the listed chemical until after the expiration of the 15-day period beginning on the date on which the notice is submitted to the Attorney General.

“(C) After a notice under subsection (a) or (b) is submitted to the Attorney General, if circumstances change and the importer or exporter will not be transferring the listed chemical to the transferee identified in the notice, or will be transferring a greater quantity of the chemical than specified in the notice, the importer or exporter shall update the notice to identify the most recent prospective transferee or the most recent quantity or both (as the case may be) and may not transfer the listed chemical until after the expiration of the 15-day period beginning on the date on which the update is submitted to the Attorney General, except that such 15-day restriction does not apply if the prospective transferee identified in the update is a regular customer. The preceding sentence applies with respect to changing circumstances regarding a

transferee or quantity identified in an update to the same extent and in the same manner as such sentence applies with respect to changing circumstances regarding a transferee or quantity identified in the original notice under subsection (a) or (b).

“(D) In the case of a transfer of a listed chemical that is subject to a 15-day restriction under subparagraph (B) or (C), the transferee involved shall, upon the expiration of the 15-day period, be considered to qualify as a regular customer, unless the Attorney General otherwise notifies the importer or exporter involved in writing.

“(2) With respect to a transfer of a listed chemical with which a notice or update referred to in paragraph (1) is concerned:

“(A) The Attorney General, in accordance with the same procedures as apply under subsection (c)(2)—

“(i) may order the suspension of the transfer of the listed chemical by the importer or exporter involved, except for a transfer to a regular customer, on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance (without regard to the form of the chemical that may be diverted, including the diversion of a finished drug product to be manufactured from bulk chemicals to be transferred), subject to the Attorney General ordering such suspension before the expiration of the 15-day period referred to in paragraph (1) with respect to the importation or exportation (in any case in which such a period applies); and

“(ii) may, for purposes of clause (i) and paragraph (1), disqualify a regular customer on such ground.

“(B) From and after the time when the Attorney General provides written notice of the order under subparagraph (A) (including a statement of the legal and factual basis for the order) to the importer or exporter, the importer or exporter may not carry out the transfer.

“(3) For purposes of this subsection:

“(A) The terms ‘importer’ and ‘exporter’ mean a regulated person who imports or exports a listed chemical, respectively.

“(B) The term ‘transfer’, with respect to a listed chemical, includes the sale of the chemical.

“(C) The term ‘transferee’ means a person to whom an importer or exporter transfers a listed chemical.”; and

(4) by adding at the end the following subsection:

“(g) Within 30 days after a transaction covered by this section is completed, the importer or exporter shall send the Attorney General a return declaration containing particulars of the transaction, including the date, quantity, chemical, container, name of transferees, and such other information as the Attorney General may specify in regulations. For importers, a single return declaration may include the particulars of both the importation and distribution. If the importer has not distributed all chemicals imported by the end of the initial 30-day period, the importer shall file supplemental return declarations no later than 30 days from the date of any further distribution, until the distribution or other disposition of all chemicals imported pursuant to the import notification or any update are accounted for.”.

(b) CONFORMING AMENDMENTS.—

(1) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(A) in section 1010(d)(5), by striking “section 1018(e)(2) or (3)” and inserting “paragraph (2) or (3) of section 1018(f)”;

(B) in section 1018(c)(1), in the first sentence, by inserting before the period the following: “(without regard to the form of the chemical that may be diverted, including the diversion of a finished drug product to be manufactured from bulk chemicals to be transferred)”.

(2) CONTROLLED SUBSTANCES ACT.—Section 310(b)(3)(D)(v) of the Controlled Substances Act (21 U.S.C. 830(b)(3)(D)(v)) is amended by striking “section 1018(e)(2)” and inserting “section 1018(f)(2)”.

SEC. 717. ENFORCEMENT OF RESTRICTIONS ON IMPORTATION AND OF REQUIREMENT OF NOTICE OF TRANSFER.

Section 1010(d)(6) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)(6)) is amended to read as follows:

“(6) imports a listed chemical in violation of section 1002, imports or exports such a chemical in violation of section 1007 or 1018, or transfers such a chemical in violation of section 1018(d); or”.

SEC. 718. COORDINATION WITH UNITED STATES TRADE REPRESENTATIVE.

In implementing sections 713 through 717 and section 721 of this title, the Attorney General shall consult with the United States Trade Representative to ensure implementation complies with all applicable international treaties and obligations of the United States.

Subtitle B—International Regulation of Precursor Chemicals

SEC. 721. INFORMATION ON FOREIGN CHAIN OF DISTRIBUTION; IMPORT RESTRICTIONS REGARDING FAILURE OF DISTRIBUTORS TO COOPERATE.

Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 716(a)(4) of this title, is further amended by adding at the end the following subsection:

“(h)(1) With respect to a regulated person importing ephedrine, pseudoephedrine, or phenylpropanolamine (referred to in this section as an ‘importer’), a notice of importation under subsection (a) or (b) shall include all information known to the importer on the chain of distribution of such chemical from the manufacturer to the importer.

“(2) For the purpose of preventing or responding to the diversion of ephedrine, pseudoephedrine, or phenylpropanolamine for use in the illicit production of methamphetamine, the Attorney General may, in the case of any person who is a manufacturer or distributor of such chemical in the chain of distribution referred to in paragraph (1) (which person is referred to in this subsection as a ‘foreign-chain distributor’), request that such distributor provide to the Attorney General information known to the distributor on the distribution of the chemical, including sales.

“(3) If the Attorney General determines that a foreign-chain distributor is refusing to cooperate with the Attorney General in obtaining the information referred to in paragraph (2), the Attorney General may, in accordance with procedures that apply under subsection (c), issue an order prohibiting the importation of ephedrine, pseudoephedrine, or phenylpropanolamine in any case in which such distributor is part of the chain of distribution for such chemical. Not later than 60 days prior to issuing the order, the Attorney General shall publish in the Federal Register a notice of intent to issue the order. During such 60-day period, imports of the chemical with respect to such distributor may not be restricted under this paragraph.”.

SEC. 722. REQUIREMENTS RELATING TO THE LARGEST EXPORTING AND IMPORTING COUNTRIES OF CERTAIN PRECURSOR CHEMICALS.

(a) REPORTING REQUIREMENTS.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:

“(8)(A) A separate section that contains the following:

“(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine (including the salts, optical isomers, or salts of optical isomers of such chemicals, and also including any products or substances containing such chemicals) during the preceding calendar year.

“(ii) An identification of the five countries that imported the largest amount of the chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such chemicals for use in the illicit

production of methamphetamine (either in that country or in another country).

“(iii) An economic analysis of the total worldwide production of the chemicals described in clause (i) as compared to the legitimate demand for such chemicals worldwide.

“(B) The identification of countries that imported the largest amount of chemicals under subparagraph (A)(ii) shall be based on the following:

“(i) An economic analysis that estimates the legitimate demand for such chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

“(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such chemicals for use in the production of methamphetamine.”

(b) ANNUAL CERTIFICATION PROCEDURES.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(1) in paragraph (1), by striking “major illicit drug producing country or major drug-transit country” and inserting “major illicit drug producing country, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act”; and

(2) in paragraph (2), by inserting after “(as determined under subsection (h))” the following: “or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act”.

(c) CONFORMING AMENDMENT.—Section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1) is amended in paragraph (5) by adding at the end the following:

“(C) Nothing in this section shall affect the requirements of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) with respect to countries identified pursuant to section clause (i) or (ii) of 489(a)(8)(A) of the Foreign Assistance Act of 1961.”

(d) PLAN TO ADDRESS DIVERSION OF PRECURSOR CHEMICALS.—In the case of each country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of the Foreign Assistance Act of 1961 (as added by subsection (a)) with respect to which the President has not transmitted to Congress a certification under section 490(b) of such Act (22 U.S.C. 2291j(b)), the Secretary of State, in consultation with the Attorney General, shall, not later than 180 days after the date on which the President transmits the report required by section 489(a) of such Act (22 U.S.C. 2291h(a)), submit to Congress a comprehensive plan to address the diversion of the chemicals described in section 489(a)(8)(A)(i) of such Act to the illicit production of methamphetamine in such country or in another country, including the establishment, expansion, and enhancement of regulatory, law enforcement, and other investigative efforts to prevent such diversion.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State to carry out this section \$1,000,000 for each of the fiscal years 2006 and 2007.

SEC. 723. PREVENTION OF SMUGGLING OF METHAMPHETAMINE INTO THE UNITED STATES FROM MEXICO.

(a) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

(b) SPECIFIC ACTIONS.—In carrying out subsection (a), the Secretary shall—

(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of methamphetamine, including by pro-

viding equipment and technical assistance, as appropriate; and

(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$4,000,000 for each of the fiscal years 2006 and 2007.

Subtitle C—Enhanced Criminal Penalties for Methamphetamine Production and Trafficking

SEC. 731. SMUGGLING METHAMPHETAMINE OR METHAMPHETAMINE PRECURSOR CHEMICALS INTO THE UNITED STATES WHILE USING FACILITATED ENTRY PROGRAMS.

(a) ENHANCED PRISON SENTENCE.—The sentence of imprisonment imposed on a person convicted of an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), involving methamphetamine or any listed chemical that is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)), shall, if the offense is committed under the circumstance described in subsection (b), be increased by a consecutive term of imprisonment of not more than 15 years.

(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstance described in this subsection is that the offense described in subsection (a) was committed by a person who—

(1) was enrolled in, or who was acting on behalf of any person or entity enrolled in, any dedicated commuter lane, alternative or accelerated inspection system, or other facilitated entry program administered or approved by the Federal Government for use in entering the United States; and

(2) committed the offense while entering the United States, using such lane, system, or program.

(c) PERMANENT INELIGIBILITY.—Any person whose term of imprisonment is increased under subsection (a) shall be permanently and irrevocably barred from being eligible for or using any lane, system, or program described in subsection (b)(1).

SEC. 732. MANUFACTURING CONTROLLED SUBSTANCES ON FEDERAL PROPERTY.

Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended in paragraph (5) by inserting “or manufacturing” after “cultivating”.

SEC. 733. INCREASED PUNISHMENT FOR METHAMPHETAMINE KINGPINS.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by adding at the end the following:

“(s) SPECIAL PROVISION FOR METHAMPHETAMINE.—For the purposes of subsection (b), in the case of continuing criminal enterprise involving methamphetamine or its salts, isomers, or salts of isomers, paragraph (2)(A) shall be applied by substituting ‘200’ for ‘300’, and paragraph (2)(B) shall be applied by substituting ‘\$5,000,000’ for ‘\$10 million dollars’.”

SEC. 734. NEW CHILD-PROTECTION CRIMINAL ENHANCEMENT.

(a) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 419 (21 U.S.C. 860) the following:

“CONSECUTIVE SENTENCE FOR MANUFACTURING OR DISTRIBUTING, OR POSSESSING WITH INTENT TO MANUFACTURE OR DISTRIBUTE, METHAMPHETAMINE ON PREMISES WHERE CHILDREN ARE PRESENT OR RESIDE

“Sec. 419a. Whoever violates section 401(a)(1) by manufacturing or distributing, or possessing

with intent to manufacture or distribute, methamphetamine or its salts, isomers or salts of isomers on premises in which an individual who is under the age of 18 years is present or resides, shall, in addition to any other sentence imposed, be imprisoned for a period of any term of years but not more than 20 years, subject to a fine, or both.”

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 419 the following new item:

“Sec. 419a. Consecutive sentence for manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine on premises where children are present or reside.”

SEC. 735. AMENDMENTS TO CERTAIN SENTENCING COURT REPORTING REQUIREMENTS.

Section 994(w) of title 28, United States Code, is amended—

(1) in paragraph (1)—
(A) by inserting “, in a format approved and required by the Commission,” after “submits to the Commission”;

(B) in subparagraph (B)—
(i) by inserting “written” before “statement of reasons”; and

(ii) by inserting “and which shall be stated on the written statement of reasons form issued by the Judicial Conference and approved by the United States Sentencing Commission” after “applicable guideline range”; and

(C) by adding at the end the following:

“The information referred to in subparagraphs (A) through (F) shall be submitted by the sentencing court in a format approved and required by the Commission.”; and

(2) in paragraph (4), by striking “may assemble or maintain in electronic form that include any” and inserting “itself may assemble or maintain in electronic form as a result of the”.

SEC. 736. SEMIANNUAL REPORTS TO CONGRESS.

(a) IN GENERAL.—The Attorney General shall, on a semiannual basis, submit to the congressional committees and organizations specified in subsection (b) reports that—

(1) describe the allocation of the resources of the Drug Enforcement Administration and the Federal Bureau of Investigation for the investigation and prosecution of alleged violations of the Controlled Substances Act involving methamphetamine; and

(2) the measures being taken to give priority in the allocation of such resources to such violations involving—

(A) persons alleged to have imported into the United States substantial quantities of methamphetamine or scheduled listed chemicals (as defined pursuant to the amendment made by section 711(a)(1));

(B) persons alleged to have manufactured methamphetamine; and

(C) circumstances in which the violations have endangered children.

(b) CONGRESSIONAL COMMITTEES.—The congressional committees and organizations referred to in subsection (a) are—

(1) in the House of Representatives, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Government Reform; and

(2) in the Senate, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Caucus on International Narcotics Control.

Subtitle D—Enhanced Environmental Regulation of Methamphetamine Byproducts

SEC. 741. BIENNIAL REPORT TO CONGRESS ON AGENCY DESIGNATIONS OF BY-PRODUCTS OF METHAMPHETAMINE LABORATORIES AS HAZARDOUS MATERIALS.

Section 5103 of title 49, United States Code, is amended by adding at the end the following:

“(d) BIENNIAL REPORT.—The Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation a biennial report providing information on whether the Secretary has designated as hazardous materials for purposes of chapter 51 of such title all by-products of the methamphetamine-production process that are known by the Secretary to pose an unreasonable risk to health and safety or property when transported in commerce in a particular amount and form.”

SEC. 742. METHAMPHETAMINE PRODUCTION REPORT.

Section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921) is amended at the end by adding the following:

“(j) METHAMPHETAMINE PRODUCTION.—Not later than every 24 months, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report setting forth information collected by the Administrator from law enforcement agencies, States, and other relevant stakeholders that identifies the byproducts of the methamphetamine production process and whether the Administrator considers each of the byproducts to be a hazardous waste pursuant to this section and relevant regulations.”

SEC. 743. CLEANUP COSTS.

(a) IN GENERAL.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by inserting “, the possession, or the possession with intent to distribute, ” after “manufacture”; and

(2) in paragraph (2), by inserting “, or on premises or in property that the defendant owns, resides, or does business in” after “by the defendant”.

(b) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to amend, alter, or otherwise affect the obligations, liabilities and other responsibilities of any person under any Federal or State environmental laws.

Subtitle E—Additional Programs and Activities

SEC. 751. IMPROVEMENTS TO DEPARTMENT OF JUSTICE DRUG COURT GRANT PROGRAM.

Section 2951 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u) is amended by adding at the end the following new subsection:

“(c) MANDATORY DRUG TESTING AND MANDATORY SANCTIONS.—

“(1) MANDATORY TESTING.—Grant amounts under this part may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

“(A) shall ensure that—

“(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

“(ii) the testing is accurate and practicable; and

“(B) may require approval of the drug testing regime to ensure that adequate testing occurs.

“(2) MANDATORY SANCTIONS.—The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this part may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

“(A) Incarceration.

“(B) Detoxification treatment.

“(C) Residential treatment.

“(D) Increased time in program.

“(E) Termination from the program.

“(F) Increased drug screening requirements.

“(G) Increased court appearances.

“(H) Increased counseling.

“(I) Increased supervision.

“(J) Electronic monitoring.

“(K) In-home restriction.

“(L) Community service.

“(M) Family counseling.

“(N) Anger management classes.”

SEC. 752. DRUG COURTS FUNDING.

Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 2591(25)(A)) is amended by adding at the end the following:

“(v) \$70,000,000 for fiscal year 2006.”

SEC. 753. FEASIBILITY STUDY ON FEDERAL DRUG COURTS.

The Attorney General shall, conduct a feasibility study on the desirability of a drug court program for Federal offenders who are addicted to controlled substances. The Attorney General lower-level, non-violate report the results of that study to Congress not later than June 30, 2006.

SEC. 754. GRANTS TO HOT SPOT AREAS TO REDUCE AVAILABILITY OF METHAMPHETAMINE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

“PART II—CONFRONTING USE OF METHAMPHETAMINE

“SEC. 2996. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE IN HOT SPOTS.

“(a) PURPOSE AND PROGRAM AUTHORITY.—

“(1) PURPOSE.—It is the purpose of this part to assist States—

“(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

“(B) to improve the ability of State and local government institutions of to carry out such programs.

“(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States to address the manufacture, sale, and use of methamphetamine to enhance public safety.

“(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

“(A) investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine;

“(B) reimburse the Drug Enforcement Administration for expenses related to the clean up of methamphetamine clandestine labs;

“(C) support State and local health department and environmental agency services deployed to address methamphetamine; and

“(D) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

“SEC. 2997. FUNDING.

“There are authorized to be appropriated to carry out this part \$99,000,000 for each fiscal year 2006, 2007, 2008, 2009, and 2010.”

SEC. 755. GRANTS FOR PROGRAMS FOR DRUG-ENDANGERED CHILDREN.

(a) IN GENERAL.—The Attorney General shall make grants to States for the purpose of carrying out programs to provide comprehensive services to aid children who are living in a home in which methamphetamine or other controlled substances are unlawfully manufactured, distributed, dispensed, or used.

(b) CERTAIN REQUIREMENTS.—The Attorney General shall ensure that the services carried

out with grants under subsection (a) include the following:

(1) Coordination among law enforcement agencies, prosecutors, child protective services, social services, health care services, and any other services determined to be appropriate by the Attorney General to provide assistance regarding the problems of children described in subsection (a).

(2) Transition of children from toxic or drug-endangering environments to appropriate residential environments.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 and 2007. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 756. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.

(a) PURPOSE AND PROGRAM AUTHORITY.—

(1) GRANT AUTHORIZATION.—The Attorney General may award competitive grants to address the use of methamphetamine among pregnant and parenting women offenders to promote public safety, public health, family permanence and well being.

(2) PURPOSES AND PROGRAM AUTHORITY.—Grants awarded under this section shall be used to facilitate or enhance and collaboration between the criminal justice, child welfare, and State substance abuse systems in order to carry out programs to address the use of methamphetamine drugs by pregnant and parenting women offenders.

(b) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CHILD WELFARE AGENCY.—The term “child welfare agency” means the State agency responsible for child and/or family services and welfare.

(2) CRIMINAL JUSTICE AGENCY.—The term “criminal justice agency” means an agency of the State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(c) APPLICATIONS.—

(1) IN GENERAL.—No grant may be awarded under this section unless an application has been submitted to, and approved by, the Attorney General.

(2) APPLICATION.—An application for a grant under this section shall be submitted in such form, and contain such information, as the Attorney General, may prescribe by regulation or guidelines.

(3) ELIGIBLE ENTITIES.—The Attorney General shall make grants to States, territories, and Indian Tribes. Applicants must demonstrate extensive collaboration with the State criminal justice agency and child welfare agency in the planning and implementation of the program.

(4) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General in consultation with the Secretary of Health and Human Services, each application for a grant under this section shall contain a plan to expand the State’s services for pregnant and parenting women offenders who are pregnant women and/or women with dependent children for the use of methamphetamine or methamphetamine and other drugs and include the following in the plan:

(A) A description of how the applicant will work jointly with the State criminal justice and child welfare agencies needs associated with the use of methamphetamine or methamphetamine and other drugs by pregnant and parenting women offenders to promote family stability and permanence.

(B) A description of the nature and the extent of the problem of methamphetamine use by pregnant and parenting women offenders.

(C) A certification that the State has involved counties and other units of local government,

when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds.

(E) A description of clinically appropriate practices and procedures to—

(i) screen and assess pregnant and parenting women offenders for addiction to methamphetamine and other drugs;

(ii) when clinically appropriate for both the women and children, provide family treatment for pregnant and parenting women offenders, with clinically appropriate services in the same location to promote family permanence and self sufficiency; and

(iii) provide for a process to enhance or ensure the abilities of the child welfare agency, criminal justice agency and State substance agency to work together to re-unite families when appropriate in the case where family treatment is not provided.

(d) PERIOD OF GRANT.—The grant shall be a three-year grant. Successful applicants may re-apply for only one additional three-year funding cycle and the Attorney General may approve such applications.

(e) PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.—

(1) REPORTS.—Successful applicants shall submit to the Attorney General a report on the activities carried out under the grant at the end of each fiscal year.

(2) EVALUATIONS.—Not later than 12 months at the end of the 3 year funding cycle under this section, the Attorney General shall submit a report to the appropriate committees of jurisdiction that summarizes the results of the evaluations conducted by recipients and recommendations for further legislative action.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

And the Senate agree to the same.

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference:

- F. JAMES SENSENBRENNER, Jr., HOWARD COBLE, LAMAR SMITH, ELTON GALLEGLEY, STEVE CHABOT, WILLIAM L. JENKINS, DANIEL LUNGREN,

From the Permanent Select Committee on Intelligence, for consideration secs. 102, 103, 106, 107, 109, and 132 of the House bill, and secs. 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference:

- PETE HOEKSTRA, HEATHER WILSON,

From the Committee on Energy and Commerce, for consideration secs. 124 and 231 of the House bill, and modifications committed to conference:

- CHARLIE NORWOOD, JOHN SHADEGG,

From the Committee on Financial Services, for consideration sec. 117 of the House bill, and modifications committed to conference:

- MICHAEL G. OXLEY, SPENCER BACHUS,

From the Committee on Homeland Security, for consideration secs. 127–129 of the House bill, and modifications committed to conference:

- PETER T. KING, CURT WELDON, Managers on the Part of the House.

- ARLEN SPECTER, ORRIN HATCH, JON KYL,

- MIKE DEWINE, JEFF SESSIONS, PAT ROBERTS,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

Mr. CONYERS moved to recommit the conference report on H.R. 3199 to the committee of conference with instructions for the managers on the part of the House to recede from disagreement with the senate amendment.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the nays had it.

Mr. CONYERS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 202 negative } Nays 224

135.7

[Roll No. 626]

AYES—202

- Abercrombie Doyle Lofgren, Zoe
Ackerman Emanuel Lowey
Allen Engel Lynch
Andrews Eshoo Maloney
Baca Etheridge Markey
Baird Evans Marshall
Baldwin Farr Matheson
Barrow Fattah Matsui
Bean Filner McCarthy
Becerra Ford McCollum (MN)
Berkley Frank (MA) McGovern
Berman Gonzalez McIntyre
Berry Gordon McKinney
Bishop (GA) Green, Al McNulty
Bishop (NY) Green, Gene McNulty
Blumenauer Grijalva Meehan
Boren Gutierrez Meek (FL)
Boswell Harman Meeks (NY)
Boucher Hastings (FL) Melancon
Boyd Herseth Menendez
Brady (PA) Higgins Michael
Brown (OH) Hinchey Millender-
Brown, Corrine Hinojosa McDonald
Butterfield Holden Miller (NC)
Capps Holt Miller, George
Capuano Honda Mollohan
Cardin Hooley Moore (KS)
Caroza Hoyer Moore (WI)
Carnahan Inslee Moran (VA)
Carson Israel Murtha
Case Jackson (IL) Nadler
Chandler Jackson-Lee Napolitano
Clay (TX) Oberstar
Cleaver Jefferson Obey
Clyburn Johnson (IL) Olver
Conyers Johnson, E. B. Ortiz
Cooper Jones (OH) Otter
Costa Kanjorski Owens
Cramer Kaptur Pallone
Crowley Kennedy (RI) Pascrell
Cuellar Kildee Pastor
Cummings Kilpatrick (MI) Paul
Davis (AL) Kind Pelosi
Davis (CA) Kucinich Peterson (MN)
Davis (FL) Langevin Pomeroy
Davis (IL) Lantos Price (NC)
Davis (TN) Larsen (WA) Rahall
DeFazio Larson (CT) Rangel
Delahunt Leach Reyes
DeLauro Lee Ross
Dicks Levin Rothman
Dingell Lewis (GA) Roybal-Allard
Doggett Lipinski Ruppertsberger

- Rush Slaughter Udall (NM)
Ryan (OH) Smith (WA) Van Hollen
Sabo Snyder Velázquez
Salazar Solis Visclosky
Sanchez, Linda Spratt Wasserman
T. Stark Schultz
Sanchez, Loretta Strickland Waters
Sanders Stupak Watt
Schakowsky Tanner Waxman
Schiff Tauscher Weiner
Schwartz (PA) Taylor (MS) Thompson (CA)
Scott (GA) Thompson (CA) Thompson (MS)
Scott (VA) Tierney
Shays Sherman Towns
Sherman Skelton Udall (CO) Wynn

NOES—224

- Aderholt Gerlach Norwood
Akin Gibbons Nunes
Alexander Gilchrest Nussle
Bachus Gillmor Osborne
Baker Gingrey Oxley
Barrett (SC) Gohmert Pearce
Bartlett (MD) Goode Pence
Barton (TX) Goodlatte Peterson (PA)
Bass Granger Petri
Beauprez Graves Pickering
Biggert Green (WI) Pitts
Bilirakis Gutknecht Platts
Bishop (UT) Hall Pombo
Blackburn Harris Porter
Blunt Hart Price (GA)
Boehlert Hastings (WA) Pryce (OH)
Boehner Hayes Putnam
Bonilla Hayworth Radanovich
Bonner Hefley Ramstad
Bono Hensarling Regula
Boozman Herger Rehberg
Boustany Hobson Reichert
Bradley (NH) Hoekstra Renzi
Brady (TX) Hostettler Reynolds
Brown (SC) Hulshof Rogers (AL)
Brown-Waite, Hunter Inglis (SC) Rogers (KY)
Ginny Rogers (MI)
Burgess Issa Rohrabacher
Burton (IN) Istook Royce
Buyer Jenkins Ryan (WI)
Calvert Jindal Ryun (KS)
Camp (MI) Johnson (CT) Saxton
Campbell (CA) Johnson, Sam Schmidt
Cannon Jones (NC) Schwarz (MI)
Cantor Keller Sensenbrenner
Capito Kelly Serrano
Carter Kennedy (MN) Sessions
Castle King (IA) Shadegg
Chabot King (NY) Shaw
Chocoma Kingston Sherwood
Coble Kirk Shimkus
Cole (OK) Kline Shuster
Conaway Knollenberg Stupak
Costello Kolbe Simmons
Crenshaw Kuhl (NY) Simpson
Cubin LaHood Smith (NJ)
Culberson Latham Smith (TX)
Davis (KY) LaTourette Sodrel
Davis, Jo Ann Lewis (CA) Souder
Davis, Tom Lewis (KY) Stearns
Deal (GA) Linder Sullivan
DeLay LoBiondo Sweeney
Dent Lucas Tancred
Diaz-Balart, L. Lungren, Daniel Taylor (NC)
Doolittle E. Terry
Drake Mack Thomas
Dreier Manullo Thornberry
Duncan Marchant Tiahrt
Edwards McCaul (TX) Tiberi
Ehlers McCotter Turner
Emerson McCreery Upton
English (PA) McHenry Walden (OR)
Everett McHugh Walsh
Feeney McKeon Wamp
Ferguson McMorris Weldon (FL)
Fitzpatrick (PA) Mica Weldon (PA)
Flake Miller (FL) Weller
Foley Miller (MI) Westmoreland
Forbes Miller, Gary Whitfield
Fortenberry Moran (KS) Wicker
Fossella Murphy Wilson (NM)
Foxy Musgrave Wilson (SC)
Franks (AZ) Myrick Wolf
Frelinghuysen Neugebauer Young (AK)
Gallegly Ney Young (FL)
Garrett (NJ) Northup

NOT VOTING—7

- DeGette McDermott Ros-Lehtinen
Diaz-Balart, M. Payne
Hyde Poe

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce, Will the House agree to said conference report?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 251 affirmative } Nays 174

135.8 [Roll No. 627] YEAS—251

- Aderholt Emanuel Linder
- Akin Emerson Lipinski
- Alexander English (PA) LoBiondo
- Andrews Etheridge Lungren, Daniel
- Bachus Everett E.
- Baker Feeney Marchant
- Barrett (SC) Ferguson Marshall
- Barrow Flake McCarthy
- Barton (TX) Foley McCaul (TX)
- Bass Forbes McCotter
- Bean Fortenberry McCrery
- Beauprez Fossella McHenry
- Biggert Foxx McHugh
- Bilirakis Franks (AZ) McIntyre
- Bishop (GA) Frelinghuysen McKeon
- Blackburn Gallegly McMorris
- Blunt Garrett (NJ) Melancon
- Boehert Gerlach Mica
- Boehner Gibbons Miller (FL)
- Bonilla Gilchrist Miller (MI)
- Bonner Gillmor Miller (NC)
- Bono Gingrey Miller, Gary
- Boozman Gohmert Moore (KS)
- Boren Goode Moran (KS)
- Boswell Goodlatte Murphy
- Boustany Granger Musgrave
- Boyd Graves Myrick
- Bradley (NH) Green (WI) Neugebauer
- Brady (TX) Gutknecht Northup
- Brown (SC) Hall Norwood
- Brown-Waite, Harman Nunes
- Ginny Harris Nussle
- Burgess Hart Osborne
- Burton (IN) Hastert Oxley
- Buyer Hastings (WA) Pearce
- Calvert Hayes Pence
- Camp (MI) Hayworth Petri
- Campbell (CA) Hefley Pickering
- Cannon Hensarling Pitts
- Cantor Henger Platts
- Capito Herseith Pombo
- Cardin Higgins Pomeroy
- Carnahan Hobson Porter
- Carter Hoekstra Pryce (OH)
- Case Holden Putnam
- Castle Hostettler Ramstad
- Chabot Hoyer Regula
- Chandler Hulshof Rehberg
- Chocola Hunter Reichert
- Coble Inglis (SC) Renzi
- Cole (OK) Issa Reyes
- Conaway Istook Reynolds
- Cooper Jenkins Rogers (AL)
- Costa Jindal Rogers (KY)
- Cramer Johnson (CT) Rogers (MI)
- Crenshaw Johnson, Sam Ross
- Cubin Keller Rothman
- Cuellar Kelly Royce
- Culberson Kennedy (MN) Rumpersberger
- Davis (AL) King (IA) Ryan (WI)
- Davis (FL) King (NY) Ryun (KS)
- Davis (KY) Kingston Saxton
- Davis (TN) Kirk Schiff
- Davis, Jo Ann Kline Schmidt
- Davis, Tom Knollenberg Schwartz (PA)
- Deal (GA) Kolbe Schwartz (MI)
- DeLay Kuhl (NY) Scott (GA)
- Dent LaHood Sensenbrenner
- Diaz-Balart, L. Latham Sessions
- Doollittle LaTourrette Shadegg
- Drake Leach Shaw
- Dreier Lewis (CA) Shays
- Edwards Lewis (KY) Sherwood

- Shimkus Tancredo
- Shuster Taylor (MS)
- Simmons Terry
- Simpson Thomas
- Skelton Thornberry
- Smith (NJ) Tiahrt
- Smith (TX) Tiberi
- Sodrel Turner
- Souder Upton
- Spratt Walden (OR)
- Stearns Walsh
- Sullivan Wamp

NAYS—174

- Abercrombie Honda
- Ackerman Hooley
- Allen Insole
- Baca Israel
- Baird Jackson (IL)
- Baldwin Jackson-Lee (TX)
- Bartlett (MD) Jefferson
- Becerra Johnson (IL)
- Berkley Johnson, E. B.
- Berman Jones (NC)
- Berry Jones (OH)
- Bishop (NY) Kanjorski
- Bishop (UT) Kaptur
- Blumenauer Kennedy (RI)
- Boucher Brady (PA)
- Brady (PA) Kildee
- Brown (OH) Kilpatrick (MI)
- Brown, Corrine Kind
- Butterfield Kucinich
- Capuano Langevin
- Cardoza Lantos
- Carson Larsen (WA)
- Clay Larson (CT)
- Cleaver Lee
- Clyburn Levin
- Conyers Lewis (GA)
- Costello Lofgren, Zoe
- Crowley Lowey
- Cummings Lucas
- Davis (CA) Lynch
- Davis (IL) Mack
- DeFazio Maloney
- Delahunt Manzullo
- DeLauro Markey
- Dicks Matheson
- Dingell Matsui
- Doggett McCollum (MN)
- Doyle McGovern
- Duncan McKinney
- Ehlers McNulty
- Engel Meehan
- Eshoo Meek (FL)
- Evans Meeks (NY)
- Farr Menendez
- Fattah Michaud
- Finer Millender-McDonald
- Fitzpatrick (PA) Miller, George
- Ford Mollohan
- Frank (MA) Moore (WI)
- Gonzalez Moran (VA)
- Gordon Murtha
- Green, Al Nadler
- Green, Gene Napolitano
- Grijalva Neal (MA)
- Gutierrez Ney
- Hastings (FL) Oberstar
- Hinchey Obey
- Hinojosa Olver
- Holt Otter

NOT VOTING—9

- DeGette McDermott Poe
- Diaz-Balart, M. Ortiz Radanovich
- Hyde Peterson (PA) Ros-Lehtinen

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

135.9 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2006

Mr. REGULA, pursuant to House Resolution 596, called up the following further conference report (Rept. No. 109-337):

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 3010) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after further full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,652,411,000 plus reimbursements, of which \$1,688,411,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which \$950,000,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$8,000,000 is available for the period July 1, 2006 through June 30, 2009 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That \$125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That \$7,936,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That \$982,000 shall be for carrying out Public Law 102-530: Provided further, That, notwithstanding any other provision of law or related regulation, \$80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$75,053,000 for formula grants, \$5,000,000 for migrant and seasonal

housing (of which not less than 70 percent shall be for permanent housing), and \$504,000 for other discretionary purposes, and that the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which \$100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108-7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, \$20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107-117, \$5,000,000 are rescinded.

Of the funds provided under this heading in division F of Public Law 108-447 for Community-Based Job Training Grants, \$125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$125,312,000, together with not to exceed

\$3,266,766,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which \$125,312,000, together with not to exceed \$700,000,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, \$465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$117,123,000, together with not to exceed \$82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS (RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act,

2002 (Public Law 107-117, division B), \$120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$134,900,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of \$296,978,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$413,168,000, together with \$2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the

cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, \$13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$27,148,000;

(3) for periodic roll management and medical review, \$13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, \$74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$96,081,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n-q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section

9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; \$24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; \$344,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$477,199,000, including not to exceed \$92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination

against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$464,678,000, together with not to exceed \$77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants

furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$27,934,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$300,275,000, of which \$6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and \$29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$311,000, which may be expended from the Unemployment Security Administration Account in the Unemployment Trust Fund.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$194,834,000 may be derived from the Unemployment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2006, of which \$1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$29,500,000, of which \$7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$66,211,000, together with not to exceed \$5,608,000, which may be expended from the Unemployment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$6,230,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

SEC. 102. Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall permanently establish and maintain an Office of Job Corps within the Office of the Secretary, in the Department of Labor, to carry out the functions (including duties, responsibilities, and procedures) of subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.). The Secretary shall appoint a senior member of the civil service to head that Office of Job Corps and carry out subtitle C. The Secretary shall transfer funds appropriated for the program carried out under that subtitle C, including the administration of such program, to the head of that Office of Job Corps. The head of that Office of Job Corps shall have contracting authority and shall receive support as necessary from the Assistant Secretary for Administration and Management with respect to contracting functions and the Assistant Secretary for Policy with respect to research and evaluation functions.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 104. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 105. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 106. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 107. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

SEC. 108. The Secretary shall prepare and submit not later than July 1, 2006 to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2006 funds made available for section 171 of the Workforce Investment Act.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, \$6,629,661,000 of which \$64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which \$25,000,000 is for a Delta health initiative Rural Health, Education, and Workforce Infrastruc-

ture Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities): Provided, That of the funds made available under this heading, \$222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than \$40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That no more than \$45,000,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That \$4,000,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108-401: Provided further, That of the funds made available under this heading, \$285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That \$797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$117,108,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, \$39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$3,600,000 shall

be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$5,884,934,000, of which \$160,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which \$30,000,000 of the amounts available for immunization activities shall remain available until expended; of which \$530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which \$123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$109,021,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$463,000 for Health Marketing evaluations; (5) \$31,000,000 to carry out Public Health Research; and (6) \$87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,841,774,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,951,270,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$393,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,722,146,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,550,260,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,459,395,000: Provided, That \$100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to \$30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,955,170,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,277,544,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$673,491,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$647,608,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,057,203,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$513,063,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$397,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$138,729,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$440,333,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,010,130,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,417,692,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$490,959,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$299,808,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,110,203,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$122,692,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$197,379,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$67,048,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$318,091,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$482,895,000, of which up to \$10,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall

be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed \$250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That the Office of AIDS Research within the Office of the Director, NIH may spend up to \$4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act: Provided further, That of the funds provided \$97,000,000 shall be for expenses necessary to support activities related to countering potential nuclear, radiological and chemical threats to civilian populations.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$81,900,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH

SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,237,813,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$16,000,000 to carry out national surveys on drug abuse; and (4) \$4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from

Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$318,695,000: Provided further, That not more than \$50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, \$62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D-16 and 1860D-31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,170,927,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That \$79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled

in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional \$32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, \$1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$2,000,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$183,000,000, to remain available until September 30, 2006: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of such Act, and notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law

108-179), \$575,579,000, of which up to \$9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108-193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which \$992,000 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$270,490,624 shall be reserved by the States for activities authorized under section 658G, of which \$99,200,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSION OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$8,922,213,000, of which \$18,000,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2006: Provided, That \$6,843,114,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2006, and remain available through September 30, 2007: Provided further, That \$701,590,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than \$7,367,000 shall be for section 680(3)(B) of the Community Ser-

ices Block Grant Act: Provided further, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$65,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That \$15,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$11,000,000 shall be for payments to States to promote access for voters with disabilities, and of which \$4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That \$110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

Of the funds provided under this heading in Public Law 108-447 to carry out section 473A of title IV of the Social Security Act (42 U.S.C. 670-679), \$22,500,000 are rescinded.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$90,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,852,800,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for

the first quarter of fiscal year 2007, \$1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,376,624,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$352,703,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, \$52,415,000 shall be for minority AIDS prevention and treatment activities; and \$5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$42,800,000: Provided, That in addition to amounts provided herein, \$18,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$31,682,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, \$63,589,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for

programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the

Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds

available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Registry may be transferred to “Disease Control, Research, and Training,” to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

(RESCISSION OF FUNDS)

SEC. 220. The unobligated balance in the amount of \$10,000,000 appropriated by Public Law 108-11 under the heading “Public Health and Social Services Emergency Fund” are rescinded.

SEC. 221. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

SEC. 222. None of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) prior to April 1, 2006.

SEC. 223. (a) For fiscal year 2006 and subject to subsection (b), the Secretary of Health and Human Services may waive the requirements of regulations promulgated under the Head Start Act (42 U.S.C. 9831 et seq.), for one or more vehicles used by a Head Start agency or an Early Head Start entity (or the designee of either) in transporting children enrolled in a Head Start program or an Early Head Start program if—

(1) such requirements pertain to child restraint systems or vehicle monitors;

(2) the agency or entity demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(3) waiving such requirements is in the best interest of the children involved.

(b) The Secretary of Health and Human Services may not issue any waiver under subsection (a) after September 30, 2006, or the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

SEC. 224. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2006 or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

(RESCISSION)

SEC. 225. The unobligated balance of the Health Professions Student Loan program authorized in Subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Services Act is rescinded.

(RESCISSION)

SEC. 226. The unobligated balance of the Nursing Student Loan program authorized by section 835 of the Public Health Services Act is rescinded.

SEC. 227. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2006”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$14,627,435,000, of which \$7,073,126,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006-2007: Provided, That \$6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to \$3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That \$2,269,843,000 shall be for targeted grants under section 1125: Provided further, That \$2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That \$9,424,000 shall be to carry out part E of title I: Provided further, That \$8,000,000 shall be available for section 1608 of the ESEA, of which \$1,465,000 shall be available for a continuation award for the comprehensive school reform clearinghouse previously funded under the heading “Innovation and Improvement” in title III of division F of Public Law 108-447.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,240,862,000, of which \$1,102,896,000 shall be for basic support payments under section 8003(b), \$49,966,000 shall be for payments for children with disabilities under section 8003(d), \$18,000,000 shall be for construction under section 8007(a), \$65,000,000 shall be for Federal property payments under section 8002, and \$5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005-2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under

such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,308,564,000, of which \$3,676,482,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which \$1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for constructions: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That \$411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That \$56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$31,693,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$945,947,000, of which \$95,000,000 shall become available on July 1, 2006 and remain available until September 30, 2007: Provided, That \$16,864,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than

\$9,920,000 shall be provided to the National Board for Professional Teaching Standards, and not less than \$6,944,000 shall be provided to the American Board for the Certification of Teacher Excellence: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That \$36,981,000 shall be for subpart 2 of part B of title V: Provided further, That \$260,111,000 shall be available to carry out part D of title V of the ESEA, of which \$100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That five percent of such funds for competitive grants shall become available on October 1, 2005 for technical assistance, training, peer review of applications, program outreach and evaluation activities and that 95 percent shall become available on July 1, 2006 and remain available through September 30, 2007 for competitive grants.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$736,886,000, of which \$350,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105-244: Provided further, That \$350,000,000 shall be available for subpart 1 of part A of title IV and \$224,580,000 shall be available for subpart 2 of part A of title IV, of which not less than \$1,449,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That \$132,901,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,194,000 may be used to carry out section 2345 and \$3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$11,770,607,000, of which \$6,141,604,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That

\$12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, \$3,129,638,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That \$30,760,000 shall be used for carrying out the AT Act, including \$4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and \$3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$17,750,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$56,708,000, of which \$800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$108,079,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII-D of the Higher Education Amendments of 1998, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$2,012,282,000, of which \$1,216,558,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which \$791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, \$68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That

of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,096,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That \$94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005 and shall remain available through September 30, 2007, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: Provided further, That \$23,000,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$15,077,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006-2007 shall be \$4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, \$120,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$1,970,760,000: Provided, That \$9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007-2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That \$980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of

the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$239,790,000, of which not less than \$3,562,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended \$573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$522,695,000, of which \$271,560,000 shall be available until September 30, 2007: Provided, That of the amount provided to carry out title I, parts B and D of Public Law 107-279, not less than \$25,257,000 shall be for the national research and development centers authorized under section 133(c).

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$415,303,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indi-

rectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, \$4,300,000,000, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), (20 U.S.C. 7265a(b)), by adding at the end the following:

“(4) To authorize and develop cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.”;

(2) in section 5523 (20 U.S.C. 7265b)—

(A) in subsection (a)—

(i) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(ii) by inserting after paragraph (5) the following:

“(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”; and

(B) in subsection (b), by adding at the end the following:

“(7) Cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.”; and

(3) in section 5525(1) (20 U.S.C. 7265d(1))—

(A) in subparagraph (a), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(C) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.”.

This title may be cited as the “Department of Education Appropriations Act, 2006”.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$316,212,000:

Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), \$520,087,000, to remain available until September 30, 2007: Provided, That not more than \$267,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than \$140,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to \$4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which \$7,000,000 shall be held in reserve as defined in Public Law 108-45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$16,445,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That \$27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That \$37,500,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That \$4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That \$10,000,000 of the funds made available under this heading shall be

made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than \$12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal

funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2008, \$400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$30,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$35,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108-199 or Public Law 108-7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,031,000, including \$400,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, \$249,640,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$3,144,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD
RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$29,369,174,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, \$11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,079,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and

telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, \$119,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed \$119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, together with not to exceed \$66,400,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Serv-

ice is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the

agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

- (4) relocates an office or employees;
(5) reorganizes or renames offices;
(6) reorganizes programs or activities; or
(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. (a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(B) the applicant has been approved for adjustment of status under section 245(a); and

"(C) such reduction is necessary for the applicant to represent the United States at an international event.

"(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

"(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a \$1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

"(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account."

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

SEC. 519. (a) None of the funds made available in this Act may be used to request that a can-

didate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 520. The \$3,170,927,000 made available under this Act under the heading Program Management under the heading Centers for Medicare and Medicaid Services shall be reduced by \$60,000,000: Provided, That none of the reduction shall be taken from research, demonstration, and evaluation activities or from State survey and certification activities: Provided further, That notwithstanding the amounts specified under such heading for the Centers for Medicare and Medicaid Services System Revitalization Plan and for contract costs for the Healthcare Integrated General Ledger Accounting System, such amounts may be reduced by the Secretary.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

- RALPH REGULA,
ERNEST ISTOOK, Jr.,
ROGER F. WICKER,
ANNE M. NORTHUP,
KAY GRANGER,
JOHN E. PETERSON,
DON SHERWOOD,
DAVE WELDON,
JAMES T. WALSH,
JERRY LEWIS,

Managers on the Part of the House.

- ARLEN SPECTER,
THAD COCHRAN,
JUDD GREGG,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,
TED STEVENS,
MIKE DEWINE,
RICHARD C. SHELBY,
PETE V. DOMENICI,

Managers on the Part of the Senate.

When said further conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the further conference report to its adoption or rejection.

The question being put,

Will the House agree to said further conference report?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 215
affirmative } Nays 213

¶135.10

[Roll No. 628]

YEAS—215

Table with 3 columns: Aderholt, Akin, Alexander, Bachus, Baker, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Biggert, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boustany, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Carter, Chabot, Chocola, Coble, Cole (OK), Conaway, Crenshaw, Cubin, Culberson, Davis (KY), Davis, Jo Ann, Davis, Tom

Deal (GA)	Kennedy (MN)	Pryce (OH)
DeLay	King (IA)	Putnam
Dent	King (NY)	Radanovich
Diaz-Balart, L.	Kingston	Regula
Doolittle	Kirk	Rehberg
Drake	Kline	Reichert
Dreier	Knollenberg	Reynolds
Duncan	Kolbe	Rogers (AL)
Ehlers	Kuhl (NY)	Rogers (KY)
Emerson	LaHood	Rogers (MI)
English (PA)	Latham	Rohrabacher
Everett	LaTourette	Royce
Ferguson	Leach	Ryan (WI)
Flake	Lewis (CA)	Ryun (KS)
Foley	Lewis (KY)	Saxton
Forbes	Linder	Schmidt
Fortenberry	LoBiondo	Schwarz (MI)
Fossella	Lucas	Sensenbrenner
Fox	Lungren, Daniel	Sessions
Franks (AZ)	E.	Shadegg
Frelinghuysen	Mack	Shaw
Gallegly	Manzullo	Shays
Garrett (NJ)	Marchant	Sherwood
Gilchrest	McCaul (TX)	Shimkus
Gillmor	McCotter	Shuster
Gingrey	McCrery	Simpson
Gohmert	McHenry	Smith (NJ)
Goode	McHugh	Smith (TX)
Goodlatte	McKeon	Sodrel
Granger	McMorris	Souder
Graves	Mica	Stearns
Green (WI)	Miller (FL)	Sullivan
Gutknecht	Miller (MI)	Sweeney
Hall	Miller, Gary	Tancredo
Harris	Moran (KS)	Taylor (NC)
Hart	Murphy	Terry
Hastert	Musgrave	Thomas
Hastings (WA)	Myrick	Thornberry
Hayes	Neugebauer	Tiaht
Hayworth	Ney	Tiberi
Hefley	Northup	Turner
Hensarling	Norwood	Upton
Herger	Nunes	Walden (OR)
Hobson	Nussle	Walsh
Hoekstra	Osborne	Wamp
Hostettler	Otter	Weldon (FL)
Hulshof	Oxley	Weldon (PA)
Hunter	Pearce	Weller
Inglis (SC)	Pence	Westmoreland
Issa	Peterson (PA)	Whitfield
Istook	Petri	Wicker
Jenkins	Pickering	Wilson (SC)
Jindal	Pitts	Wolf
Johnson (IL)	Poe	Young (AK)
Johnson, Sam	Pombo	Young (FL)
Keller	Porter	
Kelly	Price (GA)	

NAYS—213

Abercrombie	Crowley	Holden
Ackerman	Cuellar	Holt
Allen	Cummings	Honda
Andrews	Davis (AL)	Hooley
Baca	Davis (CA)	Hoyer
Baird	Davis (FL)	Inslee
Baldwin	Davis (IL)	Israel
Barrow	Davis (TN)	Jackson (IL)
Bean	DeFazio	Jackson-Lee
Becerra	Delahunt	(TX)
Berkley	DeLauro	Jefferson
Berman	Dicks	Johnson (CT)
Berry	Dingell	Johnson, E. B.
Bishop (GA)	Doggett	Jones (NC)
Bishop (NY)	Doyle	Jones (OH)
Blumenauer	Edwards	Kanjorski
Boren	Emanuel	Kaptur
Boswell	Engel	Kennedy (RI)
Boucher	Eshoo	Kildee
Boyd	Etheridge	Kilpatrick (MI)
Brady (PA)	Evans	Kind
Brown (OH)	Farr	Kucinich
Brown, Corrine	Fattah	Langevin
Butterfield	Filner	Lantos
Capps	Fitzpatrick (PA)	Larsen (WA)
Capuano	Ford	Larson (CT)
Cardin	Frank (MA)	Lee
Cardoza	Gerlach	Levin
Carnahan	Gibbons	Lewis (GA)
Carson	Gonzalez	Lipinski
Case	Gordon	Lofgren, Zoe
Castle	Green, Al	Lowey
Chandler	Green, Gene	Lynch
Clay	Grijalva	Maloney
Cleaver	Gutierrez	Markey
Clyburn	Harman	Marshall
Conyers	Hastings (FL)	Matheson
Cooper	Herseth	Matsui
Costa	Higgins	McCarthy
Costello	Hinchee	McCollum (MN)
Cramer	Hinojosa	McGovern

McIntyre	Peterson (MN)	Snyder
McKinney	Platts	Solis
McNulty	Pomeroy	Spratt
Meehan	Price (NC)	Stark
Meek (FL)	Rahall	Strickland
Meeks (NY)	Ramstad	Stupak
Melancon	Rangel	Tanner
Menendez	Renzi	Tauscher
Michaud	Reyes	Taylor (MS)
Millender-	Ross	Thompson (CA)
McDonald	Rothman	Thompson (MS)
Miller (NC)	Roybal-Allard	
Miller, George	Ruppersberger	Tierney
Mollohan	Rush	Towns
Moore (KS)	Ryan (OH)	Udall (CO)
Moore (WI)	Sabo	Udall (NM)
Moran (VA)	Salazar	Van Hollen
Murtha	Sánchez, Linda	Velázquez
Nadler	T.	Visclosky
Napolitano	Sanchez, Loretta	Wasserman
Neal (MA)	Sanders	Schultz
Oberstar	Schakowsky	Waters
Obey	Schiff	Watson
Oliver	Schwartz (PA)	Watt
Ortiz	Scott (GA)	Waxman
Owens	Scott (VA)	Weiner
Pallone	Serrano	Wexler
Pascarella	Sherman	Wilson (NM)
Pastor	Simmons	Woolsey
Paul	Skelton	Wu
Payne	Slaughter	Wynn
Pelosi	Smith (WA)	

NOT VOTING—6

DeGette	Feeney	McDermott
Diaz-Balart, M.	Hyde	Ros-Lehtinen

So the further conference report was agreed to.

A motion to reconsider the vote whereby said further conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶135.11 COMMODITY EXCHANGE REAUTHORIZATION

Mr. GOODLATTE moved to suspend the rules and pass the bill (H.R. 4473) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GOODLATTE and Mr. PETERSON of Minnesota, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.12 TASK FORCE ON OCEAN POLICY

Mr. HASTINGS of Washington moved to suspend the rules and agree to the following resolution (H. Res. 599):

Whereas the House of Representatives is in need of a Task Force on Ocean Policy to review the final report of the United States Commission on Ocean Policy, entitled “An

Ocean Blueprint for the 21st Century”, which affects the jurisdiction of several committees of the House, including the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, and the Committee on International Relations: Now, therefore, be it

Resolved,

SECTION 1. ESTABLISHMENT.

There is hereby established a Task Force on Ocean Policy.

SEC. 2. COMPOSITION.

The task force shall be composed of 12 members appointed by the Speaker, of whom 5 shall be appointed on the recommendation of the Minority leader. The Speaker shall designate one member as chairman. A vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

SEC. 3. JURISDICTION.

The task force may develop recommendations and report to the House on the final report of the United States Commission on Ocean Policy, making recommendations for a national ocean policy, entitled “An Ocean Blueprint for the 21st Century”.

SEC. 4. PROCEDURE.

(a) Except as provided in paragraphs (1) and (2), rule XI shall apply to the task force to the extent not inconsistent with this resolution.

(1) Clause 1(b) and clause 2(m)(1)(B) of rule XI shall not apply to the task force.

(2) The task force is not required to adopt written rules to implement the provisions of clause 4 of rule XI.

(b) Clause 10(b) of rule X shall not apply to the task force.

SEC. 5. STAFF; FUNDING.

(a) The chairman may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution. To the greatest extent practicable, the task force shall utilize the services of staff of employing entities of the House. At the request of the chairman, staff of employing entities of the House or a joint committee may be detailed to the task force to carry out this resolution and shall be deemed to be staff of the task force.

(b) There shall be paid out of the applicable accounts of the House \$450,000 for the expenses of the task force. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. REPORTING.

The task force shall report to the House the final results of its investigation and study, together with detailed findings and such recommendations as it may deem advisable, as soon as practicable and in no event later than on June 30, 2006.

SEC. 7. DISSOLUTION AND WINDUP OF AFFAIRS.

The task force shall cease to exist after July 31, 2006.

SEC. 8. DISPOSITION OF RECORDS.

Upon dissolution of the task force, the records of the task force shall become records of any committee designated by the Speaker.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. HASTINGS of Washington and Ms. MATSUI, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of

the Members present had voted in the affirmative.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶135.13 HURRICANE KATRINA COAST GUARD EFFORTS

Mr. LOBIONDO moved to suspend the rules and pass the bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. LOBIONDO and Mr. FILNER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Kentucky, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.14 TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DAVIS of Kentucky, recognized Mr. SMITH of New Jersey and Mr. LAN-TOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Kentucky, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Kentucky, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶135.15 DEPARTMENT OF DEFENSE APPROPRIATIONS FY 2006

On motion of Mr. YOUNG of Florida, by the direction of the Committee on Appropriations, and pursuant to clause 1, rule XXII, the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Florida, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶135.16 MOTION TO INSTRUCT CONFEREES—H.R. 2863

Mr. MURTHA moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2863, be instructed to agree to the provisions contained in: (1) section 8154 of the amendment of the Senate, relating to uniform standards for the interrogation of persons under the detention of the Department of Defense; and (2) section 8155 of the amendment of the Senate, relating to prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CAMP of Michigan, announced that the yeas had it.

Mr. MURTHA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAMP of Michigan, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶135.17 PROVIDING FOR A CLOSED CONFERENCE—H.R. 2863

Mr. YOUNG of Florida moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; be closed to the public at such times as classified national security information may be broached; *Provided, however*, That any sitting Member of Congress shall have a right to attend any meeting of the conference.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CAMP of Michigan, announced that the yeas and nays were required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the { Yeas 415 affirmative } Nays 9

¶135.18 [Roll No. 629] YEAS—415

Ackerman	Cummings	Hobson
Aderholt	Davis (AL)	Hoekstra
Akin	Davis (CA)	Holden
Alexander	Davis (FL)	Holt
Allen	Davis (IL)	Honda
Andrews	Davis (KY)	Hooley
Baca	Davis (TN)	Hostettler
Bachus	Davis, Jo Ann	Hoyer
Baird	Davis, Tom	Hulshof
Baker	Deal (GA)	Hunter
Baldwin	DeGette	Inglis (SC)
Barrett (SC)	Delahunt	Inslee
Barrow	DeLauro	Israel
Bartlett (MD)	DeLay	Issa
Barton (TX)	Dent	Istook
Bass	Diaz-Balart, L.	Jackson (IL)
Bean	Dicks	Jackson-Lee
Beauprez	Dingell	(TX)
Becerra	Doggett	Jefferson
Berkley	Doolittle	Jenkins
Berman	Doyle	Jindal
Berry	Drake	Johnson (CT)
Biggert	Dreier	Johnson (IL)
Bilirakis	Duncan	Johnson, E. B.
Bishop (GA)	Edwards	Johnson, Sam
Bishop (NY)	Ehlers	Jones (NC)
Blackburn	Emanuel	Jones (OH)
Blunt	Emerson	Kanjorski
Boehlert	Engel	Kaptur
Boehner	English (PA)	Keller
Bonilla	Eshoo	Kelly
Bonner	Etheridge	Kennedy (MN)
Bono	Evans	Kennedy (RI)
Boozman	Everett	Kildee
Boren	Farr	Kilpatrick (MI)
Boswell	Fattah	Kind
Boucher	Feeney	King (IA)
Boustany	Ferguson	King (NY)
Boyd	Filner	Kingston
Bradley (NH)	Fitzpatrick (PA)	Kirk
Brady (PA)	Flake	Kline
Brady (TX)	Foley	Knollenberg
Brown (OH)	Forbes	Kolbe
Brown (SC)	Ford	Kuhl (NY)
Brown, Corrine	Fortenberry	LaHood
Brown-Waite,	Fossella	Langevin
Ginny	Fox	Lantos
Burgess	Frank (MA)	Larsen (WA)
Burton (IN)	Franks (AZ)	Larson (CT)
Butterfield	Frelinghuysen	Latham
Buyer	Gallely	LaTourette
Calvert	Garrett (NJ)	Leach
Camp (MI)	Gerlach	Levin
Campbell (CA)	Gibbons	Lewis (CA)
Cannon	Gilchrest	Lewis (GA)
Cantor	Gillmor	Lewis (KY)
Capito	Gingrey	Linder
Capps	Gohmert	Lipinski
Capuano	Gonzalez	LoBiondo
Cardin	Goode	Lofgren, Zoe
Cardoza	Goodlatte	Lowey
Carnahan	Gordon	Lucas
Carson	Granger	Lungren, Daniel
Carter	Graves	E.
Case	Green (WI)	Lynch
Castle	Green, Al	Mack
Chabot	Green, Gene	Maloney
Chandler	Grijalva	Manzullo
Choccol	Gutierrez	Marchant
Clay	Gutknecht	Markey
Cleaver	Hall	Marshall
Clyburn	Harman	Matheson
Coble	Harris	Matsui
Cole (OK)	Hart	McCarthy
Conaway	Hastings (FL)	McCaul (TX)
Conyers	Hastings (WA)	McCollum (MN)
Cooper	Hayes	McCotter
Costello	Hayworth	McCrery
Cramer	Hefley	McDermott
Crenshaw	Hensarling	McGovern
Crowley	Hergert	McHenry
Cubin	Herseth	McHugh
Cuellar	Higgins	McIntyre
Culberson	Hinojosa	McKeon

McMorris Pomeroy Smith (NJ)
 McNulty Porter Smith (TX)
 Meehan Price (GA) Smith (WA)
 Meek (FL) Price (NC) Snyder
 Meeks (NY) Pryce (OH) Sodrel
 Melancon Putnam Solis
 Menendez Radanovich Souder
 Mica Rahall Spratt
 Michaud Ramstad Stearns
 Millender Rangel Stupak
 McDonald Regula Strickland
 Miller (FL) Rehberg Sullivan
 Miller (MI) Reichert Sweeney
 Miller (NC) Renzi Tancredo
 Miller, Gary Reyes Tauscher
 Miller, George Reynolds Taylor (MS)
 Mollohan Rogers (AL) Taylor (NC)
 Moore (KS) Rogers (KY) Terry
 Moore (WI) Rogers (MI) Thomas
 Moran (KS) Rohrabacher Thompson (CA)
 Moran (VA) Ros-Lehtinen Thompson (MS)
 Murphy Ross Thornberry
 Murtha Rothman Tiahrt
 Musgrave Roybal-Allard Tiberi
 Myrick Royce Tierney
 Nadler Ruppertsberger Towns
 Napolitano Rush Turner
 Neal (MA) Ryan (OH) Udall (CO)
 Neugebauer Ryan (WI) Udall (NM)
 Ney Ryun (KS) Upton
 Northup Sabo Van Hollen
 Norwood Salazar Velázquez
 Nunes Sánchez, Linda
 Nussle T. Visclosky
 Oberstar Sanchez, Loretta Walden (OR)
 Obey Sanders Walsh
 Ortiz Saxton Wamp
 Osborne Schakowsky Wasserman
 Otter Schiff Schultz
 Owens Schmidt Waters
 Oxley Schwartz (PA) Watson
 Pallone Schwarz (MI) Waxman
 Pascrell Scott (GA) Weiner
 Pastor Scott (VA) Weldon (FL)
 Paul Sensenbrenner Weldon (PA)
 Payne Serrano Weller
 Pearce Sessions Wexler
 Pelosi Shadegg Whitfield
 Pence Shaw Wicker
 Peterson (MN) Shays Wilson (NM)
 Peterson (PA) Sherman Wilson (SC)
 Petri Sherwood Wolf
 Pickering Shimkus Wu
 Pitts Shuster Wynn
 Platts Simmons Young (AK)
 Poe Skelton Young (FL)
 Pombo Slaughter

NAYS—9

Blumenauer Kucinich Olver
 DeFazio Lee Stark
 Hinchey McKinney Woolsey

NOT VOTING—9

Abercrombie Diaz-Balart, M. Tanner
 Bishop (UT) Hyde Watt
 Costa Simpson Westmoreland

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶135.19 MOTION TO INSTRUCT CONFEREES TO H.R. 2863—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP of Michigan, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. MURTHA, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the { Yeas 308
 affirmative } Nays 122

¶135.20 [Roll No. 630]
 YEAS—308

Abercrombie Ford Menendez
 Ackerman Portenberry Michaud
 Alexander Frank (MA) Millender-
 Allen Gerlach McDonald
 Andrews Gibbons Miller (MI)
 Baca Gilchrest Miller (NC)
 Bachus Gonzalez Miller, George
 Baird Goodlatte Mollohan
 Baldwin Gordon Moore (KS)
 Barrow Green (WI) Moore (WI)
 Bartlett (MD) Green, Al Moran (KS)
 Bass Green, Gene Moran (VA)
 Bean Grijalva Murphy
 Beauprez Gutierrez Murtha
 Becerra Gutknecht Nadler
 Berkley Harman Napolitano
 Berman Harris Neal (MA)
 Berry Hastings (FL) Northup
 Biggert Hersth Nussle
 Bishop (GA) Higgins Oberstar
 Bishop (NY) Hinchey Obey
 Blumenauer Hinojosa Olver
 Boehlert Holden Ortiz
 Boozman Holt Osborne
 Boren Honda Otter
 Boswell Hooley Owens
 Boucher Hoyer Pallone
 Boustany Hulshof Pascrell
 Boyd Inglis (SC) Pastor
 Bradley (NH) Inslee Paul
 Brady (PA) Israel Payne
 Brown (OH) Issa Pelosi
 Brown, Corrine Jackson (IL) Peterson (MN)
 Brown-Waite, Jackson-Lee Petri
 (TX) Pickering
 Jefferson Pitts
 Jenkins Platts
 Johnson (CT) Pombo
 Johnson (IL) Pomeroy
 Johnson, E. B. Porter
 Jones (NC) Price (NC)
 Jones (OH) Pryce (OH)
 Kanjorski Rahall
 Kaptur Ramstad
 Keller Rangel
 Kelly Regula
 Kennedy (MN) Reichert
 Kennedy (RI) Reyes
 Kildee Reynolds
 Kilpatrick (MI) Ros-Lehtinen
 Kind Ross
 Kirk Rothman
 Kline Roybal-Allard
 Knollenberg Ruppertsberger
 Kolbe Rush
 Kucinich Ryan (OH)
 Kuhl (NY) Ryan (WI)
 Langevin Sabo
 Lantos Salazar
 Larsen (WA) Sánchez, Linda
 Larson (CT) T.
 Latham Sanchez, Loretta
 LaTourrette Sanders
 Leach Saxton
 Lee Schakowsky
 Levin Schiff
 Lewis (GA) Schwartz (PA)
 Lipinski Schwarz (MI)
 LoBiondo Scott (GA)
 Lofgren, Zoe Scott (VA)
 Lowey Sensenbrenner
 Lynch Serrano
 Mace Shaw
 Maloney Shays
 Manzullo Sherman
 Markey Sherwood
 Matheson Shimkus
 Matsui Simmons
 McCarthy Skelton
 McCaul (TX) Slaughter
 McCollum (MN) Smith (NJ)
 McCotter Smith (WA)
 McCrery Snyder
 McDermott Sodrel
 McGovern Solis
 McHugh Spratt
 McIntyre Stark
 McKinney Strickland
 McMorris Stupak
 McNulty Sweeney
 Meehan Tancredo
 Meek (FL) Tauscher
 Meeks (NY) Taylor (MS)
 Melancon

Thomas Visclosky Weldon (PA)
 Thompson (CA) Walden (OR) Weller
 Thompson (MS) Walsh Wexler
 Tiberi Wamp Whitfield
 Tierney Wasserman Wilson (NM)
 Towns Schultz Wolf
 Udall (CO) Waters Woolsey
 Udall (NM) Watson Wu
 Upton Watt Wynn
 Van Hollen Waxman
 Velázquez Weiner

NAYS—122

Aderholt Gallegly Myrick
 Akin Garrett (NJ) Neugebauer
 Baker Gillmor Ney
 Barrett (SC) Gingrey Norwood
 Barton (TX) Gohmert Nunes
 Bilirakis Goode Oxley
 Bishop (UT) Granger Pearce
 Blackburn Graves Pence
 Blunt Hall Peterson (PA)
 Boehner Hart Poe
 Bonilla Hastings (WA) Price (GA)
 Bonner Hayes Putnam
 Bono Hayworth Radanovich
 Brady (TX) Hefley Rehberg
 Brown (SC) Hensarling Renzi
 Burgess Herger Rogers (AL)
 Burton (IN) Hobson Rogers (KY)
 Buyer Hoekstra Rogers (MI)
 Calvert Hostettler Rohrabacher
 Campbell (CA) Hunter Royce
 Cannon Istook Ryun (KS)
 Cantor Jindal Schmidt
 Carter Johnson, Sam Sessions
 Chabot King (IA) Shadegg
 Coble King (NY) Shuster
 Cole (OK) Kingston Simpson
 Conaway LaHood Smith (TX)
 Crenshaw Lewis (CA) Souder
 Cubin Lewis (KY) Stearns
 Culberson Linder Sullivan
 Deal (GA) Lucas Taylor (NC)
 DeLay Lungren, Daniel Terry
 Doolittle E. Thornberry
 Drake Marchant Tiahrt
 Dreier Marshall Turner
 Everrett McHenry Weldon (FL)
 Feeney McKeon Westmoreland
 Fossella Mica Wicker
 Foxx Miller (FL) Wilson (SC)
 Franks (AZ) Miller, Gary Young (AK)
 Frelinghuysen Musgrave Young (FL)

NOT VOTING—3

Costa Diaz-Balart, M. Hyde

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶135.21 H. RES. 599—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP of Michigan, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 599) establishing the Task Force on Ocean Policy.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 103
 negative } Nays 327

¶135.22 [Roll No. 631]
 YEAS—103

Abercrombie Bilirakis Cannon
 Akin Bishop (UT) Capito
 Allen Blunt Cardin
 Bartlett (MD) Boehlert Cardoza
 Barton (TX) Boehner Case
 Bass Bradley (NH) Castle
 Biggert Burgess Cubin

Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
English (PA)
Fortenberry
Fossella
Frelinghuysen
Gerlach
Gilchrist
Gillmor
Harris
Hastings (WA)
Hobson
Hoekstra
Hunter
Inlee
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
King (NY)
Kingston
Kirk

Kolbe
Latham
Leach
Lewis (KY)
Mack
McCaul (TX)
McCrery
McHugh
Melancon
Mica
Michaud
Miller (MI)
Myrick
Osborne
Petri
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ruppersberger

Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Sweeney
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—327

Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)

Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchev
Hinojosa
Holden
Holt
Honda
Hooley

Hostettler
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larsen (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Millender-
McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts

Poe
Pombo
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Reichert
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Sodrel

Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Wicker
Wilson (SC)
Woolsey
Wu
Wynn

NOT VOTING—3

Diaz-Balart, M. Ferguson Hyde

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said resolution was not agreed to.

135.23 H.R. 972—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHWARZ of Michigan, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; as amended.

The question being put,
Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 426
affirmative } Nays 0

135.24 [Roll No. 632]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley

Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd

Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza

Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
E.
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchev
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon

Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw

Shays	Tancredo	Wamp
Sherman	Tanner	Wasserman
Sherwood	Tauscher	Schultz
Shimkus	Taylor (MS)	Waters
Shuster	Taylor (NC)	Watson
Simmons	Terry	Watt
Simpson	Thomas	Waxman
Skelton	Thompson (CA)	Weiner
Slaughter	Thompson (MS)	Weldon (FL)
Smith (NJ)	Thornberry	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Smith (WA)	Tiberi	Westmoreland
Snyder	Tierney	Wexler
Sodrel	Towns	Whitfield
Solis	Turner	Wicker
Souder	Udall (CO)	Wilson (NM)
Spratt	Udall (NM)	Wilson (SC)
Stark	Upton	Wolf
Stearns	Van Hollen	Woolsey
Strickland	Velázquez	Wu
Stupak	Visclosky	Wynn
Sullivan	Walden (OR)	Young (AK)
Sweeney	Walsh	Young (FL)

NOT VOTING—7

Buyer	Ferguson	Sanders
Davis (FL)	Hyde	
Diaz-Balart, M.	Istook	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.25 APPOINTMENT OF CONFEREES—
H.R. 2863

The SPEAKER pro tempore, Mr. SCHWARZ of Michigan, announced the Speaker's appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. WALSH, ADERHOLT, LEWIS of California, MURTHA, DICKS, SABO, VIS-CLOSKY, MORAN of Virginia, Ms. KAP-TUR, Messrs. EDWARDS and OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶135.26 REVERSE MORTGAGES TO HELP
AMERICA'S SENIORS

Mr. FITZPATRICK of Pennsylvania moved to suspend the rules and pass the bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

The SPEAKER pro tempore, Miss MCMORRIS, recognized Mr. FITZPATRICK of Pennsylvania and Mr. MATHESON, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Miss MCMORRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.27 2005 DISTRICT OF COLUMBIA
OMNIBUS AUTHORIZATION

Mr. PORTER moved to suspend the rules and pass the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; as amended.

The SPEAKER pro tempore, Miss MCMORRIS, recognized Mr. PORTER and Ms. NORTON, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Miss MCMORRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.28 CHRISTMAS SYMBOLS AND
TRADITIONS

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 579); as amended:

Whereas, Christmas is a national holiday celebrated on December 25; and

Whereas the Framers intended that the First Amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialog; Now, therefore, be it

Resolved, That the House of Representatives—

- (1) recognizes the importance of the symbols and traditions of Christmas;
- (2) strongly disapproves of attempts to ban references to Christmas; and
- (3) expresses support for the use of these symbols and traditions, for those who celebrate Christmas.

The SPEAKER pro tempore, Miss MCMORRIS, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Miss MCMORRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Miss MCMORRIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

¶135.29 AMERICAN JEWISH HISTORY
MONTH

Mr. PORTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 315):

Resolved by the House of Representatives (the Senate concurring), That Congress urges the President to issue each year a proclamation calling on State and local governments and the people of the United States to observe an American Jewish History Month with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore, Miss MCMORRIS, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Miss MCMORRIS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WASSERMAN SCHULTZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Miss MCMORRIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

¶135.30 2005 NASCAR NEXTEL CUP
CHAMPION TONY STEWART

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 587):

Whereas Tony Stewart won NASCAR's Nextel Cup Championship in 2005, the 57th season of NASCAR's premier series;

Whereas Stewart finished with an amazing 6,533 points, the most for any driver in the 2005 NASCAR series;

Whereas Stewart in the 2005 series won 3 starting pole positions, had 5 wins, 17 top 5 finishes, and 25 top 10 finishes;

Whereas Stewart also won the Gatorade Duel 2, the Dodge/Save Mart 350, the Pepsi 400, the New England 300, and the Sirius Satellite Radio at the Glen;

Whereas Stewart's #20 car started in 22nd position, led the most laps, and also finished first in the Allstate 400 at the Brickyard, continuing Hoosier dominance at the Indianapolis Motor Speedway's only NASCAR Nextel Cup race;

Whereas Stewart is the recipient of Indiana's highest honor, the Sagamore of the Wabash, which was awarded to him by Governor Mitch Daniels on August 29, 2005, after Stewart won the Allstate 400 at the Brickyard;

Whereas Stewart has won 2 NASCAR Nextel Cup Championships in only his 7th year in the NASCAR circuit;

Whereas Stewart has won 8 other auto racing championships in his career including the Indy Racing League;

Whereas Stewart has ranked in the top 10 every season since his 1999 rookie year and has never ranked lower than 7th in the final point standings; and

Whereas Stewart, who began racing in Indiana and excelled at a very young age, was born in Columbus, Indiana, and continues to have close ties with the State of Indiana and the City of Columbus: Now, therefore, be it

Resolved, That the House of Representatives congratulates Tony Stewart for winning the 2005 NASCAR Nextel Cup Championship.

The SPEAKER pro tempore, Miss McMORRIS, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.31 MESSAGE FROM THE SENATE

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

H.R. 327. An Act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 449. An Act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

¶135.32 COMMODORE JOHN BARRY

Mrs. DRAKE moved to suspend the rules and pass the joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Mrs. DRAKE and Mr. BUTTERFIELD, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill joint resolution?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶135.33 CONGRESSIONAL AWARD REAUTHORIZATION

Ms. FOXX moved to suspend the rules and pass the bill of the Senate (S. 335) to reauthorize the Congressional Award Act.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Ms. FOXX and Mr. HOLT, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶135.34 STATE AUTHORITIES

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 4436) to provide certain authorities for the Department of State, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.35 REPUBLIC OF NICARAGUA

Mr. BURTON of Indiana moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 252); as amended:

Whereas the United States is strongly committed to promoting democracy and the rule of law through the democratically elected government and the civil society of Nicaragua;

Whereas the Democratic Charter of the Organization of American States, of which the United States and Nicaragua are signatories, stipulates that "[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it";

Whereas after experiencing a revolution, loss of personal liberties, destruction of property, and economic instability a quarter century ago, the people of Nicaragua are committed to maintaining a democratic

form of government that functions democratically and whose branches of government respect the rule of law and human rights;

Whereas in November 2001, during the last national election, approximately 90 percent of voters in Nicaragua turned out to vote, indicating a strong commitment to a free electoral process and self determination;

Whereas international observers, including representatives from the National Democratic Institute, the International Republican Institute, the Carter Center, and the Organization of American States, monitored the Nicaraguan elections of November 2001 and determined that the elections met minimum international standards and that the outcome reflected the will of the Nicaraguan people;

Whereas ex-President Arnaldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega entered into an agreement, which is widely known throughout Nicaragua as "the Pact," to exploit the legislative powers of the National Assembly to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolaños Geyer, and key institutions of representative democratic governance;

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans have taken to the streets in the past year to call for an end to the Pact;

Whereas in September 2005, the Secretary General of the Organization of American States warned that the attempt by the Nicaraguan national legislature to strip President Enrique Bolaños Geyer's ministers and other senior government officials of their official immunity had created circumstances that would have made the country ungovernable and generated endless conflict;

Whereas with regard to the attempt by the National Assembly through the operation of the Aleman-Ortega Pact to undermine the privileges of the Nicaraguan executive branch, the Organization of American States urged, in the strongest possible terms, that "the parties concerned enter into a broad and constructive dialogue, free of pressures and threats" and that the parties "respect the mandate freely conferred upon President Enrique Bolaños Geyer and the other elected officials by the Nicaraguan people";

Whereas the National Assembly, in reaction to pressure from the international community, in October 2005, voted unanimously to delay until after the term of President Enrique Bolaños Geyer expires in January 2007, the enactment of these constitutional amendments by approving the Framework Law for the Stability and Governability of the Country (Framework Law);

Whereas, although the enactment and implementation of the Framework Law has reduced the political tensions in Nicaragua, the practical effect of the Pact remains largely intact as Arnaldo Aleman and Daniel Ortega continue to wield near total control over the National Assembly, the Supreme Court, the Electoral Council, and the Comptroller's Office, and the Human Rights ombudsman's office;

Whereas free, fair, transparent, and inclusive electoral processes, in conjunction with strong adherence to the constitution and democratic institutions, are the bulwark against anti-democratic forces;

Whereas presidential and legislative elections in Nicaragua are scheduled to be held in October 2006; and

Whereas the prerequisites for free, fair, transparent, and inclusive elections have not yet been met, including securing a sufficient number of credible national and international observers, completing the distribution of voter identification cards, and ensuring that all qualified and willing candidates

are permitted to contest the elections: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns the continued operation of the Aleman-Ortega Pact as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region;

(B) denounces the previous attempts by the National Assembly to encroach unconstitutionally upon the powers of the executive branch, undermine the governability of the country, and advance the personal ambitions of some of its current and former members;

(C) applauds the diplomatic efforts of the Organization of American States (OAS) and the Secretary-General of the OAS for demonstrating the viability of the Inter-American Charter as an increasingly effective instrument in the Western Hemisphere for overcoming obstacles that impede institutions, whether such institutions are executive, legislative, or judicial in nature, from governing democratically;

(D) concurs with the convening of a broad National Dialogue to address the challenges that confront the Nicaraguan people as they attempt to build a more effective democracy; and

(E) supports the efforts of the Government of Nicaragua and civil society to create the necessary conditions for free, fair, transparent, and inclusive elections in 2006, including by having effective and robust monitoring missions by the Organization of American States and other international observers, supporting the training of domestic election observers, assisting in the auditing of voter rolls to ensure accuracy, promoting the complete distribution without discrimination of proper voter identification documents, and encouraging the lawful inclusion of all qualified candidates in the electoral contests; and

(2) it is the sense of Congress that—

(A) it should be the policy of the United States to support democracy, the rule of law, and human rights in Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006;

(B) it should be the policy of the United States to work through the Organization of American States and other regional and international organizations to encourage political elements within Nicaragua to preserve, protect, and defend the letter and spirit of that country's constitution; and

(C) to the extent that electoral or democracy and governance assistance is provided, the President of the United States should ensure that such assistance is provided only for the purposes of training election observers and ensuring the integrity of the electoral process as requested by the President of Nicaragua, that such assistance be provided through nongovernmental organizations on a non-partisan basis in the United States and Nicaragua, and that the details of such assistance be made public on a timely basis to promote transparency and accountability in both countries.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Mr. BURTON of Indiana and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds

of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A concurrent resolution expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006."

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶135.36 LIVES AND WORK OF MARYKNOLL SISTERS

Mr. BURTON of Indiana moved to suspend the rules and agree to the following resolution (H. Res. 458); as amended:

Whereas on December 2, 1980, four United States churchwomen, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980 Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these four United States churchwomen dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced and destitute by the Salvadoran war;

Whereas these four United States churchwomen joined the more than 70,000 civilians who were murdered during the course of the Salvadoran war;

Whereas on May 23 and May 24, 1984, five members of the National Guard of El Salvador—Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura—were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to thirty years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended El Salvador's twelve years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas in March 1993 the United Nations Commission on the Truth for El Salvador found that the execution of the four United States churchwomen was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior and that the subsequent cover-up of the facts adversely affected the judicial investigation into the murders of the four United States churchwomen;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen;

Whereas the families of the four United States churchwomen continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the churchwomen's murders, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to this case;

Whereas the families of the four United States churchwomen appreciate the ability of those harmed by violence to bring suit against Salvadoran military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these four United States churchwomen have, for the past 25 years, served as inspiration and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of the four United States churchwomen have also inspired numerous books, plays, films, music, religious, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford and Dorothy Kazel and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous Religious Task Forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of the four United States churchwomen;

Whereas the historic January 1992 Peace Accords allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas December 2, 2005, marks the 25th anniversary of the deaths of these four spiritual, courageous, and generous United States churchwomen: Now, therefore, be it

Resolved, That the House of Representatives—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of the four United States churchwomen;

(3) continues to find inspiration in the lives and work of these four United States churchwomen;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25th anniversary of the martyrdom of the four United States churchwomen;

(5) recognizes that while progress has been made during the post-war period, the work begun by the four United States churchwomen remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Mr. BURTON of Indiana and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CONAWAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶135.37 NATO/CROATIA INTEGRATION

Mr. GALLEGLY moved to suspend the rules and agree to the following resolution (H. Res. 529); as amended:

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the people of Croatia to live in an independent, democratic, and sovereign country;

Whereas since achieving their independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights, and a free market economy;

Whereas Croatia is a functioning democracy, with stable institutions guaranteeing the rule of law, human rights, and market economy;

Whereas Croatia has previously cooperated with the North Atlantic Treaty Organization (NATO) by allowing NATO free access to its air space during NATO's 1999 military action against Serbia;

Whereas the United States has shown support for Croatia in many ways since its independence, including by providing Croatia with economic and military assistance that has contributed significantly to the continued success;

Whereas Croatia is a reliable partner of the United States, actively contributing to the stabilization of South Central Europe;

Whereas NATO's Membership Action Plan, which was launched in April 1999, is a pro-

gram of assistance that provides both goals and a roadmap for countries aspiring to NATO membership;

Whereas Croatia was invited into the Membership Action Plan in May 2002 and has made substantial progress in attaining the necessary level of reforms required for receiving an invitation to start accession talks with NATO;

Whereas the United States, Croatia, Albania, and Macedonia are signatories to the United States-Adriatic Charter, which promotes Euro-Atlantic integration and commits the signatory nations to the values and principles of NATO and to joining the Alliance at the earliest possible time;

Whereas Croatia significantly improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);

Whereas on October 3, 2005, the European Union decided to open accession negotiations with Croatia based on the assessment of its Council of Ministers that Croatia met the political and economic criteria for candidacy in the European Union, including that Croatia was fully cooperating with the ICTY;

Whereas Croatia has sent troops to Afghanistan as part of the NATO-led International Security Assistance Force (ISAF) in support of the war against terrorism and has endorsed and is participating in the Proliferation Security Initiative with like-minded nations across the world to prevent the flow of weapons of mass destruction, missile systems, and related material; and

Whereas Croatia shares the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Republic of Croatia has made significant progress since its independence in strengthening its democratic institutions and respect for human rights and the rule of law;

(2) Croatia should be commended for its progress in meeting the political, economic, military, and other requirements of NATO's Membership Action Plan, its contribution to the global war on terrorism, and for its constructive participation in the United States-Adriatic Charter;

(3) the Government of Croatia should be commended for its ongoing cooperation with the International Criminal Tribunal for the former Yugoslavia;

(4) Croatia would make a significant contribution to NATO; and

(5) with complete satisfaction of NATO guidelines and criteria for membership, Croatia should be invited to be a full member of the North Atlantic Treaty Organization at the earliest possible date.

The SPEAKER pro tempore, Mr. CONAWAY, recognized Mr. GALLEGLY and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶135.38 RUSSIAN FEDERATION

NONGOVERNMENTAL ORGANIZATIONS

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 312); as amended:

Whereas Russian Federation President Putin has stated that "modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society";

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental

organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

The SPEAKER pro tempore, Mr. REICHERT, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

¶135.39 FORCED LABOR PRISON CAMPS

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 294); as amended:

Whereas the Laogai is a vast prison labor system in the People's Republic of China and consists of a network of more than 1,000 prisons, camps, and mental institutions in which detainees must work at factories, farms, mines, and other facilities;

Whereas the two major aims of the Laogai are to generate economic resources for the state through free labor and to "reform criminals" through hard labor and political indoctrination;

Whereas the Government of the People's Republic of China relies on the Laogai as a tool for political suppression of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and "house church" Christians;

Whereas, while the Soviet Gulags no longer exist, the Chinese Laogai is still fully operational, subjecting most of its three million prisoners to forced labor by threatening torture;

Whereas fifty million people have suffered as prisoners in the Laogai since its inception;

Whereas Laogai prisoners are deprived of religious freedom and forced to give up their political views in order to become a "new socialist person" and uphold communism and the Chinese Communist Party;

Whereas in recent years, more than 100,000 religious believers have been unjustly and illegally imprisoned in one Laogai camp alone, where they have been beaten, tortured, and often killed;

Whereas Laogai prisoners are forced to work long hours in appalling conditions, including mining asbestos and other toxic chemicals with no protective clothing, tan-

ning hides while standing naked in vats filled with chemicals used for softening of animal skins, and working in mining facilities where explosions and other accidents are a common occurrence;

Whereas it is documented that China's national policy since 1984 has been to extract organs from executed prisoners without prior consent of the prisoners or their family members, setting China apart from every other country in the world;

Whereas there are more than 1,000 instances in which organs are harvested from executed Chinese prisoners every year;

Whereas both Chinese and foreign patients from around the world receive organs transplanted from executed Chinese prisoners;

Whereas Laogai prisoners are required to make confessions of their wrongdoings, which include political and religious views that the Chinese Communist Party wishes to suppress;

Whereas Chinese citizens are not guaranteed due process of law nor even a right to trial;

Whereas many individuals are often convicted and sentenced with no trial at all, or they are convicted with "evidence" extracted through torture;

Whereas in one part of the Laogai system known as the Laojiao, or reeducation-through-labor, Chinese citizens can be detained for up to three years without any judicial review or formal appearance in the judicial system;

Whereas goods produced by forced labor in the Laogai system continue to be exported to the United States and the world;

Whereas the Chinese Government has continuously encouraged the export of goods produced through the Laogai prison system and relies on forced labor as an integral part of its economy;

Whereas forced labor and torture practices carried out in the Laogai violate international laws, standards, and treaties to which China is party, including the United Nations Charter, the Universal Declaration of Human Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

Whereas China, a member State of the International Labor Organization, also violates many agreements regarding labor conditions and the rights of workers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) calls on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government;

(2) calls on the Government of the United States to fully implement United States laws that prohibit the importation of forced labor products made in the Laogai;

(3) calls on the Government of the United States to take actions to review the implementation of the Memorandum of Understanding on Prison Labor in 1992 and the Statement of Cooperation in 1994 with respect to the Laogai;

(4) will undertake efforts to join with the European Parliament to urge the introduction of a resolution at the United Nations Human Rights Commission condemning the Laogai and the human rights situation in China;

(5) calls on the Government of the People's Republic of China to release information about the Laogai, including the total number of Laogai camps and prisoners throughout China, the exact locations of the camps, and the business production activities taking place at the camps;

(6) calls on the Government of the People's Republic of China to release information about the number of executions of prisoners

at the camps that are carried out every year, and the extent of the harvesting and transplantation of organs of executed prisoners;

(7) urges the Government of the People's Republic of China to allow unrestricted visits by international human rights inspectors, including United Nations inspectors, to Laogai camps throughout China; and

(8) urges the Congressional-Executive Commission on China to continue to investigate the Laogai system in China and to make recommendations for United States policy that will help protect human rights for Chinese citizens.

The SPEAKER pro tempore, Mr. REICHERT, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

¶135.40 PROVIDING FOR THE CONSIDERATION OF H.R. 2830

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 109-346) the resolution (H. Res. 602) providing for the consideration of the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶135.41 CAMBODIAN GENOCIDE

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 238); as amended:

Whereas beginning in April 1975, Pol Pot led the Communist guerilla group, the Khmer Rouge, in a large-scale insurgency in Cambodia that forcibly removed Cambodians from their homes and into labor camps in an attempt to restructure Khmer society;

Whereas traditional Khmer culture and society were systematically destroyed, including the destruction of temples, schools, hospitals, homes, and historic buildings;

Whereas the Khmer Rouge separated and destroyed families and punished and killed innocent civilians, including women, children, doctors, nurses, clergy, teachers, business owners, intellectuals and artisans;

Whereas more than 1.7 million Cambodians, or approximately 21 percent of the population, were killed in one of the worst atrocities of the last century;

Whereas many people were executed simply for being educated, wealthy, or even for wearing glasses as they were seen as bourgeois or contaminated with Western influence;

Whereas after the Khmer Rouge regime was overthrown in 1979, thousands of Cambodians fled on foot to refugee camps in Thailand and many refugees were processed again in other camps in the Philippines and Indonesia;

Whereas from these refugee camps approximately 145,149 Cambodians made their way to the United States, with the majority arriving in the early 1980s and settling in communities across the United States;

Whereas despite the tremendous loss of family members, homes, and even parts of their heritage during the Khmer Rouge regime, Cambodians have shown courage and enormous resiliency;

Whereas, according to United States Census Bureau figures, there are approximately 206,053 Cambodians currently living in the United States;

Whereas the new generation of Cambodian-Americans continues to contribute to all aspects of American society as writers, doctors, professors, and community leaders; and

Whereas the United Nations has taken affirmative steps to establish an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the victims of the genocide in Cambodia that took place beginning in April 1975 and ending in January 1979; and

(2) welcomes the establishment of an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide, with the hope that proceedings of the tribunal will meet international standards of justice.

The SPEAKER pro tempore, Mr. REICHERT, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶135.42 OPERATION MURAMBATSVINA

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 409); as amended:

Whereas on May 19, 2005, the Government of Zimbabwe launched "Operation Murambatsvina", translated from the Shona language as "Operation Drive Out the Trash", in major cities and suburbs throughout Zimbabwe in an effort that it characterized as an operation to "restore order" to the country;

Whereas hours after the Governor of the Reserve Bank of Zimbabwe called for an end to the parallel market, Operation Murambatsvina began in the city of Harare

and subsequently in other urban areas, such as the city of Bulawayo, ostensibly to oust illegal vendors and eliminate illegal structures;

Whereas Operation Murambatsvina was carried out as an indiscriminate demolition of the homes and livelihood of thousands of Zimbabwean citizens already suffering from a protracted economic and political crisis brought on by poor policy directives by the Government of Zimbabwe that forced masses of rural dwellers to urban areas of the country for survival;

Whereas in some communities that were victimized by the forced demolitions, including Cheru Farm and Killarney Farm where more than 20,000 people lived, Zimbabweans had lived in residences for over 20 years and had well-functioning schools, health and HIV/AIDS clinics, orphanages for AIDS-affected children, viable businesses, places of worship, and other amenities;

Whereas in 1993, the Government of Zimbabwe moved families from Cheru Farms to a new location, Porto Farm, which during Operation Murambatsvina was demolished by Zimbabwean Government forces;

Whereas government security forces carried out Operation Murambatsvina, and in doing so, beat residents and forced them to destroy their own homes and places of business, though many residents provided permits from municipal authorities granting permission to build their structures;

Whereas Operation Murambatsvina resulted in the demolition throughout the country of homes, businesses, and religious structures, including a mosque, and an AIDS orphanage and in the intimidation, harassment, and arrest of tens of thousands of people;

Whereas Operation Murambatsvina cut off many AIDS patients from anti-retroviral medicines which will likely lead to a reversal of their health, resistance to the drugs, and a more virulent form of AIDS in Zimbabwe with potential for spreading throughout the region and worldwide;

Whereas churches and private citizens sheltering the victims of Operation Murambatsvina were also intimidated, harassed, and arrested for their efforts to provide a safe haven for the victims during Zimbabwe's harsh winter;

Whereas armed soldiers and police forcibly removed hundreds of homeless people from churches in the city of Bulawayo and banned religious groups from providing humanitarian assistance to those seeking shelter at Hellensvale, a transit camp north of Zimbabwe's second city, and where police arrested and detained religious leaders;

Whereas a strongly worded statement issued by the Bulawayo clergy stated: "The removal of the poor, innocent, weak, voiceless and vulnerable members of society by riot police in the middle of the night was uncalled for and unnecessary. It is inhumane, brutal and insensitive, and in total disregard of human rights and dignity. These people are not criminals but bona fide citizens of this nation. It seems the crime they committed is that they are poor.";

Whereas the African Commission for Peoples' and Human Rights dispatched an African Union envoy, Bahame Tom Nyanduga, Special Rapporteur on Refugees, Internally Displaced Persons, and Asylum Seekers in Africa to investigate the ongoing demolitions;

Whereas the Government of Zimbabwe refused to allow the African Union envoy an opportunity to conduct his mission after being accused by the Government of Zimbabwe through its government-controlled media of "following the agenda of western countries";

Whereas the decision to block access to the African Union envoy is representative of a

larger pattern of behavior, whereby the Government of Zimbabwe uses violence, intimidation, and demagoguery to subjugate its people, relies on scapegoats to justify the economic, political, and social crises in Zimbabwe, and detains and slanders United States diplomats who challenge the ruinous policies of that government;

Whereas in response to the crisis, the Secretary-General of the United Nations dispatched a special envoy, Ms. Anna Kajumulo Tibaijuka, Deputy Secretary General, United Nations Human Settlements Program (UN-HABITAT), on a factfinding mission to assess the scope and impact of Operation Murambatsvina on the people of Zimbabwe and its consequences for the Zimbabwean Government;

Whereas the mission of the United Nations special envoy was undertaken between June 26 and July 8, 2005, where she visited the cities of Harare, Headlands, Rusape, Mutare, Gweru, Bulawayo, Hwange, and Victoria Falls and met with victims of Operation Murambatsvina, heard personal testimony from victims, and met with members of the diplomatic community, the Government of Zimbabwe, and international nongovernmental organizations;

Whereas the United Nations special envoy estimated that approximately 700,000 people in cities across the country have lost either their homes, their source of livelihood, or both, and that a total of 2.4 million people or 18 percent of the population was directly or indirectly affected by Operation Murambatsvina and that the operation would have considerable short-term and long-term impact on social and economic conditions in the country;

Whereas 40,800 families directly affected by Operation Murambatsvina were headed by women, and 83,530 children under the age of four and 26,600 people age 60 and older were directly affected;

Whereas President Robert Mugabe described this sudden and extensive operation against thousands of families and business persons in the dead of winter as necessary "to eliminate hideouts of crime and grime";

Whereas the United Nations special envoy is quoted as saying "the poor are not criminals . . . [t]hey work hard to obtain the little which they have and they should not thus be treated like criminals";

Whereas the United Nations special envoy assessed the negative impact of Operation Murambatsvina on shelter, water and sanitation, food and nutrition, basic health services, HIV/AIDS, education, women and girls, refugees and other vulnerable groups;

Whereas the special envoy concluded that Operation Murambatsvina "has rendered people homeless and economically destitute on an unprecedented scale; most of the victims were already among the most economically disadvantaged groups in society; and they have now been pushed deeper into poverty and have become even more vulnerable; and the scale of suffering is immense, particularly among widows, single mothers, children, orphans, the elderly and the disabled persons";

Whereas at the time of independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Mugabe and his ZANU-PF party in recent years have turned away from the promises of liberation and become a party that uses state power to deny the people of Zimbabwe the freedoms and prosperity for which they fought and deserve;

Whereas the rise of urbanization and the informal sector in Zimbabwe has been the direct result of failed economic policies, a bitterly disputed fast track land reform program, unplanned cash handouts to appease

war veterans, the costly military intervention in Congo, and persistent drought;

Whereas before Operation Murambatsvina, unemployment in Zimbabwe was between 70 and 80 percent, the HIV/AIDS prevalence rate was 24 percent, and the inflation rate was 164.4 percent (but was as high as 522.8 percent), and currently Zimbabwe has the world's fastest shrinking economy, there is an ongoing fuel crisis in the country, and the Zimbabwean economy had contracted 7 percent; and

Whereas the staggering suffering brought on by Operation Murambatsvina has been added to the already large-scale humanitarian crisis in Zimbabwe: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) through Operation Murambatsvina, the Government of Zimbabwe has created a humanitarian disaster that has compounded the already existing humanitarian food and economic crises in the country, and the Government of Zimbabwe has insufficient resources to address such crises;

(B) the Government of Zimbabwe has a duty to protect the economic, social, and political rights of its citizens as guaranteed by the Constitution of Zimbabwe and the African Charter on Human and Peoples' Rights; and

(C) the Government of Zimbabwe also is subject to the International Covenant on Economic, Social and Cultural Rights, to which Zimbabwe is a party, which states in part that "forced evictions are prima facie incompatible with the provisions of the Covenant and can only be carried out under specific circumstances"; and

(2) the House of Representatives—

(A) condemns Operation Murambatsvina as a major humanitarian catastrophe caused by the Government of Zimbabwe's callousness toward its own people, disregard for the rule of law, and lack of planning to move families and businesses to more desirable locations;

(B) calls on the United Nations, the African Commission for Peoples' and Human Rights, and the African Union to continue efforts to investigate the impact of the demolitions of housing structures and premises from which informal businesses operated and to provide the international community with a viable strategy to address the problems;

(C) calls on the Government of Zimbabwe to allow international humanitarian organizations access to those affected by the operation who are in need of food, medicine, shelter, sanitation, and water;

(D) calls on the Government of Zimbabwe to hold accountable those responsible for this egregious injury to the Zimbabwean people, both the decisionmakers of the operation and those who carried out the operation;

(E) calls on the Government of Zimbabwe to immediately and aggressively implement policies to promote the private sector and create jobs and build housing to accommodate those displaced by the operation;

(F) calls on the United Nations and the international community to stand by the people of Zimbabwe who have been victimized by their government in this operation and to help them with relief and reconstruction of their lives;

(G) calls on the Secretary of the Treasury to instruct the United States Executive Director at the International Monetary Fund (IMF) to use the voice, vote, and influence of the United States to continue to advocate for further action at the IMF should the Government of Zimbabwe continue to fail to meet its obligations to the IMF;

(H) condemns President Mugabe's harassment of the United States Ambassador to

Zimbabwe, including by threatening the Ambassador's expulsion from the country and asserting that he could "go to Hell"; and

(I) calls on President Mugabe to recognize that absent meaningful corrective actions on his part, President Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that brought untold suffering of his people and the near collapse of Zimbabwe as a nation.

The SPEAKER pro tempore, Mr. REICHERT, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, December 15, 2005.

¶135.43 PALESTINIAN AUTHORITY ELECTIONS

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 575); as amended:

Whereas the foundation for the Israeli-Palestinian peace process was Palestinian recognition of Israel's right to exist and a solemn obligation to end terrorism and violence;

Whereas the removal of all Israeli presence in Gaza signifies an end to Israeli responsibility there and a shift in security responsibility of Gaza to the Palestinian Authority;

Whereas Israel's evacuation of Gaza affords the Palestinian Authority, now the responsible governing authority in Gaza, the opportunity to demonstrate its ability to govern, to establish the rule of law, to end corruption, and thereby to demonstrate that it is a partner for peace;

Whereas Palestinian Authority President Mahmoud Abbas has repeatedly called for the establishment of "One Authority, One Law, and One Gun";

Whereas since the withdrawal of Israeli military forces, the Palestinian Authority has taken few steps to establish rule of law in Gaza;

Whereas Hamas, Islamic Jihad, the al-Aqsa Martyrs' Brigade, and other terrorist organizations have vowed to continue terrorism against Israeli civilians, seek the destruction of the State of Israel, and employ violence and terror in fulfillment of that aim;

Whereas the inclusion of Hamas, or any other terrorist group on the State Department list of foreign terrorist organizations, into the Palestinian structure could be construed as an implicit endorsement of their anti-American and anti-Israeli terrorist ideology;

Whereas the first provision of the Road Map to Middle East Peace calls for the Palestinians to dismantle the terrorist infrastructure;

Whereas these terrorist organizations, including Hamas and Islamic Jihad, operate virtually without interference from the Palestinian Authority;

Whereas Hamas has announced its intention to run in Palestinian legislative elections scheduled for January 2006;

Whereas Abbas has indicated his willingness to see Hamas participate in the elections without first calling for it to disband its militia or for it to renounce its goal of destroying the State of Israel;

Whereas the United States has clearly stated that armed militias attached to political parties are incompatible with democratic societies;

Whereas President Bush has stated that Hamas "seeks to end dissent in every form, to control every aspect of life . . . the terrorists are preparing a future of oppression and misery";

Whereas the forces of freedom must continue to keep an untiring vigil against the enemies of rising democracies; and

Whereas the United States has a long-standing policy of not dealing or negotiating with terrorists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its commitment to the safety and security of the democratic State of Israel;

(2) asserts that terrorist organizations, such as Hamas, should not be permitted to participate in Palestinian elections until such organizations recognize Israel's right to exist as a Jewish state, cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure;

(3) calls on the Palestinian Authority President Abbas before the election to declare openly his intention to take action to dismantle the terrorist organizations;

(4) asserts that the inclusion of Hamas, or any other terrorist group on the Department of State's list of foreign terrorist organizations, in the Palestinian Authority's government will inevitably raise serious questions for the United States about the commitment of the Palestinian Authority and its leadership to making peace with Israel and will potentially undermine the ability of the United States to have a constructive relationship with, or provide further assistance to, the Palestinian Authority; and

(5) states its strong belief that, as underlined in every recent Israeli-Palestinian peace agreement, progress in the peace process requires sustained Palestinian effort to dismantle the terrorist infrastructure, and that delay in confronting that principal obligation only emboldens the opponents of peace and threatens its realization.

The SPEAKER pro tempore, Mr. REICHERT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCAUL of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, December 15, 2005.

¶135.44 INDEPENDENT IRAQI JUDICIARY

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 534):

Whereas the United States is supportive of a sovereign governing body in Iraq, including the current government as well as future duly elected governments and appointed officials;

Whereas Iraq, as do all sovereign nations, has the duty and responsibility to indict, prosecute, and punish criminals within its jurisdiction;

Whereas the Iraqi Special Tribunal holds the sovereign power to prosecute criminals;

Whereas certain accused individuals have allegedly committed egregious crimes against humanity, genocide, and war crimes;

Whereas the people of a free and democratic Iraq deserve justice for the horrific crimes inflicted upon them; and

Whereas the Iraqi Special Tribunal is empaneled to bring swift and impartial justice for the people, victims, and the nation of Iraq: Now, therefore, be it

Resolved, That the House of Representatives fully supports an independent Iraqi judiciary and its efforts to serve the cause of justice in a free and democratic Iraq.

The SPEAKER pro tempore, Mr. REICHERT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KING of Iowa, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

¶135.45 CONDEMNING SYRIAN ACTIONS

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 598); as amended:

Whereas on September 2, 2004, United Nations Security Council Resolution 1559 was adopted by the Security Council to address Syria's continued interference in Lebanese politics, reaffirming strict respect for Lebanon's sovereignty, and stipulating the withdrawal of all non-Lebanese forces from Lebanon and the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas on February 14, 2005, former Prime Minister of Lebanon Rafik Hariri and 22 others were killed in a terrorist bombing orchestrated by unidentified assailants;

Whereas on April 7, 2005, the United Nations Security Council adopted Resolution 1595, under which the Security Council decided to "establish an international independent investigation Commission [the UNIIC] based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices";

Whereas on October 19, 2005, the first report of the United Nations International

Independent Investigation Commission (UNIIC), headed by former German prosecutor Detlev Mehlis, found "there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act";

Whereas the October 19, 2005, report also asserted that "[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge";

Whereas on October 31, 2005, the United Nations Security Council adopted Resolution 1636, which expressed extreme concern that "Syrian authorities have cooperated in form but not in substance" with the UNIIC, that "several Syrian officials tried to mislead the investigation by giving false or inaccurate statements" and that "Syria's continued lack of cooperation with the inquiry would constitute a serious violation of its obligations";

Whereas on December 12, 2005, the second report of the UNIIC noted that "steady progress" has been made in the Lebanese portion of the investigation that "remains to be matched" in the Syrian portion of the investigation and recommended an extension of the UNIIC's investigative mandate by a "minimum period of six months" since substantive lines of enquiry are far from being completed and "given the slow pace with which the Syrian authorities are beginning to discharge their commitments to the [Security] Council";

Whereas Syria's actions to hinder the UNIIC's investigative efforts include credible reports of the arrest and threatening of close relatives of at least one crucial witness, delay caused by procedural maneuvering, and the report of two witnesses that all Syrian intelligence documents concerning Lebanon have been burned;

Whereas since the assassination of Rafik Hariri, intimidation of the press in Lebanon has increased and a series of attacks and explosions in Lebanon have occurred, targeting political leaders and journalists who have advocated Lebanese sovereignty, including Samir Qassir, May Chidiac, and most recently on December 12, 2005, the assassination of Gebran Tuéni, a Member of the Lebanese Parliament and the general manager of the Lebanese daily *an-Nahar*, which has been a vital editorial voice opposing Syrian political control and influence in Lebanon; and

Whereas Secretary of State Condoleezza Rice on December 12, 2005, expressed outrage at the assassination of Gebran Tuéni and stated: "Syrian interference in Lebanon continues, and it must end completely. The United States will work with its partners on the Security Council and in the region to see that Security Council Resolutions 1595 and 1636 are fully implemented." Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Syria for hindering and failing to cooperate fully in a timely and substantive manner with the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIC);

(2) expresses support for extending the investigative mandate of the UNIIC for at a minimum an additional six-month period as recommended by the UNIIC in order to fully ascertain the responsibility for the assassination of former Prime Minister of Lebanon Rafik Hariri;

(3) states its concern that insecurity in Lebanon could have a destabilizing effect on the region and harm the ability of the people

of Lebanon to strengthen democracy and economic prosperity in their country;

(4) expresses its gratitude to—

(A) chief investigator Detlev Mehlis and the UNIIC for their continuing efforts to uncover evidence related to the assassination of Rafik Hariri; and

(B) those who have freely assisted the UNIIC in its investigation;

(5) demands that Syria commit itself to expeditiously fulfill all obligations to cooperate with the UNIIC and to meet all obligations of United Nations Security Council Resolutions 1559, 1595, and 1636;

(6) encourages the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States in the United Nations Security Council to advocate for the application of punitive measures against Syria that target its leadership—including the enactment of punitive sanctions against Syria under Chapter VII of the Charter of the United Nations—if Syria further fails to cooperate fully with the ongoing UNIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636;

(7) urges the Government of the United States to support the extension of the jurisdiction of the UNIIC to cover assassinations and assassination attempts in Lebanon since October 1, 2004; and

(8) urges the President to implement further measures against the Syrian leadership in accordance with the requirements in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108-175), particularly if Syria further fails to cooperate fully with the ongoing UNIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636.

The SPEAKER pro tempore, Mr. REICHERT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. REICHERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed, until Thursday, December 15, 2005.

**THURSDAY, DECEMBER 15
(LEGISLATIVE DAY OF DECEMBER
14), 2005**

¶135.46 RECESS—12:02 A.M.

The SPEAKER pro tempore, Mr. REICHERT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 2 minutes a.m., subject to the call of the Chair.

¶135.47 AFTER RECESS—8:15 A.M.

The SPEAKER pro tempore, Mr. SESSIONS, called the House to order.

¶135.48 PROVIDING FOR THE
CONSIDERATION OF H.R. 4437

Mr. GINGREY, by direction of the Committee on Rules, reported (Rept. No. 109-347) the resolution (H. Res. 610) providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶135.49 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 449. An Act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Resources.

S. 1231. An Act to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education; to the Committee on Education and the Workforce; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶135.50 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1047. An Act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

¶135.51 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. Jo Ann DAVIS of Virginia, for December 16 and December 17;

To Mr. Mario DIAZ-BALART of Florida, for today;

To Mr. HYDE, for today; and

To Mr. POE, for today.

And then,

¶135.52 ADJOURNMENT

On motion of Mr. GINGREY, at 8 o'clock and 16 minutes a.m., Thursday, December 15 (legislative day of December 14), 2005, the House adjourned.

¶135.53 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 602. Resolution providing for consideration of the bill (H.R. 2830) to amend the Employee Retirement In-

come Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes (Rept. 109-346). Referred to the House Calendar.

[Filed on December 15 (legislative day of December 14), 2005]

Mr. GINGREY: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes (Rept. 109-347). Referred to the House Calendar.

¶135.54 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce and Ways and Means discharged from further consideration. H.R. 4437 referred to the Committees of the Whole House on the State of the Union and ordered to be printed.

¶135.55 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself and Mr. SHIMKUS):

H.R. 4524. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. MCKEON, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 4525. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARRETT of South Carolina (for himself, Mr. FRANKS of Arizona, and Mr. BISHOP of Utah):

H.R. 4526. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2011, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself and Mr. OSBORNE):

H.R. 4527. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans; to the Committee on Ways and Means.

By Mr. BOYD:

H.R. 4528. A bill to designate the Federal building and United States courthouse located at 111 North Adams Street in Tallahassee, Florida, as the 'William Stafford United States Courthouse'; to the Committee on Transportation and Infrastructure.

By Mr. CASE (for himself and Mr. ABERCROMBIE):

H.R. 4529. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969,

and for other purposes; to the Committee on Resources.

By Mr. CHANDLER (for himself and Mr. ROGERS of Kentucky):

H.R. 4530. A bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CRAMER:

H.R. 4531. A bill to authorize the Administrator of the Small Business Administration to deem certain small business concerns qualified HUBZone small business concerns; to the Committee on Small Business.

By Mr. CRAMER:

H.R. 4532. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax to encourage them to have their employees provide volunteer services that aid science, mathematics, and engineering education in grades K-12; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4533. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 4534. A bill to amend the Internal Revenue Code of 1986 to reform the charitable contribution deduction rules on contributions of certain easements on buildings in registered historic districts, and for other purposes; to the Committee on Ways and Means.

By Mr. KIRK (for himself, Mr. UPTON, Mr. PLATTS, Mr. PENCE, Mr. BASS, Mr. TERRY, Mr. SHADEGG, Mr. PRICE of Georgia, Mrs. MYRICK, Mr. MANZULLO, Mr. SODREL, Mr. HOEKSTRA, Mr. DENT, Mr. GERLACH, Mr. REICHERT, Mr. SIMMONS, Mr. MCCAUL of Texas, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. BRADLEY of New Hampshire, Mr. ENGLISH of Pennsylvania, Mr. SCHWARZ of Michigan, Mr. SHAYS, and Mr. SHIMKUS):

H.R. 4535. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. BOUCHER, and Mr. DOOLITTLE):

H.R. 4536. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. OWENS, Mr. NADLER, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Mr. BISHOP of Georgia, Mr. KILDEE, Mr. KIND, Mr. HOLDEN, Mr. GUTIERREZ, Mr. KUCINICH, Mr. SCHIFF, Mr. MCDERMOTT, Mr. HASTINGS of Florida, and Mr. FALEOMAVAEGA):

H.R. 4537. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. MATHESON (for himself, Ms. BERKLEY, Mr. GIBBONS, Mr. BISHOP of Utah, Mr. CANNON, and Mr. PORTER):
H.R. 4538. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE:
H.R. 4539. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. WYNN, Mr. OWENS, Mr. VAN HOLLEN, Mr. RANGEL, Mr. HINOJOSA, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. SHERMAN, Mr. MICHAUD, Ms. HERSETH, Ms. CARSON, Mr. PALLONE, Mr. GRIJALVA, Mr. MCINTYRE, Mr. McDERMOTT, Mr. KUCINICH, Ms. SOLIS, Ms. NORTON, Mr. GUTIERREZ, Mr. BOUCHER, Mr. ACKERMAN, Mr. SCOTT of Georgia, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. CLEAVER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. HONDA, Mr. RYAN of Ohio, Ms. ROS-LEHTINEN, Mr. STARK, Ms. MATSUI, Mr. TOWNS, Mr. LYNCH, Mr. McNULTY, Mr. LANTOS, Mr. WEINER, Mr. KILDEE, Ms. WOOLSEY, Mr. LANGEVIN, and Mr. MEEHAN):

H.R. 4540. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. FILNER, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. GRIJALVA, Mr. OWENS, Mr. KILDEE, Mr. SABO, Mr. MCGOVERN, Mr. SANDERS, Mr. ISRAEL, Mr. EVANS, Mr. LEWIS of Georgia, Ms. McCOLLUM of Minnesota, and Mr. PALLONE):

H.R. 4541. A bill to amend the Federal Water Pollution Control Act to improve the quality of the waters of the United States in an equitable manner; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. YOUNG of Alaska, Mr. COSTELLO, Mr. LOBIONDO, Mr. DEFazio, Ms. BERKLEY, Mr. BOSWELL, Mr. GRAVES, Mr. SMITH of New Jersey, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. MENENDEZ, Mr. LYNCH, Mr. EVANS, Mr. MCHUGH, Ms. KILPATRICK of Michigan, Mr. ROTHMAN, Mr. VISCLOSKEY, Mr. HINCHEY, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. MARSHALL, Mr. RAHALL, Mrs. MCCARTHY, Mr. LATOURETTE, Mr. MURPHY, Mr. SIMMONS, Mr. FERGUSON, Mr. MCINTYRE, Mr. McNULTY, Mr. UDALL of New Mexico, Mr. BACA, Mr. PAYNE, Mr. ANDREWS, Mr. MEEK of Florida, Mr. MICHAUD, Mr. MATHESON, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. ENGEL, Mr. COSTA, Mr. HOLDEN, Mr.

CUMMINGS, Mr. NEY, Mr. DICKS, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. GENE GREEN of Texas, Mr. PASTOR, Mr. LANGEVIN, Mr. STRICKLAND, Mr. CARDIN, Mr. DUNCAN, Mr. BAIRD, Mr. BERRY, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. CARTER, and Mr. FILNER):

H.R. 4542. A bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself and Ms. BERKLEY):

H.R. 4543. A bill to express the policy of the United States to ensure the divestiture of United States pension plans or thrift savings plans and mutual funds sold or distributed in the United States in any bank or financial institution that directly or through a subsidiary has outstanding loans to or financial activities in the Kingdom of Saudi Arabia or its instrumentalities, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 4544. A bill to amend the Public Health Service Act to revise and expand the section 340B program to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Energy and Commerce.

By Ms. LINDA T. SANCHEZ of California (for herself and Mrs. NAPOLITANO):

H.R. 4545. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. AKIN, Mr. BASS, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mrs. BONO, Mr. CAMPBELL of California, Mr. CHOCOLA, Mr. CULBERSON, Mr. FLAKE, Ms. FOXX, Mr. FORTENBERRY, Mr. GINGREY, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. McCAUL of Texas, Mr. McCOTTER, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. PAUL, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. REICHERT, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. TERRY, Mr. WESTMORELAND, and Mrs. WILSON of New Mexico):

H.R. 4546. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 4547. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. McCOTTER, Mr. MURPHY, Ms. HART, Mr. SULLIVAN, Mr. NUNES, Mr. FORTENBERRY, Mr. WALDEN of Oregon, Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, Mr. MORAN of Kansas, Mr. HOEKSTRA, Mr. SHADEGG, Mr. KIRK, Mr. ROGERS of Michigan, Mr. AKIN, Mr. HOSTETTLER, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. HAYWORTH, Ms. FOXX, Mr. McCAUL of Texas, Mr. HENSARLING, and Mr. PENCE):

H.R. 4548. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on Government Reform.

By Mr. JENKINS:

H.J. Res. 74. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. HYDE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BACHUS, Mr. BAIRD, Mr. BAKER, Ms. BALDWIN, Mr. BARROW, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BLUNT, Mrs. BONO, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CANTOR, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASE, Mr. CHABOT, Mr. CHANDLER, Mr. CLEAVER, Mr. CLYBURN, Mr. CONAWAY, Mr. CONYERS, Mr. COSTA, Mr. COSTELLO, Mr. COOPER, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Ms. DELAURO, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DELAY, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. EMANUEL, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FEENEY, Mr. FILNER, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FORD, Mr. FORTENBERRY, Mr. FOSSELLA, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. HEFLEY, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Ms. KAPTUR, Mr. KELLER, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Minnesota, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. KUHLMANN of New York, Mr. LANTOS, Mr. LANGEVIN, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. DANIEL E.

LUNGREN of California, Mr. MACK, Mrs. MALONEY, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY, Miss MCMORRIS, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. McDERMOTT, Mr. McNULTY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MELANCON, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. MOLLOHAN, Mrs. CAPITO, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PLATTS, Mr. POE, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RANGEL, Mr. REYNOLDS, Mr. RENZI, Ms. ROSLEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SABO, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAW, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SPYDER, Mr. SODREL, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKEY, Ms. VELÁZQUEZ, Mr. WALSH, Mr. WAXMAN, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, Mr. WEXLER, Mr. WICKER, Mr. WOLF, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YOUNG of Florida):

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month; to the Committee on Government Reform.

By Mr. CHABOT:

H. Con. Res. 316. Concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2006 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. WEXLER, Mr. LANTOS, and Mr. ACKERMAN):

H. Res. 598. A resolution condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIC), expressing support for extending the UNIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty; to the Committee on International Relations.

By Mr. GILCHREST (for himself, Mr. CASE, and Mr. SAXTON):

H. Res. 599. A resolution establishing the Task Force on Ocean Policy; to the Committee on Rules.

By Mr. ROTHMAN (for himself and Mr. RAMSTAD):

H. Res. 600. A resolution calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Ms. ROS-LEHTINEN, Mr. SULLIVAN, Mr. CONAWAY, Mr. KELLER, Mr. MCCOTTER, Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, Mr. ADERHOLT, Mr. AKIN, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. ACKERMAN, Mr. SAXTON, Mr. KENNEDY of Minnesota, Mr. NORWOOD, Mr. ROGERS of Alabama, Mr. LEWIS of Kentucky, Mr. SENSENBRENNER, Mr. BOREN, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. CARDOZA, Mr. SIMMONS, Mr. MURPHY, Mr. BROWN of South Carolina, Mr. NEY, Mr. FOSSELLA, Mrs. BONO, Mr. TANCREDO, Mr. FERGUSON, Mr. GERLACH, Mr. WEXLER, and Mr. CHANDLER):

H. Res. 601. A resolution condemning in strongest terms Iranian President Mahmoud Ahmadinejad's hateful rhetoric directed toward Israel; to the Committee on International Relations.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mr. SHERMAN, Mrs. MALONEY, Ms. LEE, Mr. PALLONE, Ms. BERKLEY, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, and Mr. KUCINICH):

H. Res. 603. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Res. 604. A resolution recognizing the 100th anniversary of the establishment of the paid Fire Department of New York on Staten Island, and for other purposes; to the Committee on Government Reform.

By Mr. FOSSELLA:

H. Res. 605. A resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States; to the Committee on Government Reform.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H. Res. 606. A resolution congratulating the University of Maryland Terrapins men's soccer team, the 2005 National Collegiate Athletic Association Champions; to the Committee on Education and the Workforce.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H. Res. 607. A resolution congratulating the University of Maryland Terrapins women's field hockey team on winning the 2005 National College Athletic Association Championship; to the Committee on Education and the Workforce.

By Mr. MCCOTTER:

H. Res. 608. A resolution condemning the escalating levels of religious persecution in the People's Republic of China; to the Committee on International Relations.

By Mr. NADLER:

H. Res. 609. A resolution expressing the sense of the House of Representatives in support of providing fair and up-to-date teaching in United States secondary schools of the developments of modern day Russia; to the Committee on Education and the Workforce.

135.56 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. CONAWAY.
 H.R. 69: Mr. CONAWAY.
 H.R. 147: Ms. FOX, and Mrs. JONES of Ohio.
 H.R. 282: Mr. BISHOP of Utah.
 H.R. 284: Mr. EVANS.
 H.R. 311: Mr. MEEHAN.
 H.R. 314: Mr. PRICE of Georgia.
 H.R. 414: Mr. DICKS, Mr. ANDREWS, Mr. FORD, Mr. BROWN of Ohio, Mr. SMITH of Washington, and Ms. ROS-LEHTINEN.
 H.R. 415: Mr. KUHL of New York and Mr. DOYLE.
 H.R. 517: Mr. SCOTT of Georgia, Mr. SMITH of Washington, and Mr. MARSHALL.
 H.R. 602: Ms. NORTON.
 H.R. 651: Mr. SALAZAR.
 H.R. 783: Mr. MEEHAN and Mr. CASE.
 H.R. 808: Mr. BOUSTANY and Mr. MARCHANT.
 H.R. 817: Mr. LYNCH, Mr. COSTELLO, and Mr. WOLF.
 H.R. 874: Mr. LATHAM.
 H.R. 916: Mr. WELDON of Pennsylvania, Mr. LARSON of Connecticut, and Ms. SOLIS.
 H.R. 968: Mr. BOUSTANY and Mr. GARRETT of New Jersey.
 H.R. 995: Mr. GOODE.
 H.R. 998: Mrs. EMERSON.
 H.R. 1053: Mr. GALLEGLY, Mr. MARIO DIAZ-BALART of Florida, and Mr. FOSSELLA.
 H.R. 1081: Mrs. MALONEY.
 H.R. 1120: Mr. LARSEN of Washington and Mr. OTTER.
 H.R. 1144: Mr. ABERCROMBIE, Mr. STARK, Mr. KILDEE, Ms. MCKINNEY, and Ms. SCHAKOWSKY.
 H.R. 1217: Mr. FITZPATRICK of Pennsylvania.
 H.R. 1249: Ms. BEAN.
 H.R. 1259: Mrs. DRAKE, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. TIBERI, Mr. EVERETT, Mr. FARR, Mr. CAPUANO, Ms. PELOSI, Mrs. LOWEY, Mr. McNULTY, Ms. BALDWIN, Mr. OBEY, Mr. PASTOR, and Ms. WOOLSEY.
 H.R. 1264: Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, and Mr. NEY.
 H.R. 1277: Mr. MEEHAN.
 H.R. 1288: Mr. HIGGINS.
 H.R. 1356: Mr. MEEHAN.
 H.R. 1405: Mr. BEAUPREZ.
 H.R. 1426: Mr. McHUGH and Mr. MEEHAN.
 H.R. 1634: Mr. HOLDEN.
 H.R. 1646: Mr. MCGOVERN and Mr. ENGLISH of Pennsylvania.
 H.R. 1704: Ms. LINDA T. SANCHEZ of California and Mr. LEWIS of Georgia.
 H.R. 1806: Mr. STUPAK.
 H.R. 1956: Mr. ENGLISH of Pennsylvania, Ms. HERSETH, Mr. MURPHY, and Mr. BISHOP of Utah.
 H.R. 2012: Mr. BOEHLERT.
 H.R. 2072: Mr. CONYERS.
 H.R. 2076: Mr. SOUDER.
 H.R. 2134: Mr. FOLEY.
 H.R. 2294: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 2345: Mr. HIGGINS.
 H.R. 2378: Mr. JENKINS.
 H.R. 2498: Mr. MILLER of North Carolina.
 H.R. 2553: Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, and Mr. AL GREEN of Texas.
 H.R. 2669: Mr. WELDON of Pennsylvania, Mr. DEFazio, Ms. KILPATRICK of Michigan, Mrs. DAVIS of California, Mr. WYNN, Mrs. JOHNSON of Connecticut, Ms. LINDA T. SANCHEZ of California, Ms. SOLIS, Ms. MATSUI, Mr. MCGOVERN, and Mr. GALLEGLY.
 H.R. 2694: Mr. BAIRD.
 H.R. 2799: Mrs. JO ANN DAVIS of Virginia.
 H.R. 2803: Mr. KNOLLENBERG and Mr. PRICE of North Carolina.
 H.R. 2808: Mrs. KELLY and Mr. GILLMOR.

H.R. 2828: Mr. WEINER.
 H.R. 2835: Mr. MEEHAN.
 H.R. 2892: Ms. DELAURO and Mr. SHAYS.
 H.R. 2943: Mr. KELLER and Ms. HART.
 H.R. 3000: Ms. MCKINNEY.
 H.R. 3005: Mrs. JOHNSON of Connecticut.
 H.R. 3042: Mr. BACA.
 H.R. 3072: Ms. MOORE of Wisconsin.
 H.R. 3127: Mrs. LOWEY, Ms. BERKLEY, and Mr. FRELINGHUYSEN.
 H.R. 3313: Mr. FILNER, Ms. BEAN, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.
 H.R. 3323: Mr. SHAW.
 H.R. 3406: Mr. SHERMAN.
 H.R. 3427: Mr. BISHOP of New York.
 H.R. 3479: Mr. ANDREWS.
 H.R. 3547: Mr. WEXLER.
 H.R. 3550: Mr. UDALL of New Mexico, Mr. KILDEE, Mr. TOWNS, Mr. BERMAN, Mr. PRICE of North Carolina, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. ROTHMAN, Mr. MCCOTTER, Mr. WAXMAN, Mr. DOYLE, Mr. TAYLOR of Mississippi, Mr. ETHERIDGE, Mr. GRIJALVA, and Mr. MCGOVERN.
 H.R. 3561: Mr. OLVER, Mr. ALLEN, Mr. KENNEDY of Rhode Island, and Mr. RAHALL.
 H.R. 3599: Mr. OWENS, Mr. HIGGINS, Mr. ISRAEL, Mr. LAHOOD, Ms. SLAUGHTER, and Mr. SOUDER.
 H.R. 3640: Ms. MCKINNEY.
 H.R. 3641: Ms. MCKINNEY, Ms. WOOLSEY, Mr. WEXLER, and Mr. FOLEY.
 H.R. 3642: Ms. MCKINNEY.
 H.R. 3717: Mr. WILSON of South Carolina.
 H.R. 3861: Mr. PASTOR, Mr. BAIRD, Mr. GORDON, and Mr. AL GREEN of Texas.
 H.R. 3925: Mr. OWENS.
 H.R. 3931: Ms. BALDWIN, Mr. LYNCH, Ms. MILLENDER-MCDONALD, Mr. FITZPATRICK of Pennsylvania, Mr. HIGGINS, Ms. MATSUI, and Ms. LORETTA SANCHEZ of California.
 H.R. 4025: Mr. PETERSON of Minnesota, Mrs. LOWEY, and Mr. GARRETT of New Jersey.
 H.R. 4033: Mr. PALLONE.
 H.R. 4042: Mr. THORNBERY.
 H.R. 4049: Ms. LORETTA SANCHEZ of California and Mr. STARK.
 H.R. 4079: Mr. POE.
 H.R. 4098: Mr. HOLDEN and Mr. MCHUGH.
 H.R. 4120: Mr. TANCREDO.
 H.R. 4167: Mr. RYUN of Kansas, Mr. NUSSLE, Mr. JENKINS, Mr. ISRAEL, Mr. COSTELLO, Mr. WELDON of Pennsylvania, Mr. POE, Ms. HERSETH, and Mr. MCCRERY.
 H.R. 4168: Mr. AKIN.
 H.R. 4180: Mr. LEWIS of Kentucky.
 H.R. 4190: Mr. SHERMAN.
 H.R. 4217: Mr. SAM JOHNSON of Texas and Mrs. JOHNSON of Connecticut.
 H.R. 4223: Ms. SOLIS.
 H.R. 4236: Mr. HASTINGS of Washington.
 H.R. 4253: Mr. FOLEY.
 H.R. 4278: Mrs. NAPOLITANO.
 H.R. 4300: Mr. LIPINSKI and Mr. RENZI.
 H.R. 4315: Mr. CAMP of Michigan, Mr. WILSON of South Carolina, Mr. FITZPATRICK of Pennsylvania, Mr. SULLIVAN, and Mr. WESTMORELAND.
 H.R. 4330: Mr. MACK and Mr. HASTINGS of Florida.
 H.R. 4332: Mr. BERRY and Mr. FILNER.
 H.R. 4350: Mr. SMITH of Washington, Mr. KUCINICH, Mr. SANDERS, and Mr. LEWIS of Georgia.
 H.R. 4357: Mr. EHLERS, Mr. RENZI, and Mr. FOLEY.
 H.R. 4361: Mr. MILLER of Florida.
 H.R. 4381: Mr. KENNEDY of Minnesota, Ms. WASSERMAN SCHULTZ, and Mr. SENSENBRENNER.
 H.R. 4384: Mr. UDALL of Colorado and Mr. SANDERS.
 H.R. 4446: Mr. COSTELLO.
 H.R. 4447: Mr. HONDA, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Ms. HERSETH, and Mr. GRIJALVA.
 H.R. 4452: Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. BERRY, Mr. LARSEN of

Washington, Mr. BRADY of Pennsylvania, Mr. ACKERMAN, and Mr. BROWN of Ohio.
 H.R. 4476: Mr. DOGGETT, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Mr. LARSON of Connecticut, and Ms. SOLIS.
 H.R. 4506: Mr. MEEHAN, Mr. BROWN of Ohio, Mr. WEXLER, Mr. PALLONE, Mr. ACKERMAN, Mr. UDALL of New Mexico, Mr. SPRATT, Mr. MCGOVERN, Mr. ISRAEL, Ms. HOOLEY, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. INSLER, Mr. LEVIN, and Ms. CARSON.
 H.R. 4516: Mr. RANGEL and Mr. MCNULTY.
 H.R. 4520: Mr. MCINTYRE and Ms. SOLIS.
 H.J. Res. 73: Mr. DAVIS of Illinois, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. PALLONE, Ms. VELÁZQUEZ, Mr. EVANS, Mr. TIERNEY, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. FILNER, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, Ms. DEGETTE, Mr. KANJORSKI, Mr. PASCRELL, and Mr. VISCLOSKEY.
 H. Con. Res. 24: Mr. MEEHAN.
 H. Con. Res. 99: Mr. MEEHAN.
 H. Con. Res. 137: Mr. GARY G. MILLER of California.
 H. Con. Res. 138: Mr. RANGEL.
 H. Con. Res. 172: Mr. MEEHAN.
 H. Con. Res. 174: Mr. ROTHMAN, and Mr. ENGEL.
 H. Con. Res. 177: Mr. SCHWARZ of Michigan and Mr. ENGLISH of Pennsylvania.
 H. Con. Res. 197: Mr. EVANS.
 H. Con. Res. 231: Mr. SPRATT.
 H. Con. Res. 287: Mr. NADLER, Mr. ETHERIDGE, Mr. STRICKLAND, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Ms. PELOSI, and Mr. ROSS.
 H. Con. Res. 302: Mr. PLATTS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, and Mr. LEWIS of Kentucky.
 H. Con. Res. 314: Ms. SLAUGHTER.
 H. Res. 483: Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, Mr. HONDA, Mrs. CAPPAS, Mrs. MALONEY, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Ms. LEE, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. BECERRA, Mrs. LOWEY, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, Mr. SCHIFF, Mr. SHERMAN, Mr. CONYERS, Mr. BACA, Ms. BORDALLO, Mrs. BIGGERT, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. REICHERT, Mr. CAPUANO, Mr. DAVIS of Alabama, Mrs. BONO, Ms. WATSON, Mr. PALLONE, Mrs. DAVIS of California, Mr. JEFFERSON, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. HOOLEY, Ms. MATSUI, Mr. TOWNS, Mr. ENGEL, Ms. ROYBAL-ALLARD, Mr. SCOTT of Virginia, and Ms. HERSETH.
 H. Res. 521: Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. DOYLE, and Mr. CLAY.
 H. Res. 526: Mr. PASCRELL.
 H. Res. 544: Mr. CARNAHAN.
 H. Res. 545: Mr. CARDIN, Ms. BERKLEY, Mr. ROGERS of Alabama, Mr. DELAHUNT, and Mr. PITTS.
 H. Res. 556: Mr. LEWIS of Kentucky.
 H. Res. 575: Mr. NEUGEBAUER, Mr. BEAUPREZ, Mr. COOPER, Mr. PLATTS, Mr. LINDER, Mr. PICKERING, Mrs. SCHMIDT, Mr. FILNER, Mr. OTTER, Mr. DANIEL E. LUNGREN of California, Mrs. BLACKBURN, Mr. HENSARLING, Mr. ROGERS of Alabama, Mr. HASTINGS of Washington, Mr. MATHESON, Mr. HOYER, Ms. DELAURO, Mr. SENSENBRENNER, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. BACHUS, Mrs. BONO, and Mr. DOYLE.
 H. Res. 577: Mr. DUNCAN.
 H. Res. 578: Mr. GORDON.
 H. Res. 579: Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of New Jersey, Mr. MURPHY, Mr. SOUDER, and Mr. LEWIS of Kentucky.
 H. Res. 589: Mr. ENGLISH of Pennsylvania.

H. Res. 592: Mr. HOYER.

THURSDAY, DECEMBER 15, 2005 (136)

The House was called to order by the SPEAKER.

136.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, December 14, 2005.

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

136.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5688. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Information Technology Equipment — Screening of Government Inventory [DFARS Case 2003-D054] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5689. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Modifications [DFARS Case 2003-D024] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5690. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Administration [DFARS Case 2003-D023] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5691. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extraordinary Contractual Actions [DFARS Case 2003-D048] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5692. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Telecommunications Services [DFARS Case 2003-D055] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

136.3 PROVIDING FOR THE CONSIDERATION OF H.R. 2830

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 602):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes. The bill shall be considered as read. In lieu of the amendments recommended by the Committees on Education and the Workforce and Ways and Means now

printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2830 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

136.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4437

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 610):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as

amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. After disposition of the further amendments printed in part B of the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

When said resolution was considered.

After debate,

On motion of Mr. GINGREY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. HASTINGS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

136.5 H. RES. 602—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 602) providing for the consideration of the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 226 Nays 199

136.6 [Roll No. 633]

YEAS—226

- Aderholt Boozman Coble
Akin Boustany Cole (OK)
Alexander Bradley (NH) Conaway
Bachus Brady (TX) Crenshaw
Baker Brown (SC) Cubin
Barrett (SC) Brown-Waite, Cuellar
Bartlett (MD) Ginny Culberson
Barton (TX) Burgess Davis (KY)
Bass Burton (IN) Davis, Jo Ann
Beauprez Buyer Davis, Tom
Biggart Calvert Deal (GA)
Bilirakis Camp (MI) DeLay
Bishop (UT) Campbell (CA) Dent
Blackburn Cannon Diaz-Balart, L.
Blunt Cantor Doolittle
Boehlert Capito Drake
Boehner Carter Dreier
Bonilla Castle Duncan
Bonner Chabot Ehlers
Bono Chocola Emerson

- English (PA) Knollenberg Regula
Everett Kolbe Rehberg
Feeney Kuhl (NY) Reichert
Ferguson LaHood Renzi
Flake Latham Reynolds
Foley LaTourrette Rogers (AL)
Forbes Leach Rogers (KY)
Fortenberry Lewis (CA) Rogers (MI)
Foxy Lewis (KY) Rohrabacher
Franks (AZ) Linder Ros-Lehtinen
Frelinghuysen LoBiondo Royce
Gallegly Lucas Ryan (WI)
Garrett (NJ) Lungren, Daniel Ryun (KS)
Gerlach E. Saxton
Gibbons Mack Schmidt
Gilchrest Manullo Schwarz (MI)
Gillmor Marchant Sensenbrenner
Gingrey McCaul (TX) Sessions
Gohmert McCotter Shadegg
Goode McCrery Shaw
Goodlatte McHenry Shays
Granger McKeon Sherwood
Graves McMorris Shimkus
Green (WI) Mica Shuster
Gutknecht Miller (FL) Simmons
Hall Miller (MI) Simpson
Harris Miller, Gary Smith (NJ)
Hart Moran (KS) Smith (TX)
Hastings (WA) Murphy Sodrel
Hayes Musgrave Souder
Hayworth Myrick Stearns
Hefley Neugebauer Sullivan
Hensarling Ney Sweetney
Herger Northup Tancredo
Hobson Norwood Taylor (NC)
Hoekstra Nunes Terry
Hostettler Nussle Thomas
Hulshof Oberstar Thornberry
Hunter Osborne Tiahrt
Inglis (SC) Otter Tiberi
Issa Oxley Turner
Istook Pearce Upton
Jenkins Pence Walden (OR)
Jindal Peterson (PA) Walsh
Johnson (CT) Petri Wamp
Johnson (IL) Pickering Weldon (FL)
Johnson, Sam Pitts Weldon (PA)
Jones (NC) Platts Weller
Keller Poe Westmoreland
Kelly Pombo Whitfield
Kennedy (MN) Porter Wicker
King (IA) Price (GA) Wilson (NM)
King (NY) Pryce (OH) Wilson (SC)
Kingston Putnam Wolf
Kirk Radanovich Young (AK)
Kline Ramstad Young (FL)

NAYS—199

- Abercrombie Davis (IL) Jackson-Lee
Ackerman Davis (TN) (TX)
Allen DeFazio Jefferson
Andrews DeGette Johnson, E. B.
Baca Delahunt Jones (OH)
Baird DeLauro Kanjorski
Baldwin Dicks Kaptur
Barrow Dingell Kennedy (RI)
Bean Doggett Kildeer
Becerra Doyle Kilpatrick (MI)
Berman Edwards Kind
Berry Emanuel Kucinich
Bishop (GA) Engel Langevin
Bishop (NY) Eshoo Lantos
Blumenauer Etheridge Larsen (WA)
Boren Evans Larson (CT)
Boswell Farr Lee
Boyd Fattah Levin
Brady (PA) Filner Lewis (GA)
Brown (OH) Ford Lipinski
Brown, Corrine Frank (MA) Lofgren, Zoe
Butterfield Gonzalez Lowey
Capps Capuano Lynch
Cardin Cardin Green, Al Maloney
Cardoza Green, Gene Markey
Carnahan Grijalva Marshall
Carson Gutierrez Matheson
Case Harman Matsui
Chandler Hastings (FL) McCarthy
Clay Herseth McCollum (MN)
Cleaver Higgins McDermott
Clyburn Hinchey McGovern
Conyers Hinojosa McIntyre
Cooper Holden McKinney
Cooper Holt McNulty
Costa Honda Meehan
Costello Honda Meek (FL)
Cramer Hooley Meeks (NY)
Crowley Hoyer Melancon
Cummings Inslee Menendez
Davis (AL) Israel
Davis (CA) Jackson (IL) Michaud

Millender-McDonald	Reyes	Strickland
Miller (NC)	Ross	Stupak
Miller, George	Rothman	Tanner
Mollohan	Roybal-Allard	Tauscher
Moore (KS)	Ruppersberger	Taylor (MS)
Moore (WI)	Rush	Thompson (CA)
Moran (VA)	Ryan (OH)	Thompson (MS)
Murtha	Sabo	Tierney
Nadler	Salazar	Towns
Napolitano	Sánchez, Linda T.	Udall (CO)
Neal (MA)	Sanchez, Loretta	Udall (NM)
Obey	Sanders	Van Hollen
Oliver	Schakowsky	Velázquez
Ortiz	Schiff	Visclosky
Owens	Schwartz (PA)	Wasserman
Pallone	Scott (GA)	Schultz
Pascarell	Scott (VA)	Waters
Pastor	Serrano	Watson
Paul	Sherman	Watt
Payne	Skelton	Waxman
Pelosi	Slaughter	Weiner
Peterson (MN)	Smith (WA)	Wexler
Pomeroy	Snyder	Woolsey
Price (NC)	Solis	Wu
Rahall	Spratt	Wynn
Rangel	Stark	

NOT VOTING—8

Berkley	Diaz-Balart, M.	Hyde
Boucher	Fitzpatrick (PA)	McHugh
Davis (FL)	Fossella	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

136.7 PENSION PROTECTION

Mr. BOEHNER, pursuant to House Resolution 602, called up for consideration the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 602, the SPEAKER pro tempore, Mrs. CAPITO, recognized Messrs. BOEHNER, George MILLER of California, CAMP of Michigan, and RANGEL for 22 1/2 minutes each.

Pursuant to House Resolution 602, in lieu of the amendments recommended by the Committee on Education and the Workforce and the Committee on Ways and Means printed in the bill, the following amendment in the nature of a substitute, printed in part A of House Report 109-346, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pension Protection Act of 2005”.

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

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 101. Minimum funding standards.

Sec. 102. Funding rules for single-employer defined benefit pension plans.

Sec. 103. Benefit limitations under single-employer plans.

Sec. 104. Technical and conforming amendments.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 111. Minimum funding standards.

Sec. 112. Funding rules for single-employer defined benefit pension plans.

Sec. 113. Benefit limitations under single-employer plans.

Sec. 114. Technical and conforming amendments.

Subtitle C—Other Provisions

Sec. 121. Modification of transition rule to pension funding requirements.

Sec. 122. Treatment of nonqualified deferred compensation plans when employer defined benefit plan in at-risk status.

TITLE II—FUNDING RULES FOR MULTI-EMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 201. Funding rules for multiemployer defined benefit plans.

Sec. 202. Additional funding rules for multi-employer plans in endangered or critical status.

Sec. 203. Measures to forestall insolvency of multiemployer plans.

Sec. 204. Withdrawal liability reforms.

Sec. 205. Removal of restrictions with respect to procedures applicable to disputes involving withdrawal liability.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 211. Funding rules for multiemployer defined benefit plans.

Sec. 212. Additional funding rules for multi-employer plans in endangered or critical status.

Sec. 213. Measures to forestall insolvency of multiemployer plans.

TITLE III—OTHER PROVISIONS

Sec. 301. Interest rate for 2006 funding requirements.

Sec. 302. Interest rate assumption for determination of lump sum distributions.

Sec. 303. Interest rate assumption for applying benefit limitations to lump sum distributions.

Sec. 304. Distributions during working retirement.

Sec. 305. Other amendments relating to prohibited transactions.

Sec. 306. Correction period for certain transactions involving securities and commodities.

Sec. 307. Recovery by reimbursement or subrogation with respect to provided benefits.

Sec. 308. Exercise of control over plan assets in connection with qualified changes in investment options.

Sec. 309. Clarification of fiduciary rules.

Sec. 310. Government Accountability Office pension funding report.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

Sec. 401. Increases in PBGC premiums.

TITLE V—DISCLOSURE

Sec. 501. Defined benefit plan funding notices.

Sec. 502. Additional disclosure requirements.

Sec. 503. Section 4010 filings with the PBGC.

TITLE VI—INVESTMENT ADVICE

Sec. 601. Amendments to Employee Retirement Income Security Act of 1974 providing prohibited transaction exemption for provision of investment advice.

Sec. 602. Amendments to Internal Revenue Code of 1986 providing prohibited transaction exemption for provision of investment advice.

TITLE VII—BENEFIT ACCRUAL STANDARDS

Sec. 701. Benefit accrual standards.

TITLE VIII—DEDUCTION LIMITATIONS

Sec. 801. Increase in deduction limits.

Sec. 802. Updating deduction rules for combination of plans.

TITLE IX—ENHANCED RETIREMENTS SAVINGS AND DEFINED CONTRIBUTION PLANS

Sec. 901. Pensions and individual retirement arrangement provisions of Economic Growth and Tax Relief Reconciliation Act of 2001 made permanent.

Sec. 902. Saver's credit.

Sec. 903. Increasing participation through automatic contribution arrangements.

Sec. 904. Penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

Sec. 905. Waiver of 10 percent early withdrawal penalty tax on certain distributions of pension plans for public safety employees.

Sec. 906. Combat zone compensation taken into account for purposes of determining limitation and deductibility of contributions to individual retirement plans.

Sec. 907. Direct payment of tax refunds to individual retirement plans.

Sec. 908. IRA eligibility for the disabled.

Sec. 909. Allow rollovers by nonspouse beneficiaries of certain retirement plan distributions.

TITLE X—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

Sec. 1001. Treatment of annuity and life insurance contracts with a long-term care insurance feature.

Sec. 1002. Disposition of unused health and dependent care benefits in cafeteria plans and flexible spending arrangements.

Sec. 1003. Distributions from governmental retirement plans for health and long-term care insurance for public safety officers.

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Provisions relating to plan amendments.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 101. MINIMUM FUNDING STANDARDS.

(a) REPEAL OF EXISTING FUNDING RULES.—Sections 302 through 308 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082 through 1086) are repealed.

(b) NEW MINIMUM FUNDING STANDARDS.—Part 3 of subtitle B of title I of such Act (as amended by subsection (a)) is amended further by inserting after section 301 the following new section:

“MINIMUM FUNDING STANDARDS

“SEC. 302. (a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

“(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

“(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

“(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 303 for the plan for the plan year,

“(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the

plan for the plan year which are required under the terms of the plan, and

“(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 304 as of the end of the plan year.

“(b) LIABILITY FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 303(j)) shall be paid by the employer responsible for making contributions to or under the plan.

“(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

“(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

“(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

“(A) IN GENERAL.—If—

“(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

“(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary of the Treasury may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary of the Treasury shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

“(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

“(i) in the case of a single-employer plan, the minimum required contribution under section 303 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 303(e), and

“(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 304(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 304(b)(2)(C).

“(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary of the Treasury may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

“(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

“(A) the employer is operating at an economic loss,

“(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

“(C) the sales and profits of the industry concerned are depressed or declining, and

“(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

“(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term ‘waived funding deficiency’ means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary of the Treasury and not satisfied by employer contributions.

“(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

“(A) SECURITY MAY BE REQUIRED.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary of the Treasury may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15)) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

“(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13)), or a member of such sponsor’s controlled group (within the meaning of section 4001(a)(14)).

“(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary of the Treasury shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

“(i) provide the Pension Benefit Guaranty Corporation with—

“(I) notice of the completed application for any waiver or modification, and

“(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

“(ii) consider—

“(I) any comments of the Corporation under clause (i)(II), and

“(II) any views of any employee organization (within the meaning of section 3(4)) representing participants in the plan which are submitted in writing to the Secretary of the Treasury in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p) of the Internal Revenue Code of 1986.

“(C) EXCEPTION FOR CERTAIN WAIVERS.—

“(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

“(I) the aggregate unpaid minimum required contribution for the plan year and all preceding plan years, and

“(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 303(e)(2),

is less than \$1,000,000.

“(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

“(iii) UNPAID MINIMUM REQUIRED CONTRIBUTION.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘unpaid minimum required contribution’ means, with respect to any plan year, any minimum required contribution under section 303 for the plan year which is not paid on or before the due date (as determined under section 303(j)(1)) for the plan year.

“(II) ORDERING RULE.—For purposes of subclause (I), any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for

all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 303 for the plan year.

“(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

“(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary of the Treasury not later than the 15th day of the 3rd month beginning after the close of such plan year.

“(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

“(i) with respect to such employer, and

“(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary of the Treasury may provide that an analysis of a trade or business or industry of a member need not be conducted if such Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

“(6) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such waiver to each affected party (as defined in section 4001(a)(21)). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

“(7) RESTRICTION ON PLAN AMENDMENTS.—

“(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 304(d) is in effect with respect to the plan, or if a plan amendment described in subsection (d)(2) has been made at any time in the preceding 12 months (24 months in the case of a multiemployer plan). If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

“(B) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

“(i) the Secretary of the Treasury determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(ii) only repeals an amendment described in subsection (d)(2), or

“(iii) is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

“(8) CROSS REFERENCE.—For corresponding duties of the Secretary of the Treasury with regard to implementation of the Internal Revenue Code of 1986, see section 412(c) of such Code.

“(d) MISCELLANEOUS RULES.—

“(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a

plan year for a plan is changed, the change shall take effect only if approved by the Secretary of the Treasury.

“(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

“(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

“(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

“(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of the Treasury notifying him of such amendment and such Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of the Treasury unless such Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 304(d)) is unavailable or inadequate.

“(3) CONTROLLED GROUP.—For purposes of this section, the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.”

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the items relating to sections 302 through 308 and inserting the following new item:

“Sec. 302. Minimum funding standards.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2006.

SEC. 102. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 101 of this Act) is amended further by inserting after section 302 the following new section:

“MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

“SEC. 303. (a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 302(a)(2)(A), except as provided in subsection (f), the term ‘minimum required contribution’ means, with respect to any plan year of a single-employer plan—

“(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) is less than the funding target of the plan for the plan year, the sum of—

“(A) the target normal cost of the plan for the plan year,

“(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

“(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e);

“(2) in any case in which the value of plan assets of the plan (as reduced under sub-

section (f)(4)(B)) exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced by such excess; or

“(3) in any other case, the target normal cost of the plan for the plan year.

“(b) TARGET NORMAL COST.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term ‘target normal cost’ means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

“(c) SHORTFALL AMORTIZATION CHARGE.—

“(1) IN GENERAL.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

“(2) SHORTFALL AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years beginning with such plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base. In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

“(3) SHORTFALL AMORTIZATION BASE.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

“(A) the funding shortfall of such plan for such plan year, over

“(B) the sum of—

“(i) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year, and

“(ii) the present value (as so determined) of the aggregate total of the waiver amortization installments for such plan year and the 5 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 5 plan years preceding such plan year.

“(4) FUNDING SHORTFALL.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

“(A) the funding target of the plan for the plan year, over

“(B) the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) for the plan year which are held by the plan on the valuation date.

“(5) EXEMPTION FROM NEW SHORTFALL AMORTIZATION BASE.—

“(A) IN GENERAL.—In any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(A)) is equal to or greater than the funding target of the plan for the plan year, the shortfall amortization

base of the plan for such plan year shall be zero.

“(B) TRANSITION RULE.—

“(i) IN GENERAL.—In the case of a non-deficit reduction plan, subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting, for the funding target of the plan for the plan year, the applicable percentage of such funding target determined under the following table:

“In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

“(ii) LIMITATION.—Clause (i) shall not apply with respect to any plan year after 2007 unless the ratio (expressed as a percentage) which—

“(I) the value of plan assets for each preceding plan year after 2006 (as reduced under subsection (f)(4)(A)), bears to

“(II) the funding target of the plan for such preceding plan year (determined without regard to subsection (i)(1)), is not less than the applicable percentage with respect to such preceding plan determined under clause (i).

“(iii) NON-DEFICIT REDUCTION PLAN.—For purposes of clause (i), the term ‘non-deficit reduction plan’ means any plan—

“(I) to which this part (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) applied for the plan year beginning in 2006, and

“(II) to which section 302(d) (as so in effect) did not apply for such plan year.

“(6) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

“(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

“(1) FUNDING TARGET.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

“(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The ‘funding target attainment percentage’ of a plan for a plan year is the ratio (expressed as a percentage) which—

“(A) the value of plan assets for the plan year (as reduced under subsection (f)(4)(B)), bears to

“(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

“(e) WAIVER AMORTIZATION CHARGE.—

“(1) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

“(2) WAIVER AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with the succeeding plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 5-plan year

period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

“(3) INTEREST RATE.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

“(4) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 302(c).

“(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization base for all preceding plan years shall be reduced to zero.

“(f) REDUCTION OF MINIMUM REQUIRED CONTRIBUTION BY PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—

“(1) ELECTION TO MAINTAIN BALANCES.—

“(A) PRE-FUNDING BALANCE.—The plan sponsor of a single-employer plan may elect to maintain a pre-funding balance.

“(B) FUNDING STANDARD CARRYOVER BALANCE.—

“(i) IN GENERAL.—In the case of a single-employer plan described in clause (ii), the plan sponsor may elect to maintain a funding standard carryover balance, until such balance is reduced to zero.

“(ii) PLANS MAINTAINING FUNDING STANDARD ACCOUNT IN 2006.—A plan is described in this clause if the plan—

“(I) was in effect for a plan year beginning in 2006, and

“(II) had a positive balance in the funding standard account under section 302(b) as in effect for such plan year and determined as of the end of such plan year.

“(2) APPLICATION OF BALANCES.—A pre-funding balance and a funding standard carryover balance maintained pursuant to this paragraph—

“(A) shall be available for crediting against the minimum required contribution, pursuant to an election under paragraph (3),

“(B) shall be applied as a reduction in the amount treated as the value of plan assets for purposes of this section, to the extent provided in paragraph (4), and

“(C) may be reduced at any time, pursuant to an election under paragraph (5).

“(3) ELECTION TO APPLY BALANCES AGAINST MINIMUM REQUIRED CONTRIBUTION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any plan year in which the plan sponsor elects to credit against the minimum required contribution for the current plan year all or a portion of the pre-funding balance or the funding standard carryover balance for the current plan year (not in excess of such minimum required contribution), the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor. For purposes of the preceding sentence, the minimum required contribution shall be determined after taking into account any waiver under section 302(c).

“(B) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no amount of the pre-funding balance of such plan may be credited under this paragraph in reducing the minimum required contribution.

“(C) LIMITATION FOR UNDERFUNDED PLANS.—The preceding provisions of this paragraph shall not apply for any plan year if the ratio (expressed as a percentage) which—

“(i) the value of plan assets for the preceding plan year (as reduced under paragraph (4)(C)), bears to

“(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)), is less than 80 percent.

“(4) EFFECT OF BALANCES ON AMOUNTS TREATED AS VALUE OF PLAN ASSETS.—In the case of any plan maintaining a pre-funding balance or a funding standard carryover balance pursuant to this subsection, the amount treated as the value of plan assets shall be deemed to be such amount, reduced as provided in the following subparagraphs:

“(A) APPLICABILITY OF SHORTFALL AMORTIZATION BASE.—For purposes of subsection (c)(5), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance, but only if an election under paragraph (2) applying any portion of the pre-funding balance in reducing the minimum required contribution is in effect for the plan year.

“(B) DETERMINATION OF EXCESS ASSETS, FUNDING SHORTFALL, AND FUNDING TARGET ATTAINMENT PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subsections (a), (c)(4)(B), and (d)(2)(A), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance and the funding standard carryover balance.

“(ii) SPECIAL RULE FOR CERTAIN BINDING AGREEMENTS WITH PBGC.—For purposes of subsection (c)(4)(B), the value of plan assets shall not be deemed to be reduced for a plan year by the amount of the specified balance if, with respect to such balance, there is in effect for a plan year a binding written agreement with the Pension Benefit Guaranty Corporation which provides that such balance is not available to reduce the minimum required contribution for the plan year. For purposes of the preceding sentence, the term ‘specified balance’ means the pre-funding balance or the funding standard carryover balance, as the case may be.

“(C) AVAILABILITY OF BALANCES IN PLAN YEAR FOR CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—For purposes of paragraph (3)(C)(i) of this subsection, the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance.

“(5) ELECTION TO REDUCE BALANCE PRIOR TO DETERMINATIONS OF VALUE OF PLAN ASSETS AND CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—

“(A) IN GENERAL.—The plan sponsor may elect to reduce by any amount the balance of the pre-funding balance and the funding standard carryover balance for any plan year (but not below zero). Such reduction shall be effective prior to any determination of the value of plan assets for such plan year under this section and application of the balance in reducing the minimum required contribution for such plan for such plan year pursuant to an election under paragraph (2).

“(B) COORDINATION BETWEEN PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no election may be made under subparagraph (A) with respect to the pre-funding balance.

“(6) PRE-FUNDING BALANCE.—

“(A) IN GENERAL.—A pre-funding balance maintained by a plan shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (8).

“(B) INCREASES.—As of the valuation date for each plan year beginning after 2007, the pre-funding balance of a plan shall be increased by the amount elected by the plan

sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

“(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

“(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid as of the valuation date for the current plan year, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

“(C) DECREASES.—As of the valuation date for each plan year after 2007, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

“(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

“(ii) any reduction in such balance elected under paragraph (5).

“(7) FUNDING STANDARD CARRYOVER BALANCE.—

“(A) IN GENERAL.—A funding standard carryover balance maintained by a plan shall consist of a beginning balance determined under subparagraph (B), decreased to the extent provided in subparagraph (C), and adjusted further as provided in paragraph (8).

“(B) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in paragraph (1)(B)(ii)(I).

“(C) DECREASES.—As of the valuation date for each plan year after 2007, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

“(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

“(ii) any reduction in such balance elected under paragraph (5).

“(8) ADJUSTMENTS TO BALANCES.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date (before applying any increase or decrease under paragraph (6) or (7)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary of the Treasury, adjust such balance so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (g)(3), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

“(9) ELECTIONS.—Elections under this subsection shall be made at such times, and in such form and manner, as shall be prescribed in regulations of the Secretary of the Treasury.

“(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

“(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

“(2) VALUATION DATE.—For purposes of this section—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

“(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year

as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans which are single-employer plans and are maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only participants with respect to such employer or member shall be taken into account.

“(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

“(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

“(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

“(3) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury, except that—

“(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the 36-month period ending with the month which includes the valuation date, and

“(B) any such method may not result in a determination of the value of plan assets which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

“(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

“(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2007 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

“(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the current plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

“(5) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

“(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued or earned as of the beginning of the plan year.

“(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued or earned during such plan year shall not be taken into account, irrespective of whether the valuation date of

the plan for such plan year is later than the first day of such plan year.

“(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

“(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

“(2) INTEREST RATES.—

“(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term ‘effective interest rate’ means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's liabilities referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

“(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

“(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

“(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

“(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

“(C) SEGMENT RATES.—For purposes of this paragraph—

“(i) FIRST SEGMENT RATE.—The term ‘first segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

“(ii) SECOND SEGMENT RATE.—The term ‘second segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

“(iii) THIRD SEGMENT RATE.—The term ‘third segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

“(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘corporate bond yield curve’ means, with respect to any month, a yield curve which is prescribed by the Secretary of the Treasury for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

“(ii) 3-YEAR WEIGHTED AVERAGE.—The term ‘3-year weighted average’ means an average determined by using a methodology under

which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

“(E) APPLICABLE MONTH.—For purposes of this paragraph, the term ‘applicable month’ means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan sponsor, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary of the Treasury.

“(F) PUBLICATION REQUIREMENTS.—The Secretary of the Treasury shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 205(g)(3)(B)(iii)(I)) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary of the Treasury shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

“(G) TRANSITION RULE.—

“(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

“(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

“(II) the product of the rate determined under the rules of section 302(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33½ percent for plan years beginning in 2007 and 66½ percent for plan years beginning in 2008.

“(iii) NEW PLANS INELIGIBLE.—Clause (i) shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(3) MORTALITY TABLE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the mortality table used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table using Scale AA published by the Society of Actuaries (as in effect on the date of the enactment of the Pension Protection Act of 2005), projected as of the plan's valuation date.

“(B) SUBSTITUTE MORTALITY TABLE.—

“(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary of the Treasury for a period not to exceed 10 years, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of subclauses (I) and (II) of clause (ii).

“(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary of the Treasury determines that—

“(I) such table reflects the actual experience of the pension plan and projected trends in such experience, and

“(II) such table is significantly different from the table described in subparagraph (A).

“(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to

the Secretary of the Treasury for approval under this subparagraph shall be treated as in effect for the succeeding plan year unless such Secretary, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (i).

“(C) TRANSITION RULE.—Under regulations of the Secretary of the Treasury, any difference in present value resulting from the difference in the assumptions as set forth in the mortality table specified in subparagraph (A) and the assumptions as set forth in the mortality table described in section 302(d)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year. The preceding sentence shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

“(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan’s experience and other related assumptions), and

“(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

“(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

“(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary of the Treasury.

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

“(i) the plan is a single-employer plan to which title IV applies,

“(ii) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors’ controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed \$50,000,000, and

“(iii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds \$50,000,000, or that exceeds \$5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

“(i) SPECIAL RULES FOR AT-RISK PLANS.—

“(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

“(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

“(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (h), the supplemental actuarial assumptions described in subparagraph (B), plus

“(ii) a loading factor determined under subparagraph (C).

“(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (h), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

“(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

“(i) \$700, times the number of participants in the plan, plus

“(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

“(2) TARGET NORMAL COST OF AT-RISK PLANS.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

“(A) the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

“(B) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

“(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in ‘at-risk status’ for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

“(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COSTS.—

“(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

“(i) the amount determined under this section without regard to this subsection, plus

“(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

“(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the ‘transition percentage’ for a plan year is the product derived by multiplying—

“(i) 20 percent, by

“(ii) the number of plan years during the period described in subparagraph (A).

“(j) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

“(2) INTEREST.—Any payment required under paragraph (1) for a plan year that is made on a date other than the valuation date for such plan year shall be adjusted for interest accruing for the period between the valuation date and the payment date, at the effective rate of interest for the plan for such plan year.

“(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

“(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period

of the underpayment, using an interest rate equal to the excess of—

“(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

“(ii) the effective rate of interest for the plan for the plan year.

“(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

“(i) AMOUNT.—The amount of the underpayment shall be the excess of—

“(I) the required installment, over

“(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

“(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

“(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

“(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

“(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

“(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

“(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

“(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term ‘required annual payment’ means the lesser of—

“(I) 90 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the plan year under this section, or

“(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

“(E) FISCAL YEARS AND SHORT YEARS.—

“(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

“(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

“(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

“(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (f)(2)(B) if ‘100’ were substituted for ‘500’ therein) which—

“(i) is required to pay installments under paragraph (3) for a plan year, and

“(ii) has a liquidity shortfall for any quarter during such plan year.

“(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

“(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

“(E) DEFINITIONS.—For purposes of this subparagraph:

“(i) LIQUIDITY SHORTFALL.—The term ‘liquidity shortfall’ means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

“(I) the base amount with respect to such quarter, over

“(II) the value (as of such last day) of the plan’s liquid assets.

“(ii) BASE AMOUNT.—

“(I) IN GENERAL.—The term ‘base amount’ means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

“(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

“(iii) DISBURSEMENTS FROM THE PLAN.—The term ‘disbursements from the plan’ means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

“(iv) ADJUSTED DISBURSEMENTS.—The term ‘adjusted disbursements’ means disbursements from the plan reduced by the product of—

“(I) the plan’s funding target attainment percentage for the plan year, and

“(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

“(v) LIQUID ASSETS.—The term ‘liquid assets’ means cash, marketable securities, and such other assets as specified by the Secretary of the Treasury in regulations.

“(vi) QUARTER.—The term ‘quarter’ means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

“(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph.

“(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—In the case of a plan to which this subsection applies (as provided under paragraph (2)), if—

“(A) any person fails to make a contribution payment required by section 302 and this section before the due date for such payment, and

“(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds \$1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

“(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a single-employer plan for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 does not apply (as such section is in effect on the date of the enactment of the Pension Protection Act of 2005).

“(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 302 for which payment has not been made before the due date.

“(4) NOTICE OF FAILURE; LIEN.—

“(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

“(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

“(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

“(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) CONTRIBUTION PAYMENT.—The term ‘contribution payment’ means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

“(B) DUE DATE; REQUIRED INSTALLMENT.—The terms ‘due date’ and ‘required installment’ have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 303.

“(C) CONTROLLED GROUP.—The term ‘controlled group’ means any group treated as a single employer under subsections (b), (c),

(m), and (o) of section 414 of the Internal Revenue Code of 1986.

“(1) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420 of the Internal Revenue Code of 1986), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.”

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act (as amended by section 101) is amended by inserting after the item relating to section 302 the following new item:

“Sec. 303. Minimum funding standards for single-employer defined benefit pension plans.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2006.

SEC. 103. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

“(g) FUNDING-BASED LIMITATION ON SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—

“(1) IN GENERAL.—No defined benefit plan which is a single-employer plan may provide benefits to which participants are entitled solely by reason of the occurrence of a plant shutdown or any other unpredictable contingent event occurring during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year—

“(A) is less than 80 percent, or

“(B) would be less than 80 percent taking into account such occurrence.

“(2) EXEMPTION.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year, upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 303) equal to—

“(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the occurrence referred to in paragraph (1), and

“(B) in the case of paragraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent. Rules similar to the rules of subsection (h)(6) shall apply for purposes of this paragraph.

“(3) UNPREDICTABLE CONTINGENT EVENT.—For purposes of this subsection, the term ‘unpredictable contingent event’ means an event other than—

“(A) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

“(B) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury).

“(4) NEW PLANS.—Paragraph (1) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

“(5) DEEMED REDUCTION OF FUNDING BALANCES.—A rule similar to the rule of subsection (h)(8) shall apply for purposes of this subsection.”

(b) OTHER LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Section 206 of such Act (as amended by subsection (a)) is amended further by adding at the end the following new subsection:

“(h) FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.—

“(1) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

“(A) IN GENERAL.—No amendment to a defined benefit plan which is a single-employer plan which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

“(i) less than 80 percent, or

“(ii) would be less than 80 percent taking into account such amendment.

For purposes of this subparagraph, any increase in benefits under the plan by reason of an increase in the benefit rate provided under the plan or on the basis of an increase in compensation shall be treated as effected by plan amendment.

“(B) EXEMPTION.—Subparagraph (A) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 303) equal to—

“(i) in the case of subparagraph (A)(i), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the amendment, and

“(ii) in the case of subparagraph (A)(ii), the amount sufficient to result in a funding target attainment percentage of 80 percent.

“(2) FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—

“(A) IN GENERAL.—A defined benefit plan which is a single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any prohibited payment (as defined in section 206(e)).

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any plan for any plan year if the terms of such plan (as in effect for the period beginning on June 29, 2005, and ending with such plan year) provide for no benefit accruals with respect to any participant during such period.

“(3) LIMITATIONS ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—A defined benefit plan which is a single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

“(4) NEW PLANS.—Paragraphs (1) and (3) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

“(5) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

“(A) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under paragraph (1), (2), or (3) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment

percentage of the plan as of the valuation date of the plan for the current plan year.

“(B) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of paragraphs (1), (2), and (3), the plan's funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of such subsections, to be the valuation date of the plan for the current plan year.

“(C) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

“(i) a benefit limitation under paragraph (1), (2), or (3) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such subsection to apply to the plan with respect to such preceding plan year, and

“(ii) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such subsection, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such paragraph, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

“(6) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under paragraph (2) of a payment described in paragraph (2)(A) or a cessation of benefit accruals under paragraph (3) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of paragraph (5).

“(7) FUNDING TARGET ATTAINMENT PERCENTAGE.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘funding target attainment percentage’ means, with respect to any plan for any plan year, the ratio (expressed as a percentage) which—

“(i) the value of plan assets for the plan year (as determined under section 303(g)) reduced by the pre-funding balance and the funding standard carryover balance (within the meaning of section 303(f)), bears to

“(ii) the funding target of the plan for the plan year (as determined under section 303(d)(1), but without regard to section 303(i)(1)).

“(B) APPLICATION TO PLANS WHICH ARE FULLY FUNDED WITHOUT REGARD TO REDUCTIONS FOR FUNDING BALANCES.—

“(i) IN GENERAL.—In the case of a plan for any plan year, if the funding target attainment percentage is 100 percent or more (determined without regard to this subparagraph and without regard to the reduction under subparagraph (A)(i) for the pre-funding balance and the funding standard carryover balance), subparagraph (A) shall be applied without regard to such reduction.

“(ii) TRANSITION RULE.—Clause (i) shall be applied to plan years beginning after 2006 and before 2011 by substituting for ‘100 percent’ the applicable percentage determined in accordance with the following table:

In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

“(iii) LIMITATION.—Clause (ii) shall not apply with respect to any plan year after 2007 unless the funding target attainment percentage (determined without regard to this subparagraph and without regard to the reduction under subparagraph (A)(i) for the pre-funding balance and the funding standard carryover balance) of the plan for each preceding plan year after 2006 was not less than the applicable percentage with respect to such preceding plan year determined under clause (ii).

“(8) DEEMED REDUCTION OF FUNDING BALANCES.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers—

“(A) IN GENERAL.—In any case in which a benefit limitation under paragraph (1), (2), or (3) would (but for this paragraph and determined without regard to paragraph (1)(B)) apply to such plan for the plan year, the plan sponsor of such plan shall be treated for purposes of this Act as having made an election under section 303(f)(5) to reduce the balance of the pre-funding balance and the funding standard carryover balance for the plan year (in a manner consistent with the requirements of section 303(f)(5)(B)) by such amount as is necessary for such benefit limitation to not apply to the plan for such plan year.

“(B) EXCEPTION FOR INSUFFICIENT FUNDING BALANCES.—Subparagraph (A) shall not apply with respect to a benefit limitation for any plan year if the application of subparagraph (A) would not result in the benefit limitation not applying for such plan year.”

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 101 of such Act (29 U.S.C. 1021) is amended—

(i) by redesignating subsection (j) as subsection (k); and

(ii) by inserting after subsection (i) the following new subsection:

“(j) NOTICE OF FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—The plan administrator of a defined benefit plan which is a single-employer plan shall provide a written notice to plan participants and beneficiaries within 30 days after the plan has become subject to the restriction described in section 206(h)(2) or at such other time as may be determined by the Secretary.”

(B) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by striking “section 302(b)(7)(F)(vi)” and inserting “sections 101(j) and 302(b)(7)(F)(vi)”.

(c) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

(d) SPECIAL RULE FOR 2007.—For purposes of applying paragraph (5) of section 206(h) of such Act (as added by this section) to current plan years (within the meaning of such paragraph) beginning in 2007, the modified funded current liability percentage of the plan for the preceding year shall be substituted for the funding target attainment percentage of the plan for the preceding year. For purposes of the preceding sentence, the term “modified funded current liability percentage” means the funded current liability percentage (as defined in section 302(1)(8) of such Act), reduced as described in subparagraph (E) thereof in the case of a plan with a funded current liability percentage (as so defined and before such reduction) which is less than 100 percent.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE I.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) in section 101(d)(3), by striking “section 302(e)” and inserting “section 303(j)”;

(2) in section 101(f)(2)(B), by striking clause (i) and inserting the following:

“(i) a statement as to whether—

“(I) in the case of a defined benefit plan which is a single-employer plan, the plan’s funding target attainment percentage (as defined in section 303(d)(2)), or

“(II) in the case of a defined benefit plan which is a multiemployer plan, the plan’s funded percentage (as defined in section 305(d)(2)),

is at least 100 percent (and, if not, the actual percentage);”;

(3) in section 103(d)(8)(B), by striking “the requirements of section 302(c)(3)” and inserting “the applicable requirements of sections 303(h) and 304(c)(3)”;

(4) in section 103(d), by striking paragraph (1) and inserting the following:

“(1) If the current value of the assets of the plan is less than 70 percent of—

“(A) in the case of a defined benefit plan which is a single-employer plan, the funding target (as defined in section 303(d)(1)) of the plan, or

“(B) in the case of a defined benefit plan which is a multiemployer plan, the current liability (as defined in section 304(c)(6)(D)) under the plan,

the percentage which such value is of the amount described in subparagraph (A) or (B).”;

(5) in section 203(a)(3)(C), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(6) in section 204(g)(1), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(7) in section 204(i)(2)(B), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(8) in section 204(i)(3), by striking “funded current liability percentage (within the meaning of section 302(d)(8) of this Act)” and

inserting “funding target attainment percentage (as defined in section 303(d)(2))”;

(9) in section 204(i)(4), by striking “section 302(c)(11)(A), without regard to section 302(c)(11)(B)” and inserting “section 302(b)(1), without regard to section 302(b)(2)”;

(10) in section 206(e)(1), by striking “section 302(d)” and inserting “section 303(j)(4)”, and by striking “section 302(e)(5)” and inserting “section 303(j)(4)(E)(i)”;

(11) in section 206(e)(3), by striking “section 302(e) by reason of paragraph (5)(A) thereof” and inserting “section 303(j)(3) by reason of section 303(j)(4)(A)”;

(12) in sections 101(e)(3), 403(c)(1), and 408(b)(13), by striking “American Jobs Creation Act of 2004” and inserting “Pension Protection Act of 2005”.

(b) MISCELLANEOUS AMENDMENTS TO TITLE IV.—Title IV of such Act is amended—

(1) in section 4001(a)(13) (29 U.S.C. 1301(a)(13)), by striking “302(c)(11)(A)” and inserting “302(b)(1)”, by striking “412(c)(11)(A)” and inserting “412(b)(1)”, by striking “302(c)(11)(B)” and inserting “302(b)(2)”, and by striking “412(c)(11)(B)” and inserting “412(b)(2)”;

(2) in section 4003(e)(1) (29 U.S.C. 1303(e)(1)), by striking “302(f)(1)(A) and (B)” and inserting “303(k)(1)(A) and (B)”, and by striking “412(n)(1)(A) and (B)” and inserting “430(k)(1)(A) and (B)”;

(3) in section 4010(b)(2) (29 U.S.C. 1310(b)(2)), by striking “302(f)(1)(A) and (B)” and inserting “303(k)(1)(A) and (B)”, and by striking “412(n)(1)(A) and (B)” and inserting “430(k)(1)(A) and (B)”;

(4) in section 4011(b) (29 U.S.C. 1311(b)), by striking “to which” and all that follows and inserting “for any plan year for which the plan’s funding target attainment percentage (as defined in section 303(d)(2)) is at least 90 percent.”;

(5) in section 4062(c)(1) (29 U.S.C. 1362(c)(1)), by striking paragraphs (1), (2), and (3) and inserting the following:

“(1)(A) in the case of a single-employer plan, the sum of the shortfall amortization charge (within the meaning of section 303(c)(1) of this Act and 430(c)(1) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of shortfall amortization installments (if any) determined for succeeding plan years under section 303(c)(2) of this Act and section 430(c)(2) of such Code (which, for purposes of this subparagraph, shall include any increase in such sum which would result if all applications for waivers of the minimum funding standard under section 302(c) of this Act and section 412(c) of such Code which are pending with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year), or

“(B) in the case of a multiemployer plan, the outstanding balance of the accumulated funding deficiencies (within the meaning of section 304(a)(2) of this Act and section 431(a) of the Internal Revenue Code of 1986) of the plan (if any) (which, for purposes of this subparagraph, shall include the amount of any increase in such accumulated funding deficiencies of the plan which would result if all pending applications for waivers of the minimum funding standard under section 302(c) of this Act or section 412(c) of such Code and for extensions of the amortization period under section 304(d) of this Act or section 431(d) of such Code with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year),

“(2)(A) in the case of a single-employer plan, the sum of the waiver amortization charge (within the meaning of section 303(e)(1) of this Act and 430(j)(2) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of waiver amortization installments (if any) determined for succeeding plan years under section 303(e)(2) of this Act and section 430(j)(3) of such Code, or

“(B) in the case of a multiemployer plan, the outstanding balance of the amount of waived funding deficiencies of the plan waived before such date under section 302(c) of this Act or section 412(c) of such Code (if any), and

“(3) in the case of a multiemployer plan, the outstanding balance of the amount of decreases in the minimum funding standard allowed before such date under section 304(d) of this Act or section 431(d) of such Code (if any);”;

(6) in section 4071 (29 U.S.C. 1371), by striking “302(f)(4)” and inserting “303(k)(4)”;

(7) in section 4243(a)(1)(B) (29 U.S.C. 1423(a)(1)(B)), by striking “302(a)” and inserting “304(a)”, and, in clause (i), by striking “302(a)” and inserting “304(a)”;

(8) in section 4243(f)(1) (29 U.S.C. 1423(f)(1)), by striking “303(a)” and inserting “302(c)”;

(9) in section 4243(f)(2) (29 U.S.C. 1423(f)(2)), by striking “303(c)” and inserting “302(c)(3)”;

and

(10) in section 4243(g) (29 U.S.C. 1423(g)), by striking “302(c)(3)” and inserting “304(c)(3)”.

(c) AMENDMENTS TO REORGANIZATION PLAN No. 4 OF 1978.—Section 106(b)(ii) of Reorganization Plan No. 4 of 1978 (ratified and affirmed as law by Public Law 98-532 (98 Stat. 2705)) is amended by striking “302(c)(8)” and inserting “302(d)(2)”, by striking “304(a) and (b)(2)(A)” and inserting “304(d)(1), (d)(2), and (e)(2)(A)”, and by striking “412(c)(8), (e), and (f)(2)(A)” and inserting “412(d)(2) and 431(d)(1), (d)(2), and (e)(2)(A)”.

(d) REPEAL OF EXPIRED AUTHORITY FOR TEMPORARY VARIANCES.—

(1) IN GENERAL.—Section 207 of such Act (29 U.S.C. 1057) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 207.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2006.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 111. MINIMUM FUNDING STANDARDS.

(a) NEW MINIMUM FUNDING STANDARDS.—Section 412 of the Internal Revenue Code of 1986 (relating to minimum funding standards) is amended to read as follows:

“SEC. 412. MINIMUM FUNDING STANDARDS.

“(a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

“(1) IN GENERAL.—A plan to which this section applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

“(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

“(A) in the case of a defined benefit plan which is not a multiemployer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 430 for the plan for the plan year,

“(B) in the case of a money purchase plan which is not a multiemployer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

“(C) in the case of a multiemployer plan, the employers make contributions to or

under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 431 as of the end of the plan year.

“(b) LIABILITY FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 430(j)) shall be paid by the employer responsible for making contributions to or under the plan.

“(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a defined benefit plan which is not a multiemployer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

“(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

“(1) WAIVER IN CASE OF BUSINESS HARD-
SHIP.—

“(A) IN GENERAL.—If—

“(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

“(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

“(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

“(i) in the case of a defined benefit plan which is not a multiemployer plan, the minimum required contribution under section 430 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 430(e), and

“(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 431(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 431(b)(2)(C).

“(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

“(2) DETERMINATION OF BUSINESS HARD-
SHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

“(A) the employer is operating at an economic loss,

“(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

“(C) the sales and profits of the industry concerned are depressed or declining, and

“(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

“(3) WAIVED FUNDING DEFICIENCY.—For purposes of this section and part III of this sub-

chapter, the term ‘waived funding deficiency’ means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary and not satisfied by employer contributions.

“(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

“(A) SECURITY MAY BE REQUIRED.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15) of the Employee Retirement Income Security Act of 1974) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

“(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13) of the Employee Retirement Income Security Act of 1974), or a member of such sponsor’s controlled group (within the meaning of section 4001(a)(14) of such Act).

“(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

“(i) provide the Pension Benefit Guaranty Corporation with—

“(I) notice of the completed application for any waiver or modification, and

“(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

“(ii) consider—

“(I) any comments of the Corporation under clause (i)(II), and

“(II) any views of any employee organization (within the meaning of section 3(4) of the Employee Retirement Income Security Act of 1974) representing participants in the plan which are submitted in writing to the Secretary in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p).

“(C) EXCEPTION FOR CERTAIN WAIVERS.—

“(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

“(I) the aggregate unpaid minimum required contribution (within the meaning of section 4971(c)(4)) for the plan year and all preceding plan years, and

“(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 430(e)(2),

is less than \$1,000,000.

“(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

“(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

“(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a defined benefit plan which is not a multiemployer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary not later than the 15th day of the

3rd month beginning after the close of such plan year.

“(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a defined benefit plan which is not a multiemployer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

“(i) with respect to such employer, and

“(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

“(6) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such waiver to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of the Employee Retirement Income Security Act of 1974 and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

“(7) RESTRICTION ON PLAN AMENDMENTS.—

“(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 431(d) is in effect with respect to the plan, or if a plan amendment described in subsection (d)(2) has been made at any time in the preceding 12 months (24 months in the case of a multiemployer plan). If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

“(B) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

“(i) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(ii) only repeals an amendment described in subsection (d)(2), or

“(iii) is required as a condition of qualification under part I of subchapter D, of chapter 1.

“(d) MISCELLANEOUS RULES.—

“(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary.

“(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

“(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

“(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

“(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary notifying him of such amendment and the Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary unless the Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 431(d)) is unavailable or inadequate.

“(3) CONTROLLED GROUP.—For purposes of this section, the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(e) PLANS TO WHICH SECTION APPLIES.—“(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to a plan if, for any plan year beginning after December 31, 2006—

“(A) such plan included a trust which qualified (or was determined by the Secretary to have qualified) under section 401(a), or

“(B) such plan satisfied (or was determined by the Secretary to have satisfied) the requirements of section 403(a).

“(2) EXCEPTIONS.—This section shall not apply to—“(A) any profit-sharing or stock bonus plan,

“(B) any insurance contract plan described in paragraph (3),

“(C) any governmental plan (within the meaning of section 414(d)),

“(D) any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

“(E) any plan which has not, at any time after September 2, 1974, provided for employer contributions, or

“(F) any plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

No plan described in subparagraph (C), (D), or (F) shall be treated as a qualified plan for purposes of section 401(a) unless such plan meets the requirements of section 401(a)(7) as in effect on September 1, 1974.

“(3) CERTAIN INSURANCE CONTRACT PLANS.—A plan is described in this paragraph if—

“(A) the plan is funded exclusively by the purchase of individual insurance contracts,

“(B) such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

“(C) benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

“(D) premiums payable for the plan year, and all prior plan years, under such con-

tracts have been paid before lapse or there is reinstatement of the policy,

“(E) no rights under such contracts have been subject to a security interest at any time during the plan year, and

“(F) no policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which is determined under regulations prescribed by the Secretary to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 112. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end the following new part:

“PART III—MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

“SEC. 430. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

“(a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 412(a)(2)(A), except as provided in subsection (f), the term ‘minimum required contribution’ means, with respect to any plan year of a defined benefit plan which is not a multi-employer plan—

“(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) is less than the funding target of the plan for the plan year, the sum of—

“(A) the target normal cost of the plan for the plan year,

“(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

“(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e);

“(2) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced by such excess; or

“(3) in any other case, the target normal cost of the plan for the plan year.

“(b) TARGET NORMAL COST.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term ‘target normal cost’ means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

“(c) SHORTFALL AMORTIZATION CHARGE.—

“(1) IN GENERAL.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

“(2) SHORTFALL AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years be-

ginning with such plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base. In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

“(3) SHORTFALL AMORTIZATION BASE.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

“(A) the funding shortfall of such plan for such plan year, over

“(B) the sum of—

“(i) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year, and

“(ii) the present value (as so determined) of the aggregate total of the waiver amortization installments for such plan year and the 5 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 5 plan years preceding such plan year.

“(4) FUNDING SHORTFALL.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

“(A) the funding target of the plan for the plan year, over

“(B) the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) for the plan year which are held by the plan on the valuation date.

“(5) EXEMPTION FROM NEW SHORTFALL AMORTIZATION BASE.—

“(A) IN GENERAL.—In any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(A)) is equal to or greater than the funding target of the plan for the plan year, the shortfall amortization base of the plan for such plan year shall be zero.

“(B) TRANSITION RULE.—

“(i) IN GENERAL.—In the case of a non-deficit reduction plan, subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting, for the funding target of the plan for the plan year, the applicable percentage of such funding target determined under the following table:

“In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

“(ii) LIMITATION.—Clause (i) shall not apply with respect to any plan year after 2007 unless the ratio (expressed as a percentage) which—

“(I) the value of plan assets for each preceding plan year after 2006 (as reduced under subsection (f)(4)(A)), bears to

“(II) the funding target of the plan for such preceding plan year (determined without regard to subsection (i)(1)), is not less than the applicable percentage with respect to such preceding plan determined under clause (i).

“(iii) NON-DEFICIT REDUCTION PLAN.—For purposes of clause (i), the term ‘non-deficit reduction plan’ means any plan—

“(I) to which this part (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) applied for the plan year beginning in 2006, and

“(II) to which section 412(d) (as so in effect) did not apply for such plan year.

“(6) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

“(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

“(1) FUNDING TARGET.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

“(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The ‘funding target attainment percentage’ of a plan for a plan year is the ratio (expressed as a percentage) which—

“(A) the value of plan assets for the plan year (as reduced under subsection (f)(4)(B)), bears to

“(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

“(e) WAIVER AMORTIZATION CHARGE.—

“(1) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

“(2) WAIVER AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with the succeeding plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 5-plan year period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

“(3) INTEREST RATE.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

“(4) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 412(c).

“(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization base for all preceding plan years shall be reduced to zero.

“(f) REDUCTION OF MINIMUM REQUIRED CONTRIBUTION BY PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—

“(1) ELECTION TO MAINTAIN BALANCES.—

“(A) PRE-FUNDING BALANCE.—The plan sponsor of a defined benefit plan which is not a multiemployer plan may elect to maintain a pre-funding balance.

“(B) FUNDING STANDARD CARRYOVER BALANCE.—

“(i) IN GENERAL.—In the case of a defined benefit plan (other than a multiemployer plan) described in clause (ii), the plan sponsor may elect to maintain a funding stand-

ard carryover balance, until such balance is reduced to zero.

“(ii) PLANS MAINTAINING FUNDING STANDARD ACCOUNT IN 2006.—A plan is described in this clause if the plan—

“(I) was in effect for a plan year beginning in 2006, and

“(II) had a positive balance in the funding standard account under section 412(b) as in effect for such plan year and determined as of the end of such plan year.

“(2) APPLICATION OF BALANCES.—A pre-funding balance and a funding standard carryover balance maintained pursuant to this paragraph—

“(A) shall be available for crediting against the minimum required contribution, pursuant to an election under paragraph (3),

“(B) shall be applied as a reduction in the amount treated as the value of plan assets for purposes of this section, to the extent provided in paragraph (4), and

“(C) may be reduced at any time, pursuant to an election under paragraph (5).

“(3) ELECTION TO APPLY BALANCES AGAINST MINIMUM REQUIRED CONTRIBUTION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any plan year in which the plan sponsor elects to credit against the minimum required contribution for the current plan year all or a portion of the pre-funding balance or the funding standard carryover balance for the current plan year (not in excess of such minimum required contribution), the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor. For purposes of the preceding sentence, the minimum required contribution shall be determined after taking into account any waiver under section 412(c).

“(B) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no amount of the pre-funding balance of such plan may be credited under this paragraph in reducing the minimum required contribution.

“(C) LIMITATION FOR UNDERFUNDED PLANS.—The preceding provisions of this paragraph shall not apply for any plan year if the ratio (expressed as a percentage) which—

“(i) the value of plan assets for the preceding plan year (as reduced under paragraph (4)(C)), bears to

“(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)),

is less than 80 percent.

“(4) EFFECT OF BALANCES ON AMOUNTS TREATED AS VALUE OF PLAN ASSETS.—In the case of any plan maintaining a pre-funding balance or a funding standard carryover balance pursuant to this subsection, the amount treated as the value of plan assets shall be deemed to be such amount, reduced as provided in the following subparagraphs:

“(A) APPLICABILITY OF SHORTFALL AMORTIZATION BASE.—For purposes of subsection (c)(5), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance, but only if an election under paragraph (2) applying any portion of the pre-funding balance in reducing the minimum required contribution is in effect for the plan year.

“(B) DETERMINATION OF EXCESS ASSETS, FUNDING SHORTFALL, AND FUNDING TARGET ATTAINMENT PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subsections (a), (c)(4)(B), and (d)(2)(A), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance and the funding standard carryover balance.

“(ii) SPECIAL RULE FOR CERTAIN BINDING AGREEMENTS WITH PBGC.—For purposes of subsection (c)(4)(B), the value of plan assets shall not be deemed to be reduced for a plan

year by the amount of the specified balance if, with respect to such balance, there is in effect for a plan year a binding written agreement with the Pension Benefit Guaranty Corporation which provides that such balance is not available to reduce the minimum required contribution for the plan year. For purposes of the preceding sentence, the term ‘specified balance’ means the pre-funding balance or the funding standard carryover balance, as the case may be.

“(C) AVAILABILITY OF BALANCES IN PLAN YEAR FOR CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—For purposes of paragraph (3)(C)(i) of this subsection, the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance.

“(5) ELECTION TO REDUCE BALANCE PRIOR TO DETERMINATIONS OF VALUE OF PLAN ASSETS AND CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—

“(A) IN GENERAL.—The plan sponsor may elect to reduce by any amount the balance of the pre-funding balance and the funding standard carryover balance for any plan year (but not below zero). Such reduction shall be effective prior to any determination of the value of plan assets for such plan year under this section and application of the balance in reducing the minimum required contribution for such plan for such plan year pursuant to an election under paragraph (2).

“(B) COORDINATION BETWEEN PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no election may be made under subparagraph (A) with respect to the pre-funding balance.

“(6) PRE-FUNDING BALANCE.—

“(A) IN GENERAL.—A pre-funding balance maintained by a plan shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (8).

“(B) INCREASES.—As of the valuation date for each plan year beginning after 2007, the pre-funding balance of a plan shall be increased by the amount elected by the plan sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

“(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

“(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid as of the valuation date for the current plan year, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

“(C) DECREASES.—As of the valuation date for each plan year after 2007, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

“(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

“(ii) any reduction in such balance elected under paragraph (5).

“(7) FUNDING STANDARD CARRYOVER BALANCE.—

“(A) IN GENERAL.—A funding standard carryover balance maintained by a plan shall consist of a beginning balance determined under subparagraph (B), decreased to the extent provided in subparagraph (C), and adjusted further as provided in paragraph (8).

“(B) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in paragraph (1)(B)(ii)(II).

“(C) DECREASES.—As of the valuation date for each plan year after 2007, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

“(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

“(ii) any reduction in such balance elected under paragraph (5).

“(8) ADJUSTMENTS TO BALANCES.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date (before applying any increase or decrease under paragraph (6) or (7)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary, adjust such balance so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (g)(3), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

“(9) ELECTIONS.—Elections under this subsection shall be made at such times, and in such form and manner, as shall be prescribed in regulations of the Secretary.

“(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

“(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

“(2) VALUATION DATE.—For purposes of this section—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

“(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer’s controlled group) shall be treated as 1 plan, but only participants with respect to such employer or member shall be taken into account.

“(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

“(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

“(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

“(3) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary, except that—

“(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the 36-month period ending with the month which includes the valuation date, and

“(B) any such method may not result in a determination of the value of plan assets

which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

“(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

“(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2007 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

“(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the current plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

“(5) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

“(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued or earned as of the beginning of the plan year.

“(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued or earned during such plan year shall not be taken into account, irrespective of whether the valuation date of the plan for such plan year is later than the first day of such plan year.

“(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

“(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

“(2) INTEREST RATES.—

“(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term ‘effective interest rate’ means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan’s liabilities referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

“(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

“(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

“(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period de-

scribed in clause (i), the second segment rate with respect to the applicable month, and

“(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

“(C) SEGMENT RATES.—For purposes of this paragraph—

“(i) FIRST SEGMENT RATE.—The term ‘first segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

“(ii) SECOND SEGMENT RATE.—The term ‘second segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

“(iii) THIRD SEGMENT RATE.—The term ‘third segment rate’ means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

“(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘corporate bond yield curve’ means, with respect to any month, a yield curve which is prescribed by the Secretary for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

“(ii) 3-YEAR WEIGHTED AVERAGE.—The term ‘3-year weighted average’ means an average determined by using a methodology under which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

“(E) APPLICABLE MONTH.—For purposes of this paragraph, the term ‘applicable month’ means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan sponsor, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary.

“(F) PUBLICATION REQUIREMENTS.—The Secretary shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 417(e)(3)(D)(i) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan’s projection of future interest rates.

“(G) TRANSITION RULE.—

“(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

“(I) the product of such rate for such month determined without regard to this

subparagraph, multiplied by the applicable percentage, and

“(II) the product of the rate determined under the rules of section 412(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33½ percent for plan years beginning in 2007 and 66½ percent for plan years beginning in 2008.

“(iii) NEW PLANS INELIGIBLE.—Clause (i) shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(3) MORTALITY TABLE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the mortality table used in determining any present value or making any computation under this section shall be the R-P-2000 Combined Mortality Table using Scale AA published by the Society of Actuaries (as in effect on the date of the enactment of the Pension Protection Act of 2005), projected as of the plan’s valuation date.

“(B) SUBSTITUTE MORTALITY TABLE.—

“(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary for a period not to exceed 10 years, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of subclauses (I) and (II) of clause (ii).

“(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary determines that—

“(I) such table reflects the actual experience of the pension plan and projected trends in such experience, and

“(II) such table is significantly different from the table described in subparagraph (A).

“(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to the Secretary for approval under this subparagraph shall be treated as in effect for the succeeding plan year unless the Secretary, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (ii).

“(C) TRANSITION RULE.—Under regulations of the Secretary, any difference in present value resulting from the difference in the assumptions as set forth in the mortality table specified in subparagraph (A) and the assumptions as set forth in the mortality table described in section 412(l)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year. The preceding sentence shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

“(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan’s experience and other related assumptions), and

“(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such op-

tional form of benefits, which are different from those specified in this subsection.

“(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

“(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary.

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

“(i) the plan is a defined benefit plan (other than a multiemployer plan) to which title IV of the Employee Retirement Income Security Act of 1974 applies,

“(ii) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors’ controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed \$50,000,000, and

“(iii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds \$50,000,000, or that exceeds \$5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

“(i) SPECIAL RULES FOR AT-RISK PLANS.—

“(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

“(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

“(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (h), the supplemental actuarial assumptions described in subparagraph (B), plus

“(ii) a loading factor determined under subparagraph (C).

“(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (h), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

“(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

“(i) \$700, times the number of participants in the plan, plus

“(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

“(2) TARGET NORMAL COST OF AT-RISK PLANS.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

“(A) the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

“(B) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

“(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in ‘at-risk status’ for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

“(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COSTS.—

“(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

“(i) the amount determined under this section without regard to this subsection, plus

“(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

“(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the ‘transition percentage’ for a plan year is the product derived by multiplying—

“(i) 20 percent, by

“(ii) the number of plan years during the period described in subparagraph (A).

“(j) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

“(2) INTEREST.—Any payment required under paragraph (1) for a plan year that is made on a date other than the valuation date for such plan year shall be adjusted for interest accruing for the period between the valuation date and the payment date, at the effective rate of interest for the plan for such plan year.

“(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

“(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

“(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

“(ii) the effective rate of interest for the plan for the plan year.

“(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

“(i) AMOUNT.—The amount of the underpayment shall be the excess of—

“(I) the required installment, over

“(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

“(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

“(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

“(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

“(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

“(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

"In the case of the following required installment:

The due date is:

1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

"(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

"(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term 'required annual payment' means the lesser of—

"(I) 90 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the plan year under this section, or

"(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

"(E) FISCAL YEARS AND SHORT YEARS.—

"(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

"(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary.

"(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (f)(2)(B) if '100' were substituted for '500' therein) which—

"(i) is required to pay installments under paragraph (3) for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this subparagraph:

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

"(I) the base amount with respect to such quarter, over

"(II) the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph.

"(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of a plan to which this subsection applies, if—

"(A) any person fails to make a contribution payment required by section 412 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds \$1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a defined benefit plan (other than a multiemployer plan) for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 of the Employee Retirement Income Security Act of 1974 does not apply (as such section is in effect on the date of the enactment of the Pension Protection Act of 2005).

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 412 for which payment has not been made before the due date.

"(4) NOTICE OF FAILURE; LIEN.—

"(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 of the Employee Retirement Income Security Act of 1974 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 430.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414.

"(1) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2006.

SEC. 113. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—

(1) IN GENERAL.—Part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended—

(A) by striking the heading and inserting the following:

"PART III—RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS

"Subpart A. Minimum funding standards for pension plans.

"Subpart B. Benefit limitations under single-employer plans.

"Subpart A—Minimum Funding Standards for Pension Plans

"Sec. 430. Minimum funding standards for single-employer defined benefit pension plans.", and

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

“Subpart B—Benefit Limitations Under Single-employer Plans

“Sec. 436. Funding-based limitation on shutdown benefits and other unpredictable contingent event benefits under single-employer plans.

“SEC. 436. FUNDING-BASED LIMITATION ON SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.

“(a) IN GENERAL.—No defined benefit plan (other than a multiemployer plan) may provide benefits to which participants are entitled solely by reason of the occurrence of a plant shutdown or any other unpredictable contingent event occurring during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year—

- “(1) is less than 80 percent, or
- “(2) would be less than 80 percent taking into account such occurrence.

“(b) EXEMPTION.—Subsection (a) shall cease to apply with respect to any plan year, effective as of the first date of the plan year, upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 430) equal to—

“(1) in the case of subsection (a)(1), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the occurrence referred to in subsection (a), and

“(2) in the case of subsection (a)(2), the amount sufficient to result in a funding target attainment percentage of 80 percent. Rules similar to the rules of section 437(f) shall apply for purposes of this subsection.

“(c) UNPREDICTABLE CONTINGENT EVENT.—For purposes of this section, the term ‘unpredictable contingent event’ means an event other than—

“(1) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

“(2) an event which is reasonably and reliably predictable (as determined by the Secretary).

“(d) NEW PLANS.—Subsection (a) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

“(e) DEEMED REDUCTION OF FUNDING BALANCES.—A rule similar to the rule of section 437(h) shall apply for purposes of this section.”.

(2) CLERICAL AMENDMENT.—The table of parts for subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART III RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS”.

(b) OTHER LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Subpart B of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following:

“SEC. 437. FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.

“(a) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

“(1) IN GENERAL.—No amendment to a defined benefit plan (other than a multiemployer plan) which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits

become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

- “(A) less than 80 percent, or
- “(B) would be less than 80 percent taking into account such amendment.

For purposes of this paragraph, any increase in benefits under the plan by reason of an increase in the benefit rate provided under the plan or on the basis of an increase in compensation shall be treated as effected by plan amendment.

“(2) EXEMPTION.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 430) equal to—

“(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the amendment, and

“(B) in the case of paragraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent.

“(b) FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—

“(1) IN GENERAL.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan’s funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any payment described in section 401(a)(32)(B).

“(2) EXCEPTION.—Paragraph (1) shall not apply to any plan for any plan year if the terms of such plan (as in effect for the period beginning on June 29, 2005, and ending with such plan year) provide for no benefit accruals with respect to any participant during such period.

“(c) LIMITATIONS ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan’s funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

“(d) NEW PLANS.—Subsections (a) and (c) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

“(e) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR’S FUNDING STATUS.—

“(1) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under subsection (a), (b), or (c) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

“(2) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of subsections (a), (b), and (c), the plan’s funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of

such subsections, to be the valuation date of the plan for the current plan year.

“(3) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

“(A) a benefit limitation under subsection (a), (b), or (c) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such subsection to apply to the plan with respect to such preceding plan year, and

“(B) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such subsection, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such subsection, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

“(f) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under subsection (b) of a payment described in subsection (b)(1) or a cessation of benefit accruals under subsection (c) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of subsection (e).

“(g) FUNDING TARGET ATTAINMENT PERCENTAGE.—

“(1) IN GENERAL.—For purposes of this section, the term ‘funding target attainment percentage’ means, with respect to any plan for any plan year, the ratio (expressed as a percentage) which—

“(A) the value of plan assets for the plan year (as determined under section 430(g)) reduced by the pre-funding balance and the funding standard carryover balance (within the meaning of section 430(f)), bears to

“(B) the funding target of the plan for the plan year (as determined under section 430(d)(1), but without regard to section 430(i)(1)).

“(2) APPLICATION TO PLANS WHICH ARE FULLY FUNDED WITHOUT REGARD TO REDUCTIONS FOR FUNDING BALANCES.—

“(A) IN GENERAL.—In the case of a plan for any plan year, if the funding target attainment percentage is 100 percent or more (determined without regard to this subparagraph and without regard to the reduction under paragraph (1)(A) for the pre-funding balance and the funding standard carryover balance), paragraph (1) shall be applied without regard to such reduction.

“(B) TRANSITION RULE.—Subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting for ‘100 percent’ the applicable percentage determined in accordance with the following table:

“In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent

"In the case of a plan year beginning in calendar year:	The applicable percentage is:
2009	96 percent
2010	98 percent.

"(C) LIMITATION.—Subparagraph (B) shall not apply with respect to any plan year after 2007 unless the funding target attainment percentage (determined without regard to this paragraph and without regard to the reduction under paragraph (1)(A) for the pre-funding balance and the funding standard carryover balance) of the plan for each preceding plan year after 2006 was not less than the applicable percentage with respect to such preceding plan year determined under subparagraph (B).

"(h) DEEMED REDUCTION OF FUNDING BALANCES.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers—

"(1) IN GENERAL.—In any case in which a benefit limitation under subsection (a), (b), or (c) would (but for this subsection and determined without regard to subsection (a)(2)) apply to such plan for the plan year, the plan sponsor of such plan shall be treated for purposes of this title as having made an election under section 430(f)(5) to reduce the balance of the pre-funding balance and the funding standard carryover balance for the plan year (in a manner consistent with the requirements of section 430(f)(5)(B)) by such amount as is necessary for such benefit limitation to not apply to the plan for such plan year.

"(2) EXCEPTION FOR INSUFFICIENT FUNDING BALANCES.—Paragraph (1) shall not apply with respect to a benefit limitation for any plan year if the application of paragraph (1) would not result in the benefit limitation not applying for such plan year."

(2) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by adding at the end the following new item:

"Sec. 437. Funding-based limits on benefits and benefit accruals under single-employer plans."

(c) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after December 31, 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after December 31, 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

(d) SPECIAL RULE FOR 2007.—For purposes of applying subsection (e) of section 437 of

such Code (as added by this section) to current plan years (within the meaning of such subsection) beginning in 2007, the modified funded current liability percentage of the plan for the preceding year shall be substituted for the funding target attainment percentage of the plan for the preceding year. For purposes of the preceding sentence, the term "modified funded current liability percentage" means the funded current liability percentage (as defined in section 412(1)(8) of such Code), reduced as described in subparagraph (E) thereof in the case of a plan with a funded current liability percentage (as so defined and before such reduction) which is less than 100 percent.

SEC. 114. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS RELATED TO QUALIFICATION REQUIREMENTS.—

(1) Section 401(a)(29) of the Internal Revenue Code of 1986 is amended to read as follows:

"(29) BENEFIT LIMITATIONS ON PLANS IN AT-RISK STATUS.—In the case of a defined benefit plan (other than a multiemployer plan) to which the requirements of section 412 apply, the trust of which the plan is a part shall not constitute a qualified trust under this subsection unless the plan meets the requirements of sections 436 and 437."

(2) Section 401(a)(32) of such Code is amended—

(A) in subparagraph (A), by striking "412(m)(5)" each place it appears and inserting "430(j)(4)", and

(B) in subparagraph (C), by striking "section 412(m) by reason of paragraph (5)(A) thereof" and inserting "section 430(j)(3) by reason of section 430(j)(4)(A)".

(3) Section 401(a)(33) of such Code is amended—

(A) in subparagraph (B)(i), by striking "funded current liability percentage (as defined in section 412(1)(8))" and inserting "funding target attainment percentage (as defined in section 430(d)(2))",

(B) in subparagraph (B)(iii), by striking "subsection 412(c)(8)" and inserting "section 412(d)(2)", and

(C) in subparagraph (D), by striking "section 412(c)(11) (without regard to subparagraph (B) thereof)" and inserting "section 412(b) (without regard to paragraph (2) thereof)".

(b) VESTING RULES.—Section 411 of such Code is amended—

(1) by striking "section 412(c)(8)" in subsection (a)(3)(C) and inserting "section 412(d)(2)",

(2) in subsection (b)(1)(F)—

(A) by striking "paragraphs (2) and (3) of section 412(i)" in clause (ii) and inserting "subparagraphs (B) and (C) of section 412(e)(3)", and

(B) by striking "paragraphs (4), (5), and (6) of section 412(i)" and inserting "subparagraphs (D), (E), and (F) of section 412(e)(3)", and

(3) by striking "section 412(c)(8)" in subsection (d)(6)(A) and inserting "section 412(d)(2)".

(c) MERGERS AND CONSOLIDATIONS OF PLANS.—Subclause (I) of section 414(1)(2)(B)(i) of such Code is amended to read as follows:

"(I) the amount determined under section 431(c)(6)(A)(i) in the case of a multiemployer plan (and the sum of the target liability amount and target normal cost determined under section 430 in the case of any other plan), over"

(d) TRANSFER OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.—

(1) Section 420(e)(2) of such Code is amended to read as follows:

"(2) EXCESS PENSION ASSETS.—The term 'excess pension assets' means the excess (if any) of—

"(A) the lesser of—

"(i) the fair market value of the plan's assets (reduced by the pre-funding balance and the funding standard carryover balance, as determined under section 430(f)), or

"(ii) the value of plan assets as determined under section 430(g)(3) (reduced by the pre-funding balance and the funding standard carryover balance, as determined under section 430(f)), over

"(B) 125 percent of the sum of the target liability amount and the target normal cost determined under section 430 for such plan year."

(2) Section 420(e)(4) of such Code is amended to read as follows:

"(4) COORDINATION WITH SECTION 430.—In the case of a qualified transfer, any assets so transferred shall not, for purposes of this section, be treated as assets in the plan."

(e) EXCISE TAXES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 4971 of such Code are amended to read as follows:

"(a) INITIAL TAX.—If at any time during any taxable year an employer maintains a plan to which section 412 applies, there is hereby imposed for the taxable year a tax equal to—

"(1) in the case of a defined benefit plan which is not a multiemployer plan, 10 percent of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending with or within the taxable year, and

"(2) in the case of a multiemployer plan, 5 percent of the accumulated funding deficiency determined under section 431 as of the end of any plan year ending with or within the taxable year.

"(b) ADDITIONAL TAX.—If—

"(1) a tax is imposed under subsection (a)(1) on any unpaid required minimum contribution and such amount remains unpaid as of the close of the taxable period, or

"(2) a tax is imposed under subsection (a)(2) on any accumulated funding deficiency and the accumulated funding deficiency is not corrected within the taxable period,

there is hereby imposed a tax equal to 100 percent of the unpaid minimum required contribution or accumulated funding deficiency, whichever is applicable, to the extent not so paid or corrected."

(2) Section 4971(c) of such Code is amended—

(A) by striking "the last two sentences of section 412(a)" in paragraph (1) and inserting "section 431", and

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

"(4) UNPAID MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 430 for the plan year which is not paid on or before the due date (as determined under section 430(j)(1)) for the plan year.

"(B) ORDERING RULE.—Any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years in the order in which such contributions became due and then to the minimum required contribution under section 430 for the plan year."

(3) Section 4971(e)(1) of such Code is amended by striking "section 412(b)(3)(A)" and inserting "section 412(a)(2)".

(4) Section 4971(f)(1) of such Code is amended—

(A) by striking "section 412(m)(5)" and inserting "section 430(j)(4)", and

(B) by striking "section 412(m)" and inserting "section 430(j)(3)".

(5) Section 4972(c)(7) of such Code is amended by striking “except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof)” and inserting “except, in the case of a multiemployer plan, to the extent that such contributions exceed the full-funding limitation (as defined in section 431(c)(6))”.

(f) REPORTING REQUIREMENTS.—Section 6059(b) of such Code is amended—

(1) by striking “the accumulated funding deficiency (as defined in section 412(a))” in paragraph (2) and inserting “the minimum required contribution determined under section 430, or the accumulated funding deficiency determined under section 431,” and

(2) by striking paragraph (3)(B) and inserting:

“(B) the requirements for reasonable actuarial assumptions under section 430(h)(1) or 431(c)(3), whichever are applicable, have been complied with.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2006.

Subtitle C—Other Provisions

SEC. 121. MODIFICATION OF TRANSITION RULE TO PENSION FUNDING REQUIREMENTS.

(a) IN GENERAL.—In the case of a plan that—

(1) was not required to pay a variable rate premium for the plan year beginning in 1996,

(2) has not, in any plan year beginning after 1995, merged with another plan (other than a plan sponsored by an employer that was in 1996 within the controlled group of the plan sponsor); and

(3) is sponsored by a company that is engaged primarily in the interurban or interstate passenger bus service,

the rules described in subsection (b) shall apply for any plan year beginning after December 31, 2006.

(b) MODIFIED RULES.—The rules described in this subsection are as follows:

(1) For purposes of section 430(j)(3) of the Internal Revenue Code of 1986 and section 303(j)(3) of the Employee Retirement Income Security Act of 1974, the plan shall be treated as not having a funding shortfall for any plan year.

(2) For purposes of—

(A) determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of such Act, and

(B) determining any present value or making any computation under section 412 of such Code or section 302 of such Act, the mortality table shall be the mortality table used by the plan.

(3) Section 430(c)(5)(B) of such Code and section 303(c)(5)(B) of such Act (relating to phase-in of funding target for exemption from new shortfall amortization base) shall each be applied by substituting “2012” for “2011” therein and by substituting for the table therein the following:

In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	90 percent
2008	92 percent
2009	94 percent
2010	96 percent
2011	98 percent.

(c) DEFINITIONS.—Any term used in this section which is also used in section 430 of such Code or section 303 of such Act shall have the meaning provided such term in such section. If the same term has a different meaning in such Code and such Act, such term shall, for purposes of this section, have the meaning provided by such Code when ap-

plied with respect to such Code and the meaning provided by such Act when applied with respect to such Act.

(d) SPECIAL RULE FOR 2006.—

(1) IN GENERAL.—Section 769(c)(3) of the Retirement Protection Act of 1994, as added by section 201 of the Pension Funding Equity Act of 2004, is amended by striking “and 2005” and inserting “, 2005, and 2006”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plan years beginning after December 31, 2005.

(e) CONFORMING AMENDMENT.—

(1) Section 769 of the Retirement Protection Act of 1994 is amended by striking subsection (c).

(2) The amendment made by paragraph (1) shall take effect on December 31, 2006, and shall apply to plan years beginning after such date.

SEC. 122. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS WHEN EMPLOYER DEFINED BENEFIT PLAN IN AT-RISK STATUS.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) EMPLOYER’S DEFINED BENEFIT PLAN IN AT-RISK STATUS.—If—

“(A) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status (as defined in section 430(i)(3)), assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

“(B) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

such assets shall for purposes of section 83 be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors. Subparagraph (A) shall not apply with respect to any assets which are so set aside before the defined benefit plan is in at-risk status.”

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking “paragraph (1) or (2)” each place it appears and inserting “paragraph (1), (2), or (3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

(d) SPECIAL RULE FOR 2006.—For purposes of determining if a plan is in at-risk status (within the meaning of section 409A of such Code, as added by this section) for any plan year beginning in 2006, such section shall be applied by substituting the plan’s modified funded current liability percentage for the plan’s funding target attainment percentage. For purposes of the preceding sentence, the term “modified funded current liability percentage” means the funded current liability percentage (as defined in section 412(l)(8) of such Code), reduced as described in subparagraph (E) thereof.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 201. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 102) is amended further by inserting after section 303 the following new section:

“MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

“SEC. 304. (a) IN GENERAL.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

“(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

“(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

“(b) FUNDING STANDARD ACCOUNT.—

“(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

“(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

“(A) the normal cost of the plan for the plan year,

“(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

“(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this part applies, over a period of 40 plan years,

“(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this part applies, over a period of 15 plan years,

“(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

“(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

“(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

“(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), and

“(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

“(A) the amount considered contributed by the employer to or under the plan for the plan year,

“(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

“(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULES FOR CERTAIN PRE-2007 AMORTIZATIONS.—

“(A) IN GENERAL.—In the case of any amount amortized under section 302(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

“(B) INTEREST RATE.—For purposes of amortizations under section 302(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), in the case of any waiver under section 303 (as so in effect) or extension under section 304 (as so in effect) with respect to which application has been made before June 30, 2005, the interest rate under section 303(a)(2) (as so in effect) or section 304(a) (as so in effect), as the case may be, shall apply.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—Except as provided in subsection (c)(9), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(7) CERTAIN AMORTIZATION CHARGES AND CREDITS.—In the case of a plan which, immediately before the date of the enactment of

the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 3(37) as in effect immediately before such date)—

“(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose,

“(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose,

“(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises, and

“(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

“(i) was adopted before such date, and

“(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

“(8) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this section—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employ-

er's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 302 in such manner as is determined by the Secretary of the Treasury.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this section, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account

under regulations prescribed for purposes of section 401(a)(5) of such Code.

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b)(2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan’s assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS’ STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners’ standard table (described in

section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan’s current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability

shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

“(9) INTEREST RULE FOR WAIVERS AND EXTENSIONS.—The interest rate applicable for any plan year for purposes of computing the amortization charge described in subsection (b)(2)(C) and in connection with an extension granted under subsection (d) shall be the greater of—

“(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year), or

“(B) the rate of interest used under the plan for determining costs.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

“(1) EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan shall be extended by the Secretary of the Treasury for a period of time (not in excess of 5 years) if it is demonstrated to such Secretary that—

“(A) absent the extension, the plan would have an accumulated funding deficiency in any of the next 10 plan years,

“(B) the plan sponsor has adopted a plan to improve the plan’s funding status, and

“(C) taking into account the extension, the plan is projected to have sufficient assets to timely pay its expected benefit liabilities and other anticipated expenditures.

“(2) ADDITIONAL EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary of the Treasury for a period of time (not in excess of 5 years) if such Secretary determines that such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and

their beneficiaries and if such Secretary determines that the failure to permit such extension would—

“(A) result in—

“(i) a substantial risk to the voluntary continuation of the plan, or

“(ii) a substantial curtailment of pension benefit levels or employee compensation, and

“(B) be adverse to the interests of plan participants in the aggregate.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21)) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 301 of such Act (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by section 102 of this Act) is amended further by inserting after the item relating to section 303 the following new item:

“Sec. 304. Minimum funding standards for multiemployer plans.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 202. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended further by inserting after section 304 the following new section:

“ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

“SEC. 305. (a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary of the Treasury whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

“(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as based on the actuarial statement prepared for the preceding plan year under section 103(d).

“(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

“(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(ii) that employer and employee contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

“(3) PRESUMED STATUS IN ABSENCE OF TIME-LY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the plan actuary makes a contrary certification.

“(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered status under paragraph (1) or enters into critical status, the plan sponsor shall, not later than 30 days after the date of the certification or entry, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

“(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year and no funding improvement plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

“(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (a)—

“(A) the plan’s funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year under section 304 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

“(3) FUNDING IMPROVEMENT PLAN.—

“(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

“(i) INCREASE IN FUNDED PERCENTAGE.—An increase in the plan’s funded percentage such that—

“(I) the difference between 100 percent and the plan’s funded percentage for the last year of the funding improvement period, is not more than

“(II) $\frac{3}{4}$ of the difference between 100 percent and the plan’s funded percentage for the first year of the funding improvement period.

“(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

“(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

“(C) SPECIAL RULES FOR CERTAIN SERIOUSLY UNDERFUNDED PLANS.—

“(i) In the case of a plan in which the funded percentage of a plan for the plan year is 70 percent or less, subparagraph (A)(i)(II) shall be applied by substituting ‘ $\frac{1}{2}$ ’ for ‘ $\frac{3}{4}$ ’ and subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(ii) In the case of a plan in which the funded percentage of a plan for the plan year is more than 70 percent but less than 80 percent, and—

“(I) the plan actuary certifies within 30 days after certification under subsection (a)(1) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), and

“(II) the plan year is prior to the day described in subparagraph (B)(ii),

subparagraph (A)(i)(II) shall be applied by substituting ‘ $\frac{1}{2}$ ’ for ‘ $\frac{3}{4}$ ’ and subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(iii) For any plan year following the year described in clause (ii)(II), subparagraph (A)(i)(II) and subparagraph (B) shall apply, except that for each plan year ending after such date for which the plan actuary certifies (at the time of the annual certification under subsection (a)(1) for such plan year) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(D) REPORTING.—A summary of any funding improvement plan or modification thereof adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

“(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

“(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

“(i) an increase in the plan’s funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 304(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan’s benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(B) RECOMMENDATIONS BY PLAN SPONSOR.—

“(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

“(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

“(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

“(i) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

“(I) employs at least 5 percent of the active participants, or

“(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants, the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

“(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

“(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

“(A) a reduction in the level of contributions for participants who are not in pay status,

“(B) a suspension of contributions with respect to any period of service, or

“(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

“(A) RESTRICTIONS ON LUMP SUM AND SIMILAR DISTRIBUTIONS.—In any case in which the present value of a participant's accrued benefit under the plan exceeds \$5,000, such benefit may not be distributed as an immediate distribution or in any other accelerated form.

“(B) PROHIBITION ON BENEFIT INCREASES.—

“(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

“(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1986.

“(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (b)(1), the plan enters into critical status as of the first day of the succeeding plan year.

“(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the funding improvement plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

“(C) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year as described in paragraph (2) (or otherwise enters into critical status under this section) and no rehabilitation plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan enters into critical status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

“(A) the plan is in endangered status for the preceding plan year and the requirements of subsection (b)(1) were not met with respect to the plan for such preceding plan year, or

“(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

“(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

“(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years, is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(C) A plan is described in this subparagraph if—

“(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

“(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

“(D) A plan is described in this subparagraph if—

“(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

“(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

“(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

“(E) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

“(ii) the plan is projected to have an accumulated funding deficiency during any of the succeeding 3 plan years, not taking into account any extension of amortization periods under section 304(d).

“(4) REHABILITATION PLAN.—

“(A) IN GENERAL.—A rehabilitation plan shall consist of—

“(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status, or

“(ii) reasonable measures to forestall possible insolvency (within the meaning of section 4245) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

A rehabilitation must provide annual standards for meeting the requirements of such rehabilitation plan.

“(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date, after the date of the plan's entry into critical status, as of which collective bargaining agreements covering at least 75 percent of active participants in such multiemployer plan (determined as of such date of entry) have expired.

“(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

“(5) DEVELOPMENT OF REHABILITATION PLAN.—

“(A) PROPOSALS BY PLAN SPONSOR.—

“(i) IN GENERAL.—Within 90 days after the date of entry into critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would

serve to carry out a rehabilitation plan under this subsection.

“(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

“(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor’s proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law.

“(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the request of any bargaining party who—

“(i) employs at least 5 percent of the active participants, or

“(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of active participants, the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

“(C) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

“(D) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

“(E) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below the lower of—

“(i) a monthly benefit equal to 1 percent of the contributions required to be made with respect to a participant or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the plan year in which the plan enters critical status, or

“(ii) if lower, the accrual rate under the plan on such date.

The equivalent standard accrual rate shall be determined by the trustees based on the standard or average contribution base units that they determine to be representative for active participants and such other factors as they determine to be relevant.

“(F) PROTECTION OF RESTORED RATES OF ACCRUAL.—

“(i) IN GENERAL.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below any restored accrual rate.

“(ii) RESTORED ACCRUAL RATE.—For purposes of clause (i), the term ‘restored accrual rate’ means a rate of benefit accruals which was reduced and subsequently restored before entry of the plan into critical status.

“(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION

OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term ‘rehabilitation plan’ for ‘funding improvement plan’.

“(7) SPECIAL RULES.—

“(A) AUTOMATIC EMPLOYER SURCHARGE.—

“(i) 5 PERCENT AND 10 PERCENT SURCHARGE.—For the first plan year in which the plan is in critical status, each employer otherwise obligated to make a contribution for that plan year shall be obligated to pay to the plan a surcharge equal to 5 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes). For each consecutive plan year thereafter in which the plan is in critical status, the surcharge shall be 10 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes).

“(ii) ENFORCEMENT OF SURCHARGE.—The surcharges under clause (i) shall be due and payable on the same schedule as the contributions on which they are based. Any failure to make a surcharge payment shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.

“(iii) SURCHARGE TO TERMINATE UPON CBA RENEGOTIATION.—The surcharge under this paragraph shall cease to be effective with respect to employees covered by a collective bargaining agreement, beginning on the date on which that agreement is renegotiated to include—

“(I) a schedule of benefits and contributions published by the trustees pursuant to the plan’s rehabilitation plan, or

“(II) otherwise collectively bargained benefit changes.

“(iv) SURCHARGE NOT TO APPLY UNTIL EMPLOYER RECEIVES 30-DAY NOTICE.—The surcharge under this subparagraph shall not apply to an employer until 30 days after the employer has been notified by the trustees that the plan is in critical status and that the surcharge is in effect.

“(v) SURCHARGE NOT TO GENERATE INCREASED BENEFIT ACCRUALS.—Notwithstanding any provision of a plan to the contrary, the amount of any surcharge shall not be the basis for any benefit accruals under the plan.

“(B) BENEFIT ADJUSTMENTS.—

“(i) IN GENERAL.—The trustees shall make appropriate reductions, if any, to adjustable benefits based upon the outcome of collective bargaining over the schedules provided under paragraph (5).

“(ii) RETIREE PROTECTION.—Except as provided in subparagraph (C), the trustees of a plan in critical status may not reduce adjustable benefits of any participant or beneficiary who was in pay status at least one year before the first day of the first plan year in which the plan enters into critical status.

“(iii) TRUSTEE FLEXIBILITY.—The trustees shall include in the schedules provided to the bargaining parties an allowance for funding the benefits of participants with respect to whom contributions are not currently required to be made, and shall reduce their benefits to the extent permitted under this title and considered appropriate based on the plan’s then current overall funding status and its future prospects in light of the results of the parties’ negotiations.

“(C) ADJUSTABLE BENEFIT DEFINED.—For purposes of this paragraph, the term ‘adjustable benefit’ means—

“(i) benefits, rights, and features, such as post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits,

“(ii) retirement-type subsidies, early retirement benefits, and benefit payment op-

tions (other than the 50 percent qualified joint-and-survivor benefit and single life annuity), and

“(iii) benefit increases that would not be eligible for a guarantee under section 4022A on the first day of the plan year in which the plan enters into critical status because they were adopted, or if later, took effect less than 60 months before reorganization.

“(D) NORMAL RETIREMENT BENEFITS PROTECTED.—Nothing in this paragraph shall be construed to permit a plan to reduce the level of a participant’s accrued benefit payable at normal retirement age which is not an adjustable benefit.

“(E) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—

“(i) BENEFIT REDUCTIONS.—Any benefit reductions under this paragraph shall be disregarded in determining a plan’s unfunded vested benefits for purposes of determining an employer’s withdrawal liability under section 4201.

“(ii) SURCHARGES.—Any surcharges under this paragraph shall be disregarded in determining an employer’s withdrawal liability under section 4211, except for purposes of determining the unfunded vested benefits attributable to an employer or under a modified attributable method adopted with the approval of the Pension Benefit Guaranty Corporation under subsection (c)(5) of that section.

“(8) RESTRICTIONS UPON APPROVAL OF REHABILITATION PLAN.—Upon adoption of a rehabilitation plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the rehabilitation plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to cease to be in critical status.

“(9) IMPLEMENTATION OF DEFAULT SCHEDULE UPON FAILURE TO ADOPT REHABILITATION PLAN.—If the plan is not amended by the end of the 240-day period after entry into critical status to include a rehabilitation plan, the plan sponsor shall amend the plan to implement the schedule required by paragraph (5)(A)(ii).

“(10) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (4) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 or a partial withdrawal by the employer under section 4205.

“(11) SPECIAL RULE FOR PLAN AMENDMENTS.—A multiemployer plan in critical status shall not fail to meet the requirements of section 204(g) or section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of this subsection.

“(d) DEFINITIONS.—For purposes of this section—

“(1) BARGAINING PARTY.—The term ‘bargaining party’ means, in connection with a multiemployer plan—

“(A) an employer who has an obligation to contribute under the plan, and

“(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

“(2) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the percentage expressed as a ratio of which—

“(A) the numerator of which is the value of the plan’s assets, as determined under section 304(c)(2), and

“(B) the denominator of which is the accrued liability of the plan.

“(3) ACCUMULATED FUNDING DEFICIENCY.—The term ‘accumulated funding deficiency’ has the meaning provided such term in section 304(a).

“(4) ACTIVE PARTICIPANT.—The term ‘active participant’ means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

“(5) INACTIVE PARTICIPANT.—The term ‘inactive participant’ means, in connection with a multiemployer plan, a participant who—

“(A) is not in covered service under the plan, and

“(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

“(6) PAY STATUS.—A person is in ‘pay status’ under a multiemployer plan if—

“(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

“(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

“(7) OBLIGATION TO CONTRIBUTE.—The term ‘obligation to contribute’ has the meaning provided such term under section 4212(a).

“(8) ENTRY INTO CRITICAL STATUS.—A plan shall be treated as entering into critical status as of the date that such plan is certified to be in critical status under subsection (a)(1), is presumed to be in critical status under subsection (a)(3), or enters into critical status under subsection (b)(7).”

(b) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6) by striking “(6), or (7)” and inserting “(6), (7), or (8)”;

(2) by redesignating subsection (c)(8) as subsection (c)(9); and

(3) by inserting after subsection (c)(7) the following new paragraph:

“(8) The Secretary may assess a civil penalty against—

“(A) any person of not more than \$1,100 per day for each violation by such person of subsection (a)(1), (b)(1), or (c)(1) of section 305, or

“(B) any plan sponsor for failure by the plan sponsor to implement the terms of any funding improvement plan or rehabilitation plan adopted under section 305.”

(c) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended further by inserting after the item relating to section 304 the following new item:

“Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2005.

(e) SPECIAL RULE FOR 2006.—In the case of any plan year beginning in 2006, any reference in section 305 of the Employee Retirement Income Security Act of 1974 (as added by this section) to section 304 of such Act (as added by this Act) shall be treated as a reference to the corresponding provision of the Employee Retirement Income Security Act of 1974 as in effect for plan years beginning in such year.

SEC. 203. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking “3 plan years” the second place it appears and inserting “5 plan years”; and

(2) by adding at the end the following new sentence: “If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after December 31, 2005.

SEC. 204. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY IN THE EVENT OF CERTAIN SALES OF EMPLOYER ASSETS TO UNRELATED PARTIES.—

(1) IN GENERAL.—Section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 4225.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) REPEAL OF LIMITATION TO 20 ANNUAL PAYMENTS.—

(1) IN GENERAL.—Section 4219(c)(1) of such Act (29 U.S.C. 1399(c)(1)) is amended by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to withdrawals occurring on or after January 1, 2006.

(c) WITHDRAWAL LIABILITY CONTINUES IF WORK CONTRACTED OUT.—

(1) IN GENERAL.—Clause (i) of section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended by inserting “or to another party or parties” after “to another location”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work transferred on or after the date of the enactment of this Act.

(d) REPEAL OF SPECIAL RULE FOR LONG AND SHORT HAUL TRUCKING INDUSTRY.—

(1) IN GENERAL.—Subsection (d) of section 4203 of such Act (29 U.S.C. 1383(d)) is repealed.

(2) EFFECTIVE DATE.—The repeal under this subsection shall apply with respect to cessations to have obligations to contribute to multiemployer plans and cessations of covered operations under such plans occurring on or after January 1, 2006.

(e) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

SEC. 205. REMOVAL OF RESTRICTIONS WITH RESPECT TO PROCEDURES APPLICABLE TO DISPUTES INVOLVING WITHDRAWAL LIABILITY.

(a) IN GENERAL.—Section 4221(f)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1401(f)(1)) is amended—

(1) in subparagraph (A) by inserting “and” after “plan,” and

(2) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) such determination is based in whole or in part on a finding by the plan sponsor under section 4212(c) that a principal purpose

of any transaction which occurred at least 5 years (2 years in the case of a small employer) before the date of the complete or partial withdrawal was to evade or avoid withdrawal liability under this subtitle.”

(b) SMALL EMPLOYER.—Paragraph (2) of section 4221(f) of such Act is amended by adding at the end the following new subparagraph:

“(C) SMALL EMPLOYER.—For purposes of paragraph (1)(B)—

“(i) IN GENERAL.—The term ‘small employer’ means any employer who (as of immediately before the transaction referred to in paragraph (1)(B))—

“(I) employs not more than 500 employees, and

“(II) is required to make contributions to the plan for not more than 250 employees.

(ii) CONTROLLED GROUP.—Any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer for purposes of this subparagraph.”

(c) ADDITIONAL AMENDMENTS.—

(1) Subparagraph (A) of section 4221(f)(2) of such Act (29 U.S.C. 1401(f)(2)) is amended by striking “Notwithstanding” and inserting “In the case of a transaction occurring before January 1, 1999, and at least 5 years before the date of the complete or partial withdrawal, notwithstanding”.

(2) Section 4221(f)(2)(B) of such Act (29 U.S.C. 1401(f)(2)(B)) is amended—

(A) by inserting “with respect to withdrawal liability payments” after “determination” the first place it appears, and

(B) by striking “any” and inserting “the”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any employer that receives a notification under section 4219(b)(1) of the Employee Retirement Income Security Act of 1974 on or after the date of the enactment of this Act.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 211. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (added by section 112 of this Act) is amended by adding at the end the following new section:

“SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

“(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

“(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which section 412 applies to the plan) over the total credits to such account for such years, and

“(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 418B.

“(b) FUNDING STANDARD ACCOUNT.—

“(1) ACCOUNT REQUIRED.—Each multiemployer plan to which section 412 applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

“(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

“(A) the normal cost of the plan for the plan year,

“(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

“(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the

first plan year to which section 412 applies, over a period of 40 plan years.

“(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which section 412 applies, over a period of 15 plan years.

“(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years.

“(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

“(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years.

“(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years.

“(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), and

“(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

“(A) the amount considered contributed by the employer to or under the plan for the plan year,

“(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years.

“(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years.

“(C) the amount of the waived funding deficiency (within the meaning of section 412(c)(3)) for the plan year, and

“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULES FOR PRE-2007 AMORTIZATIONS.—

“(A) IN GENERAL.—In the case of any amount amortized under section 412(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and

(3)(B), such amount shall continue to be amortized under such section as so in effect.

“(B) INTEREST RATE.—For purposes of amortizations under section 412(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), in the case of any waiver under section 412(d) (as so in effect) or extension under section 412(e) (as so in effect) with respect to which application has been made before June 30, 2005, the interest rate under section 412(d)(1)(A) (as so in effect) or section 412(e) (as so in effect), as the case may be, shall apply.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—Except as provided in subsection (c)(9), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(7) CERTAIN AMORTIZATION CHARGES AND CREDITS.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 414(f) as in effect immediately before such date)—

“(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose.

“(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose.

“(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises, and

“(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

“(i) was adopted before such date, and

“(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

“(8) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this section—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of

title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of the Employee Retirement Income Security Act of 1974 or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this section, the value of the plan’s assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b)(2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan’s assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS’ STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners’ standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan’s current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

“(9) INTEREST RULE FOR WAIVERS AND EXTENSIONS.—The interest rate applicable for any plan year for purposes of computing the amortization charge described in subsection (b)(2)(C) and in connection with an extension

granted under subsection (d) shall be the greater of—

“(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), or

“(B) the rate of interest used under the plan for determining costs.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

“(1) EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan shall be extended by the Secretary for a period of time (not in excess of 5 years) if it is demonstrated to the Secretary that—

“(A) absent the extension, the plan would have an accumulated funding deficiency in any of the next 10 plan years,

“(B) the plan sponsor has adopted a plan to improve the plan's funding status, and

“(C) taking into account the extension, the plan is projected to have sufficient assets to timely pay its expected benefit liabilities and other anticipated expenditures.

“(2) ADDITIONAL EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary for a period of time (not in excess of 5 years) if the Secretary determines that such extension would carry out the purposes of the Employee Retirement Income Security Act of 1974 and would provide adequate protection for participants under the plan and their beneficiaries and if the Secretary determines that the failure to permit such extension would—

“(A) result in—

“(i) a substantial risk to the voluntary continuation of the plan, or

“(ii) a substantial curtailment of pension benefit levels or employee compensation, and

“(B) be adverse to the interests of plan participants in the aggregate.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 418(b)(2) of such Code is amended—

(A) by striking “section 412(b)(2)” in subparagraph (A) and inserting “section 431(b)(2)”, and

(B) by striking “section 412(b)(3)(B)” in subparagraph (B) and inserting “section 431(b)(3)(B)”.

(2) Section 418B of such Code is amended—

(A) by striking “section 412(b)(2)(A) or (B)” in subsection (d)(1)(B) and inserting “section 431(b)(2)(A) or (B)”,

(B) by striking “section 412(c)(8)” in subsection (e) and inserting “section 412(d)(2)”, and

(C) by striking “section 412(c)(3)” in subsection (g) and inserting “section 431(c)(3)”.

(3) Section 418D(a)(2) of such Code is amended—

(A) by striking “section 412(c)(8)” and inserting “section 412(d)(2)”, and

(B) by striking “section 412(c)(10)” and inserting “section 431(c)(8)”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding after the item relating to section 430 the following new item:

“Sec. 431. Minimum funding standards for multiemployer plans.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 212. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 431 the following new section:

“SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

“(a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

“(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as based on the actuarial statement prepared for the preceding plan year under section 103(d) of the Employee Retirement Income Security Act of 1974.

“(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

“(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(ii) that employer and employee contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

“(3) PRESUMED STATUS IN ABSENCE OF TIME-LY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the plan actuary makes a contrary certification.

“(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered status under paragraph (1) or enters into critical status, the plan sponsor shall, not later than 30 days after the date of the certification or entry, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

“(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year and no funding improvement plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

“(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (a)—

“(A) the plan's funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year under section 431 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

“(3) FUNDING IMPROVEMENT PLAN.—

“(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

“(i) INCREASE IN FUNDED PERCENTAGE.—An increase in the plan's funded percentage such that—

“(I) the difference between 100 percent and the plan's funded percentage for the last year of the funding improvement period, is not more than

“(II) $\frac{2}{3}$ of the difference between 100 percent and the plan's funded percentage for the first year of the funding improvement period.

“(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

“(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

“(C) SPECIAL RULES FOR CERTAIN SERIOUSLY UNDERFUNDED PLANS.—

“(i) In the case of a plan in which the funded percentage of a plan for the plan year is 70 percent or less, subparagraph (A)(i)(II) shall be applied by substituting ‘ $\frac{1}{3}$ ’ for ‘ $\frac{2}{3}$ ’ and subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(ii) In the case of a plan in which the funded percentage of a plan for the plan year is more than 70 percent but less than 80 percent, and—

“(I) the plan actuary certifies within 30 days after certification under subsection (a)(1) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), and

“(II) the plan year is prior to the day described in subparagraph (B)(ii),

subparagraph (A)(i)(II) shall be applied by substituting ‘%’ for ‘%’ and subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(iii) For any plan year following the year described in clause (ii)(II), subparagraph (A)(i)(II) and subparagraph (B) shall apply, except that for each plan year ending after such date for which the plan actuary certifies (at the time of the annual certification under subsection (a)(1) for such plan year) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), subparagraph (B) shall be applied by substituting ‘the 15-year period’ for ‘the 10-year period’.

“(D) REPORTING.—A summary of any funding improvement plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) of the Employee Retirement Income Security Act of 1974 and in the summary annual report described in section 104(b)(3) of such Act.

“(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

“(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

“(i) an increase in the plan’s funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 431(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan’s benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(B) RECOMMENDATIONS BY PLAN SPONSOR.—

“(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

“(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

“(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

“(ii) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

“(I) employs at least 5 percent of the active participants, or

“(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

“(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

“(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

“(A) a reduction in the level of contributions for participants who are not in pay status,

“(B) a suspension of contributions with respect to any period of service, or

“(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

“(A) RESTRICTIONS ON LUMP SUM AND SIMILAR DISTRIBUTIONS.—In any case in which the present value of a participant’s accrued benefit under the plan exceeds \$5,000, such benefit may not be distributed as an immediate distribution or in any other accelerated form.

“(B) PROHIBITION ON BENEFIT INCREASES.—

“(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

“(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A.

“(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (b)(1), the plan enters into critical status as of the first day of the succeeding plan year.

“(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the funding improvement plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

“(c) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year as described in paragraph (2) (or otherwise enters into critical status under this section) and no rehabilitation plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan enters into critical status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

“(A) the plan is in endangered status for the preceding plan year and the requirements of subsection (b)(1) were not met with respect to the plan for such preceding plan year, or

“(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

“(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

“(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(C) A plan is described in this subparagraph if—

“(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

“(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

“(D) A plan is described in this subparagraph if—

“(i)(I) the plan’s normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

“(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

“(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

“(E) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

“(ii) the plan is projected to have an accumulated funding deficiency during any of the

succeeding 3 plan years, not taking into account any extension of amortization periods under section 431(d).

“(4) REHABILITATION PLAN.—

“(A) IN GENERAL.—A rehabilitation plan shall consist of—

“(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status, or

“(ii) reasonable measures to forestall possible insolvency (within the meaning of section 418E) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

A rehabilitation must provide annual standards for meeting the requirements of such rehabilitation plan.

“(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date, after the date of the plan's entry into critical status, as of which collective bargaining agreements covering at least 75 percent of active participants in such multiemployer plan (determined as of such date of entry) have expired.

“(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) of the Employee Retirement Income Security Act of 1974 and in the summary annual report described in section 104(b)(3) of such Act.

“(5) DEVELOPMENT OF REHABILITATION PLAN.—

“(A) PROPOSALS BY PLAN SPONSOR.—

“(i) IN GENERAL.—Within 90 days after the date of entry into critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would serve to carry out a rehabilitation plan under this subsection.

“(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

“(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor's proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law.

“(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the request of any bargaining party who—

“(i) employs at least 5 percent of the active participants, or

“(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of active participants,

the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

“(C) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

“(D) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

“(E) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below the lower of—

“(i) a monthly benefit equal to 1 percent of the contributions required to be made with respect to a participant or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the plan year in which the plan enters critical status, or

“(ii) if lower, the accrual rate under the plan on such date.

The equivalent standard accrual rate shall be determined by the trustees based on the standard or average contribution base units that they determine to be representative for active participants and such other factors as they determine to be relevant.

“(F) PROTECTION OF RESTORED RATES OF ACCRUAL.—

“(i) IN GENERAL.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below any restored accrual rate.

“(ii) RESTORED ACCRUAL RATE.—For purposes of clause (i), the term ‘restored accrual rate’ means a rate of benefit accruals which was reduced and subsequently restored before entry of the plan into critical status.

“(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term ‘rehabilitation plan’ for ‘funding improvement plan’.

“(7) SPECIAL RULES.—

“(A) AUTOMATIC EMPLOYER SURCHARGE.—

“(i) 5 PERCENT AND 10 PERCENT SURCHARGE.—For the first plan year in which the plan is in critical status, each employer otherwise obligated to make a contribution for that plan year shall be obligated to pay to the plan a surcharge equal to 5 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes). For each consecutive plan year thereafter in which the plan is in critical status, the surcharge shall be 10 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes).

“(ii) ENFORCEMENT OF SURCHARGE.—The surcharges under clause (i) shall be due and payable on the same schedule as the con-

tributions on which they are based. Any failure to make a surcharge payment shall be treated as a delinquent contribution under section 515 of the Employee Retirement Income Security Act of 1974 and shall be enforceable as such.

“(iii) SURCHARGE TO TERMINATE UPON CBA RENEGOTIATION.—The surcharge under this paragraph shall cease to be effective with respect to employees covered by a collective bargaining agreement, beginning on the date on which that agreement is renegotiated to include—

“(I) a schedule of benefits and contributions published by the trustees pursuant to the plan's rehabilitation plan, or

“(II) otherwise collectively bargained benefit changes.

“(iv) SURCHARGE NOT TO APPLY UNTIL EMPLOYER RECEIVES 30-DAY NOTICE.—The surcharge under this subparagraph shall not apply to an employer until 30 days after the employer has been notified by the trustees that the plan is in critical status and that the surcharge is in effect.

“(v) SURCHARGE NOT TO GENERATE INCREASED BENEFIT ACCRUALS.—Notwithstanding any provision of a plan to the contrary, the amount of any surcharge shall not be the basis for any benefit accruals under the plan.

“(B) BENEFIT ADJUSTMENTS.—

“(i) IN GENERAL.—The trustees shall make appropriate reductions, if any, to adjustable benefits based upon the outcome of collective bargaining over the schedules provided under paragraph (5).

“(ii) RETIREE PROTECTION.—Except as provided in subparagraph (C), the trustees of a plan in critical status may not reduce adjustable benefits of any participant or beneficiary who was in pay status at least one year before the first day of the first plan year in which the plan enters into critical status.

“(iii) TRUSTEE FLEXIBILITY.—The trustees shall include in the schedules provided to the bargaining parties an allowance for funding the benefits of participants with respect to whom contributions are not currently required to be made, and shall reduce their benefits to the extent permitted under this title and considered appropriate based on the plan's then current overall funding status and its future prospects in light of the results of the parties' negotiations.

“(C) ADJUSTABLE BENEFIT DEFINED.—For purposes of this paragraph, the term ‘adjustable benefit’ means—

“(i) benefits, rights, and features, such as post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits,

“(ii) retirement-type subsidies, early retirement benefits, and benefit payment options (other than the 50 percent qualified joint-and-survivor benefit and single life annuity), and

“(iii) benefit increases that would not be eligible for a guarantee under section 4022A of the Employee Retirement Income Security Act of 1974 on the first day of the plan year in which the plan enters into critical status because they were adopted, or if later, took effect less than 60 months before reorganization.

“(D) NORMAL RETIREMENT BENEFITS PROTECTED.—Nothing in this paragraph shall be construed to permit a plan to reduce the level of a participant's accrued benefit payable at normal retirement age which is not an adjustable benefit.

“(E) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—

“(i) BENEFIT REDUCTIONS.—Any benefit reductions under this paragraph shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under

section 4201 of the Employee Retirement Income Security Act of 1974.

“(ii) SURCHARGES.—Any surcharges under this paragraph shall be disregarded in determining an employer’s withdrawal liability under section 4211 of the Employee Retirement Income Security Act of 1974, except for purposes of determining the unfunded vested benefits attributable to an employer or under a modified attributable method adopted with the approval of the Pension Benefit Guaranty Corporation under subsection (c)(5) of that section.

“(8) RESTRICTIONS UPON APPROVAL OF REHABILITATION PLAN.—Upon adoption of a rehabilitation plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the rehabilitation plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to cease to be in critical status.

“(9) IMPLEMENTATION OF DEFAULT SCHEDULE UPON FAILURE TO ADOPT REHABILITATION PLAN.—If the plan is not amended by the end of the 240-day period after entry into critical status to include a rehabilitation plan, the plan sponsor shall amend the plan to implement the schedule required by paragraph (5)(A)(ii).

“(10) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (4) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 of the Employee Retirement Income Security Act of 1974 or a partial withdrawal by the employer under section 4205 of such Act.

“(11) SPECIAL RULE FOR PLAN AMENDMENTS.—A multiemployer plan in critical status shall not fail to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 or section 411(d)(6) solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of this subsection.

“(d) DEFINITIONS.—For purposes of this section—

“(1) BARGAINING PARTY.—The term ‘bargaining party’ means, in connection with a multiemployer plan—

“(A) an employer who has an obligation to contribute under the plan, and

“(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

“(2) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the percentage expressed as a ratio of which—

“(A) the numerator of which is the value of the plan’s assets, as determined under section 431(c)(2), and

“(B) the denominator of which is the accrued liability of the plan.

“(3) ACCUMULATED FUNDING DEFICIENCY.—The term ‘accumulated funding deficiency’ has the meaning provided such term in section 431(a).

“(4) ACTIVE PARTICIPANT.—The term ‘active participant’ means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

“(5) INACTIVE PARTICIPANT.—The term ‘inactive participant’ means, in connection with a multiemployer plan, a participant who—

“(A) is not in covered service under the plan, and

“(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

“(6) PAY STATUS.—A person is in ‘pay status’ under a multiemployer plan if—

“(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

“(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

“(7) OBLIGATION TO CONTRIBUTE.—The term ‘obligation to contribute’ has the meaning provided such term under section 4212(a) of the Employee Retirement Income Security Act of 1974.

“(8) ENTRY INTO CRITICAL STATUS.—A plan shall be treated as entering into critical status as of the date that such plan is certified to be in critical status under subsection (a)(1), is presumed to be in critical status under subsection (a)(3), or enters into critical status under subsection (b)(7).”

(b) EXCISE TAX ON FAILURES TO ACT WITH RESPECT TO MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Section 4971 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

“(g) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) SUBSTITUTION OF EXCISE TAX FOR INITIAL AND ADDITIONAL TAX.—In the case of a multiemployer plan to which section 432(c) applies for a period, subsections (a) and (b) shall not apply with respect to such period.

“(2) FAILURE TO ADOPT REHABILITATION PLAN.—

“(A) IN GENERAL.—In the case of a multiemployer plan to which section 432(c) applies, there is hereby imposed a tax on the failure of such plan to adopt a rehabilitation plan.

“(B) AMOUNT OF TAX.—The amount of the tax imposed under subparagraph (A) with respect to any plan sponsor shall be the greater of—

“(i) the amount of tax imposed under subsection (a) (determined without regard to this subsection), or

“(ii) the amount equal to \$1,100 multiplied by the number of days in the period beginning on the first day of the 240-day period described in section 432(c)(1) and ending on the day on which the rehabilitation plan is adopted.

“(C) LIABILITY FOR TAX.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A) shall be paid by each plan sponsor.

“(ii) PLAN SPONSOR.—For purposes of clause (i), the term ‘plan sponsor’ in the case of a multiemployer plan means the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

“(3) FAILURE TO COMPLY WITH REHABILITATION PLAN.—

“(A) IN GENERAL.—In the case of a multiemployer plan to which section 432(c) applies, there is hereby imposed a tax on each failure to make a required contribution under the rehabilitation plan within the time required under such plan.

“(B) AMOUNT OF TAX.—The amount of the tax imposed by subparagraph (A) shall be, with respect to each required contribution under the rehabilitation plan, the amount equal to the excess of the amount of such required contribution over the amount contributed.

“(C) LIABILITY FOR TAX.—The tax imposed by subparagraph (A) shall be paid by the employer responsible for contributing to or under the rehabilitation plan which fails to make the contribution.

“(4) REHABILITATION PLAN.—For purposes of this subsection, the term ‘rehabilitation

plan’ means the plan required to be adopted under section 432(c).”

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 432. Additional funding rules for multiemployer plans in endangered status or critical status.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2005.

(e) SPECIAL RULE FOR 2006.—In the case of any plan year beginning in 2006, any reference in section 432 of the Internal Revenue Code of 1986 (as added by this section) to section 431 of such Code (as added by this Act) shall be treated as a reference to the corresponding provision of such Code as in effect for plan years beginning in such year.

SEC. 213. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 418E(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “3 plan years” the second place it appears and inserting “5 plan years”, and

(2) by adding at the end the following new sentence: “If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after December 31, 2005.

TITLE III—OTHER PROVISIONS

SEC. 301. INTEREST RATE FOR 2006 FUNDING REQUIREMENTS.

(a) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subclause (II) of section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(5)(B)(ii)) is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2007”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, AND 2006”.

(2) CURRENT LIABILITY.—Subclause (IV) of section 302(d)(7)(C)(i) of such Act (29 U.S.C. 1082(d)(7)(C)(i)) is amended—

(A) by striking “or 2005” and inserting “, 2005, or 2006”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, AND 2006”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subclause (II) of section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2007”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, AND 2006”.

(2) CURRENT LIABILITY.—Subclause (IV) of section 412(l)(7)(C)(i) of such Code is amended—

(A) by striking “or 2005” and inserting “, 2005, or 2006”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, AND 2006”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 302. INTEREST RATE ASSUMPTION FOR DETERMINATION OF LUMP SUM DISTRIBUTIONS.

(a) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Paragraph (3)

of section 205(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(g)(3)) is amended to read as follows:

“(3)(A) For purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

“(B) For purposes of subparagraph (A)—
“(i) The term ‘applicable mortality table’ means a mortality table, modified as appropriate by the Secretary of the Treasury, based on the mortality table specified for the plan year under section 303(h)(3).

“(ii) The term ‘applicable interest rate’ means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 303(h)(2)(C) for the month before the date of the distribution or such other time as the Secretary of the Treasury may by regulations prescribe.

“(iii) For purposes of clause (ii), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 303(h)(2)(C) if—

“(I) section 303(h)(2)(D)(i) were applied by substituting ‘the yields’ for ‘a 3-year weighted average of yields’,

“(II) section 303(h)(2)(G)(i)(II) were applied by substituting ‘section 205(g)(3)(A)(ii)(II)’ for ‘section 302(b)(5)(B)(ii)(II)’, and

“(III) the applicable percentage under section 303(h)(2)(G) were determined in accordance with the following table:

“In the case of plan years beginning in:	The applicable percentage is:
2007	20 percent
2008	40 percent
2009	60 percent
2010	80 percent.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 417(e) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) DETERMINATION OF PRESENT VALUE.—
“(A) IN GENERAL.—For purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

“(B) APPLICABLE MORTALITY TABLE.—For purposes of subparagraph (A), the term ‘applicable mortality table’ means a mortality table, modified as appropriate by the Secretary, based on the mortality table specified for the plan year under section 430(h)(3).

“(C) APPLICABLE INTEREST RATE.—For purposes of subparagraph (A), the term ‘applicable interest rate’ means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 430(h)(2)(C) for the month before the date of the distribution or such other time as the Secretary may by regulations prescribe.

“(D) APPLICABLE SEGMENT RATES.—For purposes of subparagraph (C), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 430(h)(2)(C) if—

“(i) section 430(h)(2)(D)(i) were applied by substituting ‘the yields’ for ‘a 3-year weighted average of yields’,

“(ii) section 430(h)(2)(G)(i)(II) were applied by substituting ‘section 417(e)(3)(A)(ii)(II)’ for ‘section 412(b)(5)(B)(ii)(II)’, and

“(iii) the applicable percentage under section 430(h)(2)(G) were determined in accordance with the following table:

“In the case of plan years beginning in:	The applicable percentage is:
2007	20 percent
2008	40 percent
2009	60 percent
2010	80 percent.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2006.

SEC. 303. INTEREST RATE ASSUMPTION FOR APPLYING BENEFIT LIMITATIONS TO LUMP SUM DISTRIBUTIONS.

(a) IN GENERAL.—Clause (i) of section 415(b)(2)(E) of the Internal Revenue Code of 1986 is amended to read as follows:

“(i) For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3), the interest rate assumption shall not be less than the greater of—

- “(I) 5.5 percent,
- “(II) the rate that provides a benefit of not more than 105 percent of the benefit that would be provided if the applicable interest rate (as defined in section 417(e)(3)) were the interest rate assumption, or
- “(III) the rate specified under the plan.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions made in years beginning after December 31, 2005.

SEC. 304. DISTRIBUTIONS DURING WORKING RETIREMENT.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subparagraph (A) of section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) is amended by adding at the end the following new sentence: “A distribution from a plan, fund, or program shall not be treated as made in a form other than retirement income or as a distribution prior to termination of covered employment solely because such distribution is made to an employee who has attained age 62 and who is not separated from employment at the time of such distribution.”.

(b) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (34) the following new paragraph:

“(35) DISTRIBUTIONS DURING WORKING RETIREMENT.—A trust forming part of a pension plan shall not be treated as failing to constitute a qualified trust under this section solely because a distribution is made from such trust to an employee who has attained age 62 and who is not separated from employment at the time of such distribution.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2005.

SEC. 305. OTHER AMENDMENTS RELATING TO PROHIBITED TRANSACTIONS.

(a) DEFINITION OF AMOUNT INVOLVED.—Section 502(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(i)) is amended to read as follows:

“(i)(1) In the case of a transaction prohibited by section 406 by a party in interest with respect to a plan to which this part applies, the Secretary may assess a civil penalty against such party in interest. Except as provided in paragraph (2), the amount of such penalty may not exceed 5 percent of the amount involved in each such transaction for each year or part thereof during which the prohibited transaction continues.

“(2) If the transaction is not corrected (in such manner as the Secretary shall prescribe in regulations) within 90 days after notice

from the Secretary (or such longer period as the Secretary may permit), such penalty may be in an amount not more than 100 percent of the amount involved.

“(3) For purposes of paragraph (1)—
“(A) Except as provided in subparagraphs (C) and (D), the term ‘amount involved’ means, with respect to a prohibited transaction, the greater of—

- “(i) the amount of money and the fair market value of the other property given, or
- “(ii) the amount of money and the fair market value of the other property received.

“(B) For purposes of subparagraph (A), fair market value shall be determined as of the date on which the prohibited transaction occurs, except that in the case described in paragraph (2) fair market value shall be the highest fair market value during the period between the date of the transaction and the date of correction.

“(C) In the case of services described in subsection (b)(2) or (c)(2) of section 408, the term ‘amount involved’ means only the amount of excess compensation.

“(D) In the case of principal transactions prohibited under section 406(a) involving securities or commodities, the term ‘amount involved’ means only the amount received by the disqualified person in excess of the amount such person would have received in an arm’s length transaction with an unrelated party as of the same date.

“(E) For the purposes of this paragraph—
“(i) the term ‘security’ has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof), and

“(ii) the term ‘commodity’ has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof).”.

(b) EXEMPTION FOR BLOCK TRADING.—
(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by section 601, is further amended by adding at the end the following new paragraph:

“(15)(A) Any transaction involving the purchase or sale of securities between a plan and a party in interest (other than a fiduciary described in section 3(21)(A)(ii)) with respect to a plan if—

- “(i) the transaction involves a block trade,
- “(ii) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor), does not exceed 10 percent of the aggregate size of the block trade, and
- “(iii) the terms of the transaction, including the price, are at least as favorable to the plan as an arm’s length transaction.

“(B) For purposes of this paragraph, the term ‘block trade’ includes any trade which will be allocated across two or more client accounts of a fiduciary.”.

(2) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by striking “or” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “, or”, and by adding at the end the following new paragraph:

“(17) any transaction involving the purchase or sale of securities between a plan and a party in interest (other than a fiduciary described in subsection (e)(3)(B)) with respect to a plan if—

- “(A) the transaction involves a block trade,
- “(B) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the

same plan sponsor), does not exceed 10 percent of the aggregate size of the block trade, and

“(C) the terms of the transaction, including the price, are at least as favorable to the plan as an arm’s length transaction.

“(D) For purposes of this paragraph, the term ‘block trade’ includes any trade which will be allocated across two or more client accounts of a fiduciary.”.

(B) SPECIAL RULE RELATING TO BLOCK TRADE.—Subsection (f) of section 4975 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

“(8) BLOCK TRADE.—For purposes of subsection (d)(17), the term ‘block trade’ includes any trade which will be allocated across two or more client accounts of a fiduciary.”.

(c) BONDING RELIEF.—Section 412(a) of such Act (29 U.S.C. 1112(a)) is amended—

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

(2) by striking “and” at the end of paragraph (1); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) no bond shall be required of an entity which is subject to regulation as a broker or a dealer under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or an entity registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), including requirements imposed by a self-regulatory organization (within the meaning of section 3(a)(26) of such Act (15 U.S.C. 78c(a)(26)), or any affiliate with respect to which the broker or dealer agrees to be liable to the same extent as if they held the assets directly.”.

(d) EXEMPTION FOR ELECTRONIC COMMUNICATION NETWORK.—

(1) IN GENERAL.—Section 408(b) of such Act (as amended by subsection (b)) is further amended by adding at the end the following:

“(16) Any transaction involving the purchase or sale of securities, or other property (as determined in regulations of the Secretary) between a plan and a fiduciary or a party in interest if—

“(A) the transaction is executed through an exchange, electronic communication network, alternative trading system, or similar execution system or trading venue subject to regulation and oversight by—

“(i) the applicable Federal regulating entity, or

“(ii) such other applicable governmental regulating agency as the Secretary may determine appropriate in the case of any fiduciary or party in interest or class of fiduciaries or parties in interest or any transaction or class of transactions,

“(B) neither the execution system nor the parties to the transaction take into account the identity of the parties in the execution of trades,

“(C) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the execution system,

“(D) the price and compensation associated with the purchase and sale are not greater than an arm’s length transaction with an unrelated party,

“(E) if the fiduciary or party in interest has an ownership interest in the system or venue described in subparagraph (A), the system or venue has been authorized under the plan for transactions described in this paragraph, and

“(F) not less than 30 days prior to the initial transaction described in this paragraph executed through any system or venue described in subparagraph (A), the plan administrator is provided written notice of the execution of such transaction through such system or venue.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 30 days after the date of the enactment of this Act.

(e) CONFORMING ERISA’S PROHIBITED TRANSACTION PROVISION TO FERSA.—Section 408(b) of such Act (29 U.S.C. 1106), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

“(17)(A) transactions described in subparagraphs (A), (B), and (D) of section 406(a)(1) between a plan and a party that is a party in interest (under section 3(14)) solely by reason of providing services, but only if in connection with such transaction the plan receives no less, nor pays no more, than adequate consideration.

“(B) For purposes of this paragraph, the term ‘adequate consideration’ means—

“(i) in the case of a security for which there is a generally recognized market—

“(I) the price of the security prevailing on a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934, taking into account factors such as the size of the transaction and marketability of the security, or

“(II) if the security is not traded on such a national securities exchange, a price not less favorable to the plan than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer and of the party in interest, taking into account factors such as the size of the transaction and marketability of the security, and

“(ii) in the case of an asset other than a security for which there is a generally recognized market, the fair market value of the asset as determined in good faith by a fiduciary or fiduciaries in accordance with regulations prescribed by the Secretary.”.

(f) RELIEF FOR FOREIGN EXCHANGE TRANSACTIONS.—Section 408(b) of such Act (as amended by the preceding provisions of this section) is further amended by adding at the end the following new paragraph:

“(18) Any foreign exchange transactions, between a bank or broker-dealer, or any affiliate of either thereof, and a plan with respect to which the bank or broker-dealer, or any affiliate, is a trustee, custodian, fiduciary, or other party in interest, if—

“(A) the transaction is in connection with the purchase or sale of securities,

“(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm’s length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or the broker-dealer (or any affiliate thereof) in comparable arm’s-length foreign exchange transactions involving unrelated parties, and

“(C) the exchange rate used by the bank or broker-dealer for a particular foreign exchange transaction may not deviate by more than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency.”.

(g) DEFINITION OF PLAN ASSET VEHICLE.—Section 3 of such Act (29 U.S.C. 1002) is amended by adding at the end the following new paragraph:

“(42) the term ‘plan assets’ means plan assets as defined by such regulations as the Secretary may prescribe, except that under such regulations the assets of any entity shall not be treated as plan assets if, immediately after the most recent acquisition of any equity interest in the entity, less than 50 percent of the total value of each class of equity interest in the entity is held by employee benefit plan investors. For purposes of determinations pursuant to this paragraph, the value of any equity interest

owned by a person (other than such an employee benefit plan) who has discretionary authority or control with respect to the assets of the entity or any person who provides investment advice for a fee (direct or indirect) with respect to such assets, or any affiliate of such a person, shall be disregarded for purposes of calculating the 50 percent threshold. An entity shall be considered to hold plan assets only to the extent of the percentage of the equity interest owned by benefit plan investors. For purposes of this paragraph, the term ‘benefit plan investor’ means an employee benefit plan subject to this part and any plan to which section 4975 of the Internal Revenue Code of 1986 applies.”.

SEC. 306. CORRECTION PERIOD FOR CERTAIN TRANSACTIONS INVOLVING SECURITIES AND COMMODITIES.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)), as amended by sections 304 and 601, is further amended by adding at the end the following new paragraph:

“(19)(A) Except as provided in subparagraphs (B) and (C), a transaction described in section 406(a) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.

“(B) Subparagraph (A) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

“(C) In the case of any fiduciary or other party in interest (or any other person knowingly participating in such transaction), subparagraph (A) does not apply to any transaction if, at the time the transaction occurs, such fiduciary or party in interest (or other person) knew (or reasonably should have known) that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

“(D) For purposes of this paragraph, the term ‘correction period’ means, in connection with a fiduciary or party in interest (or other person knowingly participating in the transaction), the 14-day period beginning on the date on which such fiduciary or party in interest (or other person) discovers, or reasonably should have discovered, that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

“(E) For purposes of this paragraph—

“(i) The term ‘security’ has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof).

“(ii) The term ‘commodity’ has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof).

“(iii) The term ‘correct’ means, with respect to a transaction—

“(I) to undo the transaction to the extent possible and in any case to make good to the plan or affected account any losses resulting from the transaction, and

“(II) to restore to the plan or affected account any profits made through the use of assets of the plan.”.

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions), as amended by this Act, is amended by striking “or” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “,

or", and by adding at the end the following new paragraph:

"(18) except as provided in subsection (f)(9), a transaction described in subparagraph (A), (B), (C), or (D) of subsection (c)(1) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period."

(2) SPECIAL RULES RELATING TO CORRECTION PERIOD.—Subsection (f) of section 4975 of such Code (relating to other definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) CORRECTION PERIOD.—

"(A) IN GENERAL.—For purposes of subsection (d)(18), the term 'correction period' means the 14-day period beginning on the date on which the disqualified person discovers, or reasonably should have discovered, that the transaction would (without regard to this paragraph and subsection (d)(18)) constitute a prohibited transaction.

"(B) EXCEPTIONS.—

"(i) EMPLOYER SECURITIES.—Subsection (d)(18) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

"(ii) KNOWING PROHIBITED TRANSACTION.—In the case of any disqualified person, subsection (d)(18) does not apply to a transaction if, at the time the transaction is entered into, the disqualified person knew (or reasonably should have known) that the transaction would (without regard to this paragraph) constitute a prohibited transaction.

"(C) ABATEMENT OF TAX WHERE THERE IS A CORRECTION.—If a transaction is not treated as a prohibited transaction by reason of subsection (d)(18), then no tax under subsection (a) and (b) shall be assessed with respect to such transaction, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

"(D) DEFINITIONS.—For purposes of this paragraph and subsection (d)(18)—

"(i) SECURITY.—The term 'security' has the meaning given such term by section 475(c)(2) (without regard to subparagraph (F)(iii) and the last sentence thereof).

"(ii) COMMODITY.—The term 'commodity' has the meaning given such term by section 475(e)(2) (without regard to subparagraph (D)(iii) thereof).

"(iii) CORRECT.—The term 'correct' means, with respect to a transaction—

"(I) to undo the transaction to the extent possible and in any case to make good to the plan or affected account any losses resulting from the transaction, and

"(II) to restore to the plan or affected account any profits made through the use of assets of the plan."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any transaction which the fiduciary or disqualified person discovers, or reasonably should have discovered, after the date of the enactment of this Act constitutes a prohibited transaction.

SEC. 307. RECOVERY BY REIMBURSEMENT OR SUBROGATION WITH RESPECT TO PROVIDED BENEFITS.

(a) IN GENERAL.—Section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended by adding, after and below paragraph (9), the following new sentence:

"Actions described under paragraph (3) include an action by a fiduciary for recovery of amounts on behalf of the plan enforcing terms of the plan that provide a right of re-

covery by reimbursement or subrogation with respect to benefits provided to or for a participant or beneficiary."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 308. EXERCISE OF CONTROL OVER PLAN ASSETS IN CONNECTION WITH QUALIFIED CHANGES IN INVESTMENT OPTIONS.

(a) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(4)(A) In any case in which a qualified change in investment options occurs in connection with an individual account plan, a participant or beneficiary shall not be treated for purposes of paragraph (1) as not exercising control over the assets in his account in connection with such change if the requirements of subparagraph (C) are met in connection with such change.

"(B) For purposes of subparagraph (A), the term 'qualified change in investment options' means, in connection with an individual account plan, a change in the investment options offered to the participant or beneficiary under the terms of the plan, under which—

"(i) the participant's account is reallocated among one or more new investment options which are offered in lieu of one or more investment options offered immediately prior to the effective date of the change, and

"(ii) the characteristics of the new investment options, including characteristics relating to risk and rate of return, are, as of immediately after the change, reasonably similar to those of the existing investment options as of immediately before the change.

"(C) The requirements of this subparagraph are met in connection with a qualified change in investment options if—

"(i) at least 60 days prior to the effective date of the change, the plan administrator furnishes written notice of the change to the participants and beneficiaries, including information comparing the existing and new investment options and an explanation that, in the absence of affirmative investment instructions from the participant or beneficiary to the contrary, the account of the participant or beneficiary will be invested in the manner described in subparagraph (B),

"(ii) the participant has not provided to the plan administrator, in advance of the effective date of the change, affirmative investment instructions contrary to the change, and

"(iii) the investments under the plan of the participant or beneficiary as in effect immediately prior to the effective date of the change was the product of the exercise by such participant or beneficiary of control over the assets of the account within the meaning of paragraph (1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to changes in investment options taking effect on or after January 1, 2006.

SEC. 309. CLARIFICATION OF FIDUCIARY RULES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall issue final regulations clarifying that the selection of an annuity contract as an optional form of distribution from an individual account plan to a participant or beneficiary—

(1) is not subject to the safest available annuity standard under Interpretive Bulletin 95-1 (29 C.F.R. 2509.95-1), and

(2) is subject to all otherwise applicable fiduciary standards.

SEC. 310. GOVERNMENT ACCOUNTABILITY OFFICE PENSION FUNDING REPORT.

(a) IN GENERAL.—The Comptroller General of the Government Accountability Office

shall transmit to the Congress a pension funding report not later than one year after the date of the enactment of this Act.

(b) REPORT CONTENT.—The pension funding report required under subsection (a) shall include an analysis of the feasibility, advantages, and disadvantages of—

(1) requiring an employee pension benefit plan to insure a portion of such plan's total investments;

(2) requiring an employee pension benefit plan to adhere to uniform solvency standards set by the Pension Benefit Guaranty Corporation, which are similar to those applied on a State level in the insurance industry; and

(3) amortizing a single-employer defined benefit pension plan's shortfall amortization base (referred to in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 (as amended by this Act)) over various periods of not more than 7 years.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

SEC. 401. INCREASES IN PBGC PREMIUMS.

(a) FLAT-RATE PREMIUMS.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) by striking clause (i) of subparagraph (A) and inserting the following:

"(i) in the case of a single-employer plan, an amount equal to—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2006, \$19, or

"(II) for plan years beginning after December 31, 2005, the amount determined under subparagraph (F),

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year;" and

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

"(F)(i) Except as otherwise provided in this subparagraph, for purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title, the amount determined under this subparagraph is the greater of \$30 or the adjusted amount determined under clause (ii).

"(ii) For plan years beginning after 2006, the adjusted amount determined under this clause is the product derived by multiplying \$30 by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which the plan year begins, to

"(II) the national average wage index (as so defined) for 2004,

with such product, if not a multiple of \$1, being rounded to the next higher multiple of \$1 where such product is a multiple of \$0.50 but not of \$1, and to the nearest multiple of \$1 in any other case.

"(iii) For purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title for any plan year beginning after 2005 and before 2010—

"(I) except as provided in subclause (II), the premium amount referred to in subparagraph (A)(i)(II) for any such plan year is the amount set forth in connection with such plan year in the following table:

Table with 2 columns: 'If the plan year begins in:' and 'The amount is:'. Rows for years 2006 (\$21.20), 2007 (\$23.40), 2008 (\$25.60), and 2009 (\$27.80; or

“(II) if the plan’s funding target attainment percentage for the plan year preceding the current plan year was less than 80 percent, the premium amount referred to in subparagraph (A)(i)(II) for such current plan year is the amount set forth in connection with such current plan year in the following table:

“If the plan year begins in:	The amount is:
2006	\$22.67
2007	\$26.33
2008 or 2009	the amount provided under clause (i).

“(iv) For purposes of this subparagraph, the term ‘funding target attainment percentage’ has the meaning provided such term in section 303(d)(2).”

(b) **PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.**—Subsection (a) of section 4006 of such Act (29 U.S.C. 1306) is amended by adding at the end the following:

“(7) **PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.**—

“(A) **IN GENERAL.**—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to \$1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

“(B) **SPECIAL RULE FOR PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.**—If the plan is terminated under 4041(c)(2)(B)(ii) or under section 4042 and, as of the termination date, a person who is (as of such date) a contributing sponsor of the plan or a member of such sponsor’s controlled group has filed or has had filed against such person a petition seeking reorganization in a case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or a case described in section 4041(c)(2)(B)(i) filed by or against such person has been converted, as of such date, to such a case in which reorganization is sought), subparagraph (A) shall not apply to such plan until the date of the discharge of such person in such case.

“(C) **APPLICABLE 12-MONTH PERIOD.**—For purposes of subparagraph (A)—

“(i) **IN GENERAL.**—The term ‘applicable 12-month period’ means—

“(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

“(II) each of the first two 12-month periods immediately following the period described in subclause (I).

“(ii) **PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.**—In any case in which the requirements of subparagraph (B) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the earliest date as of which each such person is discharged in the case described in such clause in connection with such person.

“(D) **COORDINATION WITH SECTION 4007.**—

“(i) Notwithstanding section 4007—

“(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

“(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

“(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.”

(c) **RISK-BASED PREMIUMS.**—

(1) **EXTENSION THROUGH 2006.**—Section 4006(a)(3)(E)(iii)(V) of such Act is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(2) **CONFORMING AMENDMENTS RELATED TO FUNDING RULES FOR SINGLE-EMPLOYER PLANS.**—Section 4006(a)(3)(E) of such Act is amended by striking clauses (iii) and (iv) and inserting the following:

“(iii)(I) For purposes of clause (ii), except as provided in subclause (II), the term ‘unfunded vested benefits’ means, for a plan year, the amount which would be the plan’s funding shortfall (as defined in section 303(c)(4)), if the value of plan assets of the plan were equal to the fair market value of such assets and only vested benefits were taken into account.

“(II) The interest rate used in valuing vested benefits for purposes of subclause (I) shall be equal to the first, second, or third segment rate which would be determined under section 303(h)(2)(C) if section 303(h)(2)(D)(i) were applied by substituting ‘the yields’ for ‘the 3-year weighted average of yields’, as applicable under rules similar to the rules under section 303(h)(2)(B).”

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) and (c)(1) shall apply to plan years beginning after December 31, 2005.

(2) **PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.**—The amendment made by subsection (b) shall apply with respect to cases commenced under title 11, United States Code, or under any similar law of a State or political subdivision of a State after October 26, 2005.

(3) **CONFORMING AMENDMENTS RELATED TO FUNDING RULES FOR SINGLE-EMPLOYER PLANS.**—The amendments made by subsection (c)(2) shall take effect on December 31, 2006, and shall apply to plan years beginning after such date.

TITLE V—DISCLOSURE

SEC. 501. DEFINED BENEFIT PLAN FUNDING NOTICES.

(a) **APPLICATION OF PLAN FUNDING NOTICE REQUIREMENTS TO ALL DEFINED BENEFIT PLANS.**—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended—

(1) in the heading, by striking “MULTIEMPLOYER”;

(2) in paragraph (1), by striking “which is a multiemployer plan”; and

(3) by striking paragraph (2)(B)(iii) and inserting the following:

“(iii)(I) in the case of a single-employer plan, a summary of the rules governing termination of single-employer plans under subtitle C of title IV, or

“(II) in the case of a multiemployer plan, a summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan); and”

(b) **INCLUSION OF STATEMENT OF THE RATIO OF INACTIVE PARTICIPANTS TO ACTIVE PARTICIPANTS.**—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) is amended—

(1) in clause (iii)(II) (added by subsection (a)(3) of this section), by striking “and” at the end;

(2) in clause (iv), by striking “apply.” and inserting “apply; and”; and

(3) by adding at the end the following new clause:

“(v) a statement of the ratio, as of the end of the plan year to which the notice relates, of—

“(I) the number of participants who are not in covered service under the plan and are

in pay status under the plan or have a non-forfeitable right to benefits under the plan, to

“(II) the number of participants who are in covered service under the plan.”

(c) **COMPARISON OF MONTHLY AVERAGE OF VALUE OF PLAN ASSETS TO PROJECTED CURRENT LIABILITIES.**—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) (as amended by the preceding provisions of this section) is amended further—

(1) by striking clause (ii) and inserting the following:

“(ii) a statement of a reasonable estimate of—

“(I) the value of the plan’s assets for the plan year to which the notice relates,

“(II) projected liabilities of the plan for the plan year to which the notice relates, and

“(III) the ratio of the estimated amount determined under subclause (I) to the estimated amount determined under subclause (II);” and

(2) by adding at the end (after and below clause (v)) the following:

“For purposes of determining a plan’s projected liabilities for a plan year under clause (ii)(II), such projected liabilities shall be determined by projecting forward in a reasonable manner to the end of the plan year the liabilities of the plan to participants and beneficiaries as of the first day of the plan year, taking into account any significant events that occur during the plan year and that have a material effect on such liabilities, including any plan amendments in effect for the plan year.”

(d) **STATEMENT OF PLAN’S FUNDING POLICY AND METHOD OF ASSET ALLOCATION.**—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (iv), by striking “and” at the end;

(2) in clause (v), by striking the period and inserting “; and”; and

(3) by inserting after clause (v) the following new clause:

“(vi) a statement setting forth the funding policy of the plan and the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates.”

(e) **NOTICE OF FUNDING IMPROVEMENT PLAN OR REHABILITATION PLAN ADOPTED BY MULTI-EMPLOYER PLAN.**—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (v), by striking “and” at the end;

(2) in clause (vi), by striking the period and inserting “; and”; and

(3) by inserting after clause (vi) the following new clause:

“(vii) a summary of any funding improvement plan, rehabilitation plan, or modification thereof adopted under section 305 during the plan year to which the notice relates.”

(f) **NOTICE DUE 90 DAYS AFTER PLAN’S VALUATION DATE.**—

(1) **IN GENERAL.**—Section 101(f)(3) of such Act (29 U.S.C. 1021(f)(3)) is amended by striking “two months after the deadline (including extensions) for filing the annual report for the plan year” and inserting “90 days after the end of the plan year”.

(2) **MODEL NOTICE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model version of the notice required by section 101(f) of the Employee Retirement Income Security Act of 1974.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 502. ADDITIONAL DISCLOSURE REQUIREMENTS.

(a) **ADDITIONAL ANNUAL REPORTING REQUIREMENTS.**—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(1) in subsection (a)(1)(B), by striking “subsections (d) and (e)” and inserting “subsections (d), (e), and (f)”; and

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

“(f)(1) With respect to any defined benefit plan, an annual report under this section for a plan year shall include the following:

“(A) The ratio, as of the end of such plan year, of—

“(i) the number of participants who, as of the end of such plan year, are not in covered service under the plan and are in pay status under the plan or have a nonforfeitable right to benefits under the plan, to

“(ii) the number of participants who are in covered service under the plan as of the end of such plan year.

“(B) In any case in which any liabilities to participants or their beneficiaries under such plan as of the end of such plan year consist (in whole or in part) of liabilities to such participants and beneficiaries borne by 2 or more pension plans as of immediately before such plan year, the funded ratio of each of such 2 or more pension plans as of immediately before such plan year and the funded ratio of the plan with respect to which the annual report is filed as of the end of such plan year.

“(C) For purposes of this paragraph, the term ‘funded ratio’ means, in connection with a plan, the percentage which—

“(i) the value of the plan’s assets is of

“(ii) the liabilities to participants and beneficiaries under the plan.

“(2) With respect to any defined benefit plan which is a multiemployer plan, an annual report under this section for a plan year shall include the following:

“(A) The number of employers obligated to contribute to the plan as of the end of such plan year.

“(B) The number of participants under the plan on whose behalf no employer contributions have been made to the plan for such plan year. For purposes of this subparagraph, the term ‘employer contribution’ means, in connection with a participant, a contribution made by an employer as an employer of such participant.”

(b) **ADDITIONAL INFORMATION IN ANNUAL ACTUARIAL STATEMENT REGARDING PLAN RETIREMENT PROJECTIONS.**—Section 103(d) of such Act (29 U.S.C. 1023(d)) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following new paragraph:

“(12) A statement explaining the actuarial assumptions and methods used in projecting future retirements and forms of benefit distributions under the plan.”

(c) **FILING AFTER 285 DAYS AFTER PLAN YEAR ONLY IN CASES OF HARDSHIP.**—Section 104(a)(1) of such Act (29 U.S.C. 1024(a)(1)) is amended by inserting after the first sentence the following new sentence: “In the case of a pension plan, the Secretary may extend the deadline for filing the annual report for any plan year past 285 days after the close of the plan year only on a case by case basis and only in cases of hardship, in accordance with regulations which shall be prescribed by the Secretary.”

(d) **INTERNET DISPLAY OF INFORMATION.**—Section 104(b) of such Act (29 U.S.C. 1024(b)) is amended by adding at the end the following:

“(5) Identification and basic plan information and actuarial information included in the annual report for any plan year shall be

filed with the Secretary in an electronic format which accommodates display on the Internet, in accordance with regulations which shall be prescribed by the Secretary. The Secretary shall provide for display of such information included in the annual report, within 90 days after the date of the filing of the annual report, on a website maintained by the Secretary on the Internet and other appropriate media. Such information shall also be displayed on any website maintained by the plan sponsor (or by the plan administrator on behalf of the plan sponsor) on the Internet, in accordance with regulations which shall be prescribed by the Secretary.”

(e) **SUMMARY ANNUAL REPORT FILED WITHIN 15 DAYS AFTER DEADLINE FOR FILING OF ANNUAL REPORT.**—Section 104(b)(3) of such Act (29 U.S.C. 1024(b)(3)) is amended—

(1) by striking “Within 210 days after the close of the fiscal year of the plan,” and inserting “Within 15 business days after the due date under subsection (a)(1) for the filing of the annual report for the fiscal year of the plan,”; and

(2) by striking “the latest” and inserting “such”.

(f) **DISCLOSURE OF PLAN ASSETS AND LIABILITIES IN SUMMARY ANNUAL REPORT.**—

(1) **IN GENERAL.**—Section 104(b)(3) of such Act (as amended by subsection (a)) is amended further—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following:

“(B) The material provided pursuant to subparagraph (A) to summarize the latest annual report shall be written in a manner calculated to be understood by the average plan participant and shall set forth the total assets and liabilities of the plan for the plan year for which the latest annual report was filed and for each of the 2 preceding plan years, as reported in the annual report for each such plan year under this section.”

(g) **INFORMATION MADE AVAILABLE TO PARTICIPANTS, BENEFICIARIES, AND EMPLOYERS WITH RESPECT TO MULTIEMPLOYER PLANS.**—

(1) **IN GENERAL.**—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) (as amended by section 103(b)(2)(A)) is further amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

“(k) **MULTIEMPLOYER PLAN INFORMATION MADE AVAILABLE ON REQUEST.**—

“(1) **IN GENERAL.**—Each administrator of a multiemployer plan shall furnish to any plan participant or beneficiary or any employer having an obligation to contribute to the plan, who so requests in writing—

“(A) a copy of any actuarial report received by the plan for any plan year which has been in receipt by the plan for at least 30 days, and

“(B) a copy of any financial report prepared for the plan by any plan investment manager or advisor or other person who is a plan fiduciary which has been in receipt by the plan for at least 30 days.

“(2) **COMPLIANCE.**—Information required to be provided under paragraph (1) —

“(A) shall be provided to the requesting participant, beneficiary, or employer within 30 days after the request in a form and manner prescribed in regulations of the Secretary, and

“(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the information is required to be provided.

“(3) **LIMITATIONS.**—In no case shall a participant, beneficiary, or employer be entitled under this subsection to receive more than one copy of any report described in paragraph (1) during any one 12-month period.

The administrator may make a reasonable charge to cover copying, mailing, and other costs of furnishing copies of information pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.”

(2) **ENFORCEMENT.**—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) (as amended by section 103(b)(2)(B)) is further amended by striking “sections 101(j) and 302(b)(7)(F)(iv)” and inserting “sections 101(j), 101(k), and 302(b)(7)(F)(iv)”.

(3) **REGULATIONS.**—The Secretary shall prescribe regulations under section 101(k)(2) of the Employee Retirement Income Security Act of 1974 (added by paragraph (1) of this subsection) not later than 90 days after the date of the enactment of this Act.

(h) **NOTICE OF POTENTIAL WITHDRAWAL LIABILITY TO MULTIEMPLOYER PLANS.**—

(1) **IN GENERAL.**—Section 101 of such Act (as amended by subsection (g) of this section) is further amended—

(A) by redesignating subsection (1) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

“(1) **NOTICE OF POTENTIAL WITHDRAWAL LIABILITY.**—

“(1) **IN GENERAL.**—The plan sponsor or administrator of a multiemployer plan shall furnish to any employer who has an obligation to contribute under the plan and who so requests in writing notice of—

“(A) the amount which would be the amount of such employer’s withdrawal liability under part 1 of subtitle E of title IV if such employer withdrew on the last day of the plan year preceding the date of the request, and

“(B) the average increase, per participant under the plan, in accrued liabilities under the plan as of the end of such plan year to participants under such plan on whose behalf no employer contributions are payable (or their beneficiaries), which would be attributable to such a withdrawal by such employer.

For purposes of subparagraph (B), the term ‘employer contribution’ means, in connection with a participant, a contribution made by an employer as an employer of such participant.

“(2) **COMPLIANCE.**—Any notice required to be provided under paragraph (1)—

“(A) shall be provided to the requesting employer within 180 days after the request in a form and manner prescribed in regulations of the Secretary, and

“(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to employers to whom the information is required to be provided.

“(3) **LIMITATIONS.**—In no case shall an employer be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.”

(2) **ENFORCEMENT.**—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) (as amended by paragraph (1)) is further amended by striking “sections 101(j), 101(k), and 302(b)(7)(F)(iv)” and inserting “sections 101(j), 101(k), 101(l), and 302(b)(7)(F)(iv)”.

(1) **MODEL FORM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model form for providing the statements, schedules, and other material required to be provided under section 104(b)(3) of the Employee

Retirement Income Security Act of 1974, as amended by this section.

(j) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 503. SECTION 4010 FILINGS WITH THE PBGC.

(a) **CHANGE IN CRITERIA FOR PERSONS REQUIRED TO PROVIDE INFORMATION TO PBGC.**—Section 4010(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

“(1) the aggregate funding target attainment percentage of the plan (as defined in subsection (d)(2)) is less than 60 percent;

“(2)(A) the aggregate funding target attainment percentage of the plan (as defined in subsection (d)(2)) is less than 75 percent, and

“(B) the plan sponsor is in an industry with respect to which the corporation determines that there is substantial unemployment or underemployment and the sales and profits are depressed or declining;”.

(b) **NOTICE TO PARTICIPANTS AND BENEFICIARIES.**—Section 4010 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310) is amended by adding at the end the following new subsection:

“(d) **NOTICE TO PARTICIPANTS AND BENEFICIARIES.**—

“(1) **IN GENERAL.**—Not later than 90 days after the submission by any person to the corporation of information or documentary material with respect to any plan pursuant to subsection (a), such person shall provide notice of such submission to each participant and beneficiary under the plan (and under all plans maintained by members of the controlled group of each contributing sponsor of the plan). Such notice shall also set forth—

“(A) the number of single-employer plans covered by this title which are in at-risk status and are maintained by contributing sponsors of such plan (and by members of their controlled groups) with respect to which the funding target attainment percentage for the preceding plan year of each plan is less than 60 percent;

“(B) the value of the assets of each of the plans described in subparagraph (A) for the plan year, the funding target for each of such plans for the plan year, and the funding target attainment percentage of each of such plans for the plan year; and

“(C) taking into account all single-employer plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year—

“(i) the aggregate total of the values of plan assets of such plans as of the end of such plan year,

“(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right, and

“(iii) the aggregate funding targets attainment percentage with respect to the contributing sponsor for the preceding plan year.

“(2) **DEFINITIONS.**—For purposes of this subsection—

“(A) **VALUE OF PLAN ASSETS.**—The term ‘value of plan assets’ means the value of plan assets, as determined under section 303(g)(3).

“(B) **FUNDING TARGET.**—The term ‘funding target’ has the meaning provided under section 303(d)(1).

“(C) **FUNDING TARGET ATTAINMENT PERCENTAGE.**—The term ‘funding target attainment percentage’ has the meaning provided in section 303(d)(2).

“(D) **AGGREGATE FUNDING TARGETS ATTAINMENT PERCENTAGE.**—The term ‘aggregate

funding targets attainment percentage’ with respect to a contributing sponsor for a plan year is the percentage, taking into account all plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year, which

“(i) the aggregate total of the values of plan assets, as of the end of such plan year, of such plans, is of

“(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right.

“(E) **AT-RISK STATUS.**—The term ‘at-risk status’ has the meaning provided in section 303(i)(3).

“(3) **COMPLIANCE.**—

“(A) **IN GENERAL.**—Any notice required to be provided under paragraph (1) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to individuals to whom the information is required to be provided.

“(B) **LIMITATIONS.**—In no case shall a participant or beneficiary be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The corporation may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.

“(4) **NOTICE TO CONGRESS.**—Concurrent with the provision of any notice under paragraph (1), such person shall provide such notice to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, which shall be treated as materials provided in executive session.”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to plan years beginning after December 31, 2006.

TITLE VI—INVESTMENT ADVICE

SEC. 601. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) **EXEMPTION FROM PROHIBITED TRANSACTIONS.**—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

“(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

“(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

“(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

“(B) The transactions described in this subparagraph are the following:

“(i) the provision of the advice to the plan, participant, or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.”.

(b) **REQUIREMENTS.**—Section 408 of such Act is amended further by adding at the end the following new subsection:

“(g) **REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.**—

“(1) **IN GENERAL.**—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

“(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

“(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

“(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

“(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

“(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

“(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

“(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

“(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

“(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

“(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

“(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm’s length transaction would be.

“(2) **STANDARDS FOR PRESENTATION OF INFORMATION.**—

“(A) **IN GENERAL.**—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood

by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

“(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

“(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

“(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

“(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

“(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

“(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

“(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan

sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

“(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

“(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

“(A) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

“(iii) an insurance company qualified to do business under the laws of a State,

“(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(v) an affiliate of a person described in any of clauses (i) through (iv), or

“(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(B) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(C) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 provided on or after January 1, 2006.

SEC. 602. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions), as amended by this Act, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

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

“(19) any transaction described in subsection (f)(10)(A) in connection with the pro-

vision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

“(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

“(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

“(C) the requirements of subsection (f)(10)(B) are met in connection with the provision of the advice.”

(b) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

“(10) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

“(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(19), in connection with the provision of investment advice by a fiduciary adviser, are the following:

“(i) the provision of the advice to the plan, participant, or beneficiary;

“(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

“(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

“(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(19)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

“(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

“(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

“(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

“(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

“(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

“(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

“(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

“(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

“(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

“(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

“(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

“(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

“(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

“(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

“(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

“(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

“(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(19) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

“(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting

for or otherwise arranging for the provision of the advice), if—

“(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

“(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

“(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

“(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

“(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(19)—

“(i) FIDUCIARY ADVISER.—The term ‘fiduciary adviser’ means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

“(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

“(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

“(III) an insurance company qualified to do business under the laws of a State,

“(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

“(V) an affiliate of a person described in any of subclauses (I) through (IV), or

“(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

“(ii) AFFILIATE.—The term ‘affiliate’ of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3))).

“(iii) REGISTERED REPRESENTATIVE.—The term ‘registered representative’ of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to advice referred to in section 4975(c)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2006.

TITLE VII—BENEFIT ACCRUAL STANDARDS

SEC. 701. BENEFIT ACCRUAL STANDARDS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) RULES RELATING TO REDUCTION IN RATE OF BENEFIT ACCRUAL.—Section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) is amended by adding at the end the following new clauses:

“(vii)(I) A plan shall not be treated as failing to meet the requirements of clause (i) if a participant's entire accrued benefit, as determined as of any date under the formula for determining benefits as set forth in the text of the plan documents, would be equal to or greater than that of any similarly situated, younger individual.

“(II) For purposes of this clause, an individual is similarly situated to a participant if such individual is identical to such participant in every respect (including period of service, compensation, position, date of hire, work history, and any other respect) except for age.

“(III) In determining the entire accrued benefit for purposes of this clause, the subsidized portion of any early retirement subsidy (including any early retirement subsidy that is fully or partially included or reflected in an employee's opening balance or other transition benefits) shall be disregarded.

“(IV) In determining the entire accrued benefit for purposes of this clause, such benefit may be calculated as the present value of accrued benefits projected to normal retirement age, as an account balance, or as the current value of the accumulated percentage of the employee's final average compensation.

“(viii) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides allowable offsets against those benefits under the plan which are attributable to employer contributions, based on benefits which are provided under title II of the Social Security Act, under the Railroad Retirement Act of 1974, under another plan described in section 401(a) of the Internal Revenue Code of 1986 maintained by the same employer, under any retirement program for officers or employees of the Federal Government or of the government of any State or political subdivision thereof, or under such other arrangements as the Secretary of the Treasury may provide. For purposes of this clause, allowable offsets based on such benefits consist of offsets equal to all or part of the actual benefit payment amounts, reasonable projections or estimations of such benefit payment amounts, or actuarial equivalents of such actual benefit payment amounts, projections, or estimations (determined on the basis of reasonable actuarial assumptions).

“(ix) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides a disparity in contributions or benefits with respect to which the requirements of section 401(l) of the Internal Revenue Code of 1986 are met.

“(x)(I) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides for indexing of accrued benefits under the plan.

“(II) Except in the case of any benefit provided in the form of a variable annuity, subclause (I) shall not apply with respect to any indexing which results in an accrued benefit less than the accrued benefit determined without regard to such indexing.

“(III) For purposes of this clause, the term ‘indexing’ means, in connection with an accrued benefit, the periodic adjustment of the accrued benefit by means of the application of a recognized investment index or methodology.”

(2) DETERMINATIONS OF ACCRUED BENEFIT AS BALANCE OF BENEFIT ACCOUNT.—Section 203 of such Act (29 U.S.C. 1053) is amended by adding at the end the following new subsection:

“(f)(1) A defined benefit plan under which the accrued benefit payable under the plan upon distribution (or any portion thereof) is expressed as the balance of a hypothetical account maintained for the participant shall

not be treated as failing to meet the requirements of subsection (a)(2), section 204(c) (but only in the case of a plan which does not provide for employee contributions), or section 205(g) solely because of the amount actually made available for such distribution under the terms of the plan, in any case in which the applicable interest rate that would be used under the terms of the plan to project the amount of the participant's account balance to normal retirement age is not greater than a market rate of return.

"(2) The Secretary of the Treasury may provide by regulation for rules governing the calculation of a market rate of return for purposes of paragraph (1) and for permissible methods of crediting interest to the account (including fixed or variable interest rates) resulting in effective rates of return meeting the requirements of paragraph (1)."

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) RULES RELATING TO REDUCTION IN RATE OF BENEFIT ACCRUAL.—Subparagraph (H) of section 411(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clauses:

"(vi) COMPARISON TO SIMILARLY SITUATED YOUNGER INDIVIDUAL.—

"(I) IN GENERAL.—A plan shall not be treated as failing to meet the requirements of clause (i) if a participant's entire accrued benefit, as determined as of any date under the formula for determining benefits as set forth in the text of the plan documents, would be equal to or greater than that of any similarly situated, younger individual.

"(II) SIMILARLY SITUATED.—For purposes of this clause, an individual is similarly situated to a participant if such individual is identical to such participant in every respect (including period of service, compensation, position, date of hire, work history, and any other respect) except for age.

"(III) DISREGARD OF SUBSIDIZED EARLY RETIREMENT BENEFITS.—In determining the entire accrued benefit for purposes of this clause, the subsidized portion of any early retirement benefit (including any early retirement subsidy that is fully or partially included or reflected in an employee's opening balance or other transition benefits) shall be disregarded.

"(IV) ENTIRE ACCRUED BENEFIT.—In determining the entire accrued benefit for purposes of this clause, such benefit may be calculated as the present value of accrued benefits projected to normal retirement age, as an account balance, or as the current value of the accumulated percentage of the employee's final average compensation.

"(vii) CERTAIN OFFSETS PERMITTED.—A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides allowable offsets against those benefits under the plan which are attributable to employer contributions, based on benefits which are provided under title II of the Social Security Act, under the Railroad Retirement Act of 1974, under another plan described in section 401(a) maintained by the same employer, under any retirement program for officers or employees of the Federal Government or of the government of any State or political subdivision thereof, or under such other arrangements as the Secretary may provide. For purposes of this clause, allowable offsets based on such benefits consist of offsets equal to all or part of the actual benefit payment amounts, reasonable projections or estimations of such benefit payment amounts, or actuarial equivalents of such actual benefit payment amounts, projections, or estimations (determined on the basis of reasonable actuarial assumptions).

"(viii) PERMITTED DISPARITIES IN PLAN CONTRIBUTIONS OR BENEFITS.—A plan shall not be treated as failing to meet the requirements

of this subparagraph solely because the plan provides a disparity in contributions or benefits with respect to which the requirements of section 401(1) are met.

"(ix) INDEXING PERMITTED.—

"(I) IN GENERAL.—A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides for indexing of accrued benefits under the plan.

"(II) PROTECTION OF ECONOMIC VALUE.—Except in the case of any benefit provided in the form of a variable annuity, subclause (I) shall not apply with respect to any indexing which results in an accrued benefit less than the accrued benefit determined without regard to such indexing.

"(III) INDEXING.—For purposes of this clause, the term 'indexing' means, in connection with an accrued benefit, the periodic adjustment of the accrued benefit by means of the application of a recognized investment index or methodology."

(2) DETERMINATIONS OF ACCRUED BENEFIT AS BALANCE OF BENEFIT ACCOUNT.—Subsection (a) of section 411 of such Code is amended by adding at the end the following new paragraph:

"(13) DETERMINATIONS OF ACCRUED BENEFIT AS BALANCE OF BENEFIT ACCOUNT.—

"(A) IN GENERAL.—A defined benefit plan under which the accrued benefit payable under the plan upon distribution (or any portion thereof) is expressed as the balance of a hypothetical account maintained for the participant shall not be treated as failing to meet the requirements of subsection (a)(2), subsection (c) (but only in the case of a plan which does not provide for employee contributions), or section 417(e) solely because of the amount actually made available for such distribution under the terms of the plan, in any case in which the applicable interest rate that would be used under the terms of the plan to project the amount of the participant's account balance to normal retirement age is not greater than a market rate of return.

"(B) REGULATIONS.—The Secretary may provide by regulation for rules governing the calculation of a market rate of return for purposes of subparagraph (A) and for permissible methods of crediting interest to the account (including fixed or variable interest rates) resulting in effective rates of return meeting the requirements of subparagraph (A)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning on or after June 29, 2005.

TITLE VIII—DEDUCTION LIMITATIONS SEC. 801. INCREASE IN DEDUCTION LIMITS.

(a) INCREASE IN DEDUCTION LIMIT FOR SINGLE-EMPLOYER PLANS.—Section 404 of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred payment plan) is amended—

(1) in subsection (a)(1)(A), by inserting "in the case of a defined benefit plan other than a multiemployer plan, in an amount determined under subsection (o), and in the case of any other plan" after "section 501(a)", and

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

"(o) DEDUCTION LIMIT FOR SINGLE-EMPLOYER PLANS.—For purposes of subsection (a)(1)(A)—

"(1) IN GENERAL.—In the case of a defined benefit plan to which subsection (a)(1)(A) applies (other than a multiemployer plan), the amount determined under this subsection for any taxable year shall be equal to the amount determined under paragraph (2) with respect to each plan year ending with or within the taxable year.

"(2) DETERMINATION OF AMOUNT.—The amount determined under this paragraph for any plan year shall be equal to the excess (if any) of—

"(A) the greater of—

"(i) the sum of—

"(I) 150 percent of the funding target applicable to the plan for such plan year, determined under section 430, plus

"(II) the target normal cost applicable to the plan for such plan year, determined under section 430(b), or

"(ii) in the case of a plan that is not in an at-risk status (as determined under 430(i)), the sum of—

"(I) the funding target which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(d) (with regard to section 430(i)), plus

"(II) the target normal cost which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(d) (with regard to section 430(i)), over

"(B) the value of the plan assets (determined under section 430(g)).

"(3) SPECIAL RULE FOR TERMINATING PLANS.—In the case of a plan which, subject to section 4041 of the Employee Retirement Income Security Act of 1974, terminates during the plan year, the amount determined under paragraph (2) shall not be less than the amount required to make the plan sufficient for benefit liabilities (within the meaning of section 4041(d) of such Act).

"(4) DEFINITIONS.—Any term used in this subsection which is also used in section 430 shall have the same meaning given such term by section 430."

(b) INCREASE IN DEDUCTION LIMIT FOR MULTIPLE-EMPLOYER PLANS.—Section 404(a)(1)(D) of such Code is amended to read as follows:

"(D) MINIMUM DEDUCTION FOR MULTIPLE-EMPLOYER PLANS.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the excess (if any) of—

"(i) 140 percent of the current liability of the plan determined under section 431(c)(6)(D), over

"(ii) the value of the plan's assets determined under section 431(c)(2)."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The last sentence of section 404(a)(1)(A) of such Code is amended by striking "section 412" each place it appears and inserting "section 431".

(2) Section 404(a)(1)(B) of such Code is amended—

(A) by striking "In the case of a plan" and inserting "In the case of a multiemployer plan",

(B) by striking "section 412(c)(7)" each place it appears and inserting "section 431(c)(6)",

(C) by striking "section 412(c)(7)(B)" and inserting "section 431(c)(6)(D)",

(D) by striking "section 412(c)(7)(A)" and inserting "section 431(c)(6)(A)", and

(E) by striking "section 412" and inserting "section 431".

(3) Section 404(a)(1) of such Code is amended by striking subparagraph (F).

(4) Section 404(a)(7) of such Code is amended—

(A) in subparagraph (A)(ii), by striking "for the plan year" and all that follows and inserting "which are multiemployer plans for the plan year which ends with or within such taxable year (or for any prior plan year) and the maximum amount of employer contributions allowable under subsection (o) with respect to any such defined benefit plans which are not multiemployer plans for the plan year."

(B) by striking “section 412(l)” in the last sentence of subparagraph (A) and inserting “paragraph (1)(D)(ii)”, and

(C) by striking subparagraph (D) and inserting:

“(D) INSURANCE CONTRACT PLANS.—For purposes of this paragraph, a plan described in section 412(e)(3) shall be treated as a defined benefit plan.”.

(5) Section 404A(g)(3)(A) of such Code is amended by striking “paragraphs (3) and (7) of section 412(c)” and inserting “sections 430(h)(1) and 431(c)(3) and (6)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2006.

SEC. 802. UPDATING DEDUCTION RULES FOR COMBINATION OF PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 404(a)(7) of the Internal Revenue Code of 1986 (relating to limitation on deductions where combination of defined contribution plan and defined benefit plan) is amended by adding after clause (ii) the following new clause:

“(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans, this paragraph shall only apply to the extent that such contributions exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans. For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions to the extent attributable to employer contributions to such plans in such preceding taxable years.”.

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 4972(c)(6) of such Code (relating to nondeductible contributions) is amended to read as follows:

“(A) so much of the contributions to 1 or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the amount of contributions described in section 401(m)(4)(A), or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2006.

TITLE IX—ENHANCED RETIREMENTS SAVINGS AND DEFINED CONTRIBUTION PLANS

SEC. 901. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI of such Act (relating to pension and individual retirement arrangement provisions).

SEC. 902. SAVER'S CREDIT.

(a) PERMANENCY.—Section 25B of the Internal Revenue Code of 1986 (relating to elective deferrals and IRA contributions by certain individuals) is amended by striking subsection (h).

(b) VOLUNTARY DEPOSIT INTO QUALIFIED ACCOUNT.—

(1) Section 25B of such Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(h) VOLUNTARY DEPOSIT INTO QUALIFIED ACCOUNT.—

“(I) IN GENERAL.—So much of any overpayment under section 6401(b) as does not exceed the amount allowed as a tax credit under subsection (a) shall, at the election of the taxpayer, be paid on behalf of the individual taxpayer to an applicable retirement plan designated by the individual, except that in

the case of a joint return, each spouse shall be entitled to designate an applicable retirement plan with respect to payments attributable to such spouse.

“(2) APPLICABLE RETIREMENT PLAN.—For purposes of this subsection, the term ‘applicable retirement plan’ means any eligible retirement plan (as defined in section 402(c)(8)(B)) that elects to accept deposits under this subsection.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2006.

SEC. 903. INCREASING PARTICIPATION THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

“(13) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS TO MEET NON-DISCRIMINATION REQUIREMENTS.—

“(A) IN GENERAL.—A qualified automatic contribution arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

“(B) QUALIFIED AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this paragraph, the term ‘qualified automatic contribution arrangement’ means any cash or deferred arrangement which meets the requirements of subparagraphs (C) through (F).

“(C) AUTOMATIC DEFERRAL.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to a qualified percentage of compensation.

“(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

“(I) to not have such contributions made, or

“(II) to make elective contributions at a level specified in such affirmative election.

“(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, the term ‘qualified percentage’ means, with respect to any employee, any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 10 percent, and is at least—

“(I) 3 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in clause (i) is made with respect to such employee,

“(II) 4 percent during the first plan year following the plan year described in subclause (I),

“(III) 5 percent during the second plan year following the plan year described in subclause (I), and

“(IV) 6 percent during any subsequent plan year.

“(iv) AUTOMATIC DEFERRAL FOR CURRENT EMPLOYEES NOT REQUIRED.—Clause (i) shall be applied without taking into account any employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the date on which such arrangement becomes a qualified automatic contribution arrangement (determined after application of this clause).

“(D) PARTICIPATION.—

“(i) IN GENERAL.—An arrangement meets the requirements of this subparagraph for any year if, during the plan year or the preceding plan year, elective contributions are made on behalf of at least 70 percent of the employees eligible to participate in the arrangement other than—

“(I) highly compensated employees, and

“(II) at the election of the plan administrator, employees described in subparagraph (C)(iv).

“(ii) FIRST PLAN YEAR.—An arrangement (other than a successor arrangement) shall be treated as meeting the requirements of this subparagraph with respect to the first plan year with respect to which such arrangement is a qualified automatic contribution arrangement (determined without regard to this subparagraph).

“(E) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

“(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 6 percent of compensation, or

“(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 2 percent of the employee's compensation.

“(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of clause (i)(I).

“(iii) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of clause (i) unless, with respect to employer contributions (including matching contributions) taken into account in determining whether the requirements of clause (i) are met—

“(I) any employee who has completed at least 2 years of service (within the meaning of section 411(a)) has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from such employer contributions, and

“(II) the requirements of subparagraph (B) of paragraph (2) are met with respect to all such employer contributions.

“(iv) APPLICATION OF CERTAIN OTHER RULES.—The rules of subparagraphs (E)(ii) and (F) of paragraph (12) shall apply for purposes of subclauses (I) and (II) of clause (i).

“(F) NOTICE REQUIREMENTS.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, within a reasonable period before each plan year, each employee eligible to participate in the arrangement for such year receives written notice of the employee's rights and obligations under the arrangement which—

“(I) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

“(II) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

“(ii) TIMING AND CONTENT REQUIREMENTS.—A notice shall not be treated as meeting the requirements of clause (i) with respect to an employee unless—

“(I) the notice explains the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

“(II) in the case of an arrangement under which the employee may elect among 2 or more investment options, the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

“(III) the employee has a reasonable period of time after receipt of the notice described in subclauses (I) and (II) and before the first

elective contribution is made to make either such election.”.

(b) **MATCHING CONTRIBUTIONS.**—Section 401(m) of such Code (relating to non-discrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

“(12) **ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.**—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

“(A) is a qualified automatic contribution arrangement (as defined in subsection (k)(13)), and

“(B) meets the requirements of paragraph (11)(B).”.

(c) **EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.**—

(1) **ELECTIVE CONTRIBUTION RULE.**—Clause (i) of section 416(g)(4)(H) of such Code is amended by inserting “or 401(k)(13)” after “section 401(k)(12)”.

(2) **MATCHING CONTRIBUTION RULE.**—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting “or 401(m)(12)” after “section 401(m)(11)”.

(d) **CORRECTIVE DISTRIBUTIONS.**—

(1) **IN GENERAL.**—Section 414 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

“(w) **AUTOMATIC CONTRIBUTION ARRANGEMENTS.**—

“(1) **IN GENERAL.**—No tax shall be imposed under section 72(t) on a distribution from an applicable employer plan to the employee with respect to whom such contribution relates if such distribution does not exceed the erroneous automatic contribution amount and is made not later than the 1st April 15 following the close of the taxable year in which such contribution was made.

“(2) **ERRONEOUS AUTOMATIC CONTRIBUTION AMOUNT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘erroneous automatic contribution amount’ means the lesser of—

“(i) the amount of automatic contributions made during the applicable period which the employee elects in a notice to the plan administrator to treat as an erroneous automatic contribution amount for purposes of this subsection, or

“(ii) \$500.

“(B) **AUTOMATIC CONTRIBUTION.**—The term ‘automatic contribution’ means contributions which, under the terms of the plan—

“(i) the employee can elect to be made as contributions under the plan on behalf of the employee, or to the employee directly in cash, and

“(ii) which are made on behalf of the employee under the plan pursuant to a plan provision treating the employee as having elected to have the employer make such contributions on behalf of the employee until the employee affirmatively elects not to have such contribution made or affirmatively elects to make contributions as a specified level.

“(3) **APPLICABLE EMPLOYER PLAN.**—For purposes of this subsection, the term ‘applicable employer plan’ means—

“(A) an employees’ trust described in section 401(a) which is exempt from tax under section 501(a),

“(B) a plan under which amounts are contributed by an individual’s employer for an annuity contract described in section 403(b), and

“(C) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).

“(4) **APPLICABLE PERIOD.**—For purposes of this subsection, the term ‘applicable period’ means, with respect to any employee, the

three month period that begins on the first date that an automatic contribution described in paragraph (2)(B) is made with respect to such employee.

“(5) **SPECIAL RULES.**—A distribution described in paragraph (1) (subject to the limitation of paragraph (2))—

“(A) shall not be treated as a distribution for purposes of sections 401(k)(2)(B)(i), 403(b)(7), 403(b)(11), and 457(d)(1)(A), and

“(B) shall not be taken into account for purposes of section 401(k)(3).”.

(2) **VESTING CONFORMING AMENDMENTS.**—

(A) Section 411(a)(3)(G) of such Code is amended by inserting “an erroneous automatic contribution under section 414(w),” after “402(g)(2)(A).”.

(B) The heading of section 411(a)(3)(G) of such Code is amended by inserting “OR ERRONEOUS AUTOMATIC CONTRIBUTION” before the period.

(C) Section 401(k)(8)(E) of such Code is amended by inserting “an erroneous automatic contribution under section 414(w),” after “402(g)(2)(A).”.

(D) The heading of section 401(k)(8)(E) of such Code is amended by inserting “OR ERRONEOUS AUTOMATIC CONTRIBUTION” before the period.

(E) Section 203(a)(3)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(F)) is amended by inserting “an erroneous automatic contribution under section 414(w) of such Code,” after “402(g)(2)(A) of such Code.”.

(e) **CONTROL OVER PLAN ASSETS DEEMED TO HAVE BEEN EXERCISED WITH RESPECT TO DEFAULT INVESTMENT ARRANGEMENTS.**—Section 404(c) of the Employee Retirement Income Security Act of 1974, as amended by section 308, is further amended by adding at the end the following new paragraph:

“(5)(A) For purposes of paragraph (1), a participant in an individual account plan shall be treated as exercising control over the assets in the account with respect to the amount of contributions made under a default investment arrangement.

“(B)(i) For purposes of this paragraph, the term ‘default investment arrangement’ means an arrangement—

“(I) which meets the requirements of subparagraph (C),

“(II) under which the participant is treated as having elected to have the plan sponsor exercise control over the assets in the participant’s account until the participant specifically elects to exercise such control, and

“(III) under which assets described in subclause (II) are invested in accordance with regulations prescribed by the Secretary.

“(ii) The regulations prescribed pursuant to clause (i)(III) shall provide guidance on the appropriateness of certain investments for designation as default investments under the arrangement, which shall include guidance regarding—

“(I) appropriate mixes of default investments and asset classes which the Secretary considers consistent with long-term capital appreciation, and

“(II) the designation of other default investments.

“(C)(i) For purposes of subparagraph (B)(i)(I), an arrangement meets the requirements of this subparagraph for any plan year if, within a reasonable period before such plan year, the plan administrator gives to each participant to whom the arrangement applies for such plan year notice of the participant’s rights and obligations under the arrangement which—

“(I) is sufficiently accurate and comprehensive to apprise the participant of such rights and obligations, and

“(II) is written in a manner calculated to be understood by the average participant to whom the arrangement applies.

“(ii) A notice shall not be treated as meeting the requirements of clause (i) with respect to a participant unless—

“(I) the notice includes an explanation of the participant’s right under the arrangement to specifically elect to exercise control over the assets in the participant’s account,

“(II) the employee has a reasonable period of time, after receipt of the notice described in subclause (I) and before the assets are first invested, to specifically make such an election, and

“(III) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election specifically made by the employee.”.

(f) **PREEMPTION OF CONFLICTING STATE REGULATION.**—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following new subsection:

“(e)(1) Notwithstanding any other provision of this section, this title shall supersede any law of a State which would directly or indirectly prohibit or restrict the inclusion in any plan of an automatic contribution arrangement. The Secretary may prescribe regulations which would establish minimum standards that such an arrangement would be required to satisfy in order for this subsection to apply in the case of such arrangement.

“(2)(A) For purposes of this subsection, the term ‘automatic contribution arrangement’ means an arrangement—

“(i) which meets the requirements of paragraph (3),

“(ii) under which a participant may elect to have the plan sponsor make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

“(iii) under which a participant is treated as having elected to have the plan sponsor make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage), and

“(iv) under which such contributions are invested in accordance with regulations prescribed by the Secretary.

“(B) The regulations prescribed pursuant to subparagraph (A)(iv) shall provide guidance on the appropriateness of certain investments for designation as default investments under the arrangement, which shall include guidance regarding appropriate mixes of default investments and asset classes which the Secretary considers consistent with long-term capital appreciation

“(3)(A) For purposes of paragraph (2)(A)(i), an arrangement meets the requirements of this paragraph for any plan year if, within a reasonable period before such plan year, the plan administrator gives to each participant to whom the arrangement applies for such plan year notice of the participant’s rights and obligations under the arrangement which—

“(i) is sufficiently accurate and comprehensive to apprise the participant of such rights and obligations, and

“(ii) is written in a manner calculated to be understood by the average participant to whom the arrangement applies.

“(B) A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to a participant unless—

“(i) the notice includes an explanation of the participant’s right under the arrangement not to have elective contributions made on the participant’s behalf (or to elect to have such contributions made at a different percentage),

“(ii) the participant has a reasonable period of time, after receipt of the notice described in clause (i) and before the first elective contribution is made, to make such election, and

“(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the participant.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 904. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

“(i) IN GENERAL.—Any qualified reservist distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

“(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified reservist distribution’ means any distribution to an individual if—

“(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

“(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

“(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

“(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2007. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2-years after the date of the enactment of this subparagraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) in the case of a qualified reservist distribution (as defined in section 72(t)(2)(G)(iii)), the date on which a period referred to in subclause (III) of such section begins, and”.

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting “(unless such amount is a distribution to which section 72(t)(2)(G) applies)” after “distributee”.

(3) Section 403(b)(11) of such Code is amended by striking “or” at the end of subparagraph (A), by striking the period at the end

of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(c) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 905. WAIVER OF 10 PERCENT EARLY WITHDRAWAL PENALTY TAX ON CERTAIN DISTRIBUTIONS OF PENSION PLANS FOR PUBLIC SAFETY EMPLOYEES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to subsection not to apply to certain distributions), as amended by section 904, is amended by adding at the end the following new subsection:

“(H) DROP DISTRIBUTIONS TO QUALIFIED PUBLIC SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

“(i) IN GENERAL.—Distributions to an individual who is a qualified public safety employee from a governmental plan within the meaning of section 414(d) to the extent such distributions are attributable to a DROP benefit.

“(ii) DEFINITIONS.—For purposes of this subparagraph—

“(I) DROP BENEFIT.—The term ‘DROP benefit’ means a feature of a governmental plan which is a defined benefit plan and under which an employee elects to receive credits to an account (including a notional account) in the plan which are not in excess of the plan benefits (payable in the form of an annuity) that would have been provided if the employee had retired under the plan at a specified earlier retirement date and which are in lieu of increases in the employee’s accrued pension benefit based on years of service after the effective date of the DROP election.

“(II) QUALIFIED PUBLIC SAFETY EMPLOYEE.—The term ‘qualified public safety employee’ means any employee of any police department or fire department organized and operated by a State or political subdivision of a State if the employee provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision and if the employee was eligible to retire on or before the date of such election and receive immediate retirement benefits.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 906. COMBAT ZONE COMPENSATION TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING LIMITATION AND DEDUCTIBILITY OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) SPECIAL RULE FOR COMPENSATION EARNED BY MEMBERS OF THE ARMED FORCES FOR SERVICE IN A COMBAT ZONE.—For purposes of subsections (b)(1)(B) and (c), the amount of compensation includible in an individual’s gross income shall be determined without regard to section 112.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 907. DIRECT PAYMENT OF TAX REFUNDS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) shall make available a form (or modify existing forms) for use by individuals to direct that a portion of any refund of overpayment of tax imposed by chapter 1 of the Internal Revenue Code of 1986 be paid directly to an individual retirement plan (as defined in section 7701(a)(37) of such Code) of such individual.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2006.

SEC. 908. IRA ELIGIBILITY FOR THE DISABLED.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 (relating to other definitions and special rules), as amended by this Act, is further amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

“(8) SPECIAL RULE FOR CERTAIN DISABLED INDIVIDUALS.—In the case of an individual—

“(A) who is disabled (within the meaning of section 72(m)(7)), and

“(B) who has not attained the applicable age (as defined in section 401(a)(9)(H)) before the close of the taxable year,

subparagraph (B) of subsection (b)(1) shall not apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 909. ALLOW ROLLOVERS BY NONSPOUSE BENEFICIARIES OF CERTAIN RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—

(1) QUALIFIED PLANS.—Section 402(c) of the Internal Revenue Code of 1986 (relating to rollovers from exempt trusts) is amended by adding at the end the following new paragraph:

“(11) DISTRIBUTIONS TO INHERITED INDIVIDUAL RETIREMENT PLAN OF NONSPOUSE BENEFICIARY.—

“(A) IN GENERAL.—If, with respect to any portion of a distribution from an eligible retirement plan of a deceased employee, a direct trustee-to-trustee transfer is made to an individual retirement plan described in clause (i) or (ii) of paragraph (8)(B) established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary (as defined by section 401(a)(9)(E)) of the employee and who is not the surviving spouse of the employee—

“(i) the transfer shall be treated as an eligible rollover distribution for purposes of this subsection,

“(ii) the individual retirement plan shall be treated as an inherited individual retirement account or individual retirement annuity (within the meaning of section 408(d)(3)(C)) for purposes of this title, and

“(iii) section 401(a)(9)(B) (other than clause (iv) thereof) shall apply to such plan.

“(B) CERTAIN TRUSTS TREATED AS BENEFICIARIES.—For purposes of this paragraph, to the extent provided in rules prescribed by the Secretary, a trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a trust designated beneficiary.”.

(2) SECTION 403(a) PLANS.—Subparagraph (B) of section 403(a)(4) of such Code (relating to rollover amounts) is amended by inserting “and (11)” after “(7)”.

(3) SECTION 403(b) PLANS.—Subparagraph (B) of section 403(b)(8) of such Code (relating to rollover amounts) is amended by striking “and (9)” and inserting “, (9), and (11)”.

(4) SECTION 457 PLANS.—Subparagraph (B) of section 457(e)(16) of such Code (relating to

rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

TITLE X—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

SEC. 1001. TREATMENT OF ANNUITY AND LIFE INSURANCE CONTRACTS WITH A LONG-TERM CARE INSURANCE FEATURE.

(a) EXCLUSION FROM GROSS INCOME.—Subsection (e) of section 72 of the Internal Revenue Code of 1986 (relating to amounts not received as annuities) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) SPECIAL RULES FOR CERTAIN COMBINATION CONTRACTS PROVIDING LONG-TERM CARE INSURANCE.—Notwithstanding paragraphs (2), (5)(C), and (10), in the case of any charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract made as payment for coverage under a qualified long-term care insurance contract which is part of or a rider on such annuity or life insurance contract—

"(A) the investment in the contract shall be reduced (but not below zero) by such charge, and

"(B) such charge shall not be includible in gross income."

(b) TAX-FREE EXCHANGES AMONG CERTAIN INSURANCE POLICIES.—

(1) ANNUITY CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (2) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as an annuity contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract."

(2) LIFE INSURANCE CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (3) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as a life insurance contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract."

(3) EXPANSION OF TAX-FREE EXCHANGES OF LIFE INSURANCE, ENDOWMENT, AND ANNUITY CONTRACTS FOR LONG-TERM CARE CONTRACTS.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended—

(A) in paragraph (1) by striking "contract;" and inserting "contract or for a qualified long-term care insurance contract;"

(B) in paragraph (2) by striking "contract;" and inserting "contract, or (C) for a qualified long-term care insurance contract;" and

(C) in paragraph (3) by striking "contract;" and inserting "contract or for a qualified long-term care insurance contract."

(4) TAX-FREE EXCHANGES OF QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; or", and by inserting after paragraph (3) the following new paragraph:

"(4) a qualified long-term care insurance contract for a qualified long-term care insurance contract."

(c) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—Subsection (e) of section 7702B of such Code (relating to treatment of qualified long-term care insurance) is amended to read as follows:

"(e) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—

"(1) COVERAGE TREATED AS CONTRACT.—Except as otherwise provided in regulations prescribed by the Secretary, in the case of any long-term care insurance coverage (whether or not qualified) provided by a rider on or as part of a life insurance contract or an annuity contract, this title shall apply as if the portion of the contract providing such coverage is a separate contract.

"(2) DENIAL OF DEDUCTION UNDER SECTION 213.—No deduction shall be allowed under section 213(a) for any payment made for coverage under a qualified long-term care insurance contract if such payment is made as a charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract.

"(3) APPLICATION OF SECTION 7702.—Section 7702(c)(2) (relating to the guideline premium limitation) shall be applied by increasing the guideline premium limitation with respect to the life insurance contract, as of any date—

"(A) by the sum of any charges (but not premium payments) against the life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)) for coverage under the qualified long-term care insurance contract made to that date under the life insurance contract, less

"(B) any such charges the imposition of which reduces the premiums paid for the life insurance contract (within the meaning of section 7702(f)(1)).

"(4) PORTION DEFINED.—For purposes of this subsection, the term 'portion' means only the terms and benefits under a life insurance contract or annuity contract that are in addition to the terms and benefits under the contract without regard to long-term care insurance coverage.

"(5) ANNUITY CONTRACTS TO WHICH PARAGRAPH (1) DOES NOT APPLY.—For purposes of this subsection, none of the following shall be treated as an annuity contract:

"(A) A trust described in section 401(a) which is exempt from tax under section 501(a).

"(B) A contract—

"(i) purchased by a trust described in subparagraph (A),

"(ii) purchased as part of a plan described in section 403(a),

"(iii) described in section 403(b),

"(iv) provided for employees of a life insurance company under a plan described in section 818(a)(3), or

"(v) from an individual retirement account or an individual retirement annuity.

"(C) A contract purchased by an employer for the benefit of the employee (or the employee's spouse).

Any dividend described in section 404(k) which is received by a participant or beneficiary shall, for purposes of this paragraph, be treated as paid under a separate contract to which subparagraph (B)(i) applies."

(d) INFORMATION REPORTING.—

(1) Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050U. CHARGES OR PAYMENTS FOR QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS UNDER COMBINED ARRANGEMENTS.

"(a) REQUIREMENT OF REPORTING.—Any person who makes a charge against the cash value of an annuity contract, or the cash surrender value of a life insurance contract, which is excludible from gross income under section 72(e)(11) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth—

"(1) the amount of the aggregate of such charges against each such contract for the calendar year,

"(2) the amount of the reduction in the investment in each such contract by reason of such charges, and

"(3) the name, address, and TIN of the individual who is the holder of each such contract.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person making the payments, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of such chapter 61 of such Code is amended by adding at the end the following new item:

"Sec. 6050U. Charges or payments for qualified long-term care insurance contracts under combined arrangements."

(e) TREATMENT OF POLICY ACQUISITION EXPENSES.—Subsection (e) of section 848 of such Code (relating to classification of contracts) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN QUALIFIED LONG-TERM CARE INSURANCE CONTRACT ARRANGEMENTS.—An annuity or life insurance contract which includes a qualified long-term care insurance contract as a part of or a rider on such annuity or life insurance contract shall be treated as a specified insurance contract not described in subparagraph (A) or (B) of subsection (c)(1)."

(f) TREATMENT AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) of such Code (relating to qualified additional benefits) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) qualified long-term care insurance contract which is a part of or a rider on the contract, or"

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to contracts issued before, on, or after December 31, 2006, but only with respect to periods beginning after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply with respect to exchanges occurring after December 31, 2006.

SEC. 1002. DISPOSITION OF UNUSED HEALTH AND DEPENDENT CARE BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (j) and (k), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH AND DEPENDENT CARE BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because under such plan qualified benefits include—

“(A) a health flexible spending arrangement under which not more than \$500 of unused benefits under such arrangement may be—

“(i) carried forward to the succeeding plan year of such health flexible spending arrangement, or

“(ii) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee, and

“(B) a dependent care flexible spending arrangement under which not more than \$500 of unused benefits under such arrangement may be carried forward to the succeeding plan year of such dependent care flexible spending arrangement.

“(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term ‘health flexible spending arrangement’ means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

“(3) DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term ‘dependent care flexible spending arrangement’ means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for dependent care assistance which meets the requirements of section 129(d).

“(4) UNUSED BENEFITS.—For purposes of this subsection, with respect to an employee, the term ‘unused benefits’ means the excess of—

“(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement or the dependent care flexible spending arrangement, as the case may be, over

“(B) the actual amount of reimbursement for such year under such arrangement.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 1003. DISTRIBUTIONS FROM GOVERNMENTAL RETIREMENT PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE FOR PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 402 of the Internal Revenue Code of 1986 (relating to taxability of beneficiary of employees’ trust) is amended by adding at the end the following new subsection:

“(1) DISTRIBUTIONS FROM GOVERNMENTAL PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE.—

“(1) IN GENERAL.—In the case of an employee who is an eligible retired public safety officer who makes the election described in paragraph (6) with respect to any taxable year of such employee, gross income of such employee for such taxable year does not include any distribution from an eligible retirement plan to the extent that the aggregate amount of such distributions does not exceed the amount paid by such employee for qualified health insurance premiums of the employee, his spouse, or dependents (as defined in section 152) for such taxable year.

“(2) LIMITATION.—The amount which may be excluded from gross income for the taxable year by reason of paragraph (1) shall not exceed \$5,000.

“(3) DISTRIBUTIONS MUST OTHERWISE BE INCLUDIBLE.—

“(A) IN GENERAL.—An amount shall be treated as a distribution for purposes of paragraph (1) only to the extent that such amount would be includible in gross income without regard to paragraph (1).

“(B) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as a distribution for purposes of subparagraph (A), the aggregate amounts distributed from an eligible retirement plan in a taxable year (up to the amount excluded under paragraph (1)) shall be treated as includible in gross income (without regard to subparagraph (A)) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE RETIREMENT PLAN.—For purposes of paragraph (1), the term ‘eligible retirement plan’ means a governmental plan (within the meaning of section 414(d)) which is described in clause (iii), (iv), (v), or (vi) of subsection (c)(8)(B).

“(B) ELIGIBLE RETIRED PUBLIC SAFETY OFFICER.—The term ‘eligible retired public safety officer’ means an individual who, by reason of disability or attainment of normal retirement age, is separated from service as a public safety officer with the employer who maintains the eligible retirement plan from which distributions subject to paragraph (1) are made.

“(C) PUBLIC SAFETY OFFICER.—The term ‘public safety officer’ shall have the same meaning given such term by section 1204(8)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)(A)).

“(D) QUALIFIED HEALTH INSURANCE PREMIUMS.—The term ‘qualified health insurance premiums’ means premiums for coverage for the eligible retired public safety officer, his spouse, and dependents, by an accident or health insurance plan or qualified long-term care insurance contract (as defined in section 7702B(b)).

“(5) SPECIAL RULES.—For purposes of this subsection—

“(A) DIRECT PAYMENT TO INSURER REQUIRED.—Paragraph (1) shall only apply to a distribution if payment of the premiums is made directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract by deduction from a distribution from the eligible retirement plan.

“(B) RELATED PLANS TREATED AS 1.—All eligible retirement plans of an employer shall be treated as a single plan.

“(6) ELECTION DESCRIBED.—

“(A) IN GENERAL.—For purposes of paragraph (1), an election is described in this paragraph if the election is made by an employee after separation from service with respect to amounts not distributed from an eligible retirement plan to have amounts from such plan distributed in order to pay for qualified health insurance premiums.

“(B) SPECIAL RULE.—A plan shall not be treated as violating the requirements of section 401, or as engaging in a prohibited transaction for purposes of section 503(b), merely because it provides for an election with respect to amounts that are otherwise distributable under the plan or merely because of a distribution made pursuant to an election described in subparagraph (A).

“(7) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 213.

“(8) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 162(l).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a) of such Code (relating to taxability of beneficiary under a qualified annuity plan) is amended by inserting after paragraph (1) the following new paragraph:

“(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(1), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.”.

(2) Section 403(b) of such Code (relating to taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school) is amended by inserting after paragraph (1) the following new paragraph:

“(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(1), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.”.

(3) Section 457(a) of such Code (relating to year of inclusion in gross income) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—In the case of a plan of an eligible employer described in subsection (e)(1)(A), to the extent provided in section 402(1), paragraph (1) shall not apply to amounts otherwise includible in gross income under this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2005.

TITLE XI—GENERAL PROVISIONS

SEC. 1101. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any pension plan or contract amendment—

(1) such pension plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such pension plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any pension plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2008.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting “2010” for “2008”.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 602, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. George MILLER of California moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment in the nature of a substitute:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pension Protection Act of 2005”.

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

Sec. 1. Short title and table of contents.

TITLE I—INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS

Sec. 101. Interest rate for 2006 and 2007 funding requirements.

Sec. 102. Government Accountability Office pension funding report.

TITLE II—PROTECTING PENSION BENEFITS IN BANKRUPTCY

Sec. 201. Promotion of reasonable alternatives to plan termination.

Sec. 202. Election by employer to restore plan upon emergence from bankruptcy.

Sec. 203. Date on which lien for missed contributions is deemed perfected.

TITLE III—PROTECTION OF PENSION PLANS FOR AIRLINE EMPLOYEES

Sec. 301. Special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals.

Sec. 302. Recognition of legally mandated early retirement ages in determining amount of guaranteed benefits.

TITLE IV—FAIRNESS FOR RANK AND FILE EMPLOYEES

Sec. 401. Treatment of nonqualified deferred compensation plans when employer defined benefit plan in at-risk status.

Sec. 402. Nonqualified deferred compensation reduced by percentage of underfunded plan upon bankruptcy of employer.

Sec. 403. Termination fairness standard for nonqualified deferred compensation plans in connection with pension plan terminations based on bankruptcy reorganization.

TITLE V—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 501. Funding rules for multiemployer defined benefit plans.

Sec. 502. Additional funding rules for multiemployer plans in endangered or critical status.

Sec. 503. Measures to forestall insolvency of multiemployer plans.

Sec. 504. Special rule for certain benefits funded under an agreement approved by the Pension Benefit Guaranty Corporation.

Sec. 505. Withdrawal liability reforms.

Sec. 506. Special rules for multiple employer plans of certain cooperatives.

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 511. Funding rules for multiemployer defined benefit plans.

Sec. 512. Additional funding rules for multiemployer plans in endangered or critical status.

PART III—SUNSET OF FUNDING RULES

Sec. 516. Sunset of funding rules.

Subtitle B—Deduction and Related Provisions

Sec. 521. Deduction limits for multiemployer plans.

Sec. 522. Transfer of excess pension assets to multiemployer health plan.

TITLE VI—ENHANCED RETIREMENT SAVINGS AND DEFINED CONTRIBUTION PLANS

Sec. 601. AmeriSave matching credit.

Sec. 602. Manner in which AmeriSave matching credit allowed.

Sec. 603. Increasing participation through automatic contribution arrangements.

Sec. 604. Preemption of State laws precluding automatic enrollment or automatic rollovers.

Sec. 605. Fiduciary standards relating to automatic or default investments.

Sec. 606. Penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

Sec. 607. Waiver of 10 percent early withdrawal penalty tax on certain distributions of pension plans for public safety employees.

Sec. 608. Combat zone compensation taken into account for purposes of determining limitation and deductibility of contributions to individual retirement plans.

Sec. 609. Direct payment of tax refunds to individual retirement plans.

Sec. 610. Allow rollovers by nonspouse beneficiaries of certain retirement plan distributions.

Sec. 611. IRA eligibility for the disabled.

TITLE VII—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

Sec. 701. Treatment of annuity and life insurance contracts with a long-term care insurance feature.

Sec. 702. Disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

Sec. 703. Distributions from governmental retirement plans for health and long-term care insurance for public safety officers.

TITLE VIII—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000

Sec. 801. Reduction in benefit of rate reduction for families with incomes over \$1,000,000.

TITLE I—INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS

SEC. 101. INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS.

(a) **AMENDMENTS TO ERISA.**—

(1) **IN GENERAL.**—Subclause (II) of section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(5)(B)(ii)(II)) is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2008”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, 2006, AND 2007”.

(2) **CURRENT LIABILITY.**—Subclause (IV) of section 302(d)(7)(C)(i) of such Act (29 U.S.C. 1082(d)(7)(C)(i)(IV)) is amended—

(A) by striking “or 2005” and inserting “, 2005, 2006, or 2007”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, 2006, AND 2007”.

(3) **RISK-BASED PREMIUMS.**—Section 4006(a)(3)(E)(iii)(V) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)(V)) is amended by striking “January 1, 2006” and inserting “January 1, 2008”.

(b) **AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.**—

(1) **IN GENERAL.**—Subclause (II) of section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2008”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, 2006, AND 2007”.

(2) **CURRENT LIABILITY.**—Subclause (IV) of section 412(l)(7)(C)(i) of such Code is amended—

(A) by striking “or 2005” and inserting “, 2005, 2006, or 2007”, and

(B) by striking “AND 2005” in the heading and inserting “, 2005, 2006, AND 2007”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 102. GOVERNMENT ACCOUNTABILITY OFFICE PENSION FUNDING REPORT.

(a) **IN GENERAL.**—The Comptroller General of the Government Accountability Office shall transmit to the Congress a pension funding report not later than one year after the date of the enactment of this Act.

(b) **REPORT CONTENT.**—The pension funding report required under subsection (a) shall include an analysis of the feasibility, advantages, and disadvantages of—

(1) requiring an employee pension benefit plan to insure a portion of such plan’s total investments;

(2) requiring an employee pension benefit plan to adhere to uniform solvency standards set by the Pension Benefit Guaranty Corporation, which are similar to those applied on a State level in the insurance industry; and

(3) amortizing a single-employer defined benefit pension plan’s shortfall amortization base (referred to in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 (as amended by this Act)) over various periods of not more than 7 years.

TITLE II—PROTECTING PENSION BENEFITS IN BANKRUPTCY

SEC. 201. PROMOTION OF REASONABLE ALTERNATIVES TO PLAN TERMINATION.

(a) **ADDITIONAL REQUIREMENTS FOR DISTRESS TERMINATION.**—Section 4041(c)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)(2)(B)) is amended by adding at the end the following:

“(iv) **ADDITIONAL REQUIREMENTS.**—Notwithstanding any other provision of this section, unless the corporation or the court, in the case of a distress termination pursuant to clause (ii), has determined that reasonable efforts to consider available alternatives to termination (including, but not limited to, alternatives described in section 4042(c)(3)) have been undertaken by such person (and, in the case of a plan maintained pursuant to a collective bargaining agreement, have been undertaken by the bargaining parties in good faith bargaining), the plan may not be terminated. A participant or beneficiary of the plan or an employee organization representing such participants or beneficiaries may bring an action in the appropriate court to challenge such determination by the corporation and seek equitable relief or must be afforded an opportunity to be heard by the appropriate court if a court is making such determination.”

(b) **EFFORTS BY THE CORPORATION AT CONSULTATION WITH PARTIES.**—Section 4042(c) of such Act (29 U.S.C. 1342(c)) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by striking “If the corporation and the plan administrator agree” and all that follows through “in subsection (d)(3).”;

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

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

“(3)(A) The corporation may not institute proceedings under this section to terminate such plan unless the corporation demonstrates that it has made all reasonable efforts to negotiate with the plan sponsor, the plan participants, and (in the case of a plan maintained pursuant to a collective bargaining agreement) the employee organization representing plan participants for purposes of collective bargaining to determine whether there are any reasonable available alternatives to termination (including, but not limited to, alternatives described in subparagraph (B)).

“(B) The reasonable alternatives to termination referred to in subparagraph (A) consist of measures which are in the best interest of plan participants and which include (but are not limited to) the following:

“(i) Financing or loans sought by any member of the plan sponsor’s controlled group, with or without assistance from the corporation, in order to obtain plan financing, including back-up guarantees to any such financing which the corporation is hereby authorized to provide for such purpose.

“(ii) New plan structures agreed to by the parties, such as transfer of plan liabilities to multiemployer plans, new benefit formulas for new hires or non-vested participants, or other plan restructuring alternatives agreed to by the parties.

“(iii) Reinsurance which the corporation is hereby authorized to obtain for the plan.

“(iv) An agreement by the parties authorizing alternative funding schedules, approved by the corporation, which shall thereafter be treated as meeting the minimum funding requirements for the plan under part 3 of subtitle B of title I.

“(v) Purchase by the plan sponsor of an annuity contract to cover liabilities of the plan, which the corporation is hereby authorized to guarantee as necessary to secure such a contract.”.

(c) **REQUIRED COURT DETERMINATIONS.**—Section 4042(c) of such Act is amended by adding at the end the following new paragraph:

“(4)(A) A plan may not be terminated under this section unless the court, in the proceedings described in paragraph (1), finds that—

“(i) reasonable efforts to consider available alternatives to termination (including, but not limited to, alternatives described in paragraph (3)) have been undertaken by the plan sponsor (and, in the case of a plan maintained pursuant to a collective bargaining agreement, have been undertaken by the bargaining parties in good faith bargaining),

“(ii) without such termination, a contributing sponsor of the plan (or a member of such a sponsor’s controlled group) would be unable to pay its debts when due and—

“(I) if such proceedings include proceedings in which reorganization of such sponsor or member is sought in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State, such sponsor or member could not be discharged in such proceedings, or

“(II) in any other case, such sponsor or member would be unable to continue in business, and

“(iii) all otherwise applicable requirements for termination under this section are met.

“(B) Any party consisting of the plan sponsor, a plan participant, or (in the case of a plan maintained pursuant to a collective

bargaining agreement) the employee organization representing plan participants for purposes of collective bargaining may intervene in the proceedings described in paragraph (1) to challenge whether all applicable requirements for termination under this section are met.”.

(d) **NOTICE.**—

(1) Section 4041(a) of such Act (29 U.S.C. 1341(a)) is amended by adding at the end the following new paragraph:

“(4) **NOTICE OF RIGHT TO CHALLENGE.**—Together with the notice of intent to terminate, the plan administrator shall provide to each participant and beneficiary a written notice of the right of participants and beneficiaries to challenge determinations under this section, written in a manner likely to be understood by the participant or beneficiary.”.

(2) Section 4042(a) of such Act (29 U.S.C. 1342(a)) is amended by adding at the end the following new sentence: “Prior to commencing proceedings under this section with respect to any plan, the corporation shall provide notice to plan participants and beneficiaries of the right to challenge determinations under this section, written in a manner likely to be understood by the participant or beneficiary.”.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to any plans undergoing termination proceedings pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 which are pending on or after the date of the enactment of this Act.

(2) **TRANSITIONAL RULE FOR INVOLUNTARY TERMINATIONS.**—In any case in which, during the period beginning December 1, 2004, and ending with the date of the enactment of this Act, the Pension Benefit Guaranty Corporation has commenced termination proceedings under section 4042 of the Employee Retirement Income Security Act of 1974 (including the execution of any termination or trust agreement under such section)—

(A) the Corporation or other entity serving as trustee shall, effective as of the date of the enactment of this Act—

(i) cease any activities undertaken to terminate the plan, and

(ii) take such actions as may be necessary to restore the plan to its status immediately prior to the commencement of such proceedings or the execution of such agreement, and

(B) the procedures and requirements of section 4042 of the Employee Retirement Income Security Act of 1974 (as amended by this section) shall apply to any further such proceedings undertaken after the date of the enactment of this Act.

SEC. 202. ELECTION BY EMPLOYER TO RESTORE PLAN UPON EMERGENCE FROM BANKRUPTCY.

(a) **IN GENERAL.**—Section 4047 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1347) is amended—

(1) by inserting “(a)” before “Whenever”, and

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

“(b) Within 3 years after the date on which a plan sponsor of a plan terminated under section 4041(c)(2)(B)(ii) or under section 4042 with respect to a reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or with respect to a case described in section 4041(c)(2)(B)(i) which has been converted to such a reorganization case), is discharged in such case (or the case is otherwise dismissed), the plan sponsor may elect to restore the plan to its pretermination status. Rules similar to the rules of subsection (a) shall apply with re-

spect to any election made under this subsection.”.

(b) **PREMIUM RATE FOR TERMINATED SINGLE-EMPLOYER PLANS WHICH ARE NOT RESTORED.**—Subsection (a) of section 4006 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306) is amended by adding at the end the following:

“(7) **PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.**—

“(A) **IN GENERAL.**—In any case in which a plan sponsor of a plan terminated under 4041(c)(2)(B)(ii) or under section 4042 with respect to a reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State, (or with respect to a case described in section 4041(c)(2)(B)(i) which has been converted to such a reorganization case) is discharged in such case (or the case is otherwise dismissed), unless there is in effect an election under section 4047(b) in connection with such case after such discharge (or dismissal), there shall be payable to the corporation, with respect to each applicable 12-month period before the end of the 3-year period after such discharge (or dismissal) for which such election is not in effect, a premium at a rate equal to \$1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

“(B) **APPLICABLE 12-MONTH PERIOD.**—For purposes of subparagraph (A), the term ‘applicable 12-month period’ means—

“(i) the 12-month period beginning with the first month following the month in which the termination date occurs, and

“(ii) each of the first two 12-month periods immediately following the period described in subclause (I).

“(C) **COORDINATION WITH SECTION 4007.**—

“(i) Notwithstanding section 4007—

“(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

“(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

“(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.

“(D) **USE OF FUNDS.**—All amounts paid to the corporation under subparagraph (A) shall be deposited in the appropriate fund established under section 4005(a). Amounts deposited under the preceding sentence shall only be available to the corporation for payment of nonforfeitable benefits under the plan to participants of the terminated plan in excess of the corporation’s guarantee under section 4022.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to plan terminations with respect to which proceedings are instituted, or are pending, on or after November 9, 2005.

SEC. 203. DATE ON WHICH LIEN FOR MISSED CONTRIBUTIONS IS DEEMED PERFECTED.

(a) **IN GENERAL.**—Section 4041 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new subsection:

“(f) In the case of the commencement of any reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State, (a case described in section 4041(c)(2)(B)(i)) by or against a plan sponsor which has been converted to such a reorganization case), any lien or other security of a plan in such plan sponsor for missed contributions to the plan shall be treated as being perfected as of the earlier of the date of the commencement of such case or the date such security or lien is filed.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to plan terminations with respect to which proceedings are instituted, or are pending, on or after November 9, 2005.

TITLE III—PROTECTION OF PENSION PLANS FOR AIRLINE EMPLOYEES

SEC. 301. SPECIAL FUNDING RULES FOR PLANS MAINTAINED BY COMMERCIAL AIRLINES THAT ARE AMENDED TO CEASE FUTURE BENEFIT ACCRUALS.

(a) **IN GENERAL.**—If an election is made to have this section apply to an eligible plan—

(1) in the case of any applicable plan year beginning before January 1, 2007, the plan shall not have an accumulated funding deficiency for purposes of section 302 of the Employee Retirement Income Security Act of 1974 and sections 412 and 4971 of the Internal Revenue Code of 1986 if contributions to the plan for the plan year are not less than the minimum required contribution determined under subsection (d) for the plan for the plan year, and

(2) in the case of any applicable plan year beginning on or after January 1, 2007, the minimum required contribution determined under sections 303 of such Act and 430 of such Code shall, for purposes of sections 302 and 303 of such Act and sections 412, 430, and 4971 of such Code, be equal to the minimum required contribution determined under subsection (d) for the plan for the plan year.

(b) **ELIGIBLE PLAN.**—For purposes of this section—

(1) **IN GENERAL.**—The term “eligible plan” means a defined benefit plan (other than a multiemployer plan) to which sections 302 of such Act and 412 of such Code applies—

(A) which is sponsored by an employer—

(i) which is a commercial airline passenger airline, or

(ii) the principal business of which is providing catering services to a commercial passenger airline, and

(B) with respect to which the requirements of paragraphs (2) and (3) are met.

(2) **ACCRUAL RESTRICTIONS.**—

(A) **IN GENERAL.**—The requirements of this paragraph are met if, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that—

(i) the accrued benefit, any death or disability benefit, and any social security supplement described in the last sentence of section 411(a)(9) of such Code and section 204(b)(1)(G) of such Act, of each participant are frozen at the amount of such benefit or supplement immediately before such first day, and

(ii) all other benefits under the plan are eliminated, but only to the extent the freezing or elimination of such benefits would have been permitted under section 411(d)(6) of such Code and section 204(g) of such Act if they had been implemented by a plan amendment adopted immediately before such first day.

(B) **INCREASES IN SECTION 415 LIMITS DISREGARDED.**—If a plan provides that an accrued benefit of a participant which has been subject to any limitation under section 415 of such Code will be increased if such limitation is increased, the plan shall not be treated as meeting the requirements of this paragraph unless, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that any such increase shall not take effect. A plan shall not fail to meet the requirements of section 411(d)(6) of such Code and section 204(g) of such Act solely because the plan is amended to meet the requirements of this subparagraph.

(3) **RESTRICTION ON APPLICABLE BENEFIT INCREASES.**—

(A) **IN GENERAL.**—The requirements of this paragraph are met if no applicable benefit increase takes effect at any time during the period beginning on July 26, 2005, and ending on the day before the first day of the first applicable plan year.

(B) **APPLICABLE BENEFIT INCREASE.**—For purposes of this paragraph, the term “applicable benefit increase” means, with respect to any plan year, any increase in liabilities of the plan by plan amendment (or otherwise provided in regulations provided by the Secretary) which, but for this paragraph, would occur during the plan year by reason of—

(i) any increase in benefits,

(ii) any change in the accrual of benefits, or

(iii) any change in the rate at which benefits become nonforfeitable under the plan.

(4) **EXCEPTION FOR IMPUTED DISABILITY SERVICE.**—Paragraphs (2) and (3) shall not apply to any accrual or increase with respect to imputed service provided to a participant during any period of the participant’s disability occurring on or after the effective date of the plan amendment providing the restrictions under paragraph (2) if the participant—

(A) was receiving disability benefits as of such date, or

(B) was receiving sick pay and subsequently determined to be eligible for disability benefits as of such date.

(c) **ELECTIONS AND RELATED TERMS.**—

(1) **IN GENERAL.**—A plan sponsor shall make the election under subsection (a) at such time and in such manner as the Secretary of the Treasury may prescribe. Except as provided in subsection (h)(5), such election, once made, may be revoked only with the consent of such Secretary.

(2) **YEARS FOR WHICH ELECTION MADE.**—

(A) **IN GENERAL.**—The plan sponsor may select the first plan year to which the election under subsection (a) applies from among plan years ending after the date of the election. The election shall apply to such plan year and all subsequent years.

(B) **ELECTION OF NEW PLAN YEAR.**—The plan sponsor may specify a new plan year in the election under subsection (a) and the plan year of the plan may be changed to such new plan year without the approval of the Secretary of the Treasury.

(3) **APPLICABLE PLAN YEAR.**—The term “applicable plan year” means each plan year to which the election under subsection (a) applies under paragraph (1).

(d) **MINIMUM REQUIRED CONTRIBUTION.**—

(1) **IN GENERAL.**—In the case of any applicable plan year during the amortization period, the minimum required contribution shall be the amount necessary to amortize the unfunded liability of the plan, determined as of the first day of the plan year, in equal annual installments (until fully amortized) over the remainder of the amortization period. Such amount shall be separately determined for each applicable plan year.

(2) **YEARS AFTER AMORTIZATION PERIOD.**—In the case of any plan year beginning after the end of the amortization period, section 302(a)(2)(A) of such Act and section 412(a)(2)(A) of such Code shall apply to such plan, but any charge or credit in the funding standard account under section 302 of such Act of section 412 of such Code shall be zero.

(3) **DEFINITIONS.**—For purposes of this section—

(A) **UNFUNDED LIABILITY.**—The term “unfunded liability” means the unfunded accrued liability under the plan, determined under the unit credit funding method.

(B) **AMORTIZATION PERIOD.**—The term “amortization period” means the 20-plan year period beginning with the first applicable plan year.

(4) **OTHER RULES.**—In determining the minimum required contribution and amortization amount under this subsection—

(A) the provisions of section 302(c)(3) of such Act and section 412(c)(3) of such Code, as in effect before the date of enactment of this section, shall apply.

(B) the rate of interest under section 302(b) of such Act and section 412(b) of such Code, as so in effect, shall be used for all calculations requiring an interest rate, and

(C) the value of plan assets shall be equal to their fair market value.

(5) **SPECIAL RULE FOR CERTAIN PLAN SPIN-OFFS.**—For purposes of subsection (a), if, with respect to any eligible plan to which this subsection applies—

(A) any applicable plan year includes the date of the enactment of this Act, and

(B) a plan was spun off from the eligible plan during the plan year but before such date of enactment,

the minimum required contribution under subsection (a)(1) for the eligible plan for such applicable plan year shall be determined as if the plans were a single plan for that plan year (based on the full 12-month plan year in effect prior to the spin-off). The employer shall designate the allocation of the minimum required contribution between such plans for the applicable plan year and direct the appropriate reallocation between the plans of any contributions for the applicable plan year.

(e) **FUNDING STANDARD ACCOUNT AND PREFUNDING BALANCE.**—Any charge or credit in the funding standard account under section 302 of such Act or section 412 of such Code, and any prefunding balance under section 303 of such Act or section 430 of such Code, as of the day before the first day of the first applicable plan year, shall be reduced to zero.

(f) **AMENDMENTS TO OTHER PROVISIONS.**—

(1) **QUALIFICATION REQUIREMENT.**—Section 401(a)(36) of the Internal Revenue Code of 1986, as added by section 402 of this Act, is amended by adding at the end the following: “This paragraph shall also apply to any plan during any period during which an amortization schedule under section 403 of the Pension Security and Transparency Act of 2005 is in effect.”

(2) **PBGC LIABILITY LIMITED.**—Section 4022 of the Employee Retirement Income Security Act of 1974, as amended by this Act, is amended by adding at the end the following new subsection:

“(g) **SPECIAL RULE FOR PLANS ELECTING CERTAIN FUNDING REQUIREMENTS.**—During any period in which an election by a plan under section 301 of the Pension Protection Act of 2005 is in effect, then this section and section 4044(a)(3) shall be applied by treating the first day of the first applicable plan year as the termination date of the plan. This subsection shall not apply to any plan for which an election under section 403(h) of such Act is in effect.”

(3) **LIMITATION ON DEDUCTIONS UNDER CERTAIN PLANS.**—Section 404(a)(7)(C)(iii) of the Internal Revenue Code of 1986, as added by this Act, is amended by adding at the end the following new sentence: “This clause shall also apply to any plan for a plan year if an election under section 403 of the Pension Security and Transparency Act of 2005 is in effect for such year.”

(4) **NOTICE.**—In the case of a plan amendment adopted in order to comply with this section, any notice required under section 204(h) of such Act or section 4980F(e) of such Code shall be provided within 15 days of the effective date of such plan amendment. This subsection shall not apply to any plan unless such plan is maintained pursuant to one or more collective bargaining agreements between employee representatives and 1 or more employers.

(g) SPECIAL RULES FOR TERMINATION OF ELIGIBLE PLANS.—During any period an election is in effect under this section with respect to an eligible plan, the Pension Benefit Guaranty Corporation shall, before it seeks or approves a termination of such plan under section 4041(c) or 4042 of the Employee Retirement Income Security Act of 1974—

(1) make a determination under section 4041(c)(4) or 4042(i) of such Act whether the termination would be necessary if the Secretary of the Treasury were to enter into an agreement under section 4047(a) of such Act which provides an alternative funding agreement to replace the amortization schedule under this section, and

(2) if the Corporation determines such an agreement would make such termination unnecessary, take all necessary actions to ensure the agreement is entered into.

The Pension Benefit Guaranty Corporation shall make the determination under paragraph (1) within 90 days of receiving all information needed in connection with a request for a termination (or if no such request is made, within 90 days of consideration of the termination by the Corporation).

(h) CERTAIN BENEFIT ACCRUALS AND INCREASES ALLOWED IF ADDITIONAL CONTRIBUTIONS MADE TO COVER COSTS.—

(1) IN GENERAL.—If an employer elects the application of this subsection—

(A) the requirements of paragraphs (2) and (3) of subsection (b) shall not apply with respect to any eligible plan maintained by the employer and specified in the election, and

(B) the minimum required contribution under subsection (d) for any plan year with respect to the plan shall be increased by the amounts described in paragraphs (2) and (3). Any liabilities and assets taken into account under this subsection shall not be taken into account in determining the unfunded liability of the plan for purposes of subsection (d).

(2) CURRENT FUNDING OF ACCRUALS AND INCREASES.—The amount determined under this paragraph for any plan year is the target normal cost which would occur under section 302 of such Act and 412 of such Code if—

(A) any benefit accrual, or benefit increase taking effect, during the plan year by reason of this subsection were treated as having been accrued or earned during the plan year, and

(B) the plan were treated as if it were subject to section 302(d) of such Act and section 412(d) of such Code.

(3) FUNDING MUST BE MAINTAINED.—The amount determined under this paragraph for any plan year is the amount charged to the funding standard account under section 302(d) of such Act and section 412(d) of such Code if—

(A) the funding target were determined by only taking into account benefits to which paragraph (2) applied for preceding plan years,

(B) the only assets taken into account were the contributions required under this paragraph and paragraph (2) for preceding plan years (and any earnings thereon),

(C) the amortization period included only the plan year,

(D) the transition rule under section 303(c)(4)(B) of such Act and section 430(c)(4)(B) of such Code did not apply, and

(E) the plan were treated as if it were subject to section 302(d) of such Act and section 412(d) of such Code.

(4) SPECIAL RULES FOR YEARS BEFORE 2007.—Notwithstanding any other provision of this Act, in the case of an applicable plan year of an eligible plan to which this subsection applies which begins before January 1, 2007, in determining the amounts described in paragraphs (2) and (3) for such plan year—

(A) the provisions of, and amendments made by, sections 101, 102, 111, and 112 shall apply to such plan year, except that

(B) the interest rate used under section 303 of such Act and section 430 of such Code for purposes of applying paragraphs (2) and (3) to such plan year shall be the interest rate determined under section 302(b)(5) of such Act and section 412(b)(5) of such Code, as in effect for plan years beginning in 2005.

(5) ELECTION OUT OF SECTION.—An employer maintaining an eligible plan to which this subsection applies may make a one-time election with respect to any applicable plan year not to have this section apply to such plan year and all subsequent plan years. Subject to subsection (d)(2), the minimum required contribution under section 302 of such Act and 412 of such Code for all such plan years shall be determined without regard to this section.

(i) EXCLUSION OF CERTAIN EMPLOYEES FROM MINIMUM COVERAGE REQUIREMENTS.—

(1) IN GENERAL.—Section 410(b)(3) of such Code is amended by striking the last sentence and inserting the following: “For purposes of subparagraph (B), management pilots who are not represented in accordance with title II of the Railway Labor Act shall be treated as covered by a collective bargaining agreement described in such subparagraph if the management pilots manage the flight operations of air pilots who are so represented and the management pilots are, pursuant to the terms of the agreement, included in the group of employees benefitting under the trust described in such subparagraph. Subparagraph (B) shall not apply in the case of a plan which provides contributions or benefits for employees whose principal duties are not customarily performed aboard an aircraft in flight (other than management pilots described in the preceding sentence).”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning before, on, or after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to plan years ending after the date of the enactment of this Act.

SEC. 302. RECOGNITION OF LEGALLY MANDATED EARLY RETIREMENT AGES IN DETERMINING AMOUNT OF GUARANTEED BENEFITS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended, in the flush matter following subparagraph (B), by adding at the end the following: “If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining a specified age which is less than age 65, the first sentence of this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.”

(b) AGGREGATE LIMIT ON BENEFIT GUARANTEED.—Section 4022B(a) of such Act (29 U.S.C. 1322b(a)) is amended by adding at the end the following: “If, as of such date, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining a specified age which is less than age 65, this subsection shall be applied to an individual who is a participant in any such plan by reason of such service by substituting such age for age 65.”

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to benefits payable on or after the date of the enactment of this Act.

TITLE IV—FAIRNESS FOR RANK AND FILE EMPLOYEES

SEC. 401. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS WHEN EMPLOYER DEFINED BENEFIT PLAN IN AT-RISK STATUS.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) EMPLOYER’S DEFINED BENEFIT PLAN IN AT-RISK STATUS.—

“(A) If—

“(i) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status, assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

“(ii) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

such assets shall for purposes of section 83 be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors.

“(B) AT-RISK STATUS.—For purposes of subparagraph (A), a plan is in an at-risk status if the funded current liability percentage (as defined in section 412(1)(8)), reduced as described in subparagraph (E) thereof, of the plan is less than 60 percent.”

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking “paragraph (1) or (2)” each place it appears and inserting “paragraph (1), (2), or (3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

SEC. 402. NONQUALIFIED DEFERRED COMPENSATION REDUCED BY PERCENTAGE OF UNDERFUNDED PLAN UPON BANKRUPTCY OF EMPLOYER.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding), as amended by section 302, is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) REDUCTION IN ALLOWABLE DEFERRED COMPENSATION UPON BANKRUPTCY.—

“(A) Upon the commencement of any reorganization case under title 11 of the United States Code, or under any similar Federal or State law—

“(i) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status, assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

“(ii) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of

the defined benefit plan, or assets are so restricted.

the employer shall reduce the amount of benefit under the non-qualified plan by the applicable percentage of underfunding in the pension plan.

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the excess (if any) of 100 percentage points over the funded current liability percentage (as defined in section 412(1)(8)), reduced as described in subparagraph (E) thereof.

“(C) ADDITIONAL TAX.—The tax imposed by this chapter for any taxable year on any taxpayer with respect to whom a benefit is reduced under subparagraph (A) shall be increased by 100 percent of the amount of such reduction. Such amount shall not be treated as a tax for purposes of section 26(b)(2).”

(b) CONFORMING AMENDMENTS.—Paragraphs (5) and (6) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking “or (3)” each place it appears and inserting “(3), or (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

SEC. 403. TERMINATION FAIRNESS STANDARD FOR NONQUALIFIED DEFERRED COMPENSATION PLANS IN CONNECTION WITH PENSION PLAN TERMINATIONS BASED ON BANKRUPTCY REORGANIZATION.

(a) IN GENERAL.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

“(g) TERMINATION FAIRNESS STANDARD FOR NONQUALIFIED DEFERRED COMPENSATION PLANS IN CONNECTION WITH PENSION PLAN TERMINATIONS BASED ON BANKRUPTCY REORGANIZATION.—

“(1) IN GENERAL.—In any case in which a corporation is a plan sponsor of a defined benefit plan with respect to which a plan amendment is adopted that has the effect of implementing a distress termination of the plan under section 4041(c) based on bankruptcy reorganization or a termination of the plan initiated by the Pension Benefit Guaranty Corporation under section 4042 based on bankruptcy reorganization, in any case in which the plan is not sufficient for guaranteed benefits (within the meaning of section 4041(d)(2)) as of the proposed termination date, any covered deferred compensation plan established or maintained by such plan sponsor after the date of the adoption of such plan amendment shall meet the termination fairness standard of this subsection with respect to such plan amendment.

“(2) TERMINATION FAIRNESS STANDARD.—A covered deferred compensation plan established or maintained by a plan sponsor described in paragraph (1) if, during the 5-year period beginning on the date of the adoption of such plan amendment—

“(A) no amount of deferred compensation accrues to a disqualified individual under the terms of such covered deferred compensation plan (irrespective of whether the accrual in deferred compensation is expressed in the form of a promise, a guarantee, or any other representation), and

“(B) in the case of a covered deferred compensation plan established during or after the 1-year period preceding the notice date (or any amendment to a covered deferred compensation plan if such amendment is adopted during or after such 1-year period), no distribution of accrued deferred compensation is made under such plan (or such amendment) to a disqualified individual.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) NOTICE DATE.—The term ‘notice date’ means, with respect to an amendment described in paragraph (1)—

“(i) in the case of a distress termination under section 4041(d), the date of the advance notice of intent to terminate provided pursuant to section 4041(a)(2), and

“(ii) in the case of a termination initiated by the Pension Benefit Guaranty Corporation under section 4042, the date of the application to the court under section 4042(c).

“(B) COVERED DEFERRED COMPENSATION PLAN.—

“(i) IN GENERAL.—The term ‘covered deferred compensation plan’ means any plan providing for the deferral of compensation of a disqualified individual, whether or not—

“(I) compensation of the disqualified individual which is deferred under such plan is subject to substantial risk of forfeiture,

“(II) the disqualified individual’s rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the plan sponsor,

“(III) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation (including income), and all income attributable to such amounts, remain (until made available to the disqualified individual or other beneficiary) solely the property of the plan sponsor (without being restricted to the provision of benefits under the plan),

“(IV) the amounts referred to in subclause (III) are available to satisfy the claims of the plan sponsor’s general creditors at all times (not merely after bankruptcy or insolvency), and

“(V) some or all of the compensation of the disqualified individual which is deferred under such plan is guaranteed by an insurance company, insurance service, or other similar organization.

“(i) EXCEPTION FOR QUALIFIED PLANS.—Such term shall not include a plan that is—

“(I) described in section 219(g)(5)(A) of the Internal Revenue Code of 1986, or

“(II) an eligible deferred compensation plan (as defined in section 457(b) of such Code) of an eligible employer described in section 457(e)(1)(A) of such Code.

“(iii) PLAN INCLUDES ARRANGEMENTS, ETC.—For purposes of this subparagraph, the term ‘plan’ includes any agreement or arrangement.

“(C) DISQUALIFIED INDIVIDUAL.—The term ‘disqualified individual’ means a director or executive officer of the plan sponsor.

“(D) TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—A termination of a plan which is a distress termination under section 4041(c) or a termination instituted by the Pension Benefit Guaranty Corporation under section 4042 is ‘based on bankruptcy reorganization’ if such termination is based in whole or in part on the filing, by or against any person who is a contributing sponsor of such plan or a member of such sponsor’s controlled group, of a petition seeking reorganization in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (or such a case in which liquidation is sought has been converted to a case in which reorganization is sought).

“(E) TITLE IV TERMINOLOGY.—Any term used in this subsection which is defined in section 4001(a) shall have the meaning provided such term in section 4001(a).

“(4) SPECIAL RULES.—

“(A) COORDINATED BENEFITS.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in paragraph (1), the sponsor of the defined benefit plan or plans providing for

such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

“(B) MULTIPLE AMENDMENTS.—The Secretary shall issue regulations to prevent the avoidance of the purposes of this subsection through the use of 2 or more plan amendments rather than a single amendment.

“(C) CONTROLLED GROUPS, ETC.—For purposes of this subsection, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

“(D) TREATMENT OF EARNINGS.—References to deferred compensation shall be treated as including references to income attributable to such compensation or such income.

“(5) COORDINATION.—The Secretary and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both such Secretaries have responsibility under this subsection and section 4980H of the Internal Revenue Code of 1986 are administered so as to have the same effect at all times.

“(6) EFFECT OF WAIVER GRANTED BY SECRETARY OF THE TREASURY.—To the extent that any requirement of the termination fairness standard of section 4980H(a)(2) of the Internal Revenue Code of 1986 is waived by the Secretary of the Treasury with respect to any disqualified individual under section 4980H(g) of such Code in the case of any plan amendment having the effect of a termination described in paragraph (1) of this subsection, such requirement under the termination fairness standard of paragraph (2) of this subsection shall not apply with respect to such individual in the case of such plan amendment.”

(b) EXCISE TAX ON FUNDING NONQUALIFIED DEFERRED COMPENSATION PLANS IN THE EVENT OF A PENSION PLAN TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

“SEC. 4980H. FUNDING NONQUALIFIED DEFERRED COMPENSATION PLANS.

“(a) IMPOSITION OF TAX IN THE EVENT OF A PENSION PLAN TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—

“(1) IN GENERAL.—In any case in which a corporation is a plan sponsor of a defined benefit plan with respect to which an plan amendment is adopted that has the effect of implementing a distress termination of the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974 based on bankruptcy reorganization or a termination of the plan initiated by the Pension Benefit Guaranty Corporation under section 4042 of such Act based on bankruptcy reorganization, in any case in which the plan is not sufficient for guaranteed benefits (within the meaning of section 4041(d)(2) of such Act) as of the proposed termination date, there is hereby imposed a tax on any failure to meet the termination fairness standard of paragraph (2) with respect to such plan amendment.

“(2) TERMINATION FAIRNESS STANDARD.—A covered deferred compensation plan established or maintained by a plan sponsor described in paragraph (1) meets the termination fairness standard of this subsection with respect to a plan amendment described in paragraph (1) if, during the 5-year period beginning on the date of the adoption of such plan amendment—

“(A) no amount of deferred compensation accrues to a disqualified individual under the terms of such covered deferred compensation

plan, irrespective of whether the accrual in deferred compensation is expressed in the form of a promise, a guarantee, or any other representation, and

“(B) in the case of a covered deferred compensation plan established during or after the 1-year period preceding the notice date (or any amendment to a covered deferred compensation plan if such amendment is adopted during or after such 1-year period), no distribution of accrued deferred compensation is made under such plan (or such amendment) to a disqualified individual.

“(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to the amount of the accrual described in subsection (a)(2)(A) comprising the failure or the distribution described in subsection (a)(2)(B) comprising the failure.

“(c) LIABILITY FOR TAX.—The plan sponsor shall be liable for the tax imposed by this section.

“(d) DEFINITIONS.—For purposes of this section—

“(1) NOTICE DATE.—The term ‘notice date’ means with respect to an amendment described in subsection (a)(1)—

“(A) in the case of a distress termination under section 4041(d) of the Employee Retirement Income Security Act of 1974, the date of the advance notice of intent to terminate provided pursuant to section 4041(a)(2) of such Act, and

“(B) in the case of a termination initiated by the Pension Benefit Guaranty Corporation under section 4042 of such Act, the date of the application to the court under section 4042(c) of such Act.

“(2) COVERED DEFERRED COMPENSATION PLAN.—

“(A) IN GENERAL.—The term ‘covered deferred compensation plan’ means any plan providing for the deferral of compensation of a disqualified individual, whether or not—

“(i) compensation of the disqualified individual which is deferred under such plan is subject to substantial risk of forfeiture,

“(ii) the disqualified individual’s rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the plan sponsor,

“(iii) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the (without being restricted to the provision of benefits under the plan),

“(iv) the amounts referred to in clause (iii) are available to satisfy the claims of the plan sponsor’s general creditors at all times (not merely after bankruptcy or insolvency), and

“(v) some or all of the compensation of the disqualified individual which is deferred under such plan is guaranteed by an insurance company, insurance service, or other similar organization.

“(B) EXCEPTION FOR QUALIFIED PLANS.—Such term shall not include a plan that is—

“(i) described in section 219(g)(5)(A), or

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).

“(C) PLAN INCLUDES ARRANGEMENTS, ETC.—For purposes of this paragraph, the term ‘plan’ includes any agreement or arrangement.

“(3) DISQUALIFIED INDIVIDUAL.—The term ‘disqualified individual’ means a director or executive officer of the plan sponsor.

“(4) TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—A termination of a plan which is a distress termination under section 4041(c) of the Employee Retirement Income Security Act of 1974 or a termination instituted by the Pension Benefit Guaranty Cor-

poration under section 4042 of such Act is ‘based on bankruptcy reorganization’ if such termination is based in whole or in part on the filing, by or against any person who is a contributing sponsor of such plan or a member of such sponsor’s controlled group, of a petition seeking reorganization in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (or such a case in which liquidation is sought has been converted to a case in which reorganization is sought).

“(5) TITLE IV TERMINOLOGY.—Any term used in this section which is defined in section 4001(a) of the Employee Retirement Income Security Act of 1974 shall have the meaning provided such term in such section 4001(a).

“(e) SPECIAL RULES.—

“(1) COORDINATED BENEFITS.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in subsection (a)(1), the sponsor of the defined benefit plan or plans providing for such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

“(2) MULTIPLE AMENDMENTS.—The Secretary shall issue regulations to prevent the avoidance of the purposes of this section through the use of 2 or more plan amendments rather than a single amendment.

“(3) CONTROLLED GROUPS, ETC.—For purposes of this section, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

“(4) TREATMENT OF EARNINGS.—References to deferred compensation shall be treated as including references to income attributable to such compensation or such income.

“(f) COORDINATION.—The Secretary and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both such Secretaries have responsibility under this section and section 206(g) of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times.

“(g) WAIVER.—

“(1) IN GENERAL.—In the case of any plan amendment having the effect of a termination described in subsection (a)(1), the Secretary may waive the application of any requirement of the termination fairness standard of subsection (a)(2) with respect to any disqualified individual who first commences service for the plan sponsor after the notice date with respect to such plan amendment. The Secretary may grant any such waiver in the case of any such plan amendment with respect to any such disqualified individual only after consultation with the Pension Benefit Guaranty Corporation. The Secretary shall promptly notify the Secretary of Labor of any such waiver granted by the Secretary.

“(2) REQUIREMENTS FOR WAIVER.—A waiver may be granted under paragraph (1) only—

“(A) upon the filing with the Secretary by the plan sponsor of an application for such waiver, in such form and manner as shall be prescribed in regulations of the Secretary,

“(B) upon a showing, to the satisfaction of the Secretary, that such waiver is a business necessity for the plan sponsor, as determined under such regulations, and is in the interest of plan participants and beneficiaries, as determined under such regulations, and

“(C) after the participants, in such form and manner as shall be provided in such regulations, have been notified of the filing of the application for the waiver and have been provided a reasonable opportunity to provide

in advance comments to the Secretary regarding the proposed waiver.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

“Sec. 4980H. Funding nonqualified deferred compensation plans.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) plan amendments adopted on or after May 10, 2005, and

(2) plan amendments adopted before such date implementing a plan termination as described in section 206(g)(1) of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)) or section 4980H(a)(1)(A) of the Internal Revenue Code of 1986 (as added by subsection (b)) based on a bankruptcy reorganization in a case under title 11 of the United States Code (or under any similar law of a State or a political subdivision of a State) pending on such date.

TITLE V—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 501. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by this Act) is amended by inserting after section 303 the following new section:

“MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

“SEC. 304. (a) IN GENERAL.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

“(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

“(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

“(b) FUNDING STANDARD ACCOUNT.—

“(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

“(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

“(A) the normal cost of the plan for the plan year,

“(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

“(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

“(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

“(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

“(A) the amount considered contributed by the employer to or under the plan for the plan year,

“(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

“(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section 302(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate con-

sistent with the rate or rates of interest used under the plan to determine costs.

“(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer’s withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan’s funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer’s withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 of the Internal Revenue Code of 1986 in such manner as is determined by the Secretary of the Treasury.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this part, the value of the plan’s assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b) (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan’s assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS’ STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners’ standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—The Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individ-

uals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan’s current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section,

any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

“(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

“(i) submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

“(ii) includes with the application a certification by the plan’s actuary described in subparagraph (B),

the Secretary of the Treasury shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

“(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan’s actuary certifies that, based on reasonable assumptions—

“(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

“(ii) the plan sponsor has adopted a plan to improve the plan’s funding status,

“(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

“(iv) the notice required under paragraph (3)(A) has been provided.

“(2) ADDITIONAL EXTENSION.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary of the Treasury may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

“(B) DETERMINATION.—The Secretary may grant an extension under subparagraph (A) if the Secretary determines that—

“(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

“(ii) the failure to permit such extension would—

“(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

“(II) be adverse to the interests of plan participants in the aggregate.

“(C) ACTION BY SECRETARY.—The Secretary of the Treasury shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension

under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21)) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”

(b) SHORTFALL FUNDING METHOD.—

(1) IN GENERAL.—A multiemployer plan meeting the criteria of paragraph (2) may adopt, use, or cease using, the shortfall funding method and such adoption, use, or cessation of use of such method, shall be deemed approved by the Secretary of the Treasury under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(e)(1) of the Internal Revenue Code of 1986.

(2) CRITERIA.—A multiemployer pension plan meets the criteria of this clause if—

(A) the plan has not used the shortfall funding method during the 5-year period ending on the day before the date the plan is to use the method under paragraph (1); and

(B) the plan is not operating under an amortization period extension under section 304(d) of such Act and did not operate under such an extension during such 5-year period.

(3) SHORTFALL FUNDING METHOD DEFINED.—For purposes of this subsection, the term “shortfall funding method” means the shortfall funding method described in Treasury Regulations section 1.412(c)(1)–2 (26 C.F.R. 1.412(c)(1)–2).

(4) BENEFIT RESTRICTIONS TO APPLY.—The benefit restrictions under section 302(c)(7) of such Act and section 412(d)(7) of such Code shall apply during any period a multiemployer plan is on the shortfall funding method pursuant to this subsection.

(5) USE OF SHORTFALL FUNDING METHOD NOT TO PRECLUDE OTHER OPTIONS.—Nothing in this subsection shall be construed to affect a multiemployer plan’s ability to adopt the shortfall funding method with the Secretary’s permission under otherwise applicable regulations or to affect a multiemployer plan’s right to change funding methods, with or without the Secretary’s consent, as provided in applicable rules and regulations.

(c) CONFORMING AMENDMENTS.—

(1) Section 301 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by this Act) is amended by inserting after the item relating to section 303 the following new item:

“Sec. 304. Minimum funding standards for multiemployer plans.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 502. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended by inserting after section 304 the following new section:

“ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

“SEC. 305. (a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

“(1) if the plan is in endangered status—

“(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

“(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

“(2) if the plan is in critical status—

“(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

“(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

“(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

“(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

“(A) the plan’s funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

“(A) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if—

“(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 304(d), or

“(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account

any extension of amortization periods under section 304(d).

“(C) A plan is described in this subparagraph if—

“(i)(I) the plan’s normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value of the reasonably anticipated employer contributions for the current plan year,

“(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

“(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

“(D) A plan is described in this subparagraph if the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary of the Treasury—

“(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

“(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

“(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

“(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

“(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

“(C) PENALTY FOR FAILURE TO SECURE TIME-LY ACTUARIAL CERTIFICATION.—Any failure of the plan’s actuary to certify the plan’s status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

“(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary.

“(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the funding improvement plan—

“(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

“(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

“(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

“(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of

this paragraph are met if the plan’s funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

“(i) such percentage as of the beginning of such period, plus

“(ii) 10 percent of the percentage under clause (i).

“(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

“(i) the plan’s funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

“(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

“(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

“(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

“(B) COORDINATION WITH CHANGES IN STATUS.—

“(1) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan’s actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

“(i) PLANS IN CRITICAL STATUS.—If the plan’s actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

“(C) PLANS IN ENDANGERED STATUS AT END OF PERIOD.—If the plan’s actuary certifies under subsection (b)(3)(A) for the first plan year following the close of the period described in subparagraph (A) that the plan is in endangered status, the provisions of this subsection and subsection (d) shall be applied as if such first plan year were an initial determination year, except that the plan may not be amended in a manner inconsistent with the funding improvement plan in effect for the preceding plan year until a new funding improvement plan is adopted.

“(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

“(i) The plan’s funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

“(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

“(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

“(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

“(i) subparagraph (A) shall apply if the plan’s actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

“(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

“(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

“(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan’s annual report under section 104.

“(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

“(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term ‘funding plan adoption period’ means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

“(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

“(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law, and

“(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

“(i) an increase in the plan’s funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 304(d), use of the short-fall funding method in making funding standard account computations, amendments to the plan’s benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

“(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

“(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

“(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

“(3) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

“(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the rehabilitation plan—

“(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 204(g)) have been reduced to the maximum extent permitted by law.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

“(3) REHABILITATION PLAN.—For purposes of this section—

“(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

“(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

“(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

“(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

“(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan’s annual report under section 104.

“(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agreement with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

“(4) REHABILITATION PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

“(B) EMERGENCY.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 304(d).

“(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for

purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

“(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term ‘rehabilitation plan adoption period’ means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

“(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

“(A) a monthly benefit (payable as a single life annuity commencing at the participant’s normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

“(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

“(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

“(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

“(1) COMPLIANCE WITH REHABILITATION PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

“(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

“(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

“(A) IN GENERAL.—Effective on the date the notice of certification of the plan’s critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 204(g), the plan shall not pay—

“(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)),

“(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

“(iii) any other payment specified by the Secretary of the Treasury by regulations.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 203(e) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

“(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan’s unfunded vested benefits for purposes of determining an employer’s withdrawal liability under section 4201.

“(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(5) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan—

“(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

“(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

“(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

“(h) NONBARGAINED PARTICIPATION.—

“(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer’s collective bargaining agreements in effect when the plan entered endangered or critical status.

“(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

“(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)–6(d)(ii)(D).

“(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

“(1) BARGAINING PARTY.—The term ‘bargaining party’ means—

“(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

“(ii) in the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

“(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

“(2) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the percentage equal to a fraction—

“(A) the numerator of which is the value of the plan’s assets, as determined under section 304(c)(2), and

“(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 304(c)(3).

“(3) ACCUMULATED FUNDING DEFICIENCY.—The term ‘accumulated funding deficiency’ has the meaning given such term in section 304(a).

“(4) ACTIVE PARTICIPANT.—The term ‘active participant’ means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

“(5) INACTIVE PARTICIPANT.—The term ‘inactive participant’ means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

“(A) is not in covered service under the plan, and

“(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

“(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

“(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

“(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

“(7) OBLIGATION TO CONTRIBUTE.—The term ‘obligation to contribute’ has the meaning given such term under section 4212(a).

“(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary’s determinations with respect to a plan’s normal cost, actuarial accrued liability, and improvements in a plan’s funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan’s actuarial valuation).

“(9) PLAN SPONSOR.—In the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the term ‘plan sponsor’ means the bargaining parties described under paragraph (1).”

(b) CAUSE OF ACTION TO COMPEL ADOPTION OF FUNDING IMPROVEMENT OR REHABILITATION PLAN.—Section 502(a) of the Employee Retirement Income Security Act of 1974 is amended by striking “or” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “; or” and by adding at the end the following:

“(10) in the case of a multiemployer plan that has been certified by the actuary to be in endangered or critical status under section 305, if the plan sponsor has not adopted a funding improvement or rehabilitation plan under subsection (c) or (e) of that section by the deadline established in that section, by an employer that has an obligation to contribute with respect to the multiemployer plan or an employee organization that represents active participants in the multiemployer plan, for an order compelling the plan sponsor to adopt a funding improvement or rehabilitation plan.”

(c) 4971 EXCISE TAX INAPPLICABLE.—Section 4971 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h), and inserting after subsection (f) the following:

“(g) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—No tax shall be imposed under this section for a taxable year with respect to a multiemployer plan if, for the plan years ending with or within the taxable year, the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This subsection shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan) and shall not apply if an excise tax is required to be imposed under this section by reason of a violation of such section 305.”

(d) NO ADDITIONAL CONTRIBUTIONS REQUIRED.—

(1) Section 302(b) of the Employee Retirement Income Security Act of 1974, as amended by this Act, is amended by adding at the end the following new paragraph:

“(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305. This paragraph shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) and complies with such rehabilitation plan (and any modifications of the plan).”

(2) Section 412(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

“(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This paragraph shall only apply if the plan

adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan).”

(e) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended by inserting after the item relating to section 304 the following new item:

“Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.”

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits, the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

SEC. 503. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking “3 plan years” the second place it appears and inserting “5 plan years”; and

(2) by adding at the end the following new sentence: “If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after 2006.

SEC. 504. SPECIAL RULE FOR CERTAIN BENEFITS FUNDED UNDER AN AGREEMENT APPROVED BY THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of a multiemployer plan that is a party to an agreement that was approved by the Pension Benefit Guaranty Corporation prior to June 30, 2005, and that—

(1) increases benefits, and

(2) provides for special withdrawal liability rules under section 4203(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1383),

the amendments made by sections 201, 202, 211, and 212 of this Act shall not apply to the benefit increases under any plan amendment adopted prior to June 30, 2005, that are funded pursuant to such agreement if the plan is funded in compliance with such agreement (and any amendments thereto).

SEC. 505. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY OF INSOLVENT EMPLOYERS.—

(1) IN GENERAL.—Subsections (b) and (d) of section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) are repealed.

(2) CONFORMING AMENDMENTS.—Subsections (c) and (e) of section 4225 of such Act are redesignated as subsections (b) and (c), respectively.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) WITHDRAWAL LIABILITY CONTINUES IF WORK CONTRACTED OUT.—

(1) IN GENERAL.—Clause (i) of section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended by inserting “or to an entity or entities owned or controlled by the employer” after “to another location”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work transferred on or after the date of the enactment of this Act.

(c) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

SEC. 506. SPECIAL RULES FOR MULTIPLE EMPLOYER PLANS OF CERTAIN CO-OPERATIVES.

(a) GENERAL RULE.—Except as provided in this section, if a plan in existence on July 26, 2005, was an eligible cooperative plan for its plan year which includes such date, the amendments made by this subtitle and subtitle B shall not apply to plan years beginning before the earlier of—

(1) the first plan year for which the plan ceases to be an eligible cooperative plan, or

(2) January 1, 2017.

(b) ELIGIBLE COOPERATIVE PLANS.—For purposes of this section, the term “eligible cooperative plan” means a plan which is maintained by more than 1 employer and at least 85 percent of the employers are—

(1) rural cooperatives (as defined in section 401(k)(7)(B) of the Internal Revenue Code of 1986 without regard to clause (iv) thereof),

(2) rural telephone cooperative associations described in section 3(40)(B)(v) of the Employee Retirement Income Security Act of 1974 which is not described in paragraph (1), or

(3) organizations described in section 1381(a) of such Code more than 50 percent of the ownership or capital and profits interests of which are held—

(A) by producers of agricultural products, or

(B) organizations described in section 1381(a) of such Code meeting the requirements of subparagraph (A).

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 511. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as added by this Act) is amended by inserting after section 430 the following new section:

“SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

“(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

“(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

“(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243 of the Employee Retirement Income Security Act of 1974.

“(b) FUNDING STANDARD ACCOUNT.—

“(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

“(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

“(A) the normal cost of the plan for the plan year,

“(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years.

“(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(d)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

“(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

“(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

“(A) the amount considered contributed by the employer to or under the plan for the plan year,

“(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

“(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years.

“(C) the amount of the waived funding deficiency (within the meaning of section 412(d)(3)) for the plan year, and

“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section

412(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer’s withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan’s funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) of such Act as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of such Act or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer’s withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an

election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this part, the value of the plan’s assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and
 “(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b) (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan’s assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS’ STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners’ standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results

of available independent studies of mortality of individuals covered by pension plans.

“(V) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—The Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan’s current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation

refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan’s current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

“(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

“(i) submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

“(ii) includes with the application a certification by the plan’s actuary described in subparagraph (B),

the Secretary shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

“(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan’s actuary certifies that, based on reasonable assumptions—

“(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

“(ii) the plan sponsor has adopted a plan to improve the plan’s funding status,

“(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

“(iv) the notice required under paragraph (3)(A) has been provided.

“(2) ADDITIONAL EXTENSION.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

“(B) DETERMINATION.—The Secretary may grant an extension under subparagraph (A) if the Secretary determines that—

“(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

“(ii) the failure to permit such extension would—

“(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

“(II) be adverse to the interests of plan participants in the aggregate.

“(C) ACTION BY SECRETARY.—The Secretary shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary shall, before granting an extension under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 512. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as amended by this Act) is amended by inserting after section 431 the following new section:

“SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

“(a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

“(1) if the plan is in endangered status—

“(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

“(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

“(2) if the plan is in critical status—

“(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

“(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

“(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

“(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan

year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

“(A) the plan's funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

“(A) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if—

“(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 431(d), or

“(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account any extension of amortization periods under section 431(d).

“(C) A plan is described in this subparagraph if—

“(i) (I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value of the reasonably anticipated employer contributions for the current plan year,

“(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

“(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

“(D) A plan is described in this subparagraph if the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4

succeeding plan years (plus administrative expenses for such plan years).

“(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary—

“(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

“(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

“(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) of the Employee Retirement Income Security Act of 1974 with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

“(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

“(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

“(C) PENALTY FOR FAILURE TO SECURE TIME-ELY ACTUARIAL CERTIFICATION.—Any failure of the plan's actuary to certify the plan's status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4) of such Act.

“(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary, and the Secretary of Labor.

“(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the funding improvement plan—

“(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

“(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

“(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

“(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of this paragraph are met if the plan's funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

“(i) such percentage as of the beginning of such period, plus

“(ii) 10 percent of the percentage determined under clause (i).

“(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

“(i) the plan's funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

“(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

“(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

“(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the due date

for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

“(B) COORDINATION WITH CHANGES IN STATUS.—

“(i) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

“(ii) PLANS IN CRITICAL STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

“(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

“(i) The plan's funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

“(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

“(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

“(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

“(i) subparagraph (A) shall apply if the plan's actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

“(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

“(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

“(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

“(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

“(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term ‘funding plan adoption period’ means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

“(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

“(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law, and

“(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

“(i) an increase in the plan's funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 431(d), use of the short-fall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a

funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

“(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

“(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

“(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

“(3) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

“(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the rehabilitation plan—

“(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in

future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 411(d)(6)) have been reduced to the maximum extent permitted by law.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

“(3) REHABILITATION PLAN.—For purposes of this section—

“(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

“(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

“(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245 of the Employee Retirement Income Security Act of 1974).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

“(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

“(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

“(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agree-

ment with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

“(4) REHABILITATION PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

“(B) EMERGENCE.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 431(d).

“(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of the Employee Retirement Income Security Act of 1974 as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

“(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term ‘rehabilitation plan adoption period’ means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

“(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

“(A) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

“(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

“(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan

and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

“(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

“(1) COMPLIANCE WITH REHABILITATION PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

“(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

“(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

“(A) IN GENERAL.—Effective on the date the notice of certification of the plan’s critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 411(d)(6), the plan shall not pay—

“(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(b)(1)(A)),

“(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

“(iii) any other payment specified by the Secretary by regulations.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

“(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan’s unfunded vested benefits for purposes of determining an employer’s withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

“(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.

“(5) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan—

“(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

“(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

“(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by section 4971 to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

“(h) NONBARGAINED PARTICIPATION.—

“(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer’s collective bargaining agreements in effect when the plan entered endangered or critical status.

“(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

“(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)-6(d)(ii)(D).

“(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

“(1) BARGAINING PARTY.—The term ‘bargaining party’ means—

“(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

“(ii) in the case of a plan described under section 404(c), or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

“(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

“(2) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the percentage equal to a fraction—

“(A) the numerator of which is the value of the plan’s assets, as determined under section 431(c)(2), and

“(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 431(c)(3).

“(3) ACCUMULATED FUNDING DEFICIENCY.—The term ‘accumulated funding deficiency’ has the meaning given such term in section 412(a).

“(4) ACTIVE PARTICIPANT.—The term ‘active participant’ means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

“(5) INACTIVE PARTICIPANT.—The term ‘inactive participant’ means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

“(A) is not in covered service under the plan, and

“(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

“(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

“(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

“(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

“(7) OBLIGATION TO CONTRIBUTE.—The term ‘obligation to contribute’ has the meaning given such term under section 4212(a) of the Employee Retirement Income Security Act of 1974.

“(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary’s determinations with respect to a plan’s normal cost, actuarial accrued liability, and improvements in a plan’s funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan’s actuarial valuation).

“(9) PLAN SPONSOR.—In the case of a plan described under section 404(c), or a continuation of such a plan, the term ‘plan sponsor’ means the bargaining parties described under paragraph (1).”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits, the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

PART III—SUNSET OF FUNDING RULES

SEC. 516. SUNSET OF FUNDING RULES.

(a) REPORT.—Not later than December 31, 2011, the Secretary of Labor, the Secretary of

the Treasury, and the Executive Director of the Pension Benefit Guaranty Corporation shall conduct a study of the effect of the amendments made by this subtitle on the operation and funding status of multiemployer plans and shall report the results of such study, including any recommendations for legislation, to the Congress.

(b) MATTERS INCLUDED IN STUDY.—The study required under subsection (a) shall include—

(1) the effect of funding difficulties, funding rules in effect before the date of the enactment of this Act, and the amendments made by this subtitle on small businesses participating in multiemployer plans,

(2) the effect on the financial status of small employers of—

(A) funding targets set in funding improvement and rehabilitation plans and associated contribution increases,

(B) funding deficiencies,

(C) excise taxes,

(D) withdrawal liability,

(E) the possibility of alternatives schedules and procedures for financially-troubled employers, and

(F) other aspects of the multiemployer system, and

(3) the role of the multiemployer pension plan system in helping small employers to offer pension benefits.

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in this subsection, notwithstanding any other provision of this Act, the provisions of, and the amendments made by, this subtitle shall not apply to plan years beginning after December 31, 2014, and the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 shall be applied to such plan years under the provisions of sections 302 through 308 of such Act and 412 of such Code (as in effect before the amendments made by this Act).

(2) FUNDING IMPROVEMENT AND REHABILITATION PLANS.—If a plan is operating under a funding improvement or rehabilitation plan under section 305 of such Act or 432 of such Code for its last year beginning before January 1, 2015, such plan shall continue to operate under such funding improvement or rehabilitation plan during any period after December 31, 2014, such funding improvement or rehabilitation plan is in effect and all provisions of such Act or Code relating to the operation of such funding improvement or rehabilitation plan shall continue in effect during such period.

(3) AMORTIZATION SCHEDULES.—In the case of any amount amortized under section 304(b) of such Act or 431 of such Code (as in effect after the amendments made by this subtitle) over any period beginning with a plan year beginning before January 1, 2015, such amount shall, in lieu of the amortization which would apply after the application of this subsection, continue to be amortized under such section 304 or 431 (as so in effect).

Subtitle B—Deduction and Related Provisions

SEC. 521. DEDUCTION LIMITS FOR MULTIEMPLOYER PLANS.

(a) INCREASE IN DEDUCTION.—Section 404(a)(1)(D) of the Internal Revenue Code of 1986, as amended by this Act, is amended to read as follows:

“(D) AMOUNT DETERMINED ON BASIS OF UNFUNDED CURRENT LIABILITY.—

“(i) IN GENERAL.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded current liability of the plan.

“(ii) UNFUNDED CURRENT LIABILITY.—For purposes of clause (i), the term ‘unfunded current liability’ means the excess (if any) of—

“(I) 140 percent of the current liability of the plan determined under section 431(c)(6)(C), over

“(II) the value of the plan’s assets determined under section 431(c)(2).”.

(b) EXCEPTION FROM LIMITATION ON DEDUCTION WHERE COMBINATION OF DEFINED CONTRIBUTION AND DEFINED BENEFIT PLANS.—

(1) IN GENERAL.—Section 404(a)(7)(C) of such Code, as amended by this Act, is amended by adding at the end the following new clause:

“(v) MULTIEMPLOYER PLANS.—In applying this paragraph, any multiemployer plan shall not be taken into account.”.

(2) CONFORMING AMENDMENT.—Section 404(a)(7)(A) of such Code is amended by striking the last sentence.

(c) EFFECTIVE DATES.—

(1) DEDUCTION LIMIT.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2006.

(2) EXCEPTION.—The amendments made by subsection (b) shall apply to years beginning after December 31, 2005.

SEC. 522. TRANSFER OF EXCESS PENSION ASSETS TO MULTIEMPLOYER HEALTH PLAN.

(a) IN GENERAL.—Section 420(e) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(5) APPLICATION TO MULTIEMPLOYER PLAN.—In the case of any plan to which section 404(c) applies (or any successor plan primarily covering employees in the building and construction industry)—

“(A) the prohibition under subsection (a) on the application of this section to a multiemployer plan shall not apply, and

“(B) this section shall be applied to any such plan—

“(i) by treating any reference in this section to an employer as a reference to all employers maintaining the plan (or, if appropriate, the plan sponsor), and

“(ii) in accordance with such modifications of this section (and the provisions of this title and the Employee Retirement Income Security Act of 1974 relating to this section) as the Secretary determines appropriate to reflect the fact the plan is not maintained by a single employer.”.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “American Jobs Creation Act of 2004” and inserting “Pension Security and Transparency Act of 2005”.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “American Jobs Creation Act of 2004” and inserting “Pension Security and Transparency Act of 2005”.

(3) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking “American Jobs Creation Act of 2004” and inserting “Pension Security and Transparency Act of 2005”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers made in taxable years beginning after December 31, 2004.

TITLE VI—ENHANCED RETIREMENT SAVINGS AND DEFINED CONTRIBUTION PLANS

SEC. 601. AMERISAVE MATCHING CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

“SEC. 36. AMERISAVE MATCHING CREDIT.

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount

equal to 100 percent of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed the applicable limit.

“(b) APPLICABLE LIMIT.—For purposes of this section—

“(1) IN GENERAL.—The applicable limit is \$1,000, reduced (but not below zero) by the reduction amount for each \$1,000 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds the threshold amount.

“(2) REDUCTION AMOUNT; THRESHOLD AMOUNT.—For purposes of paragraph (1), the reduction amount and the threshold amount shall be determined in accordance with the following table:

“In the case of	The reduction amount is:	The threshold amount is:
Joint return ...	\$50	\$50,000
Head of a household.	\$66.67	\$37,500
All other cases	\$100	\$25,000.

“(3) JOINT RETURN.—In the case of a joint return, this subsection shall be applied separately to each individual filing such return, except that for purposes of paragraph (1), the adjusted gross income shall be their combined adjusted gross income of the taxpayer.

“(4) COORDINATION WITH MANNER IN WHICH CREDIT ALLOWED.—The credit under subsection (a) shall be allowed only as provided in section 6430.

“(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

“(1) IN GENERAL.—The term ‘eligible individual’ means any individual if such individual has attained the age of 18 as of the close of the taxable year.

“(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term ‘eligible individual’ shall not include—

“(A) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins, and

“(B) any individual who is a student (as defined in section 152(f)).

“(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified retirement savings contributions’ means, with respect to any taxable year, the sum of—

“(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

“(B) the amount of—

“(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

“(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

“(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

“(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.

“(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes such taxable year and the 3 preceding taxable years.

“(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

“(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4), and

“(ii) any distribution to which section 408A(d)(3) applies.

“(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

“(3) ADDITIONAL TAX ON EARLY NET WITHDRAWALS.—

“(A) IN GENERAL.—If with respect to a taxable year there is a disqualified net withdrawal, the amount of tax imposed by this chapter for such taxable year shall be increased by the amount determined under subparagraph (B).

“(B) DETERMINATION OF AMOUNT.—The amount determined under this subparagraph is the aggregate decrease in credits allowed under this section for any of the preceding 10 taxable years if the disqualified net withdrawals were applied against (and operated to reduce) the qualified retirement savings contributions taken into account under subsection (a). Such reduction shall be applied in order beginning with the first taxable year in such 10-year period and shall take into account any prior application of this paragraph.

“(C) DISQUALIFIED NET WITHDRAWALS.—The term ‘disqualified net withdrawals’ means the aggregate distributions subject to tax under section 72(t) for the taxable year over the qualified retirement savings contributions for the taxable year.

“(e) SPECIAL RULES.—For purposes of this section—

“(1) ADJUSTED GROSS INCOME.—Adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(2) INVESTMENT IN THE CONTRACT.—Any credit under this section shall be disregarded in determining investment in the contract.

“(f) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring record-keeping and information reporting.

“(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.”

(b) REPEAL OF SAVERS CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking section 25B (relating to elective deferrals and IRA contributions by certain individuals).

(c) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) of such Code is amended by striking “and” at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting “, and”, and by inserting after subparagraph (S) the following new subparagraph:

“(T) section 36(d)(3) (relating to additional tax where net withdrawals exceed credit).”

(2) Section 24(b)(3)(B) of such Code is amended by striking “sections 23 and 25B” and inserting “section 23”.

(3) Section 25(e)(1)(C) of such Code is amended by striking “25B.”.

(4) Section 26(a)(1) of such Code is amended by striking “sections 23, 24, and 25B” and inserting “sections 23 and 24”.

(5) Subchapter C of part IV of subchapter A of chapter 1 of such Code is amended—

(A) by redesignating section 36 as section 37, and

(B) by redesignating section 25B, as moved by paragraph (1), as section 36.

(6) Section 904(h) of such Code is amended by striking “sections 23, 24, and 25B” and inserting “sections 23 and 24”.

(7) Section 1400C of such Code is amended by striking “sections 23, 24, and 25B” and inserting “section 23 and 24”.

(8) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following:

“Sec. 36. AmeriSave matching credit.

“Sec. 37. Overpayments of tax.”.

(9) The table of sections for subpart A of part IV of such Code is amended by striking the item relating to section 25B.

(10) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “, or from section 36 of such Code” before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 602. MANNER IN WHICH AMERISAVE MATCHING CREDIT ALLOWED.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by adding at the end the following new section:

“SEC. 6430. MANNER IN WHICH AMERISAVE MATCHING CREDIT ALLOWED.

“(a) GENERAL RULE.—The credit allowed under section 36 shall be allowed only as provided in this section.

“(b) AMOUNT PAID DIRECTLY TO RETIREMENT PLAN.—The credit allowed under section 36 for a taxable year shall be paid directly by the Secretary to a plan to which qualified retirement savings contributions (as defined by section 36(d)) may be made, as specified by the taxpayer on the return for such taxable year.

“(c) TREATMENT OF AMOUNTS RECEIVED BY PLANS.—

“(1) CERTAIN RULES DISREGARDED.—Amounts paid under this section to a retirement plan shall be disregarded for all purposes in determining whether the plan meets the applicable requirements of subtitle A.

“(2) ACCEPTANCE BY PLANS.—A plan to which payments may be made under this section shall not fail to be treated as qualified merely on account of the receipt of such payments.

“(d) AMOUNT NOT TREATED AS CREDIT OR REFUND.—Except as provided by subsection (b), the credit allowed under section 36 shall not be used as a credit under subtitle A or refunded as part of a return under subtitle A.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

“Sec. 6430. Manner in which AmeriSave matching credit allowed.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 603. INCREASING PARTICIPATION THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

“(13) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS TO MEET NON-DISCRIMINATION REQUIREMENTS.—

“(A) IN GENERAL.—A qualified automatic contribution arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

“(B) QUALIFIED AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this paragraph, the term ‘qualified automatic contribution arrangement’ means any cash or deferred arrangement which meets the requirements of subparagraphs (C) through (F).

“(C) AUTOMATIC DEFERRAL.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to a qualified percentage of compensation.

“(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

“(I) to not have such contributions made, or

“(II) to make elective contributions at a level specified in such affirmative election.

“(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, the term ‘qualified percentage’ means, with respect to any employee, any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 10 percent, and is at least—

“(I) 3 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in clause (i) is made with respect to such employee,

“(II) 4 percent during the first plan year following the plan year described in subclause (I),

“(III) 5 percent during the second plan year following the plan year described in subclause (I), and

“(IV) 6 percent during any subsequent plan year.

“(iv) AUTOMATIC DEFERRAL FOR CURRENT EMPLOYEES NOT REQUIRED.—Clause (i) shall be applied without taking into account any employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the date on which such arrangement becomes a qualified automatic contribution arrangement (determined after application of this clause).

“(D) PARTICIPATION.—

“(i) IN GENERAL.—An arrangement meets the requirements of this subparagraph for any year if, during the plan year or the preceding plan year, elective contributions are made on behalf of at least 70 percent of the employees eligible to participate in the arrangement other than—

“(I) highly compensated employees, and

“(II) at the election of the plan administrator, employees described in subparagraph (C)(iv).

“(ii) FIRST PLAN YEAR.—An arrangement (other than a successor arrangement) shall be treated as meeting the requirements of this subparagraph with respect to the first plan year with respect to which such arrangement is a qualified automatic contribution arrangement (determined without regard to this subparagraph).

“(E) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

“(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 6 percent of compensation, or

“(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 2 percent of the employee’s compensation.

“(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of clause (i)(I).

“(iii) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of clause (i) unless, with respect to employer contributions (including matching contributions) taken into account in determining whether the requirements of clause (i) are met—

“(I) any employee who has completed at least 2 years of service (within the meaning of section 411(a)) has a nonforfeitable right to 100 percent of the employee’s accrued benefit derived from such employer contributions, and

“(II) the requirements of subparagraph (B) of paragraph (2) are met with respect to all such employer contributions.

“(iv) APPLICATION OF CERTAIN OTHER RULES.—The rules of subparagraphs (E)(ii) and (F) of paragraph (12) shall apply for purposes of subclauses (I) and (II) of clause (i).

“(F) NOTICE REQUIREMENTS.—

“(i) IN GENERAL.—The requirements of this subparagraph are met if, within a reasonable period before each plan year, each employee eligible to participate in the arrangement for such year receives written notice of the employee’s rights and obligations under the arrangement which—

“(I) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

“(II) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

“(ii) TIMING AND CONTENT REQUIREMENTS.—A notice shall not be treated as meeting the requirements of clause (i) with respect to an employee unless—

“(I) the notice explains the employee’s right under the arrangement to elect not to have elective contributions made on the employee’s behalf (or to elect to have such contributions made at a different percentage),

“(II) in the case of an arrangement under which the employee may elect among 2 or more investment options, the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

“(III) the employee has a reasonable period of time after receipt of the notice described in subclauses (I) and (II) and before the first elective contribution is made to make either such election.”

(2) MATCHING CONTRIBUTIONS.—Section 401(m) of such Code (relating to non-discrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

“(12) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

“(A) is a qualified automatic contribution arrangement (as defined in subsection (k)(13)), and

“(B) meets the requirements of paragraph (11)(B).”

(3) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—

(A) ELECTIVE CONTRIBUTION RULE.—Clause (i) of section 416(g)(4)(H) of such Code is

amended by inserting “or 401(k)(13)” after “section 401(k)(12)”.

(B) MATCHING CONTRIBUTION RULE.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting “or 401(m)(12)” after “section 401(m)(11)”.

(4) CORRECTIVE DISTRIBUTIONS.—

(A) IN GENERAL.—Section 414 of such Code (relating to definitions and special rules) is amended by adding at the end the following new subsection:

“(w) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

“(1) IN GENERAL.—No tax shall be imposed under section 72(t) on a distribution from an applicable employer plan to the employee with respect to whom such contribution relates if such distribution does not exceed the erroneous automatic contribution amount and is made not later than the 1st April 15 following the close of the taxable year in which such contribution was made.

“(2) ERRONEOUS AUTOMATIC CONTRIBUTION AMOUNT.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘erroneous automatic contribution amount’ means the lesser of—

“(i) the amount of automatic contributions made during the applicable period which the employee elects in a notice to the plan administrator to treat as an erroneous automatic contribution amount for purposes of this subsection, or

“(ii) \$500.

“(B) AUTOMATIC CONTRIBUTION.—The term ‘automatic contribution’ means contributions which, under the terms of the plan—

“(i) the employee can elect to be made as contributions under the plan on behalf of the employee, or to the employee directly in cash, and

“(ii) which are made on behalf of the employee under the plan pursuant to a plan provision treating the employee as having elected to have the employer make such contributions on behalf of the employee until the employee affirmatively elects not to have such contribution made or affirmatively elects to make contributions as a specified level.

“(3) APPLICABLE EMPLOYER PLAN.—For purposes of this subsection, the term ‘applicable employer plan’ means—

“(A) an employees’ trust described in section 401(a) which is exempt from tax under section 501(a), and

“(B) a plan under which amounts are contributed by an individual’s employer for an annuity contract described in section 403(b).

“(4) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means, with respect to any employee, the three month period that begins on the first date that an automatic contribution described in paragraph (2)(B) is made with respect to such employee.”

(B) VESTING CONFORMING AMENDMENTS.—

(i) Section 411(a)(3)(G) of such Code is amended by inserting “an erroneous automatic contribution under section 414(w),” after “402(g)(2)(A).”

(ii) The heading of section 411(a)(3)(G) of such Code is amended by inserting “OR ERRONEOUS AUTOMATIC CONTRIBUTION” before the period.

(iii) Section 401(k)(8)(E) of such Code is amended by inserting “an erroneous automatic contribution under section 414(w),” after “402(g)(2)(A).”

(iv) The heading of section 401(k)(8)(E) of such Code is amended by inserting “OR ERRONEOUS AUTOMATIC CONTRIBUTION” before the period.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2005.

SEC. 604. PREEMPTION OF STATE LAWS PRECLUDING AUTOMATIC ENROLLMENT OR AUTOMATIC ROLLOVERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended—

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

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

“(d) The provisions of this title shall supersede any and all State laws insofar as they may preclude, or have the effect of precluding—

“(1) the establishment or operation of, or making of contributions to, a pension plan under a qualified automatic enrollment arrangement (as defined in section 401(k)(13) of the Internal Revenue Code of 1986), or

“(2) a distribution described in section 401(a)(31)(B) of the Internal Revenue Code of 1986 or the establishment or operation of an individual retirement plan (as defined in section 7701(a)(37) of such Code) allowing receipt of such distributions.”

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to actions (described in paragraph (1) or (2) of section 514(d) of the Employee Retirement Income Security Act of 1974 (added by this subsection)) taken before, on, or after the date of the enactment of this Act.

SEC. 605. FIDUCIARY STANDARDS RELATING TO AUTOMATIC OR DEFAULT INVESTMENTS.

(a) IN GENERAL.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

“(e)(1) A fiduciary with respect to an individual account plan shall be deemed to have satisfied the requirements of subsection (a)(1)(B) with respect to the plan, in connection with any qualifying automatic investment under the plan, to the extent those requirements pertain to asset allocation as between equity instruments or investments and debt instruments or investments and to such further extent as may be specified by the Secretary in administrative guidance of general applicability.

“(2) For purposes of this subsection, the term ‘qualifying automatic investment’ means, in connection with a participant in a plan, an investment of assets constituting some or all of the participant’s accrued benefit under the plan in a form of investment specified by the plan, in any case in which—

“(A) such assets—

“(i) are attributable to employer contributions (and earnings thereon) made pursuant to a qualified automatic enrollment arrangement (as defined in section 401(k)(13) of the Internal Revenue Code of 1986),

“(ii) are attributable to distributions described in section 401(a)(31)(B) of such Code, or

“(iii) have been identified by the Secretary as appropriate for automatic investment,

“(B) the plan provides for investment of such assets in such form of investment unless, in lieu thereof, alternative forms of investments, which are also made available to the participant under the terms of the plan, are selected by the participant,

“(C) the plan provides, under such form of investment, for investment of such assets under constraints designed to—

“(i) limit the risk associated with the investment portfolio to a reasonable level of risk while seeking to maximize return consistent with that level of risk, or

“(ii) minimize risk while seeking a reasonable expected return, and

“(D) the expenses associated with the investment meet the standards of paragraph (3).

“(3)(A) The expenses associated with an investment meet the standards of this paragraph if they do not exceed reasonable expenses. Such expenses shall not be treated as exceeding reasonable expenses solely because the expenses in any year (excluding expenses for acquisition of the investment) exceed the investment returns for that year and cause a reduction in principal.

“(B) For purposes of subparagraph (A), the term ‘expense’ means any fee, charge, commission, load, or other cost or expense associated with the investment (including cost of acquisition, establishment, maintenance, surrender, or termination of the investment and any other cost of managing or administering the investment) to the extent borne by participants.

“(C) The expenses associated with an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) shall not be treated as meeting the standards of this paragraph if such expenses exceed the expenses normally charged by the trustee or custodian of a comparable individual retirement plan established to receive rollover contributions (as defined in section 408(d)(3) of such Code) which are not distributions described in section 401(a)(31)(B) of such Code.

“(4) The requirements of paragraph (2)(C) shall be treated as satisfied with respect to investments provided for by a plan to the extent such investments consist of—

“(A) a balanced portfolio comprised of both equity investments and either stable value or fixed income investments provided by a financial institution (or similar financial entity) that is regulated by the United States or a State in any case in which—

“(i) the equity investments are broad-based index funds or, to the extent permitted by the Secretary under regulations, guidelines, or other administrative guidance, actively managed funds that are broadly diversified so as to minimize the risk of large losses, and

“(ii) the stable value or fixed income investments—

“(I) are designed to comprise at least 20 percent of the total (measured in terms of fair market value), and

“(II) are either diversified to minimize the risk of large losses or are obligations (which may include inflation-protected obligations) issued by the United States, or

“(B) stable value investments.

For purposes of this paragraph, the term ‘stable value investments’ means investments provided by a financial institution regulated by the United States or a State that are designed to preserve principal and provide a reasonable rate of return, whether or not guaranteed, which may include investments designed to maintain a stable dollar value equal to the original value of the investment. The Secretary may prescribe regulations or other administrative guidance prescribing the manner in which the requirements of paragraph (A)(i) may be applied taking into account classes of investment determined on the basis of investment in large, intermediate, or small capitalization funds, funds of varying styles (such as growth funds or value funds), or funds consisting of, or not consisting of, foreign or international securities.

“(5) An investment otherwise described in the preceding provisions of this subsection shall not be treated as failing to be a qualifying automatic investment solely by reason of:

“(A) the availability to the participant under the terms of the plan of alternative forms of investment which meet the requirements of subsection (c)(1) or are managed by an independent investment manager;

“(B) the extent to which provisions of the plan are or are not directed toward limiting

the risk of loss of principal under such investment or promoting long-term capital appreciation;

“(C) any change or variation in the percentages of equity and stable value investments included in the investment portfolio or other aspects of the constituent investments to the extent such change or variation is based on:

“(i) automatic rebalancing or variable investment returns prior to periodic rebalancing,

“(ii) the participant’s age, or

“(iii) other factors relating to the participant’s situation, such as years until retirement, other retirement plan coverage, financial situation, or investment preferences expressed to the plan by the participant; or

“(D) the extent to which such investment consists of interests in real estate or real-estate-based investments, if such interests are broadly diversified and do not comprise more than 10 percent of the equity portion of the total investment of plan assets.

“(6)(A) Notwithstanding paragraph (1), the requirements of subsection (a)(1)(C) shall not be treated as satisfied in connection with any qualifying automatic investment unless such investment (other than the stable value portion thereof) is designed so that no more than 0.5 percent of the total fair market value of the assets invested are invested in securities issued by, or interests in the property of, any single person.

“(B) For purposes of subparagraph (A), any person and all affiliates thereof shall be treated as a single person. A corporation is an affiliate of a person if such corporation is a member of any controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986, except that ‘applicable percentage’ shall be substituted for ‘80 percent’ wherever the latter percentage appears in such section) of which person is a member. For purposes of the preceding sentence, the term ‘applicable percentage’ means 50 percent, or such lower percentage as the Secretary may prescribe by regulation. A person other than a corporation shall be treated as an affiliate of any other person to the extent provided in regulations of the Secretary. Regulations under this subparagraph shall be prescribed only after consultation and coordination with the Secretary of the Treasury.

“(7) The Secretary shall issue regulations or other administrative guidance specifying the manner in which investments under independent professional investment management pursuant to sections 402(c)(3) and 403(a)(2) and other qualifying automatic investments may serve as the default investment arrangement with respect to some or all plan assets without adversely affecting plan compliance with this part, as governed by subsection (c)(1) with respect to assets over which participants or beneficiaries exercise control.

“(8)(A) The Secretary may issue regulations or other administrative guidance for compliance with the requirements of this subsection which are consistent with the provisions of this subsection. Compliance with such regulations or guidance shall be deemed to be compliance with the requirements of this subsection. Such regulations or guidance may express compliance in terms of percentages of assets under management, flat dollar amounts, or other factors.

“(B) The regulations issued pursuant to subparagraph (A) may include procedures for granting conditional or unconditional exemptions of investments, classes of investments, investment managers, or classes of investment managers from all or part of the requirements of this subsection. Such procedures shall be similar to the procedures applicable under section 408(a) and subject to the same standards and limitations as apply

under section 408(a). Such exemptions may include, in the case of qualifying automatic investments, relief from, or simplified methods of compliance with, the requirements of subparagraphs (B) and (C) of subsection (a)(1) and the provisions of subsection (c).”

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to investments made on or after January 1, 2005 (irrespective of the extent to which the Secretary of Labor has issued regulations, guidelines, or other administrative guidance pursuant to section 404(e) of the Employee Retirement Income Security Act of 1974 (added by this subsection)).

SEC. 606. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

“(i) IN GENERAL.—Any qualified reservist distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

“(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified reservist distribution’ means any distribution to an individual if—

“(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

“(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

“(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

“(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2007. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2 years after the date of the enactment of this subparagraph.”

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) in the case of a qualified reservist distribution (as defined in section 72(t)(2)(G)(iii)), the date on which a period referred to in subclause (III) of such section begins, and”

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting “(unless such amount is a distribution to which section 72(t)(2)(G) applies)” after “distributee”.

(3) Section 403(b)(11) of such Code is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(c) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 607. WAIVER OF 10 PERCENT EARLY WITHDRAWAL PENALTY TAX ON CERTAIN DISTRIBUTIONS OF PENSION PLANS FOR PUBLIC SAFETY EMPLOYEES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to subsection not to apply to certain distributions), as amended by section 904, is amended by adding at the end the following new subsection:

“(H) DROP DISTRIBUTIONS TO QUALIFIED PUBLIC SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

“(i) IN GENERAL.—Distributions to an individual who is a qualified public safety employee from a governmental plan within the meaning of section 414(d) to the extent such distributions are attributable to a DROP benefit.

“(ii) DEFINITIONS.—For purposes of this subparagraph—

“(I) DROP BENEFIT.—The term ‘DROP benefit’ means a feature of a governmental plan which is a defined benefit plan and under which an employee elects to receive credits to an account (including a notional account) in the plan which are not in excess of the plan benefits (payable in the form of an annuity) that would have been provided if the employee had retired under the plan at a specified earlier retirement date and which are in lieu of increases in the employee’s accrued pension benefit based on years of service after the effective date of the DROP election.

“(II) QUALIFIED PUBLIC SAFETY EMPLOYEE.—The term ‘qualified public safety employee’ means any employee of any police department or fire department organized and operated by a State or political subdivision of a State if the employee provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision and if the employee was eligible to retire on or before the date of such election and receive immediate retirement benefits.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 608. COMBAT ZONE COMPENSATION TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING LIMITATION AND DEDUCTIBILITY OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) SPECIAL RULE FOR COMPENSATION EARNED BY MEMBERS OF THE ARMED FORCES FOR SERVICE IN A COMBAT ZONE.—For purposes of subsections (b)(1)(B) and (c), the amount

of compensation includible in an individual’s gross income shall be determined without regard to section 112.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 609. DIRECT PAYMENT OF TAX REFUNDS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) shall make available a form (or modify existing forms) for use by individuals to direct that a portion of any refund of overpayment of tax imposed by chapter 1 of the Internal Revenue Code of 1986 be paid directly to an individual retirement plan (as defined in section 7701(a)(37) of such Code) of such individual.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2006.

SEC. 610. ALLOW ROLLOVERS BY NONSPOUSE BENEFICIARIES OF CERTAIN RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—

(1) QUALIFIED PLANS.—Section 402(c) of the Internal Revenue Code of 1986 (relating to rollovers from exempt trusts) is amended by adding at the end the following new paragraph:

“(11) DISTRIBUTIONS TO INHERITED INDIVIDUAL RETIREMENT PLAN OF NONSPOUSE BENEFICIARY.—

“(A) IN GENERAL.—If, with respect to any portion of a distribution from an eligible retirement plan of a deceased employee, a direct trustee-to-trustee transfer is made to an individual retirement plan described in clause (i) or (ii) of paragraph (8)(B) established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary (as defined by section 401(a)(9)(E)) of the employee and who is not the surviving spouse of the employee—

“(i) the transfer shall be treated as an eligible rollover distribution for purposes of this subsection,

“(ii) the individual retirement plan shall be treated as an inherited individual retirement account or individual retirement annuity (within the meaning of section 408(d)(3)(C)) for purposes of this title, and

“(iii) section 401(a)(9)(B) (other than clause (iv) thereof) shall apply to such plan.

“(B) CERTAIN TRUSTS TREATED AS BENEFICIARIES.—For purposes of this paragraph, to the extent provided in rules prescribed by the Secretary, a trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a trust designated beneficiary.”.

(2) SECTION 403(a) PLANS.—Subparagraph (B) of section 403(a)(4) of such Code (relating to rollover amounts) is amended by inserting “and (11)” after “(7)”.

(3) SECTION 403(b) PLANS.—Subparagraph (B) of section 403(b)(8) of such Code (relating to rollover amounts) is amended by striking “and (9)” and inserting “, (9), and (11)”.

(4) SECTION 457 PLANS.—Subparagraph (B) of section 457(e)(16) of such Code (relating to rollover amounts) is amended by striking “and (9)” and inserting “, (9), and (11)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

SEC. 611. IRA ELIGIBILITY FOR THE DISABLED.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following:

“(8) SPECIAL RULE FOR CERTAIN DISABLED INDIVIDUALS.—In the case of an individual—

“(A) who is disabled (within the meaning of section 72(m)(7)), and

“(B) who has not attained the applicable age (as defined in section 401(a)(9)(H)) before the close of the taxable year,

subparagraph (B) of subsection (b)(1) shall not apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE VII—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

SEC. 701. TREATMENT OF ANNUITY AND LIFE INSURANCE CONTRACTS WITH A LONG-TERM CARE INSURANCE FEATURE.

(a) EXCLUSION FROM GROSS INCOME.—Subsection (e) of section 72 of the Internal Revenue Code of 1986 (relating to amounts not received as annuities) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

“(11) SPECIAL RULES FOR CERTAIN COMBINATION CONTRACTS PROVIDING LONG-TERM CARE INSURANCE.—Notwithstanding paragraphs (2), (5)(C), and (10), in the case of any charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract made as payment for coverage under a qualified long-term care insurance contract which is part of or a rider on such annuity or life insurance contract—

“(A) the investment in the contract shall be reduced (but not below zero) by such charge, and

“(B) such charge shall not be includible in gross income.”.

(b) TAX-FREE EXCHANGES AMONG CERTAIN INSURANCE POLICIES.—

(1) ANNUITY CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (2) of section 1035(b) of such Code is amended by adding at the end the following new sentence: “For purposes of the preceding sentence, a contract shall not fail to be treated as an annuity contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.”.

(2) LIFE INSURANCE CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (3) of section 1035(b) of such Code is amended by adding at the end the following new sentence: “For purposes of the preceding sentence, a contract shall not fail to be treated as a life insurance contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.”.

(3) EXPANSION OF TAX-FREE EXCHANGES OF LIFE INSURANCE, ENDOWMENT, AND ANNUITY CONTRACTS FOR LONG-TERM CARE CONTRACTS.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended—

(A) in paragraph (1) by striking “contract;” and inserting “contract or for a qualified long-term care insurance contract;”.

(B) in paragraph (2) by striking “contract;” and inserting “contract, or (C) for a qualified long-term care insurance contract;”.

(C) in paragraph (3) by striking “contract;” and inserting “contract or for a qualified long-term care insurance contract.”.

(4) TAX-FREE EXCHANGES OF QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended by striking “or” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “; or”, and by inserting after paragraph (3) the following new paragraph:

“(4) a qualified long-term care insurance contract for a qualified long-term care insurance contract.”.

(c) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—Subsection (e) of section 7702B of such Code (relating to treatment of qualified long-term care insurance) is amended to read as follows:

“(e) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—

“(1) COVERAGE TREATED AS CONTRACT.—Except as otherwise provided in regulations prescribed by the Secretary, in the case of any long-term care insurance coverage (whether or not qualified) provided by a rider on or as part of a life insurance contract or an annuity contract, this title shall apply as if the portion of the contract providing such coverage is a separate contract.

“(2) DENIAL OF DEDUCTION UNDER SECTION 213.—No deduction shall be allowed under section 213(a) for any payment made for coverage under a qualified long-term care insurance contract if such payment is made as a charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract.

“(3) APPLICATION OF SECTION 7702.—Section 7702(c)(2) (relating to the guideline premium limitation) shall be applied by increasing the guideline premium limitation with respect to the life insurance contract, as of any date—

“(A) by the sum of any charges (but not premium payments) against the life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)) for coverage under the qualified long-term care insurance contract made to that date under the life insurance contract, less

“(B) any such charges the imposition of which reduces the premiums paid for the life insurance contract (within the meaning of section 7702(f)(1)).

“(4) PORTION DEFINED.—For purposes of this subsection, the term ‘portion’ means only the terms and benefits under a life insurance contract or annuity contract that are in addition to the terms and benefits under the contract without regard to long-term care insurance coverage.

“(5) ANNUITY CONTRACTS TO WHICH PARAGRAPH (1) DOES NOT APPLY.—For purposes of this subsection, none of the following shall be treated as an annuity contract:

“(A) A trust described in section 401(a) which is exempt from tax under section 501(a).

“(B) A contract—

“(i) purchased by a trust described in subparagraph (A),

“(ii) purchased as part of a plan described in section 403(a),

“(iii) described in section 403(b),

“(iv) provided for employees of a life insurance company under a plan described in section 818(a)(3), or

“(v) from an individual retirement account or an individual retirement annuity.

“(C) A contract purchased by an employer for the benefit of the employee (or the employee's spouse).

Any dividend described in section 404(k) which is received by a participant or beneficiary shall, for purposes of this paragraph, be treated as paid under a separate contract to which subparagraph (B)(i) applies.”

(d) INFORMATION REPORTING.—

(1) Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

“**SEC. 6050U. CHARGES OR PAYMENTS FOR QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS UNDER COMBINED ARRANGEMENTS.**

“(a) REQUIREMENT OF REPORTING.—Any person who makes a charge against the cash value of an annuity contract, or the cash surrender value of a life insurance contract, which is excludible from gross income under section 72(e)(11) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth—

“(1) the amount of the aggregate of such charges against each such contract for the calendar year,

“(2) the amount of the reduction in the investment in each such contract by reason of such charges, and

“(3) the name, address, and TIN of the individual who is the holder of each such contract.

“(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

“(1) the name, address, and phone number of the information contact of the person making the payments, and

“(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.”

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of such chapter 61 of such Code is amended by adding at the end the following new item:

“Sec. 6050U. Charges or payments for qualified long-term care insurance contracts under combined arrangements.”

(e) TREATMENT OF POLICY ACQUISITION EXPENSES.—Subsection (e) of section 848 of such Code (relating to classification of contracts) is amended by adding at the end the following new paragraph:

“(6) TREATMENT OF CERTAIN QUALIFIED LONG-TERM CARE INSURANCE CONTRACT ARRANGEMENTS.—An annuity or life insurance contract which includes a qualified long-term care insurance contract as a part of or a rider on such annuity or life insurance contract shall be treated as a specified insurance contract not described in subparagraph (A) or (B) of subsection (c)(1).”

(f) TREATMENT AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) of such Code (relating to qualified additional benefits) is amended by striking “or” at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

“(v) qualified long-term care insurance contract which is a part of or a rider on the contract, or”.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to contracts issued before, on, or after December 31, 2006, but only with respect to periods beginning after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply with respect to exchanges occurring after December 31, 2006.

SEC. 702. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

“(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

“(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan

include a health flexible spending arrangement under which not more than \$500 of unused health benefits may be—

“(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

“(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

“(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term ‘health flexible spending arrangement’ means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

“(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term ‘unused health benefits’ means the excess of—

“(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

“(B) the actual amount of reimbursement for such year under such arrangement.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 703. DISTRIBUTIONS FROM GOVERNMENTAL RETIREMENT PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE FOR PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 402 of the Internal Revenue Code of 1986 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

“(1) DISTRIBUTIONS FROM GOVERNMENTAL PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE.—

“(1) IN GENERAL.—In the case of an employee who is an eligible retired public safety officer who makes the election described in paragraph (6) with respect to any taxable year of such employee, gross income of such employee for such taxable year does not include any distribution from an eligible retirement plan to the extent that the aggregate amount of such distributions does not exceed the amount paid by such employee for qualified health insurance premiums of the employee, his spouse, or dependents (as defined in section 152) for such taxable year.

“(2) LIMITATION.—The amount which may be excluded from gross income for the taxable year by reason of paragraph (1) shall not exceed \$5,000.

“(3) DISTRIBUTIONS MUST OTHERWISE BE INCLUDIBLE.—

“(A) IN GENERAL.—An amount shall be treated as a distribution for purposes of paragraph (1) only to the extent that such amount would be includible in gross income without regard to paragraph (1).

“(B) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as a distribution for purposes of subparagraph (A), the aggregate amounts distributed from an eligible retirement plan in a taxable year (up to the amount excluded under paragraph (1)) shall be treated as includible in gross income (without regard to subparagraph (A)) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE RETIREMENT PLAN.—For purposes of paragraph (1), the term ‘eligible retirement plan’ means a governmental plan (within the meaning of section 414(d)) which is described in clause (iii), (iv), (v), or (vi) of subsection (c)(8)(B).”

“(B) ELIGIBLE RETIRED PUBLIC SAFETY OFFICER.—The term ‘eligible retired public safety officer’ means an individual who, by reason of disability or attainment of normal retirement age, is separated from service as a public safety officer with the employer who maintains the eligible retirement plan from which distributions subject to paragraph (1) are made.”

“(C) PUBLIC SAFETY OFFICER.—The term ‘public safety officer’ shall have the same meaning given such term by section 1204(8)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)(A)).”

“(D) QUALIFIED HEALTH INSURANCE PREMIUMS.—The term ‘qualified health insurance premiums’ means premiums for coverage for the eligible retired public safety officer, his spouse, and dependents, by an accident or health insurance plan or qualified long-term care insurance contract (as defined in section 7702B(b)).”

“(5) SPECIAL RULES.—For purposes of this subsection—

“(A) DIRECT PAYMENT TO INSURER REQUIRED.—Paragraph (1) shall only apply to a distribution if payment of the premiums is made directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract by deduction from a distribution from the eligible retirement plan.”

“(B) RELATED PLANS TREATED AS 1.—All eligible retirement plans of an employer shall be treated as a single plan.”

“(6) ELECTION DESCRIBED.—

“(A) IN GENERAL.—For purposes of paragraph (1), an election is described in this paragraph if the election is made by an employee after separation from service with respect to amounts not distributed from an eligible retirement plan to have amounts from such plan distributed in order to pay for qualified health insurance premiums.”

“(B) SPECIAL RULE.—A plan shall not be treated as violating the requirements of section 401, or as engaging in a prohibited transaction for purposes of section 503(b), merely because it provides for an election with respect to amounts that are otherwise distributable under the plan or merely because of a distribution made pursuant to an election described in subparagraph (A).”

“(7) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 213.”

“(8) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 162(1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a) of such Code (relating to taxability of beneficiary under a qualified annuity plan) is amended by inserting after paragraph (1) the following new paragraph:

“(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(1), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.”

(2) Section 403(b) of such Code (relating to taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school) is amended by inserting after paragraph (1) the following new paragraph:

“(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(1), paragraph (1) shall not apply to the amount distributed under the

contract which is otherwise includible in gross income under this subsection.”

(3) Section 457(a) of such Code (relating to year of inclusion in gross income) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—In the case of a plan of an eligible employer described in subsection (e)(1)(A), to the extent provided in section 402(1), paragraph (1) shall not apply to amounts otherwise includible in gross income under this subsection.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2005.

TITLE VIII—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000

SEC. 801. REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000.

(a) GENERAL RULE.—Section 1 of the Internal Revenue Code of 1986 (relating to imposition of tax on individuals) is amended by adding at the end the following new subsection:

“(j) REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER \$1,000,000.—

“(1) IN GENERAL.—If the adjusted gross income of a taxpayer exceeds the threshold amount, the tax imposed by this section (determined without regard to this subsection) shall be increased by an amount equal to 1.8 percent of so much of the adjusted gross income as exceeds the threshold amount.”

“(2) THRESHOLD AMOUNTS.—For purposes of this subsection, the term ‘threshold amount’ means—

“(A) \$1,000,000 in the case of a joint return, and

“(B) \$500,000 in the case of any other return.”

“(3) TAX NOT TO APPLY TO ESTATES AND TRUSTS.—This subsection shall not apply to an estate or trust.”

“(4) SPECIAL RULE.—For purposes of section 55, the amount of the regular tax shall be determined without regard to this subsection.”

“(5) TERMINATION.—This subsection shall not apply to taxable years beginning after December 31, 2010.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATHAM, announced that the nays had it.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 200
negative } Nays 227

¶136.8

[Roll No. 634]

YEAS—200

Abercrombie	Green, Al	Napolitano
Ackerman	Green, Gene	Neal (MA)
Allen	Grijalva	Oberstar
Andrews	Gutierrez	Obey
Baca	Harman	Oliver
Baird	Hastings (FL)	Ortiz
Baldwin	Herseth	Owens
Barrow	Higgins	Pallone
Bean	Hinchee	Pascrell
Becerra	Hinojosa	Pastor
Berkley	Holden	Payne
Berman	Holt	Pelosi
Berry	Honda	Peterson (MN)
Bishop (GA)	Hooley	Pomeroy
Bishop (NY)	Hoyer	Price (NC)
Blumenauer	Inslee	Rahall
Boren	Israel	Rangel
Boswell	Jackson (IL)	Reyes
Boucher	Jackson-Lee	Ross
Boyd	(TX)	Rothman
Brady (PA)	Jefferson	Roybal-Allard
Brown (OH)	Johnson, E. B.	Rubbersberger
Brown, Corrine	Jones (OH)	Rush
Butterfield	Kanjorski	Ryan (OH)
Capps	Kaptur	Sabo
Capuano	Kennedy (RI)	Salazar
Cardin	Kildee	Sánchez, Linda
Cardoza	Kilpatrick (MI)	T.
Carnahan	Kind	Sanchez, Loretta
Carson	Kucinich	Sanders
Case	Langevin	Schakowsky
Chandler	Lantos	Schiff
Clay	Larsen (WA)	Schwartz (PA)
Cleaver	Larson (CT)	Scott (GA)
Clyburn	Lee	Scott (VA)
Conyers	Levin	Serrano
Cooper	Lewis (GA)	Sherman
Costa	Lipinski	Skelton
Costello	Lofgren, Zoe	Slaughter
Cramer	Lowey	Smith (WA)
Crowley	Lynch	Snyder
Cuellar	Maloney	Solis
Cummings	Markey	Spratt
Davis (AL)	Marshall	Stark
Davis (CA)	Matsui	Strickland
Davis (IL)	McCarthy	Stupak
Davis (TN)	McCollum (MN)	Tanner
DeFazio	McDermott	Tauscher
DeGette	McGovern	Taylor (MS)
Delahunt	McIntyre	Thompson (CA)
DeLauro	McKinney	Thompson (MS)
Dicks	McNulty	Tierney
Dingell	Meehan	Towns
Doggett	Meek (FL)	Udall (CO)
Doyle	Meeke (NY)	Udall (NM)
Edwards	Melancon	Van Hollen
Emanuel	Menendez	Velázquez
Engel	Michaud	Visclosky
Eshoo	Millender-	Wasserman
Etheridge	McDonald	Schultz
Evans	Miller (NC)	Watson
Farr	Miller, George	Watt
Fattah	Mollohan	Waxman
Filner	Moore (KS)	Weiner
Ford	Moore (WI)	Wexler
Frank (MA)	Moran (VA)	Woolsey
Gonzalez	Murtha	Wu
Gordon	Nadler	Wynn

NAYS—227

Aderholt	Brady (TX)	Davis (KY)
Akin	Brown (SC)	Davis, Jo Ann
Alexander	Brown-Waite,	Davis, Tom
Bachus	Ginny	Deal (GA)
Baker	Burgess	DeLay
Barrett (SC)	Burton (IN)	Dent
Bartlett (MD)	Buyer	Diaz-Balart, L.
Barton (TX)	Calvert	Doolittle
Bass	Camp (MI)	Drake
Beauprez	Campbell (CA)	Dreier
Biggert	Cannon	Duncan
Bilirakis	Cantor	Ehlers
Bishop (UT)	Capito	Emerson
Blackburn	Carter	English (PA)
Blunt	Castle	Everett
Boehert	Chabot	Feeney
Boehner	Chocola	Ferguson
Bonilla	Coble	Fitzpatrick (PA)
Bonner	Cole (OK)	Flake
Bono	Conaway	Foley
Boozman	Crenshaw	Forbes
Boustany	Cubin	Fortenberry
Bradley (NH)	Culberson	Fossella

Foxx Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gibbons Gilchrist Gilmor Gingrey Gohmert Goode Goodlatte Granger Graves Green (WI) Gutknecht Hall Harris Hart Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Hobson Hoekstra Hostettler Hulshof Hunter Inglis (SC) Issa Istook Jenkins Jindal Johnson (CT) Johnson (IL) Johnson, Sam Jones (NC) Keller Kelly Kennedy (MN) King (IA) King (NY) Kingston Kirk Kline Knollenberg Kolbe Kuhl (NY) LaHood Latham LaTourette

NOT VOTING—6

Davis (FL) Diaz-Balart, M. Hyde Pearce Pickering Waters

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 294 Nays 132

136.9 [Roll No. 635] AYES—294

Aderholt Akin Alexander Andrews Baca Bachus Baker Barrett (SC) Barrow Bartlett (MD) Barton (TX) Bass Bean Beauprez Berry Biggart Bilirakis Bishop (GA) Bishop (UT) Blackburn Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boren Boswell Boustany Bradley (NH) Brady (PA) Brady (TX) Brown (OH) Brown (SC) Brown-Waite, Ginny Burgess Burton (IN) Buyer Calvert Camp (MI) Campbell (CA) Cannon Cantor Capito Capuano Carter Case Castle Chabot

Chandler Chocola Clay Cleaver Coble Cole (OK) Conaway Conyers Cooper Costello Cramer Crenshaw Cubin Cuellar Culberson Davis (KY) Davis (TN) Davis, Jo Ann Davis, Tom Deal (GA) DeLay Dent Dingell Doilittle Drake Dreier Duncan Edwards Ehlers Emerson Engel English (PA) Everett Fattah Feeney Ferguson Fitzpatrick (PA) Flake Foley Forbes Ford Fortenberry Fossella Foxx Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gibbons Gilmor Gingrey Gohmert Goode Goodlatte Gordon Granger Graves Green (WI) Green, Gene Gutierrez Gutknecht Hall Harman Harris Hart Hastings (WA) Hayes Hayworth Hefley Hensarling Herger Herseth Hobson Hoekstra Holden Hooley Hulshof Hunter Inglis (SC) Inslee Israel Reynolds Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Royce Ryan (WI) Ryun (KS) Saxton Schmidt Schwarz (MI) Sensenbrenner Sessions Shadegg Shaw Shays Sherwood Shimkus Shuster Simmons Simpson Smith (NJ) Smith (TX) Sodrel Souder Stearns Sullivan Sweeney Tancredo Taylor (NC) Terry Thomas Thornberry Tiahrt Tiberi Turner Upton Walden (OR) Walsh Wamp Weldon (FL) Weldon (PA) Weller Westmoreland Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Young (AK) Young (FL)

NOES—132

Abercrombie Ackerman Allen Baird Baldwin Becerra Berkeley Berman Bishop (NY) Blumenauer Boucher Boyd Brown, Corrine Butterfield Capps Cardin Cardoza Carnahan Carson Clyburn Costa Crowley Cummings Davis (AL) Davis (CA) Davis (IL) DeFazio DeGette Delahunt DeLauro Dicks Doggett Doyle Emanuel Eshoo Etheridge Evans Farr Filner Frank (MA) Gonzalez Green, Al Grijalva Hastings (FL) Higgins Hinchey Hinojosa Holt

Peterson (PA) Petri Pitts Platts Jackson (IL) Jackson-Lee (TX) Jefferson Johnson, E. B. Jones (OH) Kanjorski Kaptur Kennedy (RI) Langevin Lantons Larson (CT) Lee Levin Lewis (GA) Lofgren, Zoe Lowey Maloney Markey Matsui McCollum (MN) McDermott McGovern McKinney Meehan Michaud Millerend-McDonald Miller (NC) Miller, George Mollohan Moore (WI) Moran (VA) Murtha Nadler Napolitano Neal (MA) Obey Oliver Ortiz Pallone Payne Pelosi Pomeroy Price (NC) Rangel Reyes Roybal-Allard Ruppertsberger Rush Sabo Salazar Sanchez, Linda T. Sanchez, Loretta Sanders Schakowsky Schiff Schwartz (PA) Scott (VA) Serrano Sherman Skelton Slaughter Solis Spratt Stark Taylor (MS) Thompson (CA) Thompson (MS) Tierney Towns Udall (CO) Udall (NM) Van Hollen Velazquez Visclosky Wasserman Schultz Watson Watt Waxman Weiner Wexler Woolsey

NOT VOTING—7

Davis (FL) Diaz-Balart, L. Diaz-Balart, M. Gilchrist Hyde Pickering Waters

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

136.10 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

136.11 H. RES. 610—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 610) providing for the consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 220 Nays 206

136.12 [Roll No. 636] YEAS—220

Aderholt Akin Alexander Bachus Baker Barrett (SC) Bartlett (MD) Barton (TX) Bass Beauprez Biggart Bilirakis Bishop (UT) Blackburn Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boustany Bradley (NH) Brady (TX) Brown (SC) Brown-Waite, Ginny Burgess Burton (IN) Buyer Calvert Camp (MI) Campbell (CA) Cannon Cantor Capito Carter Case Castle Chabot Chocola Coble Cole (OK) Conaway Crenshaw Cubin Culberson Davis (KY) Davis, Jo Ann Davis, Tom Deal (GA) DeLay Dent Diaz-Balart, L.

Doolittle King (IA)
 Drake King (NY)
 Dreier Kingston
 Duncan Kirk
 Ehlers Kline
 Emerson Knollenberg
 English (PA) Kuhl (NY)
 Everett LaHood
 Feeney LaTham
 Ferguson LaTourrette
 Fitzpatrick (PA) Lewis (CA)
 Flake Lewis (KY)
 Foley Linder
 Forbes LoBiondo
 Fortenberry Lucas
 Fossella Lungren, Daniel
 Foxx E.
 Franks (AZ) Mack
 Frelinghuysen Manzullo
 Gallegly Marchant
 Garrett (NJ) McCaul (TX)
 Gerlach McCotter
 Gibbons McCrery
 Gilchrist McHenry
 Gillmor McHugh
 Gingrey McKeon
 Gohmert McMorris
 Goode Mica
 Goodlatte Miller (FL)
 Granger Miller (MI)
 Graves Miller, Gary
 Green (WI) Moran (KS)
 Gutknecht Murphy
 Hall Musgrave
 Harris Myrick
 Hart Neugebauer
 Hastings (WA) Ney
 Hayes Northup
 Hefley Norwood
 Hensarling Nunes
 Herger Nussle
 Hobson Osborne
 Hoekstra Otter
 Hulshof Oxley
 Inglis (SC) Paul
 Issa Pearce
 Istook Pence
 Jenkins Peterson (PA)
 Jindal Petri
 Johnson (CT) Pickering
 Johnson (IL) Pitts
 Johnson, Sam Platts
 Jones (NC) Poe
 Keller Pombo
 Kelly Porter
 Kennedy (MN) Price (GA)

NAYS—206

Abercrombie Davis (AL)
 Ackerman Davis (CA)
 Allen Davis (IL)
 Andrews Davis (TN)
 Baca DeFazio
 Baird DeGette
 Baldwin Delahunt
 Barrow DeLauro
 Bean Dicks
 Becerra Dingell
 Berkley Doggett
 Berman Doyle
 Berry Edwards
 Bishop (GA) Engel
 Bishop (NY) Eshoo
 Blumenauer Etheridge
 Boren Evans
 Boswell Farr
 Boucher Fattah
 Boyd Filner
 Brady (PA) Ford
 Brown (OH) Frank (MA)
 Brown, Corrine Gonzalez
 Butterfield Gordon
 Capps Lofgren, Zoe
 Capuano Green, Gene
 Cardin Grijalva
 Cardoza Gutierrez
 Carnahan Harman
 Carson Hastings (FL)
 Chandler Hayworth
 Clay Herseth
 Cleaver Higgins
 Clyburn Hinchey
 Conyers Hinojosa
 Cooper Holden
 Costa Holt
 Costello Honda
 Cramer Hooley
 Crowley Hostettler
 Cuellar Hoyer
 Cummings Inslee

Pryce (OH) Putnam
 Menendez Radanovich
 Michaud Ramstad
 Millender Regula
 McDonald Rehberg
 Miller (NC) Reichert
 Miller, George Renzi
 Mollohan Reynolds
 Moore (KS) Moore (WI)
 Moore (VA) Moran (VA)
 Murtha Sanchez, Linda
 Nadler T.
 Napolitano Sanchez, Loretta
 Neal (MA) Sanders
 Oberstar Schakowsky
 Obey Schiff
 Oliver Schwartz (PA)
 Ortiz Scott (GA)
 Owens Scott (VA)
 Pallone Serrano
 Pascrell Shays
 Pastor Sherman
 Payne Skelton
 Pelosi Slaughter
 Peterson (MN) Smith (WA)
 Pomeroy Snyder
 Price (NC) Solis

NOT VOTING—7

Davis (FL) Hunter
 Diaz-Balart, M. Hyde
 Emanuel Souder

So the resolution was agreed to.
 A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

136.13 H. RES. 579—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 579) expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected.

The question being put,
 Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative
 Yeas 401
 Nays 22
 Answered present 5

136.14 [Roll No. 637]

YEAS—401

Abercrombie Boehlert
 Aderholt Boehner
 Akin Bonilla
 Alexander Bonner
 Allen Bono
 Andrews Boozman
 Baca Boren
 Bachus Boswell
 Baird Boucher
 Baker Boustany
 Baldwin Boyd
 Barrett (SC) Bradley (NH)
 Barrow Brady (PA)
 Bartlett (MD) Brady (TX)
 Barton (TX) Brown (OH)
 Bass Brown (SC)
 Bean Brown, Corrine
 Beauprez Brown-Waite,
 Becerra Ginny
 Berkley Burgess
 Berman Burton (IN)
 Berry Butterfield
 Biggart Buyer
 Bilirakis Calvert
 Bishop (GA) Camp (MI)
 Bishop (NY) Campbell (CA)
 Bishop (UT) Cannon
 Blackburn Cantor
 Blunt Capito

Spratt Davis (IL)
 Stark Davis (KY)
 Strickland Davis (TN)
 Stupak Davis, Jo Ann
 Tanner Davis, Tom
 Tauscher Deal (GA)
 Taylor (MS) DeFazio
 Thompson (CA) Delahunt
 Thompson (MS) DeLauro
 Tierney DeLay
 Towns Dent
 Udall (CO) Diaz-Balart, L.
 Udall (NM) Dicks
 Upton Dingell
 Van Hollen Doggett
 Velázquez Doolittle
 Visclosky Doyle
 Wasserman Drake
 Schultz Dreier
 Watson Duncan
 Watt Edwards
 Waxman Ehlers
 Weiner Emerson
 Wexler Engel
 Wilson (NM) English (PA)
 Woolsey Eshoo
 Wu Etheridge
 Wynn Evans
 Waters Everrett
 Fattah Farr
 Feeney Lewis (CA)
 Ferguson Linder
 Filner Lipinski
 Fitzpatrick (PA) LoBiondo
 Flake Lofgren, Zoe
 Foley Lucas
 Forbes Lungren, Daniel
 Ford E.
 Fortenberry Lynch
 Fossella Mack
 Foxx Maloney
 Frank (MA) Manzullo
 Franks (AZ) Marchant
 Frelinghuysen Markey
 Gallegly Marshall
 Garrett (NJ) Matheson
 Gerlach Matsui
 Gibbons McCarthy
 Gilchrist McCaul (TX)
 Gillmor McCollum (MN)
 Gingrey McCotter
 Gohmert McCrery
 Gonzalez McGovern
 Goode McHenry
 Goodlatte McHugh
 Gordon McIntyre
 Granger McKeon
 Graves McKinney
 Green (WI) McMorris
 Green, Al McNulty
 Green, Gene Meehan
 Grijalva Meek (FL)
 Gutierrez Meeks (NY)
 Gutknecht Melancon
 Hall Menendez
 Harris Mica
 Hart Michaud
 Hastings (WA) Millender-
 Hayes McDonald
 Hayworth Miller (FL)
 Hefley Miller (MI)
 Hensarling Miller (NC)
 Herger Mollohan
 Herseth Moore (KS)
 Higgins Moran (KS)
 Hinchey Murphy
 Hinojosa Murtha
 Hobson Musgrave
 Hoekstra Myrick
 Holden Nadler
 Hooley Napolitano
 Hostettler Neal (MA)
 Hoyer Neugebauer
 Hulshof Ney
 Hunter Northup
 Inglis (SC) Norwood
 Inslee Nunes
 Issa Nussle
 Istook Oberstar
 Jackson (IL) Obey
 Jackson-Lee Olver
 (TX) Ortiz
 Jefferson Osborne
 Jenkins Otter
 Jindal Oxley
 Johnson (CT) Pallone
 Johnson (IL) Pascrell
 Johnson, E. B. Pastor
 Johnson, Sam Paul

Walsh Weldon (PA) Wolf
Wamp Weller Wu
Watson Westmoreland Wynn
Watt Whitfield Young (AK)
Waxman Wicker Young (FL)
Weiner Wilson (NM)
Weldon (FL) Wilson (SC)

NAYS—22

Ackerman Lee Schakowsky
Blumenauer Lewis (GA) Scott (VA)
Capps McDermott Stark
Cleaver Miller, George Wasserman
DeGette Moore (WI) Schultz
Harman Moran (VA) Wexler
Hastings (FL) Payne Woolsey
Honda Rush

ANSWERED "PRESENT"—5

Holt Lowey Schwartz (PA)
Israel Owens

NOT VOTING—5

Davis (FL) Emanuel Waters
Diaz-Balart, M. Hyde

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for those who celebrate Christmas."

A motion to reconsider the votes whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

136.15 H. CON. RES. 315—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 315) urging the President to issue a proclamation for the observance of an American Jewish History Month.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 423 affirmative } { Nays 0

136.16 [Roll No. 638]

YEAS—423

Abercrombie Bishop (NY) Butterfield
Ackerman Bishop (UT) Buyer
Aderholt Blackburn Calvert
Akin Blumenauer Camp (MI)
Alexander Blunt Campbell (CA)
Allen Boehlert Cannon
Andrews Boehner Cantor
Baca Bonilla Capito
Bachus Bonner Capps
Baird Bono Capuano
Baker Boozman Cardin
Baldwin Boren Cardoza
Barrett (SC) Boswell Carnahan
Barrow Boucher Carson
Bartlett (MD) Boustany Carter
Barton (TX) Boyd Case
Bass Bradley (NH) Castle
Bean Brady (PA) Chabot
Beauprez Brady (TX) Chandler
Becerra Brown (OH) Chocola
Berkley Brown (SC) Clay
Berman Brown, Corrine Cleaver
Berry Brown-Waite, Clyburn
Biggart Ginny Coble
Bilirakis Burgess Cole (OK)
Bishop (GA) Burton (IN) Conaway

Conyers Inglis (SC) Musgrave
Cooper Insole Myrick
Coster Israe Nadler
Coope Issa Napolitano
Cramo Istook Neal (MA)
Crenshaw Jackson (IL) Neugebauer
Crowley Jackson-Lee Ney
Cubin (TX) Northup
Cuellar Jefferson Norwood
Culberson Jenkins Nunes
Cummings Jindal Nussle
Davis (AL) Johnson (CT) Oberstar
Davis (CA) Johnson (IL) Obey
Davis (IL) Johnson, E. B. Olver
Davis (KY) Johnson, Sam Ortiz
Davis (TN) Jones (NC) Osborne
Davis, Jo Ann Jones (OH) Otter
Davis, Tom Kanjorski Owens
DeFazio Kaptur Oxley
DeGette Keller Pallone
Delahunt Kelly Pascrell
DeLauro Kennedy (MN) Pastor
DeLay Kennedy (RI) Paul
Dent Kildee Payne
Diaz-Balart, L. Kilpatrick (MI) Pearce
Dicks Kind Pelosi
Dingell King (IA) Pence
Doggett King (NY) Peterson (MN)
Doolittle Kingston Peterson (PA)
Doyle Kirk Petri
Drake Kline Pickering
Dreier Knollenberg Pitts
Duncan Kolbe Platts
Edwards Kucinich Poe
Ehlers Kuhl (NY) Pombo
Emerson LaHood Pomeroy
Engel Langevin Porter
English (PA) Lantos Price (GA)
Eshoo Larsen (WA) Price (NC)
Etheridge Larson (CT) Pryce (OH)
Evans LaTham Putnam
Everett LaTourette Radanovich
Farr Leach Rahall
Fattah Lee Ramstad
Feehey Levin Rangel
Ferguson Lewis (CA) Regula
Filner Lewis (GA) Rehberg
Fitzpatrick (PA) Lewis (KY) Reichert
Flake Linder Renzi
Foley Lipinski Reyes
Forbes LoBiondo Reynolds
Ford Lofgren, Zoe Rogers (AL)
Fortenberry Lowey Rogers (KY)
Fossella Lucas Rogers (MI)
Foxy Lungren, Daniel Rohrabacher
Frank (MA) E. Ros-Lehtinen
Franks (AZ) Lynch Ross
Frelinghuysen Mack Rothman
Gallegly Maloney Roybal-Allard
Garrett (NJ) Manzullo Royce
Gerlach Marchant Ruppertsberger
Gibbons Markey Rush
Gilchrist Marshall Ryan (OH)
Gillmor Matheson Ryan (WI)
Gingrey Matsui Ryun (KS)
Gohmert McCarthy Sabo
Goode McCaul (TX) Salazar
Goodlatte McCollum (MN) Sanchez, Loretta
Gordon McCotter Sanders
Granger McCrery Saxton
Graves McDermott Schakowsky
Green (WI) McGovern Schiff
Green, Al McHenry Schmidt
Green, Gene McHugh Schwartz (PA)
Grijalva McIntyre Schwarz (MI)
Gutierrez Gutierrez McKeon Scott (GA)
Gutknecht McKinney Scott (VA)
Hall McMorris Scott (VA)
Harman McNulty Serrano
Harris Meehan Sensenbrenner
Hart Meek (FL) Serrano
Hastings (FL) Meeke (NY) Sessions
Hastings (WA) Melancon Shadegg
Hayes Menendez Shaw
Hayworth Mica Shays
Hefley Michaud Sherman
Hensarling Millender Sherwood
Herseht McDonald Shimkus
Higgins Miller (FL) Shuster
Hinochosa Miller (MI) Simmons
Hobson Miller (NC) Simpson
Hoeckstra Miller, Gary Skelton
Holden Mollohan Slaughter
Holt Moore (KS) Smith (NJ)
Honda Moore (WI) Smith (TX)
Hooley Moran (KS) Smith (WA)
Hostettler Moran (VA) Snyder
Hoyer Murphy Sodrel
Hulshof Murtha Souder

Spratt Tiahrt Waxman
Stark Tiberi Weiner
Stearns Towns Weldon (FL)
Strickland Turner Weldon (PA)
Stupak Udall (CO) Weller
Sullivan Udall (NM) Westmoreland
Sweeney Upton Wexler
Tancredo Van Hollen Whitfield
Tanner Velázquez Wicker
Tauscher Visclosky Wilson (NM)
Taylor (MS) Walden (OR) Wilson (SC)
Taylor (NC) Walsh Wolf
Terry Wamp Woolsey
Thomas Wasserman Wu
Thompson (CA) Schultz Wynn
Thompson (MS) Watson Young (AK)
Thornberry Watt Young (FL)

NOT VOTING—10

Davis (FL) Gonzalez Tierney
Deal (GA) Herger Waters
Diaz-Balart, M. Hunter
Emanuel Hyde

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

136.17 BORDER PROTECTION, ANTI-TERRORISM, AND ILLEGAL IMMIGRATION CONTROL

The SPEAKER pro tempore, Mr. LATHAM, pursuant to House Resolution 610 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

The SPEAKER pro tempore, Mr. LATHAM, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. KING of Iowa, assumed the Chair.

136.18 MESSAGE FROM THE SENATE

A message from the Senate Ms. CURTIS, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1932) "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)." and requests a conference with the House on the disagreeing votes of the two Houses thereon, and

That on December 15, 2005, appoints Messrs. GREGG, DOMENICI, GRASSLEY, ENZI, ALLARD, SESSIONS, STEVENS, SHELBY, SPECTER, CHAMBLISS, MCCONNELL, CONRAD, Mrs. MURRAY, Messrs. HARKIN, SARBANES, INOUE, BINGAMAN, BAUCUS, KENNEDY, and LEAHY, to be the conferees on the part of the Senate.

The Committee resumed its sitting; and after some further time spent therein,

136.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in part B of House Report 109-347, submitted by Ms. JACKSON-LEE of Texas:

Amend section 402 to read as follows: SEC. 402. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention (in accordance with subsection (b)).

(b) SECURE ALTERNATIVES TO DETENTION PROGRAM.—

(1) NATURE OF THE PROGRAM.—For purposes of this section, the secure alternatives to detention referred to in subsection (a) is a program under which eligible aliens are released to the custody of suitable individual or organizational sponsors who will supervise them, use appropriate safeguards to prevent them from absconding, and ensure that they make required appearances.

(2) PROGRAM DEVELOPMENT.—The program shall be developed in accordance with the following guidelines:

(A) The Secretary shall design the program in consultation with nongovernmental organizations and academic experts in both the immigration and the criminal justice fields. Consideration should be given to methods that have proven successful in appearance assistance programs, such as the appearance assistance program developed by the Vera Institute and the Department of Homeland Security's Intensive Supervision Appearance Program.

(B) The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, a supervised group home, or in a supervised, non-penal community setting that has guards stationed along its perimeter.

(C) The Secretary shall enter into contracts with nongovernmental organizations and individuals to implement the secure alternatives to detention program.

(c) ELIGIBILITY AND OPERATIONS.—

(1) SELECTION OF PARTICIPANTS.—The Secretary shall select aliens to participate in the program from designated groups specified in paragraph (4) if the Secretary determines that such aliens are not flight risks or dangers to the community.

(2) VOLUNTARY PARTICIPATION.—An alien's participation in the program is voluntary and shall not confer any rights or benefits to the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) LIMITATION ON PARTICIPATION.—

(A) IN GENERAL.—Only aliens who are in expedited removal proceedings under section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) may participate in the program.

(B) RULES OF CONSTRUCTION.—

(i) ALIENS APPLYING FOR ASYLUM.—Aliens who have established a credible fear of persecution and have been referred to the Executive Office for Immigration Review for an asylum hearing shall not be considered to be in expedited removal proceedings and the custody status of such aliens after service of a Notice to Appear shall be determined in accordance with the procedures governing

aliens in removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(ii) UNACCOMPANIED ALIEN CHILDREN.—Unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act (6 U.S.C. 279(g)(2))) shall be considered to be in the care and exclusive custody of the Department of Health and Human Services and shall not be subject to expedited removal and shall not be permitted to participate in the program.

(4) DESIGNATED GROUPS.—The designated groups referred to in paragraph (1) are the following:

(A) Alien parents who are being detained with one or more of their children, and their detained children.

(B) Aliens who have serious medical or mental health needs.

(C) Aliens who are mentally retarded or autistic.

(D) Pregnant alien women.

(E) Elderly aliens who are over the age of 65.

(F) Aliens placed in expedited removal proceedings after being rescued from trafficking or criminal operations by Government authorities.

(G) Other groups designated in regulations promulgated by the Secretary.

(5) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the secure alternatives to detention program and to standardize the care and treatment of aliens in immigration custody based on the Detention Operations Manual of the Department of Homeland Security.

(6) DECISIONS REGARDING PROGRAM NOT REVIEWABLE.—The decisions of the Secretary regarding when to utilize the program and to what extent and the selection of aliens to participate in the program shall not be subject to administrative or judicial review.

(d) REPORTING REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary of the Senate a report that details all policies, regulations, and actions taken to comply with the provisions in this section, including maximizing detention capacity and increasing the cost-effectiveness of detention by implementing the secure alternatives to detention program, and a description of efforts taken to ensure that all aliens in expedited removal proceedings are residing under conditions that are safe, secure, and healthy.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.

It was decided in the { Yeas 162 negative } Nays 252

136.20 [Roll No. 639]

AYES—162

- Abercrombie Bishop (NY) Carnahan
Ackerman Blumenauer Carson
Allen Boswell Cleaver
Andrews Boucher Clyburn
Baca Brady (PA) Conyers
Baird Brown (OH) Cooper
Baldwin Brown, Corrine Crowley
Becerra Butterfield Cuellar
Berkley Capps Cummings
Berman Capuano Davis (CA)
Bishop (GA) Cardin Davis (IL)

- DeFazio Lantos Rangel
DeGette Larsen (WA) Reyes
Delahunt Larson (CT) Rothman
DeLauro Lee Roybal-Allard
Dicks Levin Ruppertsberger
Dingell Lewis (GA) Rush
Doggett Lipinski Ryan (OH)
Doyle Lofgren, Zoe Sabo
Engel Lowey Salazar
Eshoo Maloney Sanchez, Linda
Etheridge Markey T.
Evans Matsui Sanchez, Loretta
Farr McCollum (MN) Sanders
Fattah McDermott Schakowsky
Filner McGovern Schiff
Ford McKinney Schwartz (PA)
Frank (MA) McNulty Scott (GA)
Gonzalez Meehan Scott (VA)
Green, Al Meek (FL) Serrano
Green, Gene Menendez Sherman
Grijalva Michaud Slaughter
Gutierrez Millender Solis
Hastings (FL) McDonald Spratt
Higgins Miller (NC) Stark
Hinchey Miller, George Strickland
Hinojosa Mollohan Tauscher
Holt Moore (KS) Thompson (MS)
Honda Moore (WI) Tierney
Hooley Moran (VA) Towns
Hoyer Murtha Udall (CO)
Inslee Nadler Udall (NM)
Israel Napolitano Van Hollen
Jackson (IL) Neal (MA) Velazquez
Jackson-Lee Oberstar Wasserman
(TX) Obey Schultz
Jefferson Oliver Watson
Johnson, E. B. Ortiz Watt
Jones (OH) Owens Waxman
Kaptur Pallone Weiner
Kennedy (RI) Pascrell Wexler
Kildee Pastor Woolsey
Kilpatrick (MI) Payne Wu
Kind Pelosi Wynne
Kucinich Price (NC)
Langevin Rahall

NOES—252

- Aderholt Cubin Herger
Akin Culberson Herseth
Alexander Davis (AL) Hobson
Bachus Davis (KY) Hoekstra
Baker Davis (TN) Holden
Barrett (SC) Davis, Jo Ann Hostettler
Barrow Davis, Tom Hulshof
Bartlett (MD) Deal (GA) Hunter
Bass Dent Inglis (SC)
Bean Diaz-Balart, L. Issa
Beauprez Doolittle Istook
Berry Drake Jenkins
Biggart Dreier Jindal
Bilirakis Duncan Johnson (CT)
Bishop (UT) Edwards Johnson (IL)
Blackburn Ehlers Johnson, Sam
Blunt Emerson Jones (NC)
Boehlert English (PA) Kanjorski
Boehner Everett Keller
Bonilla Ferguson Kelly
Bonner Fitzpatrick (PA) Kennedy (MN)
Bono Flake King (IA)
Boozman Foley King (NY)
Boren Forbes Kingston
Boustany Fortenberry Kirk
Boyd Fossella Kline
Bradley (NH) Foxx Knollenberg
Brady (TX) Franks (AZ) Kolbe
Brown (SC) Frelinghuysen Kuhl (NY)
Brown-Waite, Gallegly Latham
Ginny Garrett (NJ) LaTourette
Burgess Gerlach Leach
Burton (IN) Gibbons Lewis (CA)
Buyer Gilchrest Lewis (KY)
Calvert Gillmor Linder
Camp (MI) Gingrey LoBiondo
Campbell (CA) Gohmert Lucas
Cannon Goode Lungren, Daniel
Capito Goodlatte E.
Cardoza Gordon Mack
Carter Granger Manzullo
Case Graves Marchant
Castle Green (WI) Marshall
Chabot Gutknecht Matheson
Chandler Hall McCaul (TX)
Chocola Harman McCotter
Coble Harris McCrery
Cole (OK) Hart McHenry
Conaway Hastings (WA) McHugh
Costa Hayes McIntyre
Costello Hayworth McKeon
Cramer Hefley McMorris
Crenshaw Hensarling Melancon

Mica Putnam Snyder
Miller (FL) Radanovich Sodrel
Miller (MI) Ramstad Souder
Miller, Gary Regula Stearns
Moran (KS) Rehberg Stupak
Murphy Reichert Sullivan
Musgrave Renzi Tancredro
Myrick Reynolds Tanner
Neugebauer Rogers (AL) Taylor (MS)
Ney Rogers (KY) Taylor (NC)
Northup Rohrabacher Terry
Norwood Ros-Lehtinen Thompson (CA)
Nunes Ross Thornberry
Nussle Royce Tiaht
Osborne Ryan (WI) Tiberi
Otter Ryan (KS) Turner
Oxley Schmidt Upton
Paul Schwarz (MI) Visclosky
Pearce Sensenbrenner Walden (OR)
Pence Sessions Walsh
Peterson (MN) Shadegg Wamp
Peterson (PA) Shaw Weldon (FL)
Petri Shays Weldon (PA)
Pickering Sherwood Weller
Pitts Shimkus Westmoreland
Platts Shuster Whitfield
Poe Simmons Wicker
Pombo Simpson Wilson (NM)
Pomeroy Skelton Wilson (SC)
Porter Smith (NJ) Wolf
Price (GA) Smith (TX) Young (FL)
Pryce (OH) Smith (WA)

NOT VOTING—19

Barton (TX) Feeney Saxton
Cantor Hyde Sweeney
Clay LaHood Thomas
Davis (FL) Lynch Waters
DeLay McCarthy Young (AK)
Diaz-Balart, M. Meeks (NY)
Emanuel Rogers (MI)

So the amendment was not agreed to.

136.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in part B of House Report 109-347, submitted by Mr. HUNTER:

At the end of the bill, add the following:

TITLE IX—FENCING AND OTHER BORDER SECURITY IMPROVEMENTS

SEC. 901. FINDINGS.

The Congress finds the following:

(1) Hundreds of people die crossing our international border with Mexico every year.
(2) Illegal narcotic smuggling along the Southwest border of the United States is both dangerous and prolific.

(3) Over 155,000 non-Mexican individuals were apprehended trying to enter the United States along the Southwest border in fiscal year 2005.

(4) The number of illegal entrants into the United States through the Southwest border is estimated to exceed one million people a year.

SEC. 902. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking ‘‘NEAR SAN DIEGO, CALIFORNIA’’; and

(2) by amending paragraph (1) to read as follows:

‘‘(1) SECURITY FEATURES.—

‘‘(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

‘‘(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

‘‘(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

‘‘(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

‘‘(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

‘‘(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

‘‘(B) PRIORITY AREAS.—With respect to the border described—

‘‘(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2006 and that fence construction is completed by May 30, 2007; and

‘‘(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas port of entry to 15 southeast of the Laredo, Texas port of entry is completed by December 31, 2006.

‘‘(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10%, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.’’.

SEC. 903. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system; and

(2) the feasibility of constructing the system.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Congress on the study described in subsection (a).

SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Secretary of Homeland Security shall take all necessary steps to secure the Southwest international border for the purpose of saving lives, stopping illegal drug trafficking, and halting the flow of illegal entrants into the United States.

It was decided in the { Yeas 260 affirmative Nays 159

136.22 [Roll No. 640]

AYES—260

Aderholt Brady (TX) Davis, Tom
Akin Brown (SC) Deal (GA)
Alexander Brown-Waite, DeLay
Bachus Ginny Dent
Baker Burgess Doolittle
Barrett (SC) Burton (IN) Drake
Barrow Buyer Dreier
Bass Calvert Duncan
Bartlett (MD) Camp (MI) Edwards
Bean Campbell (CA) Emerson
Beauprez Cantor English (PA)
Berkley Capito Etheridge
Berry Caputo Everett
Biggart Carter Feeney
Bilirakis Case Ferguson
Bishop (GA) Castle Fitzpatrick (PA)
Bishop (NY) Chabot Flake
Bishop (UT) Chandler Foley
Blackburn Choccola Forbes
Blunt Coble Fortenberry
Boehner Cole (OK) Fossella
Bonner Costa Foxx
Bono Costello Franks (AZ)
Boozman Cramer Frelinghuysen
Boren Crenshaw Gallegly
Boswell Cubin Garrett (NJ)
Boucher Culberson Gerlach
Boustany Davis (KY) Gibbons
Boyd Davis (TN) Gilchrest
Bradley (NH) Davis, Jo Ann Gillmor

Gingrey Lucas Rogers (KY)
Gohmert Lungren, Daniel Rogers (MI)
Goode E. Rohrabacher
Goodlatte Mack Ross
Gordon Maloney Royce
Graves Manzullo Ruppertsberger
Green (WI) Marchant Ryan (OH)
Gutknecht Marshall Ryan (WI)
Hall Matheson Ryun (KS)
Harris McCaul (TX) Saxton
Hart McCotter Schmidt
Hastings (WA) McCrery Schwartz (MI)
Hayes McHenry Scott (GA)
Hayworth McHugh Sensenbrenner
Hefley McIntyre Sessions
Hensarling McKeon Shadegg
Herger McMorris Shaw
Herseth Melancon Shays
Higgins Mica Sherwood
Hinchey Miller (FL) Shimkus
Hobson Miller (MI) Shuster
Hoekstra Miller (NC) Simmons
Holden Miller, Gary Simpson
Hooley Moore (KS) Skelton
Hostettler Moran (KS) Smith (NJ)
Hulshof Murphy Smith (TX)
Hunter Murtha Smith (WA)
Inglis (SC) Musgrave Sodrel
Israel Myrick Neugebauer
Issa Ney Spratt
Istook Jenkins Northup Stearns
Jindal Norwood Stupak
Johnson (CT) Nunes Sullivan
Johnson (IL) Nussle Tancredro
Johnson, Sam Osborne Tanner
Jones (NC) Otter Taylor (MS)
Kanjorski Oxley Taylor (NC)
Keller Pence Terry
Kelly Peterson (MN) Thomas
Kennedy (MN) Peterson (PA) Thornberry
Kind Petri Tiaht
King (IA) Pickering Tiberi
King (NY) Pitts Turner
Kingston Platts Upton
Kirk Poe Walden (OR)
Kline Pombo Walsh
Knollenberg Pomeroy Wamp
Kolbe Porter Weldon (FL)
Kuhl (NY) Price (GA) Weldon (PA)
Latham Pryce (OH) Weller
LaTourette Putnam Westmoreland
Leach Ramstad Whitfield
Lewis (CA) Regula Wicker
Lewis (KY) Rehberg Wilson (SC)
Linder Reichert Wolf
Lipinski Renzi Young (FL)
LoBiondo Rogers (AL)

NOES—159

Abercrombie Doyle Lewis (GA)
Ackerman Ehlers Lofgren, Zoe
Allen Engel Lowey
Andrews Eshoo Markey
Baca Evans Matsui
Baird Farr McCollum (MN)
Baldwin Fattah McDermott
Becerra Filner McGovern
Berman Ford McKinney
Blumenauer Frank (MA) McNulty
Boehler Gonzalez Meehan
Bonilla Granger Meek (FL)
Brady (PA) Green, Al Menendez
Brown (OH) Green, Gene Michaud
Brown, Corrine Grijalva Millender-
Butterfield Gutierrez McDonald
Capps Harman Miller, George
Capuano Hastings (FL) Mollohan
Cardin Hinojosa Moore (WI)
Carnahan Holt Moran (VA)
Carson Honda Nadler
Cleaver Hoyer Napolitano
Clyburn Insee Neal (MA)
Conaway Jackson (IL) Oberstar
Conyers Jackson-Lee Obey
Cooper (TX) Olver
Crowley Jefferson Ortiz
Cuellar Johnson, E. B. Owens
Cummings Jones (OH) Pallone
Davis (AL) Kaptur Pascrell
Davis (CA) Kennedy (RI) Pastor
Davis (IL) Kildee Paul
DeFazio Kilpatrick (MI) Payne
DeGette Kucinich Pearce
Delahunt Langevin Pelosi
DeLauro Lantos Price (NC)
Diaz-Balart, L. Larsen (WA) Radanovich
Dicks Larson (CT) Rahall
Dingell Lee Rangel
Doggett Levin Reyes

Reynolds Serrano Velázquez
 Ros-Lehtinen Sherman Visclosky
 Rothman Slaughter Wasserman
 Roybal-Allard Snyder Schultz
 Rush Solis Watson
 Sabo Stark Watt
 Salazar Strickland Waxman
 Sánchez, Linda Tauscher Weiner
 T. Thompson (CA) Wexler
 Sanchez, Loretta Thompson (MS) Wilson (NM)
 Sanders Tierney Woolsey
 Schakowsky Towns
 Schiff Udall (CO) Wu
 Schwartz (PA) Udall (NM) Wynn
 Scott (VA) Van Hollen

Diaz-Balart, L. King (IA)
 Dicks King (NY)
 Dingell Kingston
 Doggett Kline
 Doolittle Knollenberg
 Doyle Kolbe
 Drake Kuhl (NY)
 Dreier Langevin
 Edwards Lantos
 Ehlers Larsen (WA)
 Emerson Larson (CT)
 Engel Latham
 English (PA) LaTourette
 Eshoo Leach
 Etheridge Lee
 Evans Levin
 Everett Lewis (CA)
 Farr Lewis (GA)
 Fattah Lewis (KY)
 Feeney Linder
 Ferguson Lipinski
 Finer LoBiondo
 Fitzpatrick (PA) Lofgren, Zoe
 Flake Lowey
 Foley Lucas
 Forbes Lungren, Daniel
 Ford E.
 Fortenberry Lynch
 Fossella Mack
 Foxx Maloney
 Frank (MA) Manzullo
 Franks (AZ) Marchant
 Frelinghuysen Markey
 Gallegly Marshall
 Garrett (NJ) Matheson
 Gerlach Matsui
 Gibbons McCaul (TX)
 Gilchrest McCollum (MN)
 Gilmor McCotter
 Gingrey McCrery
 Gohmert McDermott
 Gonzalez McGovern
 Goode McHenry
 Goodlatte McHugh
 Gordon McIntyre
 Granger McKeon
 Graves McKinney
 Green (WI) McMorris
 Green, Al McNulty
 Green, Gene Meehan
 Grijalva Meek (FL)
 Gutierrez Meeks (NY)
 Hall Melancon
 Harman Menendez
 Harris Mica
 Hart Michaud
 Hastings (WA) Millender-
 Hayes McDonald
 Hayworth Miller (FL)
 Hefley Miller (MI)
 Hensarling Miller (NC)
 Herger Miller, Gary
 Herseht Miller, George
 Higgins Mollohan
 Hinchey Moore (KS)
 Hinojosa Moore (WI)
 Hobson Moran (KS)
 Hoekstra Moran (VA)
 Holden Murphy
 Holt Musgrave
 Honda Myrick
 Hooley Nadler
 Hostettler Napolitano
 Hoyer Neal (MA)
 Hulshof Neugebauer
 Hunter Ney
 Inglis (SC) Northup
 Inslie Norwood
 Israel Nunes
 Issa Nussle
 Istook Oberstar
 Jackson (IL) Obey
 Jackson-Lee (TX) Olver
 Jefferson Ortiz
 Jindal Osborne
 Johnson (CT) Owens
 Johnson (IL) Oxley
 Johnson, E. B. Pallone
 Johnson, Sam Pascrell
 Jones (OH) Pastor
 Kanjorski Payne
 Kaptur Pearce
 Keller Pelosi
 Kelly Pence
 Kennedy (MN) Peterson (MN)
 Kennedy (RI) Peterson (PA)
 Kildee Petri
 Kilpatrick (MI) Pickering
 Kind Pitts
 Platts

Poe Weller
 Pomo Westmoreland
 Pomeroy Wexler
 Porter Whitfield
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryan (KS)
 Sabo
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Schakowsky
 Schiff
 Schmidt
 Schwartz (PA)
 Emanuel

Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Wollsey
 Wu
 Wynn
 Young (FL)
 NAYS—15
 Abercrombie
 Coble
 Duncan
 Gutknecht
 Hastings (FL)
 Jenkins
 Jones (NC)
 Kucinich
 Otter
 Paul
 Saxton
 Sensenbrenner
 Taylor (NC)
 Wamp
 Weldon (PA)
 NOT VOTING—13
 Barton (TX)
 Brown, Corrine
 Davis (FL)
 Diaz-Balart, M.
 Emanuel
 Hyde
 Kirk
 LaHood
 McCarthy
 Murtha
 Sweeney
 Waters
 Young (AK)

NOT VOTING—14

Barton (TX) Emanuel Meeks (NY)
 Cannon Hyde Sweeney
 Clay LaHood Waters
 Davis (FL) Lynch Young (AK)
 Diaz-Balart, M. McCarthy

So the amendment was agreed to.
 The SPEAKER pro tempore, Mr. REHBERG, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶136.23 H. CON. RES. 312—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Con. Res. 312) urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign non-governmental organizations in the Russian Federation; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 405
 affirmative } Nays 15

¶136.24 [Roll No. 641] YEAS—405

Ackerman Bono Chabot
 Aderholt Boozman Chandler
 Akin Boren Chocola
 Alexander Boswell Clay
 Allen Boucher Cleaver
 Andrews Boustany Clyburn
 Baca Boyd Cole (OK)
 Bachus Bradley (NH) Conaway
 Baird Brady (PA) Conyers
 Baker Brady (TX) Cooper
 Baldwin Brown (OH) Costa
 Barrett (SC) Brown (SC) Costello
 Barrow Brown-Waite, Cramer
 Bartlett (MD) Ginny Crenshaw
 Bass Burgess Crowley
 Bean Burton (IN) Cubin
 Beauprez Butterfield Cuellar
 Becerra Buyer Culberson
 Berkley Calvert Cummings
 Berman Camp (MI) Davis (AL)
 Berry Campbell (CA) Davis (CA)
 Biggert Cannon Davis (IL)
 Bilirakis Cantor Davis (KY)
 Bishop (GA) Capito Davis (TN)
 Bishop (NY) Capps Davis, Jo Ann
 Bishop (UT) Capuano Davis, Tom
 Blackburn Cardin Deal (GA)
 Blumenauer Cardoza DeFazio
 Blunt Carnahan DeGette
 Boehlert Carson Delahunt
 Boehner Carter DeLauro
 Bonilla Case DeLay
 Bonner Castle Dent

Diaz-Balart, L. King (IA)
 Dicks King (NY)
 Dingell Kingston
 Doggett Kline
 Doolittle Knollenberg
 Doyle Kolbe
 Drake Kuhl (NY)
 Dreier Langevin
 Edwards Lantos
 Ehlers Larsen (WA)
 Emerson Larson (CT)
 Engel Latham
 English (PA) LaTourette
 Eshoo Leach
 Etheridge Lee
 Evans Levin
 Everett Lewis (CA)
 Farr Lewis (GA)
 Fattah Lewis (KY)
 Feeney Linder
 Ferguson Lipinski
 Finer LoBiondo
 Fitzpatrick (PA) Lofgren, Zoe
 Flake Lowey
 Foley Lucas
 Forbes Lungren, Daniel
 Ford E.
 Fortenberry Lynch
 Fossella Mack
 Foxx Maloney
 Frank (MA) Manzullo
 Franks (AZ) Marchant
 Frelinghuysen Markey
 Gallegly Marshall
 Garrett (NJ) Matheson
 Gerlach Matsui
 Gibbons McCaul (TX)
 Gilchrest McCollum (MN)
 Gilmor McCotter
 Gingrey McCrery
 Gohmert McDermott
 Gonzalez McGovern
 Goode McHenry
 Goodlatte McHugh
 Gordon McIntyre
 Granger McKeon
 Graves McKinney
 Green (WI) McMorris
 Green, Al McNulty
 Green, Gene Meehan
 Grijalva Meek (FL)
 Gutierrez Meeks (NY)
 Hall Melancon
 Harman Menendez
 Harris Mica
 Hart Michaud
 Hastings (WA) Millender-
 Hayes McDonald
 Hayworth Miller (FL)
 Hefley Miller (MI)
 Hensarling Miller (NC)
 Herger Miller, Gary
 Herseht Miller, George
 Higgins Mollohan
 Hinchey Moore (KS)
 Hinojosa Moore (WI)
 Hobson Moran (KS)
 Hoekstra Moran (VA)
 Holden Murphy
 Holt Musgrave
 Honda Myrick
 Hooley Nadler
 Hostettler Napolitano
 Hoyer Neal (MA)
 Hulshof Neugebauer
 Hunter Ney
 Inglis (SC) Northup
 Inslie Norwood
 Israel Nunes
 Issa Nussle
 Istook Oberstar
 Jackson (IL) Obey
 Jackson-Lee (TX) Olver
 Jefferson Ortiz
 Jindal Osborne
 Johnson (CT) Owens
 Johnson (IL) Oxley
 Johnson, E. B. Pallone
 Johnson, Sam Pascrell
 Jones (OH) Pastor
 Kanjorski Payne
 Kaptur Pearce
 Keller Pelosi
 Kelly Pence
 Kennedy (MN) Peterson (MN)
 Kennedy (RI) Peterson (PA)
 Kildee Petri
 Kilpatrick (MI) Pickering
 Kind Pitts
 Platts

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign non-governmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions."

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶136.25 DEFENSE AUTHORIZATION FY 2006

On motion of Mr. HUNTER, by unanimous consent, pursuant to clause 1 of rule XXII, the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. HUNTER, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶136.26 MOTION TO INSTRUCT CONFEREES—H.R. 1815

Mr. SKELTON moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 1815, be instructed to agree to the provisions contained in section 1047 of the amendment of the Senate, relating to a report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.

After debate, By unanimous consent, the previous question was ordered on the motion to

instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. REHBERG, announced that the nays had it.

Mr. SKELTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Friday, December 16, 2005.

¶136.27 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 334

In the Senate of the United States, December 15, 2005.

Whereas William Proxmire served in the Military Intelligence Service of the United States Army from 1941 to 1946;

Whereas William Proxmire served the people of Wisconsin with distinction from 1957 to 1989 in the United States Senate;

Whereas William Proxmire served the Senate as Chairman of the Committee on Banking, Housing, and Urban Affairs in the ninety-fourth to ninety-sixth and one hundredth Congresses;

Whereas William Proxmire held the longest unbroken record for roll call votes in the Senate;

Whereas William Proxmire tirelessly fought government waste, issuing monthly "Golden Fleece" awards beginning in 1975 for the "biggest or most ridiculous or most ironic example of government waste;"

Whereas William Proxmire worked endlessly to eradicate the world of genocide, culminating in the ratification by the Senate of an international treaty outlawing genocide;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable William Proxmire, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable William Proxmire.

The message also announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4324. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4436. An Act to provide certain authorities for the Department of State, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 218. A concurrent resolution recognizing the centennial of sustained immigration from the Philippines to the United

States and acknowledging the contributions of our Filipino-American community to our country over the last century.

The message also announced that the Senate has passed bills of the following titles:

S. 1390. An Act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 2116. An Act to transfer jurisdiction of certain real property to the Supreme Court.

¶136.28 MESSAGE FROM THE PRESIDENT—PEOPLE'S REPUBLIC OF CHINA MINISTRY OF RAILWAYS

The SPEAKER pro tempore, Mr. REHBERG, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify that the export of 36 accelerometers to the People's Republic of China's Ministry of Railways, for use in a railroad track geometry measuring system, is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.,

The White House, *December 14, 2005.*

The message, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 109-74).

**FRIDAY, DECEMBER 16
(LEGISLATIVE DAY OF DECEMBER
15, 2005**

¶136.29 COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore, Mrs. SCHMIDT, laid before the House a communication, which was read as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2005.

Hon. Karen Haas,
*Clerk of the House,
Washington, DC.*

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative BLUNT to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternative Members of the House listed in a letter placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶136.30 SPEAKER PRO TEMPORE DESIGNATION

The SPEAKER pro tempore, Mrs. SCHMIDT announced that on December 15, 2005, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

¶136.31 RECESS—12:04 A.M.

The SPEAKER pro tempore, Mrs. SCHMIDT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 4 minutes a.m., subject to the call of the Chair.

¶136.32 AFTER RECESS—7:15 A.M.

The SPEAKER pro tempore, Mr. SESSIONS, called the House to order.

¶136.33 PROVIDING FOR THE CONSIDERATION OF H. RES. 612

Mr. COLE of Oklahoma, by direction of the Committee on Rules, reported (Rept. No. 109-348) the resolution (H. Res. 619) providing for consideration of the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq.

When said resolution and report were referred to the House Calendar and ordered printed.

¶136.34 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. COLE of Oklahoma, by direction of the Committee on Rules, reported (Rept. No. 109-349) the resolution (H. Res. 620) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶136.35 PROVIDING FOR THE CONSIDERATION OF H.R. 4437

Mr. COLE of Oklahoma, by direction of the Committee on Rules, reported (Rept. No. 109-350) the resolution (H. Res. 621) providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶136.36 SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1390. An Act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, to the Committee on Resources.

¶136.37 ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 327. An Act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

¶136.38 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 335. An Act to reauthorize the Congressional Award Act.

¶136.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. McHUGH, for today until 2 p.m.;

To Mr. Mario DIAZ-BALART of Florida, for today; and

To Mr. HYDE, for today and December 16.

And then,

¶136.40 ADJOURNMENT

On motion of Mr. COLE of Oklahoma, at 7 o'clock and 16 minutes a.m., Friday, December 16 (legislative day of December 15), 2005, the House adjourned.

¶136.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on December 16 (legislative day of December 15), 2005]

Mr. COLE: Committee on Rules. House Resolution 619. Resolution providing for consideration of the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq (Rept. 109-348). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 620. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-349). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 621. Resolution providing for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes (Rept. 109-350). Referred to the House Calendar.

¶136.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAMSTAD (for himself, Mr. LEWIS of Georgia, Mr. KELLER, Mr. DAVIS of Florida, Mr. FEENEY, Mr. HAYWORTH, and Mr. BEAUPREZ):

H.R. 4549. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure of certain prisoner return information to prison officials; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. HONDA):

H.R. 4550. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive preven-

tion, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN:

H.R. 4551. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4552. A bill to suspend temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4553. A bill to suspend temporarily the duty on 4,4'-Dithiodimorpholine; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4554. A bill to suspend temporarily the duty on Tetraethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4555. A bill to suspend temporarily the duty on Tetramethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mrs. MALONEY):

H.R. 4556. A bill to direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy; to the Committee on Education and the Workforce.

By Mr. GERLACH:

H.R. 4557. A bill to amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty and to extend the initial enrollment period for 2006 through July 15, 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. BURTON of Indiana, Mrs. DRAKE, Mr. OTTER, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. KINGSTON, Mr. WESTMORELAND, Mr. NORWOOD, Mr. HOSTETTLER, Mr. WELDON of Florida, Mr. MARCHANT, and Ms. FOX):

H.R. 4558. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H.R. 4559. A bill to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 4560. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. SESSIONS, Mr. EDWARDS, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. ORTIZ, Mr. REYES, Mr. DOGGETT, and Mr. HINOJOSA):

H.R. 4561. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building"; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. HYDE, Ms. PELOSI, Mr. WOLF, Mr. ACKERMAN, Mr. McDERMOTT, Mr. MORAN of Virginia, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. CROWLEY, Ms. LINDA T. SANCHEZ of California, Mr. SABO, Mr. WALSH, and Mrs. MALONEY):

H.R. 4562. A bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights and religious understanding; to the Committee on Financial Services.

By Mr. RYUN of Kansas:

H.R. 4563. A bill to amend the Servicemembers Civil Relief Act to provide improved interest rate relief for servicemembers during periods of military service; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi:

H.R. 4564. A bill to make improvements in the administration of charitable donations made in the aftermath of disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. BARROW, Ms. BEAN, Ms. BORDALLO, Mr. CASE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, and Ms. LINDA T. SANCHEZ of California):

H.R. 4565. A bill to amend the Small Business Investment Act of 1958 to establish the Angel Investment Program; to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. LANTOS, Mr. PAYNE, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. OWENS, Ms. SOLIS, Mr. NADLER, Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Mr.

PALLONE, Mr. SANDERS, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mr. GRIJALVA, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. HONDA, and Mr. CLEAVER):

H. Con. Res. 317. Concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes; to the Committee on International Relations.

By Mr. MARKEY (for himself and Mr. UPTON):

H. Con. Res. 318. Concurrent resolution expressing concern regarding nuclear proliferation with respect to proposed full civilian nuclear cooperation with India, and for other purposes; to the Committee on International Relations.

By Mr. DENT:

H. Res. 611. A resolution condemning, in the strongest possible terms, Iranian President Mahmoud Ahmadinejad's outrageous and despicable statements directed toward Israel; to the Committee on International Relations.

By Mr. HYDE (for himself and Ms. ROS-LEHTINEN):

H. Res. 612. A resolution expressing the commitment of the House of Representatives to achieving victory in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. PELOSI, Mr. HOYER, and Mr. HASTINGS of Florida):

H. Res. 613. A resolution congratulating the people of Iraq on the three national elections conducted in Iraq in 2005; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Res. 614. A resolution providing for consideration of the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Rules.

By Mr. ISRAEL (for himself and Mr. WEINER):

H. Res. 615. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Hanukkah, Ramadan, and Kwanzaa should be protected; to the Committee on Government Reform.

By Mr. LYNCH (for himself, Mr. WAXMAN, Mr. LANTOS, Mr. KANJORSKI, Mrs. MALONEY, Mr. CUMMINGS, Ms. NORTON, Mr. HIGGINS, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 616. A resolution directing the Committee on Government Reform to hold hearings on intelligence relating to the rationale for the commencement of Operation Iraqi Freedom; to the Committee on Rules.

By Ms. MILLENDER-McDONALD (for herself and Mrs. JOHNSON of Connecticut):

H. Res. 617. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself and Mr. ENGEL):

H. Res. 618. A resolution expressing the sense of the House of Representatives concerning Syria and Lebanon; to the Committee on International Relations.

¶136.43 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

209. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 4 memorializing the Congress of the United States to take such action as are necessary to create a national wind insurance program to be combined with the National Flood Insurance Program in order to create a national catastrophe insurance program; to the Committee on Financial Services.

210. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 memorializing the Congress of the United States to increase the coverage limit for a single-family structure under the National Flood Insurance Program from two hundred fifty thousand to five hundred thousand dollars; to the Committee on Financial Services.

211. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 38 memorializing the Congress of the United States to take such actions as are necessary to require all federal jobs that have been lost or relocated due to Hurricane Katrina and Rita and their associated funding to be restored as soon as possible; to the Committee on Government Reform.

212. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States to take such actions as are necessary to grant for distributions from DROP accounts to active state and local government employees who are members of public retirement systems similar tax relief as that provided to members of qualified retirement plans by the Katrina Emergency Tax Relief Act of 2005 and to permit such distributions from tax-qualified plans; to the Committee on Ways and Means.

213. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to take such actions as are necessary to grant to victims of Hurricane Rita similar tax relief as that provided by the Katrina Emergency Tax Relief Act of 2005, and to include distributions from DROP accounts to active state and local government employees who are members of public retirement systems and who are victims of Hurricane Katrina and Hurricane Rita as eligible retirement plan distributions, and to permit such distributions from tax-qualified plans; to the Committee on Ways and Means.

¶136.44 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. HOOLEY introduced a bill (H.R. 4566) for the relief of Anton Goloubev; which was referred to the Committee on the Judiciary.

¶136.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 69: Mr. INGLIS of South Carolina.
H.R. 303: Ms. DEGETTE.
H.R. 363: Ms. MATSUI and Mr. PASCRELL.
H.R. 500: Ms. GRANGER.
H.R. 503: Mr. LEWIS of Georgia.
H.R. 517: Mr. CANNON.
H.R. 521: Mr. ADERHOLT.
H.R. 615: Mr. SIMMONS and Mr. PETERSON of Minnesota.
H.R. 676: Mr. DELAHUNT, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. RUSH.

H.R. 691: Mr. WALDEN of Oregon.
H.R. 699: Mr. SHERMAN and Ms. BERKLEY.
H.R. 817: Mr. LEACH, Ms. MOORE of Wisconsin, Mr. STRICKLAND, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. LATOURETTE, Ms. ROYBAL-ALLARD, Mr. LEWIS of Georgia, and Mrs. CAPITO.
H.R. 916: Mr. BLUMENAUER, Mrs. NAPOLITANO, and Mr. KANJORSKI.
H.R. 955: Mr. MEEHAN.
H.R. 995: Mr. ENGLISH of Pennsylvania.
H.R. 1053: Ms. SCHWARTZ of Pennsylvania and Mrs. LOWEY.
H.R. 1071: Mr. BILIRAKIS.
H.R. 1131: Mr. CAPUANO.
H.R. 1182: Mr. TOWNS.
H.R. 1237: Mr. DENT.
H.R. 1259: Mr. TANCREDO, Mr. BOSWELL, Mr. MURTHA, Mr. SHAYS, Mr. PRICE of North Carolina, and Mr. WU.
H.R. 1288: Miss MCMORRIS.
H.R. 1290: Mr. ALLEN.
H.R. 1333: Mr. HIGGINS and Ms. SOLIS.
H.R. 1456: Mr. SANDERS and Mr. FITZPATRICK of Pennsylvania.
H.R. 1474: Mr. RENZI.
H.R. 1505: Mr. MOORE of Kansas.
H.R. 1549: Ms. MATSUI, Mr. ALLEN, Mr. REYES, and Mr. PASCRELL.
H.R. 1632: Mr. KANJORSKI.
H.R. 1634: Mr. SHIMKUS.
H.R. 1671: Mr. PETERSON of Pennsylvania.
H.R. 1696: Mr. WELDON of Pennsylvania.
H.R. 1707: Mr. MILLER of North Carolina, Mr. DEFazio, Ms. WATSON, and Ms. DELAURO.
H.R. 1994: Mr. WATT.
H.R. 2043: Mr. SMITH of New Jersey, Mr. KOLBE, and Mr. RENZI.
H.R. 2134: Mr. BUTTERFIELD.
H.R. 2177: Mr. MARSHALL.
H.R. 2259: Mr. LEVIN.
H.R. 2292: Mr. GRIJALVA.
H.R. 2356: Mr. BOREN and Mr. FATTAH.
H.R. 2386: Mr. LARSEN of Washington.
H.R. 2389: Mr. BOREN.
H.R. 2429: Mr. BARROW.
H.R. 2531: Mr. TERRY.
H.R. 2617: Mr. GONZALEZ and Mr. KUCINICH.
H.R. 2631: Ms. CARSON and Mr. KUCINICH.
H.R. 2669: Ms. LORETTA SANCHEZ of California, Mr. WHITFIELD, Ms. WOOLSEY, Mr. McDERMOTT, and Mr. BAIRD.
H.R. 2682: Ms. BERKLEY and Mr. SESSIONS.
H.R. 2792: Mrs. JO ANN DAVIS of Virginia.
H.R. 2793: Mr. ALLEN.
H.R. 2989: Mr. LEVIN.
H.R. 3011: Mrs. SCHMIDT.
H.R. 3042: Ms. BALDWIN.
H.R. 3095: Mrs. BLACKBURN.
H.R. 3174: Mr. HASTINGS of Florida and Mr. AL GREEN of Texas.
H.R. 3373: Mr. ETHERIDGE.
H.R. 3428: Mr. PAUL and Mr. EMANUEL.
H.R. 3449: Mr. SNYDER.
H.R. 3451: Mr. DENT.
H.R. 3459: Mr. MOLLOHAN.
H.R. 3478: Ms. FOX and Ms. CARSON.
H.R. 3492: Mr. MARKEY.
H.R. 3505: Mr. CHABOT.
H.R. 3547: Mr. MURPHY.
H.R. 3616: Ms. MCKINNEY, Mr. WU, Ms. HERSETH, Mr. ROTHMAN, and Mr. ACKERMAN.
H.R. 3708: Mr. MEEHAN.
H.R. 3717: Ms. VELÁZQUEZ.
H.R. 3805: Mr. ROGERS of Alabama.
H.R. 3852: Mr. CONYERS.
H.R. 3875: Mr. KELLER and Mr. SOUDER.
H.R. 3883: Mr. GRAVES and Mr. BLUMENAUER.
H.R. 3931: Mr. STRICKLAND, Mr. HOBSON, Mr. BAIRD, Ms. CORRINE BROWN of Florida, and Mrs. CAPITO.
H.R. 4015: Mr. BOOZMAN.
H.R. 4025: Mr. BUTTERFIELD.
H.R. 4033: Mr. TIBERI.
H.R. 4052: Ms. SOLIS.
H.R. 4081: Ms. FOX.
H.R. 4082: Mr. RUPPERSBERGER.
H.R. 4083: Mr. DOOLITTLE.

H.R. 4098: Mr. TIBERI, Mr. THOMPSON of Mississippi, Mr. WILSON of South Carolina, and Mr. ADERHOLT.

H.R. 4157: Ms. ESHOO.

H.R. 4167: Mr. FORBES, Mrs. SCHMIDT, Mr. COSTA, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. BROWN of South Carolina, and Mr. DEAL of Georgia.

H.R. 4180: Mr. SIMMONS.

H.R. 4186: Ms. MATSUI.

H.R. 4200: Mr. ADERHOLT.

H.R. 4223: Mr. FARR.

H.R. 4268: Mr. GINGREY, Mr. SESSIONS, Mr. GORDON, Mr. KELLER, Mr. EHLERS, and Mr. BROWN of Ohio.

H.R. 4315: Mr. SMITH of Washington, Mrs. CAPITO, Mr. SIMMONS, Mr. DINGELL, Mr. STUPAK, Mr. SHAYS, Mr. McCOTTER, Mr. SCHWARZ of Michigan, Mr. ROGERS of Michigan, and Mr. OTTER.

H.R. 4318: Mrs. NORTHUP, Mr. BARTON of Texas, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Mr. BURTON of Indiana, Mr. HALL, Mr. BRADY of Texas, Mr. HOEKSTRA, Mr. PAUL, Mr. OTTER, Mr. RYUN of Kansas, Mr. LUCAS, Mr. CONAWAY, Mr. MELANCON, Mr. SIMPSON, and Mr. ORTIZ.

H.R. 4325: Mr. BOUCHER.

H.R. 4341: Mrs. MYRICK, Mr. GRAVES, Mr. FORTENBERRY, and Mr. JONES of North Carolina.

H.R. 4348: Ms. MCKINNEY.

H.R. 4350: Mr. PAYNE and Mr. GORDON.

H.R. 4351: Mr. MCGOVERN, Mr. LEVIN, and Mr. SERRANO.

H.R. 4357: Mr. Fortuño.

H.R. 4410: Ms. KAPTUR.

H.R. 4427: Mrs. LOWEY, Mr. MEEK of Florida, Mr. ETHERIDGE, Mrs. CHRISTENSEN, and Mr. CONYERS.

H.R. 4434: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. OWENS, Mr. ISRAEL, Ms. HOOLEY, Mr. WEXLER, and Mr. BUTTERFIELD.

H.R. 4435: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. OWENS, Mr. ISRAEL, Mr. WEXLER, and Mr. BUTTERFIELD.

H.R. 4447: Mr. BERMAN.

H.R. 4452: Mr. MCINTYRE, Mr. GRIJALVA, Mr. LANTOS, Ms. DELAURO, Mr. CAPUANO, Mr. McCOTTER, and Ms. MCCOLLUM of Minnesota.

H.R. 4460: Mr. MICHAUD, Mr. TIBERI, and Mr. WALSH.

H.R. 4463: Mr. BUTTERFIELD and Mrs. MALONEY.

H.R. 4472: Ms. HART and Mr. POMEROY.

H.R. 4474: Mr. MARKEY.

H.R. 4479: Mr. OWENS, Mr. MCGOVERN, Mr. NADLER, Mr. FARR, and Ms. SCHWARTZ of Pennsylvania.

H.R. 4492: Mr. McDERMOTT.

H.R. 4494: Mr. COBLE and Mr. LOBIONDO.

H.R. 4502: Mr. KLINE.

H.R. 4503: Mr. KLINE.

H.R. 4504: Mr. KLINE.

H.R. 4506: Mr. STUPAK, Mr. HIGGINS, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.

H.R. 4510: Mr. SCOTT of Georgia, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. ORTIZ, Mr. HINCHEY, Mr. WEINER, Ms. HERSETH, Mr. BERRY, Mr. MICHAUD, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GEORGE MILLER of California, Mr. SNYDER, Mr. SABO, Mr. BOSWELL, Ms. BERKLEY, Mr. MELANCON, Mr. FILNER, Mr. UDALL of New Mexico, Mr. BACA, Ms. BALDWIN, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. BECERRA, Mr. SANDERS, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. ISRAEL, Mr. CLAY, Mr. CLEAVER, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Mr. EMANUEL, Mr. CAMP of Michigan, Mr. WYNN, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. HOLT, Mr. GRIJALVA, Mr. CARNAHAN, Mr. BARROW, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. UPTON, Mr. BOEHLERT, Mr. LEACH, Ms. MCKINNEY, Mr. PASCRELL, Mr. BURTON of Indiana, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. CLYBURN,

Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. OBERSTAR, Mr. COSTA, Mr. FATTAH, Mr. NEY, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. TIERNEY, Mr. DELAHUNT, Mr. MEEHAN, Mr. MARSHALL, Mr. TAYLOR of Mississippi, Ms. HART, Mr. MEEK of Florida, Mrs. EMERSON, Mr. TAYLOR of North Carolina, Mr. CUMMINGS, Mr. LYNCH, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mr. HIGGINS, Mr. WAXMAN, Mrs. MCCARTHY, Ms. LINDA T. SÁNCHEZ of California, Mr. DICKS, Mr. JACKSON of Illinois, Mr. SIMMONS, Mr. YOUNG of Florida, and Mr. HONDA.

H.R. 4524: Mr. PAUL, Mr. McCOTTER, and Mr. GERLACH.

H.R. 4540: Ms. BORDALLO and Mr. FORD.

H.R. 4542: Mr. HIGGINS, Mr. STUPAK, Mr. PALLONE, Mr. GRIJALVA, Mr. ALLEN, Mrs. JOHNSON of Connecticut, Ms. ROYBAL-ALLARD, Ms. HART, Mr. SNYDER, Mr. HONDA, Mr. LARSON of Connecticut, Mr. BOYD, Mr. ETHERIDGE, Mr. WU, Ms. HERSETH, Mr. SANDERS, Mr. LARSEN of Washington, Mr. SXTON, Mr. FORD, Mr. McDERMOTT, Mrs. JONES of Ohio, and Ms. HOOLEY.

H.J. Res. 60: Ms. FOX.

H.J. Res. 70: Ms. JACKSON-LEE of Texas and Mr. MICHAUD.

H.J. Res. 73: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 108: Mr. MEEHAN.

H. Con. Res. 137: Mr. WAXMAN.

H. Con. Res. 206: Mr. MEEHAN.

H. Con. Res. 210: Mr. BURGESS and Mr. AL GREEN of Texas.

H. Con. Res. 222: Mr. INGLIS of South Carolina.

H. Con. Res. 298: Ms. JACKSON-LEE of Texas, Mr. BURGESS, Mr. WOLF, Mr. PAYNE, Mrs. DRAKE, Mr. BURTON of Indiana, Mr. McNULTY, and Mr. MCGOVERN.

H. Con. Res. 301: Mr. NEUGEBAUER.

H. Con. Res. 312: Mr. McCOTTER, Mrs. TAUSCHER, Ms. HARRIS, Mr. BURTON of Indiana, Mr. DOGGETT, Mr. CROWLEY, Mr. ROTHMAN, Ms. WATSON, Mr. MORAN of Virginia, and Mr. CARDIN.

H. Res. 414: Mr. McCOTTER, Mr. GRIJALVA, and Mr. ROTHMAN.

H. Res. 483: Ms. NORTON, Mr. LATHAM, Mr. AL GREEN of Texas, and Mr. BUTTERFIELD.

H. Res. 490: Mrs. JONES of Ohio, Mr. KUCINICH, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Mr. HONDA, Ms. ZOE LOFGREN of California, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. BUTTERFIELD, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. HARMAN, Mr. CLYBURN, and Mr. AL GREEN of Texas.

H. Res. 507: Mr. LINDER.

H. Res. 521: Mr. BISHOP of New York, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mrs. MCCARTHY, Mr. PAYNE, Mr. PALLONE, and Mr. McNULTY.

H. Res. 524: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 561: Mr. GRIJALVA, Mr. FORTUÑO, Mr. BRADY of Pennsylvania, and Mr. MEEK of Florida.

H. Res. 575: Mr. PRICE of Georgia.

H. Res. 578: Ms. FOX.

H. Res. 590: Mr. ISSA.

H. Res. 600: Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. WEINER, Mr. HIGGINS, Mr. HOLDEN, Mr. MCGOVERN, Mr. HOLT, Mr. ISRAEL, Mr. CROWLEY, and Mr. PALLONE.

H. Res. 601: Mr. ISSA, Mrs. KELLY, Mr. WELLER, Ms. BEAN, Mr. CONYERS, Mr. PENCE, Mr. WELDON of Pennsylvania, Mr. CANTOR, Mr. CROWLEY, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mrs. NORTHUP, Mr. KLINE, Mr. BURTON of Indiana, Mr. PALLONE, Mr. SOUDER, Ms. HARMAN, and Ms. BERKLEY.

H. Res. 603: Mr. LANGEVIN and Ms. SOLIS.

H. Res. 605: Mr. SWEENEY, Mr. TANNER, Mr. CROWLEY, Mr. TOWNS, Mr. FERGUSON, Mr. RANGEL, Mr. PALLONE, Mrs. MCCARTHY, Mrs. MALONEY, Mr. WALSH, Mr. SERRANO, Mr. ISRAEL, Mr. WEINER, Mr. KING of New York, Mr. HINCHEY, Mr. OWENS, Mrs. DRAKE, Mrs. LOWEY, Mr. HAYWORTH, Mr. McNULTY, Mr. FOLEY, Mr. ROTHMAN, and Mr. McCOTTER.

¶136.46 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 73: Mr. UDALL of Colorado.

FRIDAY, DECEMBER 16, 2005 (137)

¶137.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
December 15, 2005.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

¶137.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Thursday, December 15, 2005.

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

¶137.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5693. A letter from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers (RIN: 0580-AA87) Received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Chief, Electronic Benefit Transfer Branch, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program, Reauthorization: Electronic Benefit Transfer (EBT) and Retail Food Stores Provisions of the Food Stamp Reauthorization Act of 2002 [Amendment No. 397] (RIN: 0584-AD28) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products [Docket No. 03-080-8] (RIN: 0579-AB97) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Flag Smut; Importation of Wheat and Related Products [Docket No. 05-058-3] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5697. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 03-048-2] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5698. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Addition and Removal of Regulated Areas in Arizona [Docket No. 05-078-1] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5699. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Whole Cuts of Boneless Beef from Japan [Docket No. 05-004-2] (RIN: 0579-AB93) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5700. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, which would provide that the preparation of certain reports required by the Government Performance and Results Act of 1993 (GPRA), are deemed to fulfill the requirements for similar reports under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA); to the Committee on Agriculture.

5701. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 2004F-0374] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5702. A communication from the President of the United States, transmitting notification of the intention to use funds provided in the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001, for improvements to the White House Situation Room to enhance the capabilities of the White House in the war on terrorism; (H. Doc. No. 109-75); to the Committee on Appropriations and ordered to be printed.

5703. A letter from the Office of Independent Counsel, transmitting a position paper concerning S.A. 2160 which is an amendment to H.R. 3058; to the Committee on Appropriations.

5704. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the National Polar-orbiting Operational Environmental Satellite System (NPOESS) Program Acquisition Unit Cost will exceed the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5705. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Socio-economic Programs [DFARS Case 2003-D029] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5706. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Environment, Occupational Safety, and Drug-Free Workplace [DFARS Case 2003-D039] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5707. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the De-

partment's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5708. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Australia and Morocco [DFARS Case 2004-D013] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5709. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's report on the implementation of a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractor; to the Committee on Armed Services.

5710. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5711. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the restructuring of the Space Based Infrared System (SBIRS) High Program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5712. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire and Availability of Funds and Collection of Checks [Regulations J and CC; Docket No. R-1226] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision [No. 2005-48] (RIN: 1550-AB99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5714. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Construction and Safety Standards [Docket No. FR-4886-F-02] (RIN: 2502-A112) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5715. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Independent Audits and Reporting Requirements (RIN: 3064-AC91) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5716. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — One-Year Post-Employment Restrictions for Senior Examiners (RIN: 3064-AC92) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5717. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 3064-AC81) received December 5, 2005, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5718. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC); Vendor Cost Containment (RIN: 0584-AD71) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5719. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Fees for Testing, Evaluation, and Approval of Mining Products (RIN: 1219-AB38) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5720. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5721. A letter from the Secretary, Department of Health and Human Services, transmitting Renewal of the Determination of a Public Health Emergency, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

5722. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Work for Others (RIN: 1991-AB64) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5723. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB72) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5724. A letter from the Deputy Assistant Administrator, Office of Division Control, DEA, Department of Justice, transmitting the Department's final rule — Reports by Registrants of Theft or Significant Loss of Controlled Substances [Docket No. DEA-196F] (RIN: 1117-AA73) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5725. A letter from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6]; Rural Health Care Support Mechanism [WC Docket No. 02-60]; Lifeline and Link-Up [WC Docket No. 03-109] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5726. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5727. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Requirements for Digital Television Receiving Capability [ET Docket No. 05-24] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5728. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cambridge, Newark, St. Michaels, and Stockton, Maryland and Chincoteague, Virginia) [MB Docket No. 04-20; RM-10842; RM-11128; RM-11129; RM-11130] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5729. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky) [MB Docket No. 05-17; RM-11113; RM-11114] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5730. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eminence, Potosi, Rolla, Lebanon and Linn, Missouri) [MM Docket No. 01-151; RM-10167; RM-10567] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5731. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee) [MB Docket No. 03-120; RM-10591; RM-10839] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5732. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rankin and Sanderson, Texas) [MM Docket No. 02-253; RM-10317; RM-10872] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5733. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hornbeck, Louisiana) [MB Docket No. 05-46; RM-11156]; (Mojave and Trona, California) [MB Docket No. 05-109; RM-11192] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the report entitled, "Recommendations of the Federal Energy Regulatory Commission on Technical and Conforming Amendments to Federal Law Necessary to Carry Out the Public Utility Holding Company Act of 2005 and Related Amendments"; to the Committee on Energy and Commerce.

5735. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005 [Docket No. RM05-32-000, Order No. 667] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5736. A letter from the General Counsel, Federal Energy Regulatory Commission,

transmitting the Commission's final rule — Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities [Docket No. RM05-31-000; Order No. 665] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5737. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Investigational New Drugs: Export Requirements for Unapproved New Drug Products [Docket No. 2000N-1663] (RIN: 0910-AA61) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5738. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Environmental Assessment; Categorical Exclusions [Docket No. 2004N-0461] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5739. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5740. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 109-74); to the Committee on International Relations and ordered to be printed.

5741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of Canada (Transmittal No. 02-05); to the Committee on International Relations.

5742. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

5743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 052-05); to the Committee on International Relations.

5744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Memorandum of Justification for a Proposed Presidential Determination under Section 620A of the Foreign Assistance Act of 1961, as Amended, and under Section 113 of Title I of Division J of the Consolidated Appropriations Act, 2005; to the Committee on International Relations.

5745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and

36(d) of the Arms Export Control Act, certification of a proposed license for the manufacture of defense equipment and the proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 070-05); to the Committee on International Relations.

5746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of French Guiana (Transmittal No. DDTC 056-05); to the Committee on International Relations.

5747. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the manufacture of military equipment abroad and the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 028-05); to the Committee on International Relations.

5748. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2005 annual report and report on proposed activities for 2006; to the Committee on International Relations.

5749. A letter from the Secretary, Department of Education, transmitting the thirty-third Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2005 through September 30, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, "District Department of the Environment Establishment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5751. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5752. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2005 Performance and Accountability Report (PAR); to the Committee on Government Reform.

5753. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's Performance and Accountability report for FY 2005; to the Committee on Government Reform.

5754. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5755. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5756. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2005, pursuant to 31

U.S.C. 331(e)(1); to the Committee on Government Reform.

5757. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2005 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

5758. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106-107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

5759. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5760. A letter from the Deputy Assistant Secretary for Federal Contract Compliance, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB24) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5761. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5762. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5763. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report for fiscal year 2004; to the Committee on Government Reform.

5764. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Financial Manager's Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5765. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2005; to the Committee on Government Reform.

5766. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's thirty-third report on audit final action, as well as the semiannual report on the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5768. A letter from the Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Re-

port (PAR) for Fiscal Year 2005 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

5769. A letter from the Executive Director, Interagency Council on the Homelessness, transmitting The Council's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5770. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report covering fiscal year 2004; to the Committee on Government Reform.

5771. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Reference Checking in Federal Hiring: Making the Call," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

5772. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5773. A letter from the Senior Procurement Executive, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05—August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5774. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

5775. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2005, as required by OMB Circular Number A-11; to the Committee on Government Reform.

5776. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5777. A letter from the Program Manager for Information Sharing Environment, Office of the Director of National Intelligence, transmitting the Office's report entitled, "Preliminary Report on the Creation of the Information Sharing Environment," pursuant to Public Law 108-458, section 1016(c); to the Committee on Government Reform.

5778. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report entitled, "Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities," pursuant to 31 U.S.C. 1105 note; to the Committee on Government Reform.

5779. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5780. A letter from the Director, Office of Personnel Management, transmitting the Of-

fice's final rule — Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area (RIN: 3206-AK83) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5781. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5782. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5783. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5784. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — State, District, and Local Party Committee Payment of Certain Salaries and Wages [Notice 2005-27] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5785. A letter from the Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Inclusion of Alligator Snapping Turtle (*Macrochelys* [=*Macrochelys*] *temminckii*) and All Species of Map Turtle (*Graptemys* spp.) in Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018-AF69) received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5786. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AU23) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 112105A] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 050112008-5102-02; I.D. 112505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5789. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 112905B-X] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5790. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [I.D. 111505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5791. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Tilefish Commercial Fishery [I.D. 111405B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5792. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5286-03; I.D. 071405C] (RIN: 0648-AT33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5793. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 041110317-4364-02; I.D. 092805B] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5794. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 050927248-5310-02; I.D. 090805C] (RIN: 0648-AT74) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5795. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112305D] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5796. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, "Federal Procurement After Adarand," pursuant to Public Law 103-419; to the Committee on the Judiciary.

5797. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination concerning a petition to add employees of the National Bureau of Standards to the Special Exposure Cohort under the the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); to the Committee on the Judiciary.

5798. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Linde Ceramic Plant in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5799. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Procedures To Promote Compliance With Crime Victims' Rights Obligations [OAG Docket No. 112; AG Order No. 2789-2005] (RIN: 1105-AB11) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5800. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models, and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB39) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5801. A letter from the CEO, Terrorism and the Prisoner Reentry Agency, transmitting the Agency's proposal to use Faith Based Institutions to provide social services and transition support for inmates released from federal prison; to the Committee on the Judiciary.

5802. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Tennessee, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5803. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5804. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the General Reevaluation Report and Environmental Assessment of the Turkey Creek Basin, Kansas City, Kansas and Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5805. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Special Community Disaster Loans Program [DHS-2005-0051] (RIN: 1660-AA44) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5806. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Gulf Opportunity Pilot Loan Program (RIN: 3245-AF43) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5807. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Surety Bond Guarantee Program (RIN: 3245-AE81) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5808. A letter from the Director, Regulations and Rulings Division, Alcohol & To-

bacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Texoma Viticultural Area (2003R-110P) [T.D. TTB-38; Re: Notice No. 25] (RIN: 1513-AA77) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Santa Rita Hills Viticultural Area Name Abbreviation to Sta. Rita Hills (2003R-091P) [T.D. TTB-37; Notice No. 40; Ref: T.D. ATF-454] (RIN: 1513-AA50) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ramona Valley Viticultural Area (2003R-375P) [T.D. TTB-39; Re: Notice No. 38] (RIN: 1513-AA94) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Relating to Taxable Stock Transactions [TD 9230] (RIN: 1545-BF18) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief under sections 101 and 103 of the Katrina Emergency Tax Relief Act of 2005 [Notice 2005-92] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5813. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-78) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5814. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Transitional Relief Provided for Certain Plan Amendment Deadlines [Notice 2005-95] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5815. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Suspension of Employer and Payer Reporting and Wage Withholding Requirements With Respect to Deferrals of Compensation Under Section 409A for Calendar Year 2005; No Assertion of Penalties Against Service Providers in Certain Circumstances [Notice 2005-94] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5816. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Valuation of Stock-Based Compensation for Purposes of Qualified Cost Sharing Arrangements [Notice 2005-99] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5817. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9231] (RIN: 1545-BC49) received December

9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5818. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments Regarding Procedures for Automatic Changes in Methods of Accounting Contained in Rev. Proc. 2002-9 [Notice 2005-97] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5819. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9232] (RIN: 1545-BD33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5820. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2005-98] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5821. A letter from the Director, Industry Programs, Office of Policy, Import Administration, International Trade Administration, transmitting the Administration's final rule — Steel Import Monitoring and Analysis System [Docket No. 040305083-5249-03] (RIN: 0625-AA64) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5822. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report on the implementation of section 7213(c)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Ways and Means.

5823. A letter from the Executive Director, U.S.-China Commission, transmitting the U.S.-China Economic and Security Review Commission's Charter, as required by Pub. L. 109-108; to the Committee on Ways and Means.

5824. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools (RIN: 0584-AD57) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and the Workforce.

5825. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services) [CMS-1908-F] (RIN: 0938-AN81) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5826. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2006 [CMS-1294-N] (RIN: 0938-AN99) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5827. A letter from the Chairperson, State Pharmaceutical Assistance Transition Commission, transmitting the Commission's final report, including detailed proposals for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the voluntary prescription drug benefit program under part D of title XVIII of the Social Security Act, as added by section 101, and such other rec-

ommendations as deemed appropriate, pursuant to 42 U.S.C. 1395w-101 note Public Law 108-173, section 106(d); jointly to the Committees on Energy and Commerce and Ways and Means.

5828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended, and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

5829. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

5830. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Second Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration: Final Report on Phase I," pursuant to Public Law 105-33, section 4207; jointly to the Committees on Ways and Means and Energy and Commerce.

5831. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to assist the Department in the development of a National Natural Resources Conservation Foundation; jointly to the Committees on Agriculture, Government Reform, and Ways and Means.

5832. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2007, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5833. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

5834. A letter from the Director, Office of Management and Budget, transmitting a legislative proposal entitled, "the Federal and District of Columbia Government Real Property Act of 2005"; jointly to the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure.

5835. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2007 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

¶137.4 PROVIDING FOR THE CONSIDERATION OF H. RES. 612

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 619):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of

Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶137.5 PROVIDING FOR THE FURTHER CONSIDERATION OF H.R. 4437

Mr. GINGREY, by direction of the Committee on Rules, called up the following resolution (H. Res. 621):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. GINGREY moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the yeas had it.

Mr. HASTINGS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

137.6 PROVIDING FOR A CLOSED CONFERENCE—H.R. 1815

Mrs. DRAKE moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes; be closed to the public at such times as classified national security information is under consideration; Provided, however, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put, Will the House agree to said motion?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the yeas and nays were required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the Yeas 409 affirmative Nays 12

137.7 [Roll No. 642] YEAS—409

- Abercrombie Bradley (NH) Costello
Ackerman Brady (PA) Cramer
Aderholt Brady (TX) Crenshaw
Akin Brown (OH) Crowley
Alexander Brown (SC) Cubin
Allen Brown, Corrine Cuellar
Andrews Brown-Waite, Culberson
Baca Ginny Cummings
Bachus Burgess Davis (AL)
Baird Burton (IN) Davis (CA)
Baker Butterfield Davis (FL)
Baldwin Buyer Davis (IL)
Barrow Calvert Davis (KY)
Bartlett (MD) Camp (MI) Davis (TN)
Bass Campbell (CA) Davis, Tom
Bean Cannon Deal (GA)
Beauprez Cantor DeGette
Becerra Capito Delahunt
Berkley Capps DeLauro
Berman Capuano DeLay
Berry Cardin Dent
Biggert Cardoza Diaz-Balart, L.
Bilirakis Carnahan Dicks
Bishop (GA) Carson Dingell
Bishop (NY) Carter Doggett
Bishop (UT) Case Doolittle
Blackburn Castle Doyle
Blunt Chabot Drake
Boehlert Chandler Dreier
Boehner Chocola Duncan
Bonilla Clay Edwards
Bonner Cleaver Ehlers
Bono Clyburn Emanuel
Boozman Coble Emerson
Boren Cole (OK) Engel
Boswell Conaway English (PA)
Boucher Conyers Eshoo
Boustany Cooper Etheridge
Boyd Costa Evans

- Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
Jenkins
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
LaTourette

- Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MD)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Johnson, E. B.
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds

- Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lentinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

- NAYS—12
Blumenauer
DeFazio
Hinchev
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Olver
Stark
Waters
Woolsey

- NOT VOTING—12
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

So the motion was agreed to. A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

137.8 MOTION TO INSTRUCT CONFEREES TO H.R. 1815—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. SKELTON, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendment of the Senate on the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes.

The question being put, Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the Yeas 228 affirmative Nays 187

137.9 [Roll No. 643] YEAS—228

- Abercrombie Davis (CA) Inglis (SC)
Ackerman Davis (FL) Inslee
Allen Davis (IL) Israel
Andrews Davis (KY) Jackson (IL)
Baca Davis (TN) Jackson-Lee
Baird DeFazio (TX)
Baldwin DeGette Jefferson
Barrow Delahunt Johnson, E. B.
Bartlett (MD) DeLauro Jones (NC)
Bean Dicks Jones (OH)
Becerra Dingell Kanjorski
Berkley Doggett Kaptur
Berman Doyle Kelly
Berry Ehlers Kennedy (RI)
Bishop (GA) Emanuel Kildee
Bishop (NY) Emerson Kilpatrick (MI)
Blumenauer Engel Kind
Boehlert Eshoo Kucinich
Boren Etheridge Langevin
Boswell Evans Lantos
Boucher Farr Larson (WA)
Boyd Fattah Larson (CT)
Brady (PA) Filner Leach
Brown (OH) Fitzpatrick (PA) Lee
Brown, Corrine Foley Levin
Butterfield Ford Lewis (GA)
Capps Frank (MA) Lipinski
Capuano Gerlach Lofgren, Zoe
Cardin Gibbons Lowey
Cardoza Gilchrist Lynch
Carnahan Gonzalez Maloney
Carson Gordon Markey
Case Green, Al Matheson
Castle Green, Gene Matsui
Chabot Grijalva McCollum (MN)
Chandler Gutierrez McCotter
Clay Harman McDermott
Cleaver Hastings (FL) McGovern
Clyburn Herseth McIntyre
Conyers Higgins McKinney
Cooper Hinchev McKinney
Costa Hinojosa McNulty
Costello Holden Meehan
Cramer Holt Meek (FL)
Crowley Honda Meeks (NY)
Cuellar Hooley Melancon
Cummings Hoyer Menendez
Davis (AL) Hulshof Michaud

Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—187

Aderholt
Alexander
Bachus
Baker
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Muskgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancred
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Akin
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Edwards
Feeney
Hyde
Istook

Kirk
LaHood
McCarthy
So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

137.10 H. RES. 619—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 619) providing for consideration of the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq.

The question being put, Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 221 Nays 200

137.11 [Roll No. 644]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancred
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herath
Higgins
Hinche
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loftgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeke (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Hyde
Istook
Payne
Pearce
Sweeney

NOT VOTING—12

So the previous question on the resolution was ordered.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. REHBERG, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 217 affirmative } Nays 202

¶137.12 [Roll No. 645]

AYES—217

- Aderholt Gilchrest Nussle
Akin Gillmor Osborne
Alexander Gingrey Otter
Bachus Gohmert Oxley
Baker Goode Pence
Bartlett (MD) Goodlatte Peterson (PA)
Bass Granger Petri
Beauprez Graves Pickering
Biggert Green (WI) Pitts
Bilirakis Gutknecht Platts
Bishop (UT) Hall Poe
Blackburn Harris Pombo
Blunt Hastings (WA) Porter
Boehlert Hayes Price (GA)
Boehner Hayworth Pryce (OH)
Bonilla Hefley Putnam
Bonner Hensarling Radanovich
Bono Herger Ramstad
Boozman Hobson Regula
Boustany Hoekstra Rehberg
Bradley (NH) Hostettler Reichert
Brady (TX) Hulshof Renzi
Brown (SC) Hunter Reynolds
Brown-Waite, Inglis (SC) Rogers (AL)
Ginny Issa Rogers (KY)
Burgess Jenkins Rogers (MI)
Burton (IN) Jindal Rohrabacher
Buyer Johnson (CT) Ros-Lehtinen
Calvert Johnson (IL) Royce
Camp (MI) Johnson, Sam Ryan (WI)
Campbell (CA) Keller Ryun (KS)
Cannon Kelly Saxton
Cantor Kennedy (MN) Schmidt
Capito King (IA) Schwarz (MI)
Carter King (NY) Sensenbrenner
Castle Kingston Sessions
Chabot Kirk Shadegg
Chocola Kline Shaw
Coble Knollenberg Shaays
Cole (OK) Kolbe Sherwood
Conaway Kuhl (NY) Shimkus
Crenshaw Latham Shuster
Cubin LaTourette Simmons
Culberson Lewis (CA) Simpson
Davis (KY) Lewis (KY) Smith (NJ)
Davis, Tom Linder Smith (TX)
Deal (GA) LoBiondo Sodrel
DeLay Lucas Souder
Dent Lungren, Daniel Stearns
Diaz-Balart, L. E. Sullivan
Doolittle Mack Tancred
Drake Manzullo Taylor (NC)
Dreier Marchant Terry
Duncan McCaul (TX) Thomas
Ehlers McCotter Thornberry
Emerson McCrery Tiahrt
English (PA) McHenry Tiberi
Everett McHugh Turner
Feeney McKeon Upton
Ferguson McMorris Walden (OR)
Fitzpatrick (PA) Mica Walsh
Flake Miller (FL) Wamp
Foley Miller (MI) Weldon (FL)
Forbes Miller, Gary Weldon (PA)
Fortenberry Moran (KS) Weller
Fossella Murphy Westmoreland
Foxy Musgrave Whitfield
Franks (AZ) Myrick Wicker
Frelinghuysen Neugebauer Wilson (NM)
Gallegly Ney Wilson (SC)
Garrett (NJ) Northup Wolf
Gerlach Norwood Young (AK)
Gibbons Nunes Young (FL)

NOES—202

- Abercrombie Baird Berkley
Ackerman Baldwin Berman
Allen Barrow Berry
Andrews Bean Bishop (GA)
Baca Becerra Bishop (NY)

- Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutiérrez
Harman
Hastings (FL)
Herseeth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee
Capps
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowe
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeh (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

- Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hart
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Schwartz (PA)
Sweeney

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That pursuant to section 2 of House Resolution 619, on the first legislative day of the Second Session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

¶137.13 H. RES. 621—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 621) providing for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to

enhance border security, and for other purposes.

The question being put, Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 216 affirmative } Nays 203

¶137.14 [Roll No. 646]

YEAS—216

- Aderholt Gillmor Nussle
Akin Gingrey Osborne
Alexander Gohmert Otter
Bachus Goode Oxley
Baker Goodlatte Pence
Bartlett (MD) Granger Peterson (MN)
Bass Graves Peterson (PA)
Beauprez Green (WI) Petri
Biggert Gutknecht Pickering
Bilirakis Hall Pitts
Bishop (UT) Harris Platts
Blunt Hart Poe
Boehlert Hastert Pombo
Boehner Hastings (WA) Porter
Bonilla Hayes Price (GA)
Bonner Hensarling Pryce (OH)
Bono Herger Putnam
Boozman Hobson Radanovich
Boustany Hoekstra Ramstad
Bradley (NH) Hostettler Regula
Brady (TX) Hulshof Rehberg
Brown (SC) Hunter Reichert
Brown-Waite, Inglis (SC) Renzi
Ginny Issa Reynolds
Burgess Jenkins Rogers (AL)
Burton (IN) Jindal Rogers (KY)
Buyer Johnson (CT) Rogers (MI)
Calvert Johnson (IL) Rohrabacher
Camp (MI) Johnson, Sam Ros-Lehtinen
Campbell (CA) Jones (NC) Royce
Cannon Keller Ryan (WI)
Cantor Kelly Ryun (KS)
Capito Kennedy (MN) Saxton
Carter King (IA) Schmidt
Case King (NY) Schwarz (MI)
Castle Kingston Sensenbrenner
Chocola Kirk Sessions
Coble Kline Shadegg
Cole (OK) Knollenberg Shaw
Conaway Kuhl (NY) Sherwood
Crenshaw Latham Shimkus
Cubin LaTourette Shuster
Culberson Lewis (CA) Simmons
Davis (KY) Lewis (KY) Smith (NJ)
Davis, Tom Linder Smith (TX)
Deal (GA) LoBiondo Smith (TX)
DeLay Lucas Sodrel
Dent Lungren, Daniel Souder
Diaz-Balart, L. E. Stearns
Doolittle Mack Sullivan
Drake Manzullo Tancred
Dreier Marchant Marchant
Duncan McCaul (TX) Taylor (NC)
Ehlers McCotter Terry
Emerson McCrery Thomas
English (PA) McHenry Thornberry
Everett McHugh Tiahrt
Feeney McKeon Tiberi
Ferguson McMorris Turner
Fitzpatrick (PA) McNulty Walden (OR)
Flake Mica Walsh
Foley Miller (FL) Wamp
Forbes Miller (MI) Weldon (FL)
Fortenberry Miller, Gary Weldon (PA)
Fossella Moran (KS) Weller
Foxy Murphy Westmoreland
Franks (AZ) Musgrave Whitfield
Frelinghuysen Myrick Wicker
Gallegly Neugebauer Wilson (NM)
Garrett (NJ) Ney Wilson (SC)
Gerlach Northup Wolf
Gibbons Norwood Young (AK)
Gilchrest Nunes Young (FL)

NAYS—203

- Abercrombie Becerra Boucher
Ackerman Berkley Boyd
Allen Berman Brady (PA)
Andrews Berry Brown (OH)
Baca Bishop (GA) Brown, Corrine
Baird Bishop (NY) Butterfield
Baldwin Blumenauer Capps
Barrow Boren Capuano
Bean Boswell Cardin

Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hefley
Herseeth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
Engel
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meeke (FL)
Meeke (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor

Paul
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barrett (SC)
Barton (TX)
Blackburn
Davis, Jo Ann
Diaz-Balart, M.

Hyde
Istook
Jones (OH)
LaHood
McCarthy

Moore (WI)
Napolitano
Payne
Pearce
Sweeney

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.15 H. CON. RES. 294—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Con. Res. 294) calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government; as amended.

The question being put,
Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 413
affirmative } Nays 1

¶137.16 [Roll No. 647] YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Choccola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom

Deal (GA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseeth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins

Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Leach
Leah
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northrup
Norwood

Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman

Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak

Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman
Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hoekstra
Hyde
Istook
LaHood
Lewis (CA)
McCarthy
Napolitano
Neal (MA)
Payne

NOT VOTING—19

Pearce
Stark
Sweeney
Walsh
Watt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶137.17 APPOINTMENT OF CONFEREES—H.R. 1815

The SPEAKER appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH,

EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. Loretta Sanchez of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. HOEKSTRA, LaHood, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561-563, 571, and 815 of the House bill, and sections 581-584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Government Reform, for consideration of sections 322, 665, 811, 812, 820A, 822-825, 901, 1101-1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843-845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. Tom DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, Daniel E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203-1206, and 1301-1305 of the House bill, and sections 803, 1033, 1203, 1205-1207, and 1301-1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341-346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849-852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032-1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶137.18 VICTORY IN IRAQ

Ms. ROS-LEHTINEN, pursuant to House Resolution 619, called up for consideration the resolution (H. Res. 612):

Whereas the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi Constitution, represented a crucial success in the establishment of a democratic, constitutional order in Iraq; and

Whereas Iraqis, who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition forces: Now, therefore, be it

Resolved, That—

(1) the House of Representatives is committed to achieving victory in Iraq;

(2) the Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy, and a defeat for the terrorists who seek to destroy that democracy;

(3) the House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

(4) the successful Iraqi election of December 15, 2005, required the presence of United States Armed Forces, United States-trained Iraqi forces, and Coalition forces;

(5) the continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

(6) setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

(7) the House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition forces; and

(8) the House of Representatives has unshakable confidence that, with the support of the American people and the Congress, United States Armed Forces, along with Iraqi and Coalition forces, shall achieve victory in Iraq.

When said resolution was considered. After debate,

Pursuant to House Resolution 619, the resolution was considered as read and the previous question was ordered.

The question being put, *viva voce*, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that the yeas had it.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	279	
		Nays	109
		Answered present	34

¶137.19 [Roll No. 648]

YEAS—279

Aderholt	Culberson	Higgins
Akin	Davis (AL)	Hinojosa
Alexander	Davis (CA)	Hobson
Bachus	Davis (FL)	Hoekstra
Baker	Davis (KY)	Holden
Barrow	Davis (TN)	Hostettler
Bartlett (MD)	Davis, Tom	Hulshof
Bass	Deal (GA)	Hunter
Bean	DeLay	Inglis (SC)
Beauprez	Dent	Israel
Berkley	Diaz-Balart, L.	Issa
Berman	Dicks	Jefferson
Berry	Doolittle	Jenkins
Biggart	Drake	Jindal
Bilirakis	Dreier	Johnson (CT)
Bishop (GA)	Duncan	Johnson (IL)
Bishop (UT)	Edwards	Johnson, Sam
Blackburn	Ehlers	Jones (NC)
Blunt	Emerson	Keller
Boehrlert	English (PA)	Kelly
Boehner	Etheridge	Kennedy (MN)
Bonilla	Everett	Kennedy (RI)
Bonner	Feeney	Kind
Bono	Ferguson	King (IA)
Boozman	Fitzpatrick (PA)	King (NY)
Boren	Flake	Kingston
Boswell	Foley	Kirk
Boucher	Forbes	Kline
Boustany	Ford	Knollenberg
Bradley (NH)	Fortenberry	Kolbe
Brady (TX)	Fossella	Kuhl (NY)
Brown (SC)	Fox	Langevin
Brown-Waite,	Franks (AZ)	Latham
Ginny	Frelinghuysen	LaTourette
Burgess	Galleghy	Lewis (CA)
Burton (IN)	Garrett (NJ)	Lewis (KY)
Buyer	Gerlach	Linder
Calvert	Gibbons	Lipinski
Camp (MI)	Gilchrest	LoBiondo
Campbell (CA)	Gillmor	Lucas
Cannon	Gingrey	Lungren, Daniel
Cantor	Gohmert	E.
Capito	Gonzalez	Mack
Cardoza	Goode	Manzullo
Carnahan	Goodlatte	Marchant
Carter	Gordon	Marshall
Case	Granger	Matheson
Castle	Graves	McCaul (TX)
Chabot	Green (WI)	McCotter
Chandler	Green, Gene	McCrery
Chocola	Gutknecht	McHenry
Coble	Hall	McHugh
Cole (OK)	Harris	McIntyre
Conaway	Hart	McKeon
Cooper	Hastings (WA)	McMorris
Costa	Hayes	Melancon
Costello	Hayworth	Mica
Cramer	Hefley	Miller (FL)
Crenshaw	Hensarling	Miller (MI)
Cubin	Herger	Miller, Gary
Cuellar	Herseth	Moore (KS)

Moran (KS) Reichert Snyder
Murphy Renzi Sodrel
Musgrave Reyes Souder
Myrick Reynolds Spratt
Neugebauer Rogers (AL) Stearns
Ney Rogers (KY) Sullivan
Northup Rogers (MI) Tancredo
Norwood Rohrabacher Tanner
Nunes Ros-Lehtinen Taylor (MS)
Nussle Ross Taylor (NC)
Ortiz Royce Terry
Osborne Ruppertsberger Thomas
Otter Ryan (WI) Thomas
Oxley Ryun (KS) Thornberry
Pearce Salazar Tiahrt
Pence Saxton Tiberi
Peterson (MN) Schmidt Turner
Peterson (PA) Schwarz (MI) Udall (CO)
Petri Scott (GA) Upton
Pickering Sensenbrenner Walden (OR)
Pitts Sessions Walsh
Platts Shadegg Wamp
Poe Shaw Weldon (FL)
Pombo Shays Weldon (PA)
Pomeroy Sherwood Weller
Porter Shimkus Westmoreland
Price (GA) Shuster Whitfield
Pryce (OH) Simmons Wicker
Putnam Simpson Wilson (NM)
Radanovich Skelton Wilson (SC)
Ramstad Smith (NJ) Wolf
Regula Smith (TX) Young (AK)
Rehberg Smith (WA) Young (FL)

NAYS—109

Abercrombie Inslee Pelosi
Ackerman Jackson (IL) Price (NC)
Allen Jackson-Lee Rahall
Baca (TX) Rangel
Baldwin Jones (OH) Rothman
Becerra Kanjorski Roybal-Allard
Blumenauer Kildee Rush
Brady (PA) Kilpatrick (MI) Ryan (OH)
Brown (OH) Kucinich Sabo
Brown, Corrine Larson (CT) Sanchez, Linda
Capps Lee T.
Capuano Levin Sanders
Cardin Lewis (GA) Schakowsky
Clay Lynch Schwartz (PA)
Clever Markey Scott (VA)
Clyburn McCollum (MN) Serrano
Conyers McDermott Solis
Crowley McGovern Stark
Cummings McKinney Strickland
Davis (IL) Meehan Stupak
DeGette Meeks (NY) Thompson (MS)
Delahunt Menendez Tierney
DeLauro Millender-Towns
Dingell McDonald Udall (NM)
Doggett Miller (NC) Velazquez
Doyle Miller, George Velazquez
Evans Mollohan Visclosky
Farr Moore (WI) Wasserman
Fattah Moran (VA) Schultz
Filner Murtha Waters
Frank (MA) Nadler Watson
Green, Al Neal (MA) Watt
Grijalva Oberstar Waxman
Gutierrez Obey Weiner
Hastings (FL) Oliver Wexler
Hinchee Pallone Woolsey
Holt Pascrell Wu
Honda Pastor Wynn

ANSWERED "PRESENT"—34

Andrews Hoyer Michaud
Baird Johnson, E. B. Owens
Bishop (NY) Kaptur Paul
Boyd Lantos Sanchez, Loretta
Butterfield Larsen (WA) Schiff
Carson Leach Sherman
DeFazio Lofgren, Zoe Slaughter
Emanuel Emanuel Lowey
Engel Maloney
Eshoo Matsui Thompson (CA)
Harman McNulty Van Hollen
Hooley Meek (FL)

NOT VOTING—11

Barrett (SC) Hyde Napolitano
Barton (TX) Istook Payne
Davis, Jo Ann LaHood Sweeney
Diaz-Balart, M. McCarthy

So the resolution was agreed to.
A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

137.20 REPORT ON H. RES. 549

Ms. ROS-LEHTINEN, by direction of the Committee on International Relations, reported without recommendation (Rept. No. 109-351) the resolution (H. Res. 549) requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; referred to the House Calendar and ordered printed.

137.21 MESSAGE FROM THE SENATE

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

H.R. 4440. An Act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

137.22 H. RES. 409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 409) condemning the Government of Zimbabwe's "Operation Murambatsvina" under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to "restore order" to the country; as amended.

The question being put, Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 421 affirmative } Nays 1

137.23 [Roll No. 649]

YEAS—421

Abercrombie Bonilla Carnahan
Ackerman Bonner Carson
Aderholt Bono Carter
Akin Boozman Case
Alexander Boren Castle
Allen Boswell Chabot
Andrews Boucher Chandler
Baca Boustany Chocola
Bachus Boyd Clay
Baird Bradley (NH) Cleaver
Baker Brady (PA) Clyburn
Baldwin Brady (TX) Coble
Barrow Brown (OH) Cole (OK)
Bartlett (MD) Brown (SC) Conway
Bass Brown, Corrine Conyers
Bean Brown-Waite, Cooper
Beauprez Ginny Costa
Becerra Burgess Costello
Berkley Burton (IN) Cramer
Berman Butterfield Crenshaw
Berry Buyer Crowley
Biggett Calvert Cubin
Bilirakis Camp (MI) Cuellar
Bishop (GA) Campbell (CA) Chuberson
Bishop (NY) Cannon Cummings
Bishop (UT) Cantor Davis (AL)
Blackburn Capito Davis (CA)
Blumener Capps Davis (FL)
Blunt Capuano Davis (IL)
Boehlert Cardin Davis (KY)
Boehner Cardoza Davis (TN)

Davis, Tom Johnson, E. B. Otter
Deal (GA) Johnson, Sam Owens
DeFazio Jones (NC) Oxley
DeGette Jones (OH) Pallone
Delahunt Kanjorski Pascrell
DeLauro Kaptur Pastor
DeLay Keller Pearce
Dent Kelly Pelosi
Diaz-Balart, L. Kennedy (MN) Pence
Dicks Kennedy (RI) Peterson (MN)
Dingell Kildee Peterson (PA)
Doggett Kilpatrick (MI) Petri
Doolittle Kind Pickering
Doyle King (IA) Pitts
Drake King (NY) Platts
Dreier Kingston Poe
Duncan Kirk Pombo
Edwards Kline Pomeroy
Ehlers Knollenberg Porter
Emanuel Kolbe Price (GA)
Emerson Kucinich Price (NC)
Engel Kuhl (NY) Pryce (OH)
English (PA) Langevin Putnam
Eshoo Lantos Radanovich
Etheridge Larsen (WA) Rahall
Evans Larson (CT) Ramstad
Everett Latham Rangel
Farr LaTourette Regula
Fattah Leach Rehberg
Feeney Lee Reichert
Ferguson Levin Renzi
Filner Lewis (CA) Reyes
Fitzpatrick (PA) Lewis (GA) Reynolds
Flake Lewis (KY) Rogers (AL)
Foley Linder Rogers (KY)
Forbes Lipinski Rogers (MI)
Ford LoBiondo Rohrabacher
Fortenberry Lofgren, Zoe Ros-Lehtinen
Fossella Lowey Ross
Foxy Lucas Rothman
Frank (MA) Lungren, Daniel Roybal-Allard
Franks (AZ) E. Royce
Frelinghuysen Lynch Ruppertsberger
Gallegly Mack Rush
Garrett (NJ) Maloney Ryan (OH)
Gerlach Manzullo Ryan (WI)
Gibbons Marchant Ryun (KS)
Gilchrist Markey Sabo
Gillmor Marshall Salazar
Gingrey Matheson Sanchez, Linda
Gohmert Matsui T.
Gonzalez McCaul (TX) Sanchez, Loretta
Goode McCollum (MN) Sanders
Goodlatte McCotter Saxton
Gordon McCrery Schakowsky
Granger McDermott Schiff
Graves McGovern Schmidt
Green (WI) McHenry Schwartz (PA)
Green, Al McHugh Schwarz (MI)
Green, Gene McIntyre Scott (GA)
Grijalva Grijalva McKeon Scott (VA)
Gutierrez McKinney Sensenbrenner
Gutknecht McMorris Serrano
Hall McMorris Serrano
Harman McNulty Sessions
Harris Meehan Shadegg
Hart Meek (FL) Shaw
Hastings (FL) Meeks (NY) Shays
Hastings (WA) Menendez Sherman
Hayes Mica Sherwood
Hayworth Michaud Shimkus
Hefley Millender-Snyder
Hensarling McDonald Simpson
Herger Miller (FL) Skelton
Herseth Miller (MI) Slaughter
Higgins Miller (NC) Smith (NJ)
Hinchey Miller, Gary Smith (TX)
Hinojosa Miller, George Smith (WA)
Hobson Mollohan Snyder
Hoekstra Moore (KS) Sodrel
Holden Moore (WI) Solis
Holt Moran (KS) Souder
Honda Moran (VA) Spratt
Hooley Murphy Stark
Hostettler Murtha Stearns
Hoyer Musgrave Strickland
Hulshof Myrick Tiahrt
Hunter Nadler Sullivan
Inglis (SC) Neal (MA) Tancredo
Inslee Neugebauer Tanner
Israel Ney Tauscher
Issa Northup Taylor (MS)
Jackson (IL) Norwood Taylor (NC)
Jackson-Lee Peterson (MN) Terry
(TX) Peterson (PA) Thomas
Jefferson Oberstar Thompson (CA)
Jenkins Obey Thompson (MS)
Jindal Oliver Thornberry
Johnson (CT) Ortiz Tiahrt
Johnson (IL) Osborne Tiberi

Tierney	Wasserman	Whitfield	Dreier	Knollenberg	Regula	Wolf	Wu	Young (AK)
Towns	Schultz	Wicker	Duncan	Kuhl (NY)	Rehberg	Woolsey	Wynn	Young (FL)
Turner	Waters	Wilson (NM)	Edwards	Langevin	Reichert			
Udall (CO)	Watson	Wilson (SC)	Ehlers	Lantos	Renzi		NAYS—17	
Udall (NM)	Watt	Wolf	Emanuel	Larsen (WA)	Reyes	Abercrombie	Lee	Rahall
Upton	Waxman	Woolsey	Emerson	Larsen (CT)	Reynolds	Blumenauer	McDermott	Stark
Van Hollen	Weiner	Wu	Engel	LaTham	Rogers (AL)	Dingell	McKinney	Waters
Velázquez	Weldon (FL)	Wynn	English (PA)	LaTourette	Rogers (KY)	Johnson, E. B.	Moran (VA)	Watson
Visclosky	Weldon (PA)	Young (AK)	Eshoo	Levin	Rogers (MI)	Kilpatrick (MI)	Obey	Watt
Walden (OR)	Weller	Young (FL)	Etheridge	Lewis (CA)	Rohrabacher	Kucinich	Paul	
Walsh	Westmoreland		Evans	Lewis (GA)	Ros-Lehtinen			
Wamp	Wexler		Everett	Lewis (KY)	Ross			

NAYS—1

NOT VOTING—11

Barrett (SC)	Hyde	Napolitano
Barton (TX)	Istook	Payne
Davis, Jo Ann	LaHood	Sweeney
Diaz-Balart, M.	McCarthy	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

137.24 H. RES. 575—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 575) providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	397
	Nays	17
	Answered present	7

137.25 [Roll No. 650] YEAS—397

Ackerman	Boucher	Clyburn
Aderholt	Boustany	Coble
Akin	Boyd	Cole (OK)
Alexander	Bradley (NH)	Conaway
Allen	Brady (PA)	Conyers
Andrews	Brady (TX)	Cooper
Baca	Brown (OH)	Costa
Bachus	Brown (SC)	Costello
Baird	Brown, Corrine	Cramer
Baker	Brown-Waite,	Crenshaw
Baldwin	Ginny	Crowley
Barrow	Burgess	Cubin
Bartlett (MD)	Burton (IN)	Cuellar
Bass	Butterfield	Culberson
Bean	Buyer	Cummings
Beauprez	Calvert	Davis (AL)
Berkley	Camp (MI)	Davis (CA)
Berman	Campbell (CA)	Davis (FL)
Berry	Cannon	Davis (IL)
Biggert	Cantor	Davis (KY)
Bilirakis	Capito	Davis (TN)
Bishop (GA)	Capps	Davis, Tom
Bishop (NY)	Cardin	Deal (GA)
Bishop (UT)	Cardoza	DeFazio
Blackburn	Carnahan	DeGette
Blunt	Carson	Delahunt
Boehler	Carter	DeLauro
Boehner	Case	DeLay
Bonilla	Castle	Dent
Bonner	Chabot	Diaz-Balart, L.
Bono	Chandler	Dicks
Boozman	Chocola	Doggett
Boren	Clay	Doyle
Boswell	Cleaver	Drake

Dreier	Knollenberg
Duncan	Kuhl (NY)
Edwards	Langevin
Ehlers	Lantos
Emanuel	Larsen (WA)
Emerson	Larsen (CT)
Engel	LaTham
English (PA)	LaTourette
Eshoo	Levin
Etheridge	Lewis (CA)
Evans	Lewis (GA)
Everett	Lewis (KY)
Farr	Linder
Fattah	Lipinski
Feehey	LoBiondo
Ferguson	Lofgren, Zoe
Filner	Lowey
Fitzpatrick (PA)	Lucas
Flake	Lungren, Daniel
Foley	E.
Forbes	Lynch
Ford	Mack
Fortenberry	Maloney
Fossella	Manzullo
Fox	Marchant
Frank (MA)	Markey
Franks (AZ)	Marshall
Frelinghuysen	Matheson
Galleghy	Matsui
Garrett (NJ)	McCaul (TX)
Gerlach	McCollum (MN)
Gibbons	McCotter
Gilchrest	McCrery
Gillmor	McGovern
Gingrey	McHenry
Gohmert	McHugh
Gonzalez	McIntyre
Goode	McKeon
Goodlatte	McMorris
Gordon	McNulty
Granger	Meehan
Graves	Meeke (FL)
Green (WI)	Meeks (NY)
Green, Al	Melancon
Green, Gene	Menendez
Grijalva	Mica
Hall	Michaud
Harman	Millender-
Harris	McDonald
Hart	Miller (FL)
Hastings (FL)	Miller (MI)
Hastings (WA)	Miller (NC)
Hayes	Miller, Gary
Hayworth	Miller, George
Hefley	Mollohan
Hensarling	Moore (KS)
Herger	Moran (KS)
Herseth	Murphy
Higgins	Murtha
Hinche	Musgrave
Hinojosa	Myrick
Hobson	Nadler
Hoekstra	Neal (MA)
Holden	Neugebauer
Holt	Ney
Honda	Northup
Hooley	Norwood
Hostettler	Nunes
Hoyer	Nussle
Hulshof	Oberstar
Hunter	Olver
Inglis (SC)	Ortiz
Inslee	Osborne
Israel	Otter
Issa	Owens
Jackson (IL)	Oxley
Jackson-Lee	Pallone
(TX)	Pascrell
Jefferson	Pastor
Jenkins	Pearce
Jindal	Pelosi
Johnson (CT)	Pence
Johnson (IL)	Peterson (MN)
Johnson, Sam	Peterson (PA)
Jones (NC)	Petri
Jones (OH)	Pickering
Kanjorski	Pitts
Kaptur	Platts
Keller	Poe
Kelly	Pombo
Kennedy (MN)	Pomeroy
Kennedy (RI)	Porter
Kildee	Price (GA)
King (IA)	Price (NC)
King (NY)	Pryce (OH)
Kingston	Putnam
Kirk	Radanovich
Klaine	Ramstad
	Rangel

ANSWERED "PRESENT"—7

Becerra	Gutknecht	Moore (WI)
Capuano	Kolbe	
Gutierrez	Leach	

NOT VOTING—12

Barrett (SC)	Doolittle	McCarthy
Barton (TX)	Hyde	Napolitano
Davis, Jo Ann	Istook	Payne
Diaz-Balart, M.	LaHood	Sweeney

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution asserting that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

137.26 H. RES. 534—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 534) recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	408
	Nays	1

137.27 [Roll No. 651] YEAS—408

Abercrombie	Boehler	Capps
Ackerman	Boehner	Capuano
Aderholt	Bonilla	Cardin
Akin	Bonner	Cardoza
Alexander	Bono	Carnahan
Allen	Boozman	Carson
Andrews	Boren	Carter
Baca	Boswell	Case
Baird	Boucher	Castle
Baker	Boustany	Chabot
Baldwin	Boyd	Chandler
Barrow	Bradley (NH)	Clay
Bartlett (MD)	Brady (PA)	Cleaver
Bass	Brown (OH)	Clyburn
Bean	Brown (SC)	Coble
Beauprez	Brown, Corrine	Conaway
Becerra	Brown-Waite,	Conyers
Berkley	Ginny	Cooper
Berman	Burgess	Costa
Berry	Burton (IN)	Costello
Biggert	Butterfield	Cramer
Bilirakis	Buyer	Crenshaw
Bishop (GA)	Calvert	Crowley
Bishop (NY)	Camp (MI)	Cubin
Bishop (UT)	Campbell (CA)	Cuellar
Blackburn	Cannon	Culberson
Blunt	Cantor	Cummings
	Capito	Davis (AL)

Davis (CA)	Jenkins	Oxley
Davis (FL)	Jindal	Pallone
Davis (IL)	Johnson (CT)	Pascarell
Davis (KY)	Johnson (IL)	Pastor
Davis (TN)	Johnson, E. B.	Pearce
Davis, Tom	Jones (NC)	Pelosi
Deal (GA)	Jones (OH)	Pence
DeFazio	Kanjorski	Peterson (MN)
DeGette	Kaptur	Peterson (PA)
DeLauro	Keller	Petri
DeLay	Kelly	Pickering
Dent	Kennedy (MN)	Pitts
Diaz-Balart, L.	Kennedy (RI)	Platts
Dicks	Kildee	Poe
Dingell	Kilpatrick (MI)	Pombo
Doggett	Kind	Pomeroy
Doolittle	King (IA)	Porter
Doyle	King (NY)	Price (GA)
Drake	Kingston	Price (NC)
Dreier	Kirk	Pryce (OH)
Duncan	Kline	Putnam
Edwards	Knollenberg	Rahall
Edwards	Kolbe	Ramstad
Emanuel	Kucinich	Regula
Emerson	Kuhl (NY)	Rehberg
Engel	Langevin	Reichert
English (PA)	Larsen (WA)	Renzi
Eshoo	Larson (CT)	Reyes
Etheridge	Latham	Reynolds
Evans	LaTourrette	Rogers (AL)
Everett	Leach	Rogers (KY)
Farr	Lee	Rogers (MI)
Fattah	Levin	Rohrabacher
Feeeny	Lewis (CA)	Ros-Lehtinen
Ferguson	Lewis (GA)	Ross
Filner	Lewis (KY)	Rothman
Fitzpatrick (PA)	Linder	Roybal-Allard
Flake	Lipinski	Royce
Foley	LoBiondo	Ruppersberger
Forbes	Lofgren, Zoe	Rush
Ford	Lowe	Ryan (OH)
Fortenberry	Lucas	Ryan (WI)
Fossella	Lungren, Daniel E.	Ryun (KS)
Fox	Lynch	Sabo
Frank (MA)	Mack	Salazar
Franks (AZ)	Maloney	Sánchez, Linda T.
Frelinghuysen	Manzullo	Sanchez, Loretta
Gallegly	Marchant	Sanders
Garrett (NJ)	Markey	Saxton
Gerlach	Marshall	Schakowsky
Gibbons	Matheson	Schiff
Gilchrest	Matsui	Schmidt
Gillmor	McCaul (TX)	Schwartz (PA)
Gingrey	McCollum (MN)	Schwarz (MI)
Gohmert	McCotter	Scott (GA)
Gonzalez	McCrery	Scott (VA)
Goode	McGovern	Sensenbrenner
Goodlatte	McHenry	Serrano
Gordon	McHugh	Sessions
Granger	McIntyre	Shadegg
Graves	McKeon	Shaw
Green (WI)	McKinney	Shays
Green, Al	McMorris	Sherman
Green, Gene	McNulty	Sherwood
Grijalva	Meehan	Shimkus
Gutierrez	Meek (FL)	Shuster
Gutknecht	Meeke (NY)	Simmmons
Hall	Melancon	Simpson
Harman	Menendez	Skelton
Harris	Michaud	Slaughter
Hart	Millender-McDonald	Smith (NJ)
Hastings (FL)	Miller (MI)	Smith (TX)
Hastings (WA)	Miller (NC)	Smith (WA)
Hayes	Miller, Gary	Snyder
Hayworth	Mollohan	Sodrel
Hefley	Moore (KS)	Solis
Hensarling	Moore (WI)	Souder
Herger	Moran (KS)	Spratt
Herseth	Moran (VA)	Stark
Higgins	Murphy	Stearns
Hinchee	Murtha	Strickland
Hinojosa	Musgrave	Stupak
Hobson	Myrick	Sullivan
Hoekstra	Nadler	Tancredo
Hobson	Neal (MA)	Tanner
Holden	Neugebauer	Tauscher
Holt	Ney	Taylor (MS)
Honda	Northup	Taylor (NC)
Hooley	Norwood	Terry
Hostettler	Hulshof	Thomas
Hoyer	Hunter	Thompson (CA)
Hulshof	Inglis (SC)	Thompson (MS)
Hulshof	Inlee	Thornberry
Hunter	Israel	Tiahrt
Inglis (SC)	Issa	Tiberi
Inlee	Issa	Tierney
Israel	Jackson (IL)	Towns
Obey	Jackson-Lee (TX)	Turner
Oxley	Osborne	Udall (CO)
Pallone	Owens	

Udall (NM)	Waters	Whitfield
Upton	Watson	Wicker
Van Hollen	Watt	Wilson (NM)
Velázquez	Waxman	Wilson (SC)
Visclosky	Weiner	Wolf
Walden (OR)	Weld (FL)	Woolsey
Walsh	Weldon (PA)	Wu
Wamp	Weller	Wynn
Wasserman	Westmoreland	Young (AK)
Schultz	Wexler	Young (FL)

NAYS—1
Paul

NOT VOTING—24

Bachus	Diaz-Balart, M.	Mica
Barrett (SC)	Hyde	Miller (FL)
Barton (TX)	Istook	Miller, George
Brady (TX)	Johnson, Sam	Napolitano
Chocola	LaHood	Payne
Cole (OK)	Lantos	Radanovich
Davis, Jo Ann	McCarthy	Rangel
Delahunt	McDermott	Sweeney

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution recognizing the importance of an independent Iraqi judiciary in the formation of a new and democratic Iraq."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

137.28 HURRICANE BENEFITS

On motion of Mr. McCRERY, by unanimous consent, the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Gulf Opportunity Zone Act of 2005".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.

Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Opportunity Zone.

Sec. 103. Housing relief for individuals affected by Hurricane Katrina.

Sec. 104. Extension of special rules for mortgage revenue bonds.

Sec. 105. Special extension of bonus depreciation placed in service date for taxpayers affected by Hurricanes Katrina, Rita, and Wilma.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Gulf Coast Recovery Bonds.

Sec. 302. Election to include combat pay as earned income for purposes of earned income credit.

Sec. 303. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.

Sec. 304. Authority for undercover operations.

Sec. 305. Disclosures of certain tax return information.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

Sec. 401. Short title.

Sec. 402. Amendments related to Energy Policy Act of 2005.

Sec. 403. Amendments related to the American Jobs Creation Act of 2004.

Sec. 404. Amendments related to the Working Families Tax Relief Act of 2004.

Sec. 405. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Sec. 406. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.

Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.

Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.

Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.

Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.

Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.

Sec. 412. Clerical corrections.

Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109-53.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) **IN GENERAL.**—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GO ZONES

"Sec. 1400M. Definitions.

"Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

"SEC. 1400M. DEFINITIONS.

"For purposes of this part—

"(1) **GULF OPPORTUNITY ZONE.**—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

"(2) **HURRICANE KATRINA DISASTER AREA.**—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

"(3) **RITA GO ZONE.**—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

"(4) **HURRICANE RITA DISASTER AREA.**—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

“(5) **WILMA GO ZONE.**—The term ‘Wilma GO Zone’ means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

“(6) **HURRICANE WILMA DISASTER AREA.**—The term ‘Hurricane Wilma disaster area’ means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

“SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

“(a) TAX-EXEMPT BOND FINANCING.—

“(1) IN GENERAL.—For purposes of this title—

“(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

“(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

“(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone Bond’ means any bond issued as part of an issue if—

“(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

“(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

“(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

“(C) such bond is designated for purposes of this section by—

“(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

“(ii) in the case of any other bond, the Governor of such State,

“(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

“(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

“(3) LIMITATIONS ON BONDS.—

“(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of \$2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

“(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ‘qualified project costs’ means—

“(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

“(B) the cost of acquisition, construction, reconstruction, and renovation of—

“(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

“(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

“(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

“(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

“(i) by substituting ‘60 percent’ for ‘50 percent’ in subparagraph (A) thereof, and

“(ii) by substituting ‘70 percent’ for ‘60 percent’ in subparagraph (B) thereof.

“(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans’ mortgage bond) shall be applied—

“(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

“(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

“(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

“(iv) by substituting ‘\$150,000’ for ‘\$15,000’ in subsection (k)(4) thereof.

“(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

“(D) Section 146 (relating to volume cap) shall not apply.

“(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting ‘50 percent’ for ‘15 percent’ each place it appears.

“(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

“(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

“(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

“(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

“(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

“(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

“(B) the requirements of paragraph (5) are met.

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

“(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

“(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(A) \$4,500,000,000 in the case of the State of Louisiana,

“(B) \$2,250,000,000 in the case of the State of Mississippi, and

“(C) \$1,125,000,000 in the case of the State of Alabama.

“(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

“(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

“(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

“(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

“(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an

issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(c) LOW-INCOME HOUSING CREDIT.—

“(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

“(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

“(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

“(ii) the Gulf Opportunity housing amount for such State for such calendar year.

“(B) GULF OPPORTUNITY HOUSING AMOUNT.—

For purposes of subparagraph (A), the term ‘Gulf Opportunity housing amount’ means, for any calendar year, the amount equal to the product of \$18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

“(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by \$3,500,000.

“(3) DIFFICULT DEVELOPMENT AREA.—

“(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

“(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

“(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

“(B) APPLICATION.—Subparagraph (A) shall apply only to—

“(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

“(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

“(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

“(A) during 2006, 2007, or 2008,

“(B) in the Gulf Opportunity Zone, and

“(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting ‘national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))’ for ‘area median gross income’ in subparagraphs (A) and (B) of section 42(g)(1).

“(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

“(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

“(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified Gulf Opportunity Zone property’ means property—

“(i)(I) which is described in section 168(k)(2)(A)(i), or

“(II) which is nonresidential real property or residential rental property,

“(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

“(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

“(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

“(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

“(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

“(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

“(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

“(A) by substituting ‘August 27, 2005’ for ‘September 10, 2001’ each place it appears therein,

“(B) by substituting ‘January 1, 2008’ for ‘January 1, 2005’ in clause (i) thereof, and

“(C) by substituting ‘qualified Gulf Opportunity Zone property’ for ‘qualified property’ in clause (iv) thereof.

“(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

“(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

“(e) INCREASE IN EXPENSING UNDER SECTION 179.—

“(1) IN GENERAL.—For purposes of section 179—

“(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

“(i) \$100,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

“(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

“(i) \$600,000, or

“(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

“(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this sub-

section, the term ‘qualified section 179 Gulf Opportunity Zone property’ means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

“(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

“(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

“(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

“(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

“(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone clean-up cost’ means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

“(A) held by the taxpayer for use in a trade or business or for the production of income, or

“(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

“(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

“(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting ‘December 31, 2007’ for the date contained in section 198(h), and

“(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

“(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

“(1) by substituting ‘13 percent’ for ‘10 percent’ in paragraph (1) thereof, and

“(2) by substituting ‘26 percent’ for ‘20 percent’ in paragraph (2) thereof.

“(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

“(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

“(A) the limitation which would (but for this subsection) apply under such subparagraph, or

“(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

“(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

“(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

“(A) is a corporation the stock of which is publicly traded on an established securities market, or

“(B) is a real estate investment trust.

“(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

“(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

“(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

“(i) such property was held by the taxpayer—

“(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

“(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

“(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

“(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED PORTION.—

“(i) IN GENERAL.—The term ‘specified portion’ means—

“(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

“(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

“(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

“(ii) TERMINATION DATE.—The term ‘termination date’ means—

“(I) for purposes of paragraph (1), January 1, 2008, and

“(II) for purposes of paragraph (2), January 1, 2007.

“(B) QUALIFIED TIMBER PROPERTY.—The term ‘qualified timber property’ has the meaning given such term in section 194(c)(1).

“(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

“(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

“(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term ‘Gulf Opportunity Zone public

utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

“(A) such loss is allowed as a deduction under section 165 for the taxable year,

“(B) such loss is by reason of Hurricane Katrina, and

“(C) the taxpayer elects the application of this subsection with respect to such loss.

“(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

“(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

“(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

“(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

“(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

“(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

“(i) by substituting ‘5 taxable years’ for ‘2 taxable years’ in subparagraph (A)(i), and

“(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

“(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

“(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term ‘qualified Gulf Opportunity Zone loss’ means the lesser of—

“(A) the excess of—

“(i) the net operating loss for such taxable year, over

“(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

“(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

“(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

“(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

“(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

“(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

“(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term ‘moving expenses’ has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

“(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

“(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof) for the taxable year such property is placed in service.

“(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

“(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

“(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

“(i) such loss is allowed as a deduction under section 165 for the taxable year, and

“(ii) such loss is by reason of Hurricane Katrina.

“(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

“(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

“(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

“(1) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

“(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

“(2) AMOUNT OF CREDIT.—

“(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

“(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

“(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

“(ii) the outstanding face amount of the bond.

“(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

“(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term ‘credit allowance date’ means March 15, June 15, September 15,

and December 15. Such term also includes the last day on which the bond is outstanding.

“(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

“(4) GULF TAX CREDIT BOND or purposes of this subsection—

“(A) IN GENERAL.—The term ‘Gulf tax credit bond’ means any bond issued as part of an issue if—

“(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

“(ii) 95 percent or more of the proceeds of such issue are to be used to—

“(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

“(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

“(iii) the Governor of such State designates such bond for purposes of this subsection,

“(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

“(v) the maturity of such bond does not exceed 2 years, and

“(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

“(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

“(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

“(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

“(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(i) \$200,000,000 in the case of the State of Louisiana,

“(ii) \$100,000,000 in the case of the State of Mississippi, and

“(iii) \$50,000,000 in the case of the State of Alabama.

“(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

“(5) QUALIFIED BOND.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified bond’ means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

“(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

“(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

“(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

“(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

“(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) BOND.—The term ‘bond’ includes any obligation.

“(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

“(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

“(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

“(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

“(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

“(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

“(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

“(A) \$300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

“(B) \$400,000,000 for 2007, to be so allocated, and

“(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

“(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual’s income will not

exceed the applicable income limits of section 142(d)(1) upon commencement of the individual’s tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

“(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

“(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

“(A) section 165(i) shall be applied by substituting ‘the fifth taxable year immediately preceding’ for ‘the taxable year immediately preceding’,

“(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

“(C) section 6611 shall not apply to any overpayment attributable to such loss.

“(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible public utility property loss’ means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

“(B) PUBLIC UTILITY PROPERTY.—The term ‘public utility property’ has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

“(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

“(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

“(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term ‘qualified Gulf Opportunity Zone property’ shall not include any property described in paragraph (3).

“(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term ‘qualified Gulf Opportunity Zone casualty loss’ shall not include any loss with respect to any property described in paragraph (3).

“(3) PROPERTY DESCRIBED.—

“(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

“(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

“(ii) any gambling or animal racing property.

“(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(ii)—

“(i) IN GENERAL.—The term ‘gambling or animal racing property’ means—

“(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

“(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

“(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.”

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting “, section 1400N(l),” after “subpart C”.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting “or 1400N(l)(6)” after “section 54(g)”, and

(B) by inserting “or 1400N(l)(2)(D), as the case may be” after “section 54(b)(4)”.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

“**Subchapter Y—Short-Term Regional Benefits**

“PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

“PART II—TAX BENEFITS FOR GO ZONES

“**PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE**

“Sec. 1400L. Tax benefits for New York Liberty Zone.”

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

“SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

“**SEC. 14000. EDUCATION TAX BENEFITS.**

“In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

“(1) in applying section 25A, the term ‘qualified tuition and related expenses’ shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

“(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

“(3) section 25A(c)(1) shall be applied by substituting ‘40 percent’ for ‘20 percent’.”

(b) CONFORMING AMENDMENT.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

“Sec. 14000. Education tax benefits.”

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

“**SEC. 1400P. HOUSING TAX BENEFITS.**

“(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

“(1) IN GENERAL.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee’s spouse or any of such employee’s dependents) by or on behalf of a qualified employer for any month during the taxable year.

“(2) LIMITATION.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed \$600.

“(3) TREATMENT OF EXCLUSION.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

“(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

“(c) **QUALIFIED EMPLOYEE.**—For purposes of this section, the term ‘qualified employee’ means, with respect to any month, an individual—

“(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

“(2) who performs substantially all employment services—

“(A) in the Gulf Opportunity Zone, and

“(B) for the qualified employer which furnishes lodging to such individual.

“(d) **QUALIFIED EMPLOYER.**—For purposes of this section, the term ‘qualified employer’ means any employer with a trade or business located in the Gulf Opportunity Zone.

“(e) **CERTAIN RULES TO APPLY.**—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

“(f) **APPLICATION OF SECTION.**—This section shall apply to lodging furnished during the period—

“(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

“(2) ending on the date which is 6 months after the first day described in paragraph (1).”.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (b) of section 38 is amended by striking “and” at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting “, and”, and by adding at the end the following new paragraphs:

“(27) the Hurricane Katrina housing credit determined under section 1400P(b).”.

(2) Section 280C(a) is amended by striking “and 1396(a)” and inserting “1396(a), and 1400P(b)”.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

“Sec. 1400P. Housing tax benefits.”.

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “December 31, 2007” and inserting “December 31, 2010”.

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) **IN GENERAL.**—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

“SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

“(a) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

“(1) **IN GENERAL.**—Section 72(t) shall not apply to any qualified hurricane distribution.

“(2) **AGGREGATE DOLLAR LIMITATION.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

“(i) \$100,000, over

“(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

“(B) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

“(C) **CONTROLLED GROUP.**—For purposes of subparagraph (B), the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(3) **AMOUNT DISTRIBUTED MAY BE REPAID.**—

“(A) **IN GENERAL.**—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(B) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(C) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(4) **DEFINITIONS.**—For purposes of this subsection—

“(A) **QUALIFIED HURRICANE DISTRIBUTION.**—Except as provided in paragraph (2), the term ‘qualified hurricane distribution’ means—

“(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

“(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

“(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

“(B) **ELIGIBLE RETIREMENT PLAN.**—The term ‘eligible retirement plan’ shall have the meaning given such term by section 402(c)(8)(B).

“(5) **INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.**—

“(A) **IN GENERAL.**—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

“(B) **SPECIAL RULE.**—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

“(6) **SPECIAL RULES.**—

“(A) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

“(B) **QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

“(b) **RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.**—

“(1) **RECONTRIBUTIONS.**—

“(A) **IN GENERAL.**—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(B) **TREATMENT OF REPAYMENTS.**—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

“(2) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified distribution’ means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

“(B) **QUALIFIED KATRINA DISTRIBUTION.**—The term ‘qualified Katrina distribution’ means any distribution—

“(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

“(ii) received after February 28, 2005, and before August 29, 2005, and

“(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

“(C) **QUALIFIED RITA DISTRIBUTION.**—The term ‘qualified Rita distribution’ means any distribution (other than a qualified Katrina distribution)—

“(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

“(ii) received after February 28, 2005, and before September 24, 2005, and

“(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

“(D) QUALIFIED WILMA DISTRIBUTION.—The term ‘qualified Wilma distribution’ means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

“(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F).

“(ii) received after February 28, 2005, and before October 24, 2005, and

“(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

“(3) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means—

“(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

“(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

“(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

“(c) LOANS FROM QUALIFIED PLANS.—

“(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

“(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting ‘\$100,000’ for ‘\$50,000’, and

“(B) clause (ii) of such section shall be applied by substituting ‘the present value of the nonforfeitable accrued benefit of the employee under the plan’ for ‘one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan’.

“(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

“(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

“(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

“(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

“(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified individual’ means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

“(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term ‘qualified Hurricane Katrina individual’ means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

“(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term ‘qualified Hurricane Rita individual’ means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

“(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term ‘qualified Hurricane Wilma individual’ means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose

principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

“(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

“(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

“(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

“(ii) the qualified beginning date is August 25, 2005.

“(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

“(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

“(ii) the qualified beginning date is September 23, 2005.

“(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

“(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

“(ii) the qualified beginning date is October 23, 2005.

“(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

“(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

“(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

“(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

“(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

“(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe. In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

“(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

“(i) during the period—

“(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

“(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

“(ii) such plan or contract amendment applies retroactively for such period.

“SEC. 1400R. EMPLOYMENT RELIEF.

“(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any

day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

“(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

“(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

“(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

“(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

“(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

“(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

“(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal

place of employment before significant operations have resumed.

“(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

“(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

“(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

“(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

“(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

“(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

“(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

“SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

“(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

“(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

“(A) INDIVIDUALS.—In the case of an individual—

“(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the ag-

gregate of such contributions does not exceed the excess of the taxpayer’s contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

“(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

“(B) CORPORATIONS.—In the case of a corporation—

“(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

“(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

“(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

“(4) QUALIFIED CONTRIBUTIONS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified contribution’ means any charitable contribution (as defined in section 170(c)) if—

“(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

“(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

“(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

“(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor’s status as a donor.

“(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

“(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

“(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

“(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

“(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

“(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

“(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

“(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer

for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

“(A) such earned income for the preceding taxable year, for

“(B) such earned income for the taxable year which includes the applicable date.

“(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified individual’ means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

“(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term ‘qualified Hurricane Katrina individual’ means any individual whose principal place of abode on August 25, 2005, was located—

“(i) in the GO Zone, or

“(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

“(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term ‘qualified Hurricane Rita individual’ means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

“(i) in the Rita GO Zone, or

“(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

“(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term ‘qualified Hurricane Wilma individual’ means any individual whose principal place of abode on October 23, 2005, was located—

“(i) in the Wilma GO Zone, or

“(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

“(3) APPLICABLE DATE.—For purposes of this subsection, the term ‘applicable date’ means—

“(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

“(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

“(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

“(4) EARNED INCOME.—For purposes of this subsection, the term ‘earned income’ has the meaning given such term under section 32(c).

“(5) SPECIAL RULES.—

“(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

“(i) such paragraph shall apply if either spouse is a qualified individual, and

“(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

“(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

“(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

“(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

“(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure

that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

“SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

“(a) *IN GENERAL.*—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

“(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

“(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

“(3) by substituting ‘\$150,000’ for ‘\$15,000’ in subsection (k)(4) thereof.

“(b) *APPLICATION.*—Subsection (a) shall not apply to financing provided after December 31, 2010.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking “and” at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

“(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

“(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

“(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).”.

(2) Section 280C(a), as amended by this Act, is amended by striking “and 1400P(b)” and inserting “1400P(b), and 1400R”.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

“Sec. 1400Q. Special rules for use of retirement funds.

“Sec. 1400R. Employment relief.

“Sec. 1400S. Additional tax relief provisions.”.

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary’s delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as “Gulf Coast Recovery Bonds” in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) *IN GENERAL.*—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) *IN GENERAL.*—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

“(2) *EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.*—

“(A) *IN GENERAL.*—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

“(B) *SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.*—

“(i) *IN GENERAL.*—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

“(ii) *PARTICIPANTS IN SETTLEMENT INITIATIVES.*—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

“(1) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005–80 with respect to such transaction, or

“(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative. Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary’s delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

“(iii) *TAXPAYERS ACTING IN GOOD FAITH.*—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

“(iv) *CLOSED TRANSACTIONS.*—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

“(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

“(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.”.

(2) *EFFECTIVE DATE.*—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) *IN GENERAL.*—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: “If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.”.

(2) *EFFECTIVE DATE.*—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking “January 1, 2006” both places it appears and inserting “January 1, 2007”.

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) *DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—*

(1) *IN GENERAL.*—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) *EFFECTIVE DATE.*—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) *DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—*

(1) *IN GENERAL.*—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) *EFFECTIVE DATE.*—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) *DISCLOSURES RELATING TO STUDENT LOANS.—*

(1) *IN GENERAL.*—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended

by striking “December 31, 2005” and inserting “December 31, 2006”.

(2) *EFFECTIVE DATE.*—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the “Tax Technical Corrections Act of 2005”.

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) *AMENDMENTS RELATED TO SECTION 1263.—*
(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking “1223(7)” and inserting “1223(6)”.

(4) Section 246(c)(3)(B) is amended by striking “paragraph (4) of section 1223” and inserting “paragraph (3) of section 1223”.

(5) Section 247(b)(2)(D) is amended by inserting “as in effect before its repeal” after “part VI of subchapter O”.

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking “paragraph (7)” and inserting “paragraph (6)”.

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking “(3), or (5)” and inserting “or (3)”.

(b) *AMENDMENT RELATED TO SECTION 1301.*—Clause (ii) of section 45(c)(3)(A) is amended by striking “nonhazardous lignin waste material” and inserting “lignin material”.

(c) AMENDMENTS RELATED TO SECTION 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

“(e) EFFECTIVE DATES.—

“(1) *IN GENERAL.*—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

“(2) *SUBSECTION (C).*—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.”.

(d) *AMENDMENTS RELATED TO SECTION 1306.—*
(1) Paragraph (2) of section 45J(c) is amended to read as follows:

“(2) PHASEOUT OF CREDIT.—

“(A) *IN GENERAL.*—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

“(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

“(ii) 3 cents.

“(B) *PHASEOUT ADJUSTMENT BASED ON INFLATION.*—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.”.

(2) Subsection (e) of section 45J is amended by striking “(2),”.

(e) *AMENDMENT RELATED TO SECTION 1309.*—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof “in the case of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,”.

(f) AMENDMENTS RELATED TO SECTION 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

“(i) IN GENERAL.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.”.

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking “in a taxable year” and inserting “for a taxable year”.

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

“(iv) SPECIAL RULES RELATING TO CREDIT OR REFUND.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

“(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

“(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.”.

(g) AMENDMENT RELATED TO SECTION 1322.—Subsection (a) of section 45K is amended by striking “if the taxpayer elects to have this section apply.”.

(h) AMENDMENT RELATED TO SECTION 1331.—Paragraph (3) of section 1250(b) is amended by striking “or by section 179D”.

(i) AMENDMENTS RELATED TO SECTION 1335.—(1) Paragraph (1) of section 25D(b) is amended by inserting “(determined without regard to subsection (c))” after “subsection (a)”.

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

“(A) MAXIMUM EXPENDITURES.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

“(i) \$6,667 in the case of any qualified photovoltaic property expenditures,

“(ii) \$6,667 in the case of any qualified solar water heating property expenditures, and

“(iii) \$1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

“(B) ALLOCATION OF EXPENDITURES.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

“(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

“(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

“(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

“(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.”.

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking “The credit” and inserting “In the case of a taxable year to which section 26(a)(2) does not apply, the credit”.

(ii) Subsection (c) of section 23 is amended to read as follows:

“(c) CARRYFORWARDS OF UNUSED CREDIT.—

“(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(3) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.”.

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking “The credit” and inserting “In the case of a taxable year to which section 26(a)(2) does not apply, the credit”.

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

“(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

“(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

“(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

“(i) 15 percent of so much of the taxpayer’s earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds \$10,000, or

“(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

“(I) the taxpayer’s social security taxes for the taxable year, over

“(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.”.

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

“(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term ‘applicable tax limit’ means—

“(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

“(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).”.

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking “The credit” and inserting “In the case of a taxable year to which section 26(a)(2) does not apply, the credit”.

(E) Subsection (c) of section 25D is amended to read as follows:

“(c) CARRYFORWARD OF UNUSED CREDIT.—

“(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

“(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(F) Subsection (d) of section 1400C is amended to read as follows:

“(d) CARRYFORWARD OF UNUSED CREDIT.—

“(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(G) Subsection (i) of section 904 is amended to read as follows:

“(i) COORDINATION WITH NONREFUNDABLE PERSONAL CREDITS.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).”.

(H) APPLICATION OF EGTRRA SUNSET.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) AMENDMENT RELATED TO SECTION 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: “For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”.

(k) AMENDMENT RELATED TO SECTION 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: “For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”

(l) AMENDMENTS RELATED TO SECTION 1351.—(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

“(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

“(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).”

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking “(other than an energy research consortium)”

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking “the employer” and inserting “the taxpayer”.

(2) Paragraph (2) of section 199(b) is amended to read as follows:

“(2) W-2 WAGES.—For purposes of this section, the term ‘W-2 wages’ means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.”

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting “and” at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

“(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.”

(4) Paragraph (2) of section 199(c) is amended to read as follows:

“(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.”

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

“(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

“(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.”

(6) Subparagraph (B) of section 199(c)(4) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, or”, and by adding at the end the following:

“(iii) the lease, rental, license, sale, exchange, or other disposition of land.”

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

“(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

“(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

“(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

“(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.”

(8) Paragraph (1) of section 199(d) is amended to read as follows:

“(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

“(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

“(i) this section shall be applied at the partner or shareholder level,

“(ii) each partner or shareholder shall take into account such person’s allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

“(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W-2 wages for the taxable year in an amount equal to the lesser of—

“(I) such person’s allocable share of the W-2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

“(II) 2 times 9 percent of so much of such person’s qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

“(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

“(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W-2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

“(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

“(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.”

(9) Paragraph (3) of section 199(d) is amended to read as follows:

“(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

“(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

“(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

“(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

“(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

“(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

“(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

“(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term ‘qualified payment’ means, with respect to any person, any amount which—

“(i) is described in paragraph (1) or (3) of section 1385(a),

“(ii) is received by such person from a specified agricultural or horticultural cooperative, and

“(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

“(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term ‘specified agricultural or horticultural cooperative’ means an organization to which part I of subchapter T applies which is engaged—

“(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

“(ii) in the marketing of agricultural or horticultural products.”

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking “50 percent” and inserting “more than 50 percent”, and

(B) by striking “80 percent” and inserting “at least 80 percent”.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

“(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

“(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

“(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting ‘alternative minimum taxable income’ for ‘taxable income’.”

(B) Paragraph (2) of section 199(a) is amended by striking “subsections (d)(1) and (d)(6)” and inserting “subsection (d)(1)”.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting ‘unrelated business taxable income’ for ‘taxable income’.”

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting “, including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)” before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking “such deduction” and inserting “such deduction and the deduction under section 199”.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking “and” at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

“(III) any deduction allowable under section 199, and”.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) section 199.”.

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

“(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.”.

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) any deduction allowable under section 199.”.

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

“(e) EFFECTIVE DATE.—

“(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

“(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.”.

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

“(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

“(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

“(i) a husband and wife (and their estates), and

“(ii) all members of a family (and their estates).”.

“(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘members of a family’ means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

“(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

“(iii) APPLICABLE DATE.—The term ‘applicable date’ means the latest of—

“(1) the date the election under section 1362(a) is made,

“(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

“(III) October 22, 2004.

“(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.”.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking “taxable years beginning” and inserting “transfers”.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

“(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

“(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

“(i) following the corporation, trust, or association’s identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

“(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

“(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association’s identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

“(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

“(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

“(I) 1 percent of the total value of the trust’s assets at the end of the quarter for which such measurement is done, and

“(II) \$10,000,000, and

“(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association’s identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

“(C) TAX.—

“(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

“(I) \$50,000, or

“(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

“(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

“(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.”.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

“(6) TRANSITION RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

“(i) are held by such trust continuously during such period, and

“(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

“(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

“(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).”.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking “section 856(c)(7)(B)(iii), and section 856(g)(1).” and inserting “section 856(c)(7)(C), and section 856(g)(5)”.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

“(g) EFFECTIVE DATES.—

“(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

“(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

“(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

“(4) SUBSECTION (f).—

“(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

“(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

“(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

“(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

“(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.”

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

“(i) each episode of such series shall be treated as a separate production, and

“(ii) only the first 44 episodes of such series shall be taken into account.”

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting “181,” after “179B.”

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

“(b) LIMITATION.—

“(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

“(A) \$3,500, multiplied by

“(B) the sum of—

“(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

“(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

“(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(i)—

“(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

“(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

“(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.”

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

“(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).”

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking “ownership and charter interests” and inserting “ownership, charter, and operating agreement interests”.

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

“(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

“(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or

“(ii) the person provides services for such vessel pursuant to an operating agreement, and

“(B) such vessel is in use as a qualifying vessel during such period.”

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

“(3) the extent of a partner’s ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner’s interest in the partnership.”

(2) Paragraph (3) of section 1355(c) is amended by striking “determined—” and all that follows and inserting “determined by treating all members of such group as 1 person.”

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

“Such term shall not include any core qualifying activities.”

(4) The last sentence of section 1354(b) is amended by inserting “on or” after “only if made”.

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking “regular tax” and inserting “regular tax liability”.

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

“(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

“(i) except as provided in clause (ii) or (iii), \$10,000,

“(ii) in the case of a separate return by a married individual (as defined in section 7703), \$5,000, and

“(iii) in the case of a trust, zero.”

(B) Paragraph (4) of section 194(c) is amended to read as follows:

“(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.”

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking “or 193” and inserting “193, or 194”.

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B) or (C)”.

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking “and paragraph (2)(C)” and inserting “or paragraph (2)(C) (as so modified)”.

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

“(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘overall domestic loss’ means—

“(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

“(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

“(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term ‘domestic loss’ means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

“(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term ‘qualified taxable year’ means any taxable year for which the taxpayer chose the benefits of this subpart.”

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

“(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

“(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

“(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting ‘January 1, 2005’ for ‘January 1, 2003’ both places it appears.”

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following:

“If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.”

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

“(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation’s income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.”

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting “as in effect before its repeal” after “section 954(f)”.

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking “any distribution” and all that follows through “any class of stock” and inserting “any distribution by a real estate investment trust with respect to any class of stock”, and

(B) by striking “the taxable year” and inserting “the 1-year period ending on the date of the distribution”.

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

“(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

“(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.”

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting “from another controlled

foreign corporation in such chain of ownership" before "; but only to the extent".

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting "cash" before "dividends".

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: "The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation."

(4) Paragraph (1) of section 965(c) is amended to read as follows:

"(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

"(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was so filed on or before June 30, 2003, and

"(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(ii) which is used for the purposes of a statement or report—

"(I) to creditors,

"(II) to shareholders, or

"(III) for any other substantial nontax purpose."

(5) Paragraph (2) of section 965(d) is amended by striking "properly allocated and apportioned" and inserting "directly allocable".

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection."

(7) The last sentence of section 965(e)(1) is amended by inserting "which are imposed by foreign countries and possessions of the United States and are" after "taxes".

(8) Subsection (f) of section 965 is amended by inserting "on or" before "before the due date".

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

"(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

"(i) without regard to the reference to State and local income taxes, and

"(ii) as if State and local general sales taxes were referred to in a paragraph thereof."

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting "or clause (ii) of section 164(b)(5)(A)" before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking "contract commencement date" and inserting "construction commencement date", and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section."

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking "synthetic".

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

"(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A)."

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking "section 7701(b)(3)(D)(ii)" and inserting "section 7701(b)(3)(D)".

(2) Subsection (n) of section 7701 is amended to read as follows:

"(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

"(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

"(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

"(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

"(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required)."

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting "and which were not filed before such date" before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: "Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A."

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

"(2) COORDINATION WITH OTHER PENALTIES.—"(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

"(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h)."

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

"(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of

1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

"(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

"(B) the opinion relates to one or more transactions all of which were entered into before such date, and

"(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date."

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking "(as defined in section 6111)".

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting "(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)" after "a list under subsection (a)".

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

"(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section."

(2) Clause (i) of section 901(l)(2)(C) is amended by striking "if such security were stock".

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting "with respect to such distribution" before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

"(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—"

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking "the obligation" and inserting "a reverse mortgage loan or other obligation", and

(2) by striking all that follows subparagraph (C) and inserting the following:

"For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence)."

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking "except that" and all that follows and inserting "except that, in the hands of such distributee—

"(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

"(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation."

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

“(ii) **ELECTION.**—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.”.

(ee) **AMENDMENT RELATED TO SECTION 840 OF THE ACT.**—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

“(10) **PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.**—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.”.

(ff) **AMENDMENT RELATED TO SECTION 849 OF THE ACT.**—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting “, and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004” before the period at the end.

(gg) **AMENDMENT RELATED TO SECTION 884 OF THE ACT.**—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

“(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

“(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.”.

(hh) **AMENDMENTS RELATED TO SECTION 885 OF THE ACT.**—

(1) Paragraph (2) of section 26(b) is amended by striking “and” at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting “, and”, and by adding at the end the following new subparagraph:

“(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).”.

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking “first”.

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking “December 31, 2004” the first place it appears and inserting “January 1, 2005”.

(ii) **AMENDMENT RELATED TO SECTION 888 OF THE ACT.**—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

“(C) **REGULATIONS.**—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper

methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.”.

(jj) **AMENDMENTS RELATED TO SECTION 898 OF THE ACT.**—

(1) Paragraph (3) of section 361(b) is amended by inserting “(reduced by the amount of the liabilities assumed (within the meaning of section 357(c)))” before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting “section 361(b)(3),” after “section 358(h),”.

(kk) **AMENDMENT RELATED TO SECTION 899 OF THE ACT.**—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: “If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.”.

(ll) **AMENDMENT RELATED TO SECTION 902 OF THE ACT.**—Paragraph (1) of section 709(b) is amended by striking “taxpayer” both places it appears and inserting “partnership”.

(mm) **AMENDMENTS RELATED TO SECTION 907 OF THE ACT.**—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting “or a related party to the taxpayer” after “the taxpayer”,

(2) in subclause (II), by inserting “(or such related party)” after “the taxpayer”, and

(3) by adding at the end the following new flush sentence:

“For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).”.

(nn) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) **AMENDMENT RELATED TO SECTION 201 OF THE ACT.**—Subsection (e) of section 152 is amended to read as follows:

“(e) **SPECIAL RULE FOR DIVORCED PARENTS, ETC.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

“(A) a child receives over one-half of the child’s support during the calendar year from the child’s parents—

“(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

“(ii) who are separated under a written separation agreement, or

“(iii) who live apart at all times during the last 6 months of the calendar year, and—

“(B) such child is in the custody of 1 or both of the child’s parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

“(2) **EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.**—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

“(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

“(B) the noncustodial parent attaches such written declaration to the noncustodial parent’s return for the taxable year beginning during such calendar year.

“(3) **EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.**—

“(A) **IN GENERAL.**—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

“(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

“(ii) the noncustodial parent provides at least \$600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

“(B) **QUALIFIED PRE-1985 INSTRUMENT.**—For purposes of this paragraph, the term ‘qualified pre-1985 instrument’ means any decree of divorce or separate maintenance or written agreement—

“(i) which is executed before January 1, 1985,

“(ii) which on such date contains the provision described in subparagraph (A)(i), and

“(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

“(4) **CUSTODIAL PARENT AND NONCUSTODIAL PARENT.**—For purposes of this subsection—

“(A) **CUSTODIAL PARENT.**—The term ‘custodial parent’ means the parent having custody for the greater portion of the calendar year.

“(B) **NONCUSTODIAL PARENT.**—The term ‘noncustodial parent’ means the parent who is not the custodial parent.

“(5) **EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.**—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

“(6) **SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.**—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.”.

(b) **AMENDMENT RELATED TO SECTION 203 OF THE ACT.**—Subparagraph (B) of section 21(b)(1) is amended by inserting “(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))” after “dependent of the taxpayer”.

(c) **AMENDMENT RELATED TO SECTION 207 OF THE ACT.**—Subparagraph (A) of section 223(d)(2) is amended by inserting “, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof” after “section 152”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) **AMENDMENTS RELATED TO SECTION 201 OF THE ACT.**—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

“(ii) which is—

“(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and”.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking “September 11, 2004” and inserting “January 1, 2005”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in

section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking “subsection (f), (i)(7), or (p)” and inserting “subsection (f), (i)(8), or (p)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

“(ii) \$15,000 reduced by the sum of—

“(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

“(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or”.

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting “to” after “shall not apply”.

(b) AMENDMENT RELATED TO SECTION 632 OF THE ACT.—Subparagraph (C) of section 415(c)(7) is amended by striking “the greater of \$3,000” and all that follows and inserting “\$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds \$17,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO SECTION 3415 OF THE ACT.—

(1) Paragraph (2) of section 7609(c) is amended by inserting “or” at the end of subparagraph (D), by striking “; or” at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) JOHN DOE AND CERTAIN OTHER SUMMONSES.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking “6611(f)(3)(B)” and inserting “6611(f)(4)(B)”.

(2) Paragraph (4) of section 6601(d) is amended by striking “6611(f)(3)(A)” and inserting “6611(f)(4)(A)”.

(b) AMENDMENT RELATED TO SECTION 1112 OF THE ACT.—Subsection (c) of section 961 is amended to read as follows:

“(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATIONS.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

“(1) the basis of such stock, and

“(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).”.

(c) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting “or” at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11813 OF THE ACT.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking “if ‘solar and wind’ were substituted for ‘solar’ in clause (i) thereof” and inserting “if ‘solar or wind energy’ were substituted for ‘solar energy’ in clause (i) thereof”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) AMENDMENT RELATED TO SECTION 10227 OF THE ACT.—Section 1363(d) is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULE.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking “subparagraph (C)” and inserting “subparagraph (B)”.

(b) Paragraph (2) of section 25C(b) is amended by striking “subsection (c)(3)(B)” and inserting “subsection (c)(2)(B)”.

(c) Subparagraph (E) of section 26(b)(2) is amended by striking “section 530(d)(3)” and inserting “section 530(d)(4)”.

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking “regular tax” and inserting “regular tax liability (as defined in section 26(b))”.

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

“Sec. 30C. Alternative fuel vehicle refueling property credit.”.

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking “or the New York Liberty Zone business employee credit or the specified credits” and inserting “, the New York Liberty Zone business employee credit, and the specified credits”.

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking “or the specified credits” and inserting “and the specified credits”.

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking “includes” and inserting “means”, and

(B) by inserting “and” at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking “each of the 1 taxable years” and inserting “the taxable year”.

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

“(B) paragraph (1) shall be applied by substituting ‘each of the 5 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof, and”.

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking “(determined without regard to the last sentence of subsection (d)(2))”.

(i) Paragraph (5) of section 43(c) is amended to read as follows:

“(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

“(A) IN GENERAL.—The term ‘Alaska natural gas’ means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

“(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

“(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

“(B) NATURAL GAS.—The term ‘natural gas’ has the meaning given such term by section 613A(e)(2).”.

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking “The term” and inserting “In the case of a facility that produces refined coal, the term”, and

(2) in paragraph (10) by striking “The term” and inserting “In the case of a facility that produces Indian coal, the term”.

(k) Paragraph (2) of section 45I(a) is amended by striking “qualified credit oil production” and inserting “qualified crude oil production”.

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking “subsection (f)” and inserting “subsection (e)”, and

(2) in paragraph (2)(C), by striking “subsection (g)” and inserting “subsection (f)”.

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy Act of 2005, is amended by striking “paragraph (1)(B) or (2)(B) of subsection (d)” and inserting “paragraphs (1)(B) and (2)(B) of subsection (c)”.

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified micro-turbine property), as added by section 1336 of the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking “or” at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking “section 48(a)(5)” and inserting “section 48(b)”.

(p)(1) Paragraph (3) of section 55(c) is amended by inserting “30B(g)(2), 30C(d)(2),” after “30(b)(3),”.

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking “subsection (a)(19)” and inserting “subsection (a)(20)”.

(r) Paragraph (3) of section 167(f) is amended by striking "section 197(e)(7)" and inserting "section 197(e)(6)".

(s) Subparagraph (D) of section 168(i)(15) is amended by striking "This paragraph shall not apply to" and inserting "Such term shall not include".

(t) Paragraph (2) of section 221(d) is amended by striking "this Act" and inserting "the Taxpayer Relief Act of 1997".

(u) Paragraph (8) of section 318(b) is amended by striking "section 6038(d)(2)" and inserting "section 6038(e)(2)".

(v) Subparagraph (B) of section 332(d)(1) is amended by striking "distribution to which section 301 applies" and inserting "distribution of property to which section 301 applies".

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting "or" before "a convention".

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking "subsection (c)" and inserting "subsection (d)".

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking "subsection (c)" and inserting "subsection (d)".

(y) Paragraph (1) of section 415(l) is amended by striking "individual medical account" and inserting "individual medical benefit account".

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking "clauses" and inserting "clause".

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 6662(d)(2)(C)(ii)".

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking "subparagraph (C)(iii)" in subparagraph (F) and inserting "subparagraph (C)(iv)", and

(2) by striking "subparagraph (C)(iv)" in subparagraph (G) and inserting "subparagraph (C)(v)".

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking "clause (ii) of paragraph (2)(B)" and inserting "clause (ii) of paragraph (2)(D)".

(dd) Paragraph (1) of section 512(b) is amended by striking "section 512(a)(5)" and inserting "subsection (a)(5)".

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking "section 512(b)(18)" and inserting "section 512(b)(19)".

(3) Paragraph (6) of section 529(c) is amended by striking "education individual retirement account" and inserting "Coverdell education savings account".

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking "paragraph (4)" and inserting "paragraph (3)".

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting "(including in situ retorting)" after "and retorting".

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking "subsection (c)(6) or (c)(7) of section 856" and inserting "paragraph (2), (3), or (4) of subsection (c)".

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking "subparagraph (C)" and inserting "subparagraphs (C) and (D)", and

(2) in subparagraph (F)—

(A) by striking "subparagraph (C) of this paragraph" and inserting "subparagraph (C) or (D)", and

(B) by striking "subparagraphs (C) and (D)" and inserting "subparagraphs (C), (D), and (E)".

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting "interest-related dividend received by a controlled foreign corporation" after "shall apply to any".

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking "clause (iii)(III) or (IV)" and inserting "subclause (II) or (III) of clause (iii)", and

(2) by striking "clause (iii)(II)" and inserting "clause (iii)(I)".

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)".

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking "Net income from notional principal contracts." after "Income from notional principal contracts.—".

(nn) Paragraph (23) of section 1016(a) is amended by striking "1045(b)(4)" and inserting "1045(b)(3)".

(oo) Paragraph (1) of section 1256(f) is amended by striking "subsection (e)(2)(C)" and inserting "subsection (e)(2)".

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking "subparagraph" and inserting "subparagraphs".

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking "subchapter C" and inserting "accumulated".

(rr) Each of the following provisions are amended by striking "General Accounting Office" each place it appears therein and inserting "Government Accountability Office":

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(i)" and inserting "section 168(k)(2)(D)(i)".

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(D)" and inserting "section 168(k)(2)(E)".

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(F)" and inserting "section 168(k)(2)(G)".

(5) Paragraph (5) of section 1400L(c) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(tt) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

"(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'."

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking "imposed subsection (b)" and inserting "imposed by subsection (b)".

(ww) Subsection (a) of section 4980D is amended by striking "plans" and inserting "plan".

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking "for \$250,000." and all that follows through "to the Treasury." and inserting "for \$250,000. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury."

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

"(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3),

(5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—",

(2) by amending paragraph (4)(F)(i) to read as follows:

"(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosed in any manner and furnish a written report to the Secretary describing such manner," and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: "If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met."

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking "aid or assistance" and inserting "aid, assistance, or advice".

(aaa) Paragraph (3) of section 6662(d) is amended by striking "the" before "I or more".

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)))" after "a bank (as defined in section 581)", and

(B) by inserting "or company" after "such bank".

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)))" after "a bank (as defined in section 581)", and

(B) in subparagraph (C), by inserting "or company" after "such bank".

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking "a bank holding company" and all that follows through "section 2(p) of such Act" and inserting "a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)))".

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking "and in the case of information returns required under part III of subchapter A of chapter 61", and

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

"(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns)."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109-53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows “the following build-down method:” and inserting the following:

AV—VNM
 “RVC = _____ 100”.

(2) In paragraph (3)(A), by striking all that follows “the following build-up method:” and inserting the following:

AV
 “RVC = _____ 100”.

(3) In paragraph (4)(A), by striking all that follows “the following net cost method:” and inserting the following:

NC—VNM
 “RVC = _____ 100”.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On motion of Mr. McCRERY, said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

137.29 BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL

The SPEAKER pro tempore, Mr. UPTON, pursuant to House Resolution 621 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

The Acting Chairman, Mrs. EMERSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HAYES, assumed the Chair.

When Mr. CULBERSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

137.30 BUDGET RECONCILIATION FY 2006

On motion of Mr. NUSSLE, by unanimous consent, the bill of the Senate (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concur-

rent resolution on the budget for the fiscal year 2006 (H. Con. Res. 95); together with the amendment of the House thereto, was taken from the Speaker’s table.

When on motion of Mr. NUSSLE, it was,

Resolved, That the House insist upon its amendment and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

137.31 MOTION TO INSTRUCT CONFEREES—S. 1932

Mr. SPRATT moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill, S. 1932, be instructed to recede to the Senate by eliminating House provisions reducing eligibility for food stamps (sections 1601 and 1603 of the House amendment), and reducing funding for child support enforcement (sections 8319 and 8320 of the House amendment), and repealing the Continued Dumping and Subsidy Offset (the “Byrd Amendment”) (section 8701 of the House amendment)) and modifying the Mining Law of 1872 (sections 6201 through 6207 of the House amendment); such managers be instructed to recede to the Senate by eliminating the sections of the House amendment that reduce Medicaid benefits and allow increases in beneficiary costs (sections 3111, 3112, 3113, 3115, 3115, 3121, 3122, 3123, 3124, 3125, 3134, and 3147 of the House amendment) and by reducing to the maximum extent possible increases in interest rates and fees paid by student and parent borrowers on student loans contained in sections 2115, 2116, and 2117 of the House amendment, and by adopting the Senate provisions concerning Pell grants (sections 7101 and 7102 of S. 1932); and such managers be instructed to recede to the Senate by adopting the Senate provision eliminating the stabilization fund that makes payments to Medicare Advantage Regional Plans (section 6112 of S. 1932), adopting the Senate provision on Medicare Advantage risk adjustment (section 6111 of S. 1932), and adopting the Senate provision on Medicare physician payments (section 6105 of S. 1932).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion? The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. SPRATT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 246
 affirmative } Nays 175

137.32 [Roll No. 652]
 YEAS—246

Abercrombie	Gingrey	Obey
Ackerman	Gonzalez	Olver
Allen	Gordon	Ortiz
Andrews	Green, Al	Otter
Baca	Green, Gene	Owens
Baird	Grijalva	Pallone
Baldwin	Gutierrez	Pascrell
Barrow	Harman	Pastor
Bean	Hastings (FL)	Pelosi
Becerra	Hayes	Peterson (MN)
Berkley	Hereth	Platts
Berman	Higgins	Pomeroy
Berry	Hinchev	Price (NC)
Bishop (GA)	Hinojosa	Rahall
Bishop (NY)	Holden	Ramstad
Blumenauer	Holt	Rangel
Boehler	Honda	Regula
Bono	Hooley	Rehberg
Boren	Hoyer	Reichert
Boswell	Insee	Reyes
Boucher	Israel	Ros-Lehtinen
Boyd	Jackson (IL)	Ross
Brady (PA)	Jackson-Lee	Rothman
Brown (OH)	(TX)	Roybal-Allard
Brown, Corrine	Jefferson	Ruppersberger
Brown-Waite,	Johnson (IL)	Rush
Ginny	Johnson, E. B.	Ryan (OH)
Butterfield	Jones (NC)	Sabo
Capito	Jones (OH)	Salazar
Capps	Kanjorski	Sanchez, Linda
Capuano	Kaptur	T.
Cardin	Kelly	Sanchez, Loretta
Cardoza	Kennedy (RI)	Sanders
Carnahan	Kildee	Saxton
Carson	Kilpatrick (MI)	Schiff
Case	Kind	Schwartz (PA)
Castle	Kucinich	Schwartz (MI)
Chandler	Kuhl (NY)	Scott (GA)
Clay	Langevin	Scott (VA)
Cleaver	Lantos	Serrano
Clyburn	Larsen (WA)	Shays
Coble	Larson (CT)	Sherman
Conyers	Leach	Shimkus
Cooper	Lee	Simmons
Costa	Levin	Simpson
Costello	Lewis (GA)	Skelton
Cramer	Lipinski	Slaughter
Crowley	LoBiondo	Smith (NJ)
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowey	Smith (NY)
Davis (AL)	Lynch	Snyder
Davis (CA)	Maloney	Solis
Davis (FL)	Markey	Spratt
Davis (IL)	Marshall	Stark
Davis (TN)	Matheson	Strickland
Davis, Tom	Matsui	Stupak
DeFazio	McCollum (MN)	Sweeney
DeGette	McCotter	Tanner
Delahunt	McDermott	Tauscher
DeLauro	McGovern	Taylor (MS)
Dent	McHugh	Thompson (CA)
Diaz-Balart, L.	McIntyre	Thompson (MS)
Dicks	McKinney	Tierney
Dingell	McNulty	Towns
Doggett	Meehan	Udall (CO)
Doyle	Meek (FL)	Udall (NM)
Edwards	Meeke (NY)	Upton
Ehlers	Melancon	Van Hollen
Emanuel	Menendez	Velázquez
Emerson	Michaud	Visclosky
Engel	Millender-	Wasserman
Eshoo	McDonald	Schultz
Etheridge	Miller (MI)	Waters
Evans	Miller (NC)	Watson
Farr	Miller, George	Watt
Fattah	Mollohan	Waxman
Filner	Moore (KS)	Weiner
Fitzpatrick (PA)	Moore (WI)	Weldon (PA)
Foley	Moran (VA)	Wexler
Ford	Murtha	Wilson (NM)
Frank (MA)	Nader	Woolsey
Gerlach	Neal (MA)	Wu
Gilchrest	Ney	Wynn
Gillmor	Oberstar	

NAYS—175

Aderholt	Beauprez	Bonilla
Akin	Biggert	Bonner
Alexander	Bilirakis	Boozman
Bachus	Bishop (UT)	Boustany
Baker	Blackburn	Bradley (NH)
Bartlett (MD)	Blunt	Brady (TX)
Bass	Boehner	Brown (SC)

Burgess	Hobson	Peterson (PA)
Burton (IN)	Hoekstra	Petri
Buyer	Hostettler	Pickering
Calvert	Hulshof	Pitts
Camp (MI)	Hunter	Poe
Campbell (CA)	Inglis (SC)	Pombo
Cannon	Issa	Porter
Cantor	Jenkins	Price (GA)
Carter	Jindal	Pryce (OH)
Chabot	Johnson (CT)	Putnam
Chocola	Johnson, Sam	Radanovich
Cole (OK)	Keller	Renzi
Conaway	Kennedy (MN)	Reynolds
Crenshaw	King (IA)	Rogers (AL)
Cubin	King (NY)	Rogers (KY)
Culberson	Kingston	Rogers (MI)
Davis (KY)	Kirk	Rohrabacher
Deal (GA)	Kline	Royce
DeLay	Knollenberg	Ryan (WI)
Doolittle	Latham	Ryun (KS)
Drake	LaTourette	Schmidt
Dreier	Lewis (CA)	Sensenbrenner
Duncan	Lewis (KY)	Sessions
English (PA)	Linder	Shadegg
Everett	Lucas	Shaw
Feeney	Lungren, Daniel	Sherwood
Ferguson	E.	Shuster
Flake	Mack	Smith (TX)
Forbes	Manzullo	Sodrel
Fortenberry	Marchant	Souder
Fossella	McCaul (TX)	Stearns
Fox	McCrery	Sullivan
Franks (AZ)	McHenry	Tancredo
Frelinghuysen	McKeon	Taylor (NC)
Gallegly	McMorris	Terry
Garrett (NJ)	Mica	Thomas
Gibbons	Miller (FL)	Thornberry
Gohmert	Miller, Gary	Tiaht
Goode	Moran (KS)	Tiberi
Goodlatte	Murphy	Turner
Granger	Musgrave	Walden (OR)
Graves	Myrick	Walsh
Green (WI)	Neugebauer	Wamp
Gutknecht	Northup	Weldon (FL)
Hall	Norwood	Weller
Harris	Nunes	Westmoreland
Hart	Nussle	Whitfield
Hastings (WA)	Osborne	Wicker
Hayworth	Oxley	Wilson (SC)
Hefley	Paul	Wolf
Hensarling	Pearce	Young (AK)
Herger	Pence	

NOT VOTING—12

Barrett (SC)	Hyde	McCarthy
Barton (TX)	Istook	Napolitano
Davis, Jo Ann	Kolbe	Payne
Diaz-Balart, M.	LaHood	Young (FL)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶137.33 APPOINTMENT OF CONFEREES—S. 1932

Thereupon, the SPEAKER pro tempore, Mr. PETRI, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

For consideration of the Senate bill and the House amendment thereto, and modifications committed to conference: Messrs. NUSSLE, RYAN of Kansas, CRENSHAW, PUTNAM, WICKER, HULSHOF, RYAN of Wisconsin, BLUNT, DELAY, SPRATT, MOORE of Kansas, NEAL of Massachusetts, Ms. DELAURO, Messrs. EDWARDS and FORD.

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS and PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II

and subtitle C of title III of the House amendment, and modifications committed to conference: Messrs. BOEHNER, MCKEON and George MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Messrs. UPTON, DEAL of Georgia, and DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS, and FRANK of Massachusetts.

Provided that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitle C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS, and RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and Division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO, and OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and RANGEL.

Ordered. That the Clerk notify the Senate of the foregoing appointments.

¶137.34 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶137.35 BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL

The SPEAKER pro tempore, Mr. PETRI, pursuant to House Resolution 621 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

Mr. SHIMKUS, Acting Chairman, assumed the chair; and after some time spent therein,

¶137.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 109-350, submitted by Mr. GOODLATTE:

At the end of the bill, add the following new title:

TITLE IX—SECURITY AND FAIRNESS ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as—
 (1) the “Security and Fairness Enhancement for America Act of 2005”; or
 (2) the “SAFE for America Act”.

SEC. 902. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—
 (A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and
 (C) by striking paragraph (3); and
 (2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);
 (2) in subsection (d), by striking “(a), (b), or (c),” and inserting “(a) or (b),”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and
 (2) in subsection (e), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

It was decided in the { Yeas 273
 affirmative } Nays 148

¶137.37 [Roll No. 653]

AYES—273

Aderholt	Brown-Waite,	DeFazio
Akin	Ginny	DeLay
Alexander	Burgess	Dent
Bachus	Burton (IN)	Dicks
Baird	Buyer	Doolittle
Baker	Calvert	Drake
Barrow	Camp (MI)	Dreier
Bartlett (MD)	Campbell (CA)	Duncan
Bass	Cantor	Edwards
Bean	Capito	Ehlers
Beauprez	Cardoza	Emanuel
Berman	Carter	Emerson
Berry	Case	English (PA)
Biggert	Castle	Everett
Bilirakis	Chabot	Feeney
Bishop (UT)	Chandler	Ferguson
Blackburn	Chocola	Fitzpatrick (PA)
Blunt	Coble	Flake
Boehlert	Cole (OK)	Foley
Boehner	Conaway	Forbes
Bonilla	Cooper	Ford
Bonner	Costa	Fortenberry
Bono	Costello	Fossella
Boozman	Cramer	Fox
Boren	Crenshaw	Franks (AZ)
Boucher	Cubin	Frelinghuysen
Boustany	Cuellar	Gallegly
Boyd	Culberson	Garrett (NJ)
Bradley (NH)	Davis (FL)	Gerlach
Brady (TX)	Davis (KY)	Gibbons
Brown (OH)	Davis (TN)	Gilchrest
Brown (SC)	Davis, Tom	Gillmor
	Deal (GA)	Gingrey

Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseeth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
Matheson

McCaull (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)

Ryun (KS)
Sabo
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Choccola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feehey
Ferguson
Filner
Fitzpatrick (PA)
Flake

Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseeth
Higgins
Hinche
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder

Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Matheson
Matsui
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Oxley
Pallone
Pascarell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)

NOT VOTING—12

So the amendment was agreed to.

137.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 109-350, submitted by Mr. STEARNS:

SEC. 118. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until an IBIS check on the alien has been initiated at a Treasury Enforcement Communications System (TECS) access level of no less than Level 3, results from the check have been returned, and any derogatory information has been obtained and assessed, and until any other such background and security checks have been completed as the Secretary may require.

“(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been fully investigated and found to be unsubstantiated.”.

It was decided in the affirmative { Yeas 420 Nays 0

137.39 [Roll No. 654]

AYES—420

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dingell
Doggett
Doyle
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinche
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder

Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascarell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes

Baird
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Bachus
Becerra

Rogers (KY) Sherman
Rogers (MI) Sherman
Rohrabacher Shimkus
Ros-Lehtinen Shuster
Ross Simmons
Rothman Simpson
Roybal-Allard Skelton
Royce Slaughter
Ruppersberger Smith (NJ)
Rush Smith (TX)
Ryan (OH) Smith (WA)
Ryan (WI) Snyder
Ryun (KS) Sodrel
Sabo Solis
Salazar Souder
Sanchez, Linda T. Spratt
Sanchez, Loretta T. Stark
Sanders Stearns
Saxton Strickland
Schakowsky Stupak
Schiff Sullivan
Schmidt Sweeney
Schwartz (PA) Tancredo
Schwarz (MI) Tanner
Scott (GA) Tauscher
Scott (VA) Taylor (MS)
Sensenbrenner Terry
Sessions Thomas
Shadegg Thompson (CA)
Shaw Thompson (MS)
Shays Thornberry

Moran (KS) Moran
Murphy Murphy
Muscgrave Musgrave
Myrick Myrick
Northup Northup
Norwood Norwood
Nunes Nunes
Nussle Nussle
Osborne Osborne
Oxley Oxley
Paul Paul
Pearce Pearce
Pence Pence
Peterson (PA) Peterson
Petri Petri
Pickering Pickering
Pitts Pitts
Pombo Pombo
Pryce (OH) Pryce
Putnam Putnam

Radanovich Radanovich
Regula Regula
Reichert Reichert
Reynolds Reynolds
Rohrabacher Rohrabacher
Ros-Lehtinen Ros-Lehtinen
Royce Royce
Ryan (WI) Ryan
Ryun (KS) Ryun
Schwarz (MI) Schwarz
Sensenbrenner Sensenbrenner
Sessions Sessions
Shadegg Shadegg
Shaw Shaw
Shays Shays
Sherwood Sherwood
Shimkus Shimkus
Simmons Simmons
Simpson Simpson
Smith (TX) Smith

Souder Souder
Spratt Spratt
Tancredo Tancredo
Tanner Tanner
Terry Terry
Thomas Thomas
Thornberry Thornberry
Tiahrt Tiahrt
Tiberi Tiberi
Turner Turner
Upton Upton
Walden (OR) Walden
Walsh Walsh
Wamp Wamp
Weldon (FL) Weldon
Weller Weller
Westmoreland Westmoreland
Wicker Wicker
Wilson (NM) Wilson
Young (AK) Young

Sweeney Sweeney
Tauscher Tauscher
Taylor (MS) Taylor
Taylor (NC) Taylor
Thompson (CA) Thompson
Thompson (MS) Thompson
Tierney Tierney
Towns Towns
Udall (CO) Udall
Udall (NM) Udall

Van Hollen Van Hollen
Velazquez Velazquez
Visclosky Visclosky
Wasserman Wasserman
Schultz Schultz
Waters Waters
Watson Watson
Watt Watt
Waxman Waxman
Weiner Weiner

Weldon (PA) Weldon
Wexler Wexler
Whitfield Whitfield
Wilson (SC) Wilson
Wolf Wolf
Woolsey Woolsey
Wu Wu
Wynn Wynn

NOT VOTING—12

Barrett (SC) Barrett
Barton (TX) Barton
Davis, Jo Ann Davis
Diaz-Balart, M. Diaz-Balart

So the amendment was not agreed to.

137.42 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 109-350, submitted by Mr. NORWOOD:

At the end of title II, add the following new sections:

SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(b) AVAILABILITY.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) APPLICABILITY.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established

NOT VOTING—13

Barrett (SC) Barrett
Barton (TX) Barton
Davis, Jo Ann Davis
Diaz-Balart, M. Diaz-Balart
Hyde Hyde

Abercrombie Abercrombie
Ackerman Ackerman
Allen Allen
Andrews Andrews
Baca Baca
Baird Baird
Baldwin Baldwin
Bean Bean
Becerra Becerra
Berkley Berkley
Berman Berman
Bishop (GA) Bishop
Bishop (NY) Bishop
Blumenauer Blumenauer
Boehner Boehner
Boozman Boozman
Boren Boren
Boswell Boswell
Boucher Boucher
Boyd Boyd
Brady (PA) Brady
Brown (OH) Brown
Brown, Corrine Brown
Brown-Waite, Ginny Brown-Waite
Butterfield Butterfield
Capps Capps
Capuano Capuano
Cardin Cardin
Cardoza Cardoza
Carnahan Carnahan
Carson Carson
Carter Carter
Case Case
Chandler Chandler
Clay Clay
Cleaver Cleaver
Clyburn Clyburn
Conaway Conaway
Conyers Conyers
Cooper Cooper
Costa Costa
Costello Costello
Cramer Cramer
Crowley Crowley
Cuellar Cuellar
Culberson Culberson
Cummings Cummings
Davis (AL) Davis
Davis (CA) Davis
Davis (FL) Davis
Davis (IL) Davis
Davis (TN) Davis
Davis, Tom Davis
DeFazio DeFazio
DeGette DeGette
Delahunt Delahunt
DeLauro DeLauro
Dent Dent
Dicks Dicks
Dingell Dingell
Doggett Doggett
Doyle Doyle
Drake Drake
Duncan Duncan
Emanuel Emanuel
Engel Engel
Eshoo Eshoo
Etheridge Etheridge
Evans Evans
Farr Farr
Fattah Fattah
Ferguson Ferguson
Filner Filner
Fitzpatrick (PA) Fitzpatrick
Forbes Forbes
Ford Ford
Foxy Foxy

NOES—257

Melancon Melancon
Menendez Menendez
Mica Mica
Michaud Michaud
Millender-McDonald Millender-McDonald
Miller (FL) Miller
Miller (MI) Miller
Miller (NC) Miller
Miller, George Miller
Mollohan Mollohan
Moore (WI) Moore
Moran (VA) Moran
Murtha Murtha
Nadler Nadler
Neal (MA) Neal
Neugebauer Neugebauer
Ney Ney
Oberstar Oberstar
Oliver Oliver
Ortiz Ortiz
Otter Otter
Owens Owens
Pallone Pallone
Pascrell Pascrell
Pastor Pastor
Pelosi Pelosi
Peterson (MN) Peterson
Platts Platts
Poe Poe
Pomeroy Pomeroy
Porter Porter
Price (GA) Price
Price (NC) Price
Rahall Rahall
Ramstad Ramstad
Rangel Rangel
Rehberg Rehberg
Renzi Renzi
Reyes Reyes
Rogers (AL) Rogers
Rogers (KY) Rogers
Rogers (MI) Rogers
Ross Ross
Rothman Rothman
Roybal-Allard Roybal-Allard
Ruppersberger Ruppersberger
Rush Rush
Ryan (OH) Ryan
Sabo Sabo
Salazar Salazar
Sanchez, Linda T. Sanchez
Sanchez, Loretta T. Sanchez
Sanders Sanders
Saxton Saxton
Schakowsky Schakowsky
Schiff Schiff
Schmidt Schmidt
Schwartz (PA) Schwartz
Scott (GA) Scott
Scott (VA) Scott
Serrano Serrano
Sherman Sherman
Shuster Shuster
Skelton Skelton
Slaughter Slaughter
Smith (NJ) Smith
Smith (WA) Smith
Snyder Snyder
Sodrel Sodrel
Solis Solis
Stark Stark
Stearns Stearns
Strickland Strickland
Stupak Stupak
Sullivan Sullivan

So the amendment was agreed to.

137.40 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 109-350, submitted by Mr. SENSENBRENNER:

In section 203(2), add “and” at the end of subparagraph (B), strike “and” at the end of subparagraph (C), and strike subparagraph (D).

It was decided in the Yeas 164
negative Nays 257

137.41 [Roll No. 655]

AYES—164

Aderholt Aderholt
Akin Akin
Alexander Alexander
Bachus Bachus
Baker Baker
Barrow Barrow
Bartlett (MD) Bartlett
Bass Bass
Beauprez Beauprez
Berry Berry
Biggett Biggett
Bilirakis Bilirakis
Bishop (UT) Bishop
Blackburn Blackburn
Blunt Blunt
Boehler Boehler
Bonilla Bonilla
Bonner Bonner
Bono Bono
Boustany Boustany
Bradley (NH) Bradley
Brady (TX) Brady
Brown (SC) Brown
Burgess Burgess
Burton (IN) Burton
Buyer Buyer
Calvert Calvert
Camp (MI) Camp
Campbell (CA) Campbell
Cannon Cannon
Cantor Cantor
Capito Capito
Castle Castle
Chabot Chabot
Chocola Chocola

Coble Coble
Cole (OK) Cole
Crenshaw Crenshaw
Cubin Cubin
Davis (KY) Davis
Deal (GA) Deal
DeLay DeLay
Diaz-Balart, L. Diaz-Balart
Doolittle Doolittle
Dreier Dreier
Edwards Edwards
Ehlers Ehlers
Emerson Emerson
English (PA) English
Everett Everett
Feeney Feeney
Flake Flake
Foley Foley
Fortenberry Fortenberry
Fossella Fossella
Frelinghuysen Frelinghuysen
Garrett (NJ) Garrett
Gilchrist Gilchrist
Gillmor Gillmor
Gingrey Gingrey
Granger Granger
Green (WI) Green
Gutknecht Gutknecht
Hall Hall
Harris Harris
Hastings (WA) Hastings
Hayes Hayes
Hefley Hefley
Hensarling Hensarling
Hobson Hobson

Hoekstra Hoekstra
Hostettler Hostettler
Hulshof Hulshof
Inglis (SC) Inglis
Issa Issa
Jenkins Jenkins
Jindal Jindal
Johnson (CT) Johnson
Johnson (IL) Johnson
Johnson, Sam Johnson
Keller Keller
Kelly Kelly
Kennedy (MN) Kennedy
King (NY) King
Kingston Kingston
Kirk Kirk
Kline Kline
Knollenberg Knollenberg
Latham Latham
Leach Leach
Lewis (CA) Lewis
Linder Linder
Lucas Lucas
Lungren, Daniel Lungren
E. Lungren
Mack Mack
Manzullo Manzullo
Matheson Matheson
McCaul (TX) McCaul
McCrery McCrery
McKeon McKeon
McMorris McMorris
McNulty McNulty
Miller, Gary Miller
Moore (KS) Moore

Kilpatrick (MI) Kilpatrick
Kind Kind
King (IA) King
Kucinich Kucinich
Kuhl (NY) Kuhl
Langevin Langevin
Lantos Lantos
Larsen (WA) Larsen
Larson (CT) Larson
LaTourette LaTourette
Lee Lee
Levin Levin
Lewis (GA) Lewis
Lewis (KY) Lewis
Lipinski Lipinski
LoBiondo LoBiondo
Lofgren, Zoe Lofgren
Lowe Lowe
Lynch Lynch
Maloney Maloney
Marchant Marchant
Markey Markey
Marshall Marshall
Matsui Matsui
McCollum (MN) McCollum
McCotter McCotter
McDermott McDermott
Farr McGovern
McHenry McHenry
McHugh McHugh
McIntyre McIntyre
McKinney McKinney
Meehan Meehan
Meek (FL) Meek
Meeks (NY) Meeks

Roybal-Allard Roybal-Allard
Ruppersberger Ruppersberger
Rush Rush
Ryan (OH) Ryan
Sabo Sabo
Salazar Salazar
Sanchez, Linda T. Sanchez
Sanchez, Loretta T. Sanchez
Sanders Sanders
Saxton Saxton
Schakowsky Schakowsky
Schiff Schiff
Schmidt Schmidt
Schwartz (PA) Schwartz
Scott (GA) Scott
Scott (VA) Scott
Serrano Serrano
Sherman Sherman
Shuster Shuster
Skelton Skelton
Slaughter Slaughter
Smith (NJ) Smith
Smith (WA) Smith
Snyder Snyder
Sodrel Sodrel
Solis Solis
Stark Stark
Stearns Stearns
Strickland Strickland
Stupak Stupak
Sullivan Sullivan

under subsection (a)(2) with them while on duty.

(d) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under subsection (a).

(e) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and can have a portal in place within 30 days, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws in the normal course of carrying out their normal law enforcement duties.

(f) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and

(2) in paragraph (2), by adding at the end the following: “Such training shall not exceed 14 days or 80 hours, whichever is longer.”.

SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING ILLEGAL ALIENS.—From amounts made available to make grants under this section, the Secretary of Homeland Security shall make grants to States and political subdivisions of States for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting immigration law violators, including additional administrative costs incurred under this Act.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State or political subdivision of a State must have the authority to, and have in effect the policy and practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out such agency’s routine law enforcement duties.

(c) FUNDING.—There is authorized to be appropriated for grants under this section \$250,000,000 for each fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States and political subdivisions of States under subsection (a).

SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The institutional removal program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with officials of the institutional removal program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien’s State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as video conferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the institutional removal program—

- (1) \$100,000,000 for fiscal year 2007;
- (2) \$115,000,000 for fiscal year 2008;
- (3) \$130,000,000 for fiscal year 2009;
- (4) \$145,000,000 for fiscal year 2010; and
- (5) \$160,000,000 for fiscal year 2011.

SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by inserting before the period at the end the following: “and \$1,000,000,000 for each subsequent fiscal year”.

SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.

(a) IN GENERAL.—Effective 2 years after the date of the enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers’ routine law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States or political subdivisions of States to report or arrest victims or witnesses of a criminal offense.

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or political subdivision of a State due to the failure of the State to comply with subsection (a) shall

be reallocated to States that comply with such subsection.

At the end of title IV, add the following new section:

SEC. 408. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Under Secretary may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, any and all aliens who have overstayed their authorized period of stay, and any and all aliens whose visas have been revoked. Such information shall be provided to the National Crime Information Center, and the National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available on the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or whether sufficient identifying information is available on the alien and even if the alien has already been removed; and

It was decided in the { Yeas 237
affirmative } Nays 180

¶137.43 [Roll No. 656] AYES—237

Aderholt	Camp (MI)	Forbes
Akin	Campbell (CA)	Ford
Alexander	Cantor	Fortenberry
Bachus	Capito	Fossella
Baker	Carter	Foxx
Barrow	Case	Franks (AZ)
Bartlett (MD)	Chabot	Gallely
Bass	Chandler	Garrett (NJ)
Beauprez	Chocola	Gerlach
Berry	Coble	Gibbons
Biggart	Cole (OK)	Gilchrest
Bilirakis	Conaway	Gillmor
Bishop (NY)	Cooper	Gingrey
Bishop (UT)	Cramer	Gohmert
Blackburn	Crenshaw	Goode
Blunt	Cubin	Goodlatte
Boehkert	Culberson	Granger
Boehner	Davis (KY)	Graves
Bonilla	Davis (TN)	Green (WI)
Bonner	Davis, Tom	Gutknecht
Bono	Deal (GA)	Hall
Boozman	DeFazio	Harris
Boren	DeLay	Hart
Boswell	Dent	Hastings (WA)
Boucher	Doolittle	Hayes
Boustany	Drake	Hayworth
Boyd	Dreier	Hefley
Bradley (NH)	Duncan	Hensarling
Brady (TX)	Edwards	Herger
Brown (SC)	Emerson	Herseth
Brown-Waite,	English (PA)	Higgins
Ginny	Everett	Hobson
Burgess	Feeney	Hoekstra
Burton (IN)	Ferguson	Holden
Buyer	Fitzpatrick (PA)	Holley
Calvert	Foley	Hostettler

Hulshof Hunter Inglis (SC) Israel Issa Jenkins Jindal Johnson (CT) Johnson (IL) Johnson, Sam Kanjorski Keller Kelly Kennedy (MN) King (IA) King (NY) Kingston Kirk Kline Knollenberg Kuhl (NY) Latham LaTourette Leach Lewis (CA) Lewis (KY) Linder LoBiondo Lucas Lungren, Daniel E. Mack Manzullo Marchant Marshall Matheson McCaul (TX) McCotter McCrery McHenry McHugh McIntyre McKeon McMorris

NOES—180

Abercrombie Ackerman Allen Andrews Baca Baird Baldwin Bean Becerra Berkley Berman Bishop (GA) Blumenauer Brady (PA) Brown (OH) Brown, Corrine Butterfield Cannon Capps Capuano Cardin Cardoza Carnahan Carson Castle Clay Cleaver Clyburn Conyers Costa Costello Crowley Cuellar Cummings Davis (AL) Davis (CA) Davis (FL) Davis (IL) DeGette Delahunt DeLauro Diaz-Balart, L. Dicks Dingell Doggett Doyle Ehlers Emanuel Engel Eshoo Etheridge Evans Farr Fattah

Tauscher Terry Thompson (CA) Thompson (MS) Tierney Towns Udall (NM) Van Hollen Velázquez Visclosky Wasserman Schultz Waters Watson Watt Waxman Weiner Wexler Wilson (NM) Wu Wynn Young (AK)

NOT VOTING—16

Barrett (SC) Barton (TX) Davis, Jo Ann Diaz-Balart, M. Hyde Istook Jones (NC) Kolbe LaHood McCarthy Napolitano Oxley Payne Pryce (OH) Woolsey Young (FL)

So the amendment was agreed to. After some further time,

137.44 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 15, printed in House Report 109-350, submitted by Mr. WESTMORELAND:

In paragraphs (1)(A) and (2)(A) of section 706, strike "paragraph (10)" and insert "paragraphs (10) through (12)".

In the matter inserted by section 706(1)(B), strike "not less than \$5,000" and insert "not less than \$5,000 and not more than \$7,500".

In the matter inserted by section 706(1)(C), strike "not less than \$10,000" and insert "not less than \$10,000 and not more than \$15,000".

In the matter inserted by section 706(1)(D), strike "not less than \$25,000" and insert "not less than \$25,000 and not more than \$40,000".

In section 706(3), strike "the following new paragraph" and insert "the following new paragraphs".

In section 706(3), after the paragraph (10) added by such section add the following:

"(11) EXEMPTION FROM PENALTY FOR INITIAL GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was the first such violation of such provision by the violator and the violator acted in good faith.

"(12) SAFE HARBOR FOR CONTRACTORS.—A person or other entity shall not be liable for a penalty under paragraph (4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection. "

It was decided in the affirmative Yeas 247 Nays 170 Answered present 1

137.45 [Roll No. 657]

AYES—247

Aderholt Akin Alexander Bachus Baker Bartlett (MD) Bass Beauprez Berkley Berry Biggart Bilirakis Bishop (GA) Bishop (UT) Blackburn Blunt Boehlert Boehner Bonilla Bonner Bono Boozman Boren Boswell Boustany Boyd Bradley (NH) Brady (TX) Brown (SC) Brown-Waite, Ginny Burgess Burton (IN) Buyer Calvert Camp (MI)

Campbell (CA) Cannon Cantor Capito Carter Castle Chabot Chandler Chocola Coble Cole (OK) Conaway Cooper Costello Cramer Crenshaw Cubin Cuellar Culberson Davis (AL) Davis (KY) Davis (TN) Davis, Tom Deal (GA) DeLay Dent Diaz-Balart, L. Doolittle Drake Dreier Duncan Edwards Ehlers Emerson English (PA) Etheridge Everett Feeney Ferguson Fitzpatrick (PA) Flake Foley Forbes Ford Fortenberry Fossella Foxx Franks (AZ) Frelinghuysen Gallegly Garrett (NJ) Gerlach Gibbons Gilchrist Gillmor Gingrey Gohmert Goode Goodlatte Gordon Granger Graves Green (WI) Gutknecht Hall Harman Harris Hart Hastings (WA) Hayes Hefley Hensarling Herger Higgins Hobson Hoekstra Hostetler Hulshof Hunter Inglis (SC) Issa Jenkins Jindal Johnson (CT) Johnson (IL) Johnson, Sam Jones (NC) Keller Kelly Kennedy (MN) Kind King (IA) King (NY) Kingston Kirk Kline Knollenberg Kuhl (NY) Latham LaTourette Leach Lewis (CA) Lewis (KY) Linder LoBiondo Lucas Lungren, Daniel E. Mack Manzullo Marchant Marshall Matheson McCaul (TX) McCotter McCrery McHenry McHugh McIntyre McKeon McMorris Mica Miller (FL) Miller (MI) Miller, Gary Moran (KS) Murphy Musgrave Myrick Neugebauer Ney Northup Norwood Nunes Nussle Osborne Otter Paul Pearce Pence Peterson (MN) Peterson (PA) Petri Pickering Pitts Platts Poe Pombo Porter Pryce (OH) Putnam Radanovich Ramstad Regula Rehberg Reichert Renzi Reynolds Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Royce Ryan (WI) Ryan (KS) Salazar Saxton Schmidt Schwarz (MI) Scott (GA) Sensenbrenner Sessions Shadegg Shaw Shays Sherwood Shimkus Shuster Simmons Simpson Smith (NJ) Smith (TX) Sodrel Souder Spratt Stearns Sullivan Sweeney Tancredo Tanner Taylor (MS) Taylor (NC) Thomas Thornberry Tiahrt Tiberi Turner Udall (CO) Upton Walden (OR) Walsh Wamp Weldon (FL) Weldon (PA) Weller Westmoreland Whitfield Wicker Wilson (SC) Wolf

NOES—170

Abercrombie Ackerman Allen Andrews Baca Baird Baldwin Barrow Bean Becerra Berman Bishop (NY) Blumenauer Boucher Brady (PA) Brown (OH) Brown, Corrine Butterfield Capps Capuano Cardin Cardoza Carnahan Carson Case Clay Cleaver Clyburn Conyers Costa Crowley Cummings Davis (CA) Davis (FL) Davis (IL) DeFazio DeGette Delahunt DeLauro Dicks Dingell Doggett Doyle Emanuel Engel Eshoo Evans Farr Fattah Filner Frank (MA) Gonzalez Green, Al Green, Gene Grijalva Gutierrez Hastings (FL) Hayworth Herseth Hinchey Hinojosa Holden Holt Honda Hooley Hoyer Insole Israel Jackson (IL) Jackson-Lee (TX) Jefferson Johnson, E. B. Jones (OH) Kanjorski Kaptur Kennedy (RI) Kildee Kilpatrick (MI) Kucinich Langevin

Lantos	Murtha	Scott (VA)
Larsen (WA)	Nadler	Serrano
Larson (CT)	Neal (MA)	Sherman
Lee	Oberstar	Skelton
Levin	Obey	Slaughter
Lewis (GA)	Oliver	Smith (WA)
Lipinski	Ortiz	Snyder
Lofgren, Zoe	Owens	Solis
Lowey	Pallone	Stark
Lynch	Pascrell	Strickland
Maloney	Pastor	Stupak
Markey	Pelosi	Tauscher
Matsui	Price (GA)	Thompson (CA)
McCollum (MN)	Price (NC)	Thompson (MS)
McDermott	Rahall	Tierney
McGovern	Rangel	Towns
McKinney	Reyes	Udall (CO)
McNulty	Ross	Udall (NM)
Meehan	Rothman	Van Hollen
Meek (FL)	Roybal-Allard	Velázquez
Meeks (NY)	Ruppersberger	Visclosky
Melancon	Rush	Wasserman
Menendez	Ryan (OH)	Schultz
Michaud	Sabo	Waters
Millender-McDonald	Sánchez, Linda T.	Watson
Miller (NC)	Sánchez, Loretta T.	Watt
Miller, George	Sanders	Waxman
Mollohan	Schakowsky	Weiner
Moore (KS)	Schiff	Wexler
Moore (WI)	Schwartz (PA)	Woolsey
		Wu

“(II) 25 percent of such amount shall be distributed to the county in which the person or entity is located.

“(III) 25 percent of such amount shall be distributed to the municipality, if any, in which the person or entity is located, or, in the absence of such a municipality, to the county described in subclause (II).

“(D) LIMITATION ON USE OF FUNDS.—Amounts paid to a State, county, or municipality under subparagraph (C) may only be used for costs incurred by such State, county, or municipality in providing public services to aliens not lawfully present in the United States.

“(E) DISTINCT, PHYSICALLY SEPARATE SUBDIVISIONS.—In applying this subsection in the case of a person or other entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or other entity.”

It was decided in the { Yeas 87 negative } Nays 332

Feeney	Latham	Regula
Ferguson	LaTourette	Rehberg
Filner	Leach	Reichert
Fitzpatrick (PA)	Lee	Renzi
Flake	Levin	Rogers (AL)
Foley	Lewis (CA)	Rogers (KY)
Forbes	Lewis (GA)	Rogers (MI)
Ford	Lewis (KY)	Rohrabacher
Fortenberry	Linder	Ros-Lehtinen
Fossella	LoBiondo	Ross
Fox	Lowey	Rothman
Frank (MA)	Lucas	Royce
Franks (AZ)	Lungren, Daniel E.	Ruppersberger
Frelinghuysen	Lynch	Ryan (WI)
Gallely	Mack	Ryun (KS)
Garrett (NJ)	Manzullo	Sabo
Gerlach	Marchant	Salazar
Gibbons	Matheson	Sanchez, Loretta
Gilchrest	McCauley (TX)	Saxton
Gillmor	McCotter	Schakowsky
Gingrey	McCrery	Schmidt
Gohmert	McHenry	Schwarz (MI)
Goode	McHugh	Scott (GA)
Goodlatte	McIntyre	Scott (VA)
Gordon	McKeon	Sensenbrenner
Granger	McMorris	Serrano
Graves	McNulty	Sessions
Green (WI)	Meehan	Shadegg
Grijalva	Meek (FL)	Shaw
Gutierrez	Meeks (NY)	Shays
Gutknecht	Mica	Sherman
Hall	Michaud	Sherwood
Harman	Millender-McDonald	Shimkus
Harris	Miller (FL)	Shuster
Hart	Miller (MI)	Simmons
Hastings (FL)	Miller, Gary	Simpson
Hastings (WA)	Miller, George	Skelton
Hayes	Mollohan	Slaughter
Hayworth	Moore (KS)	Smith (NJ)
Hefley	Moore (WI)	Smith (TX)
Hensarling	Moran (KS)	Snyder
Herger	Moran (VA)	Sodrel
Higgins	Murphy	Solis
Hinchee	Murtha	Souder
Hinojosa	Musgrave	Spratt
Hobson	Myrick	Stearns
Hoekstra	Nadler	Strickland
Holden	Neal (MA)	Stupak
Holt	Neugebauer	Sullivan
Holt	Ney	Sweeney
Hostettler	Northup	Tauscher
Hoyer	Norwood	Taylor (MS)
Hulshof	Nunes	Taylor (NC)
Hunter	Nussle	Terry
Inglis (SC)	Oberstar	Thomas
Inlee	Jenkins	Thornberry
Issa	Jindal	Olver
Jefferson	Johnson (CT)	Osborne
Jenkins	Johnson (IL)	Otter
Jindal	Johnson, Sam	Oxley
Johnson (CT)	Jones (NC)	Pastor
Johnson (IL)	Jones (OH)	Paul
Johnson, Sam	Kanjorski	Pearce
Jones (NC)	Kaptur	Pence
Jones (OH)	Keller	Peterson (MN)
Kanjorski	Kelly	Peterson (PA)
Kaptur	Kennedy (MN)	Petri
Keller	Kennedy (RI)	Pickering
Kelly	Kildee	Pitts
Kennedy (MN)	Kind	Platts
Kennedy (RI)	King (IA)	Poe
Kildee	King (NY)	Pombo
Kind	Kingston	Porter
King (IA)	Kirk	Price (GA)
King (NY)	Kline	Price (NC)
Kingston	Knollenberg	Pryce (OH)
Kirk	Kuhl (NY)	Putnam
Kline	Langevin	Radanovich
Knollenberg	Larsen (WA)	Ramstad
Knollenberg		Rangel
Kuhl (NY)		
Kuhnl (NY)		
Langevin		
Larsen (WA)		

ANSWERED “PRESENT”—1

Souder

NOT VOTING—15

Barrett (SC)	Istook	Napolitano
Barton (TX)	Kolbe	Payne
Davis, Jo Ann	LaHood	Pomeroy
Diaz-Balart, M.	McCarthy	Young (AK)
Hyde	Moran (VA)	Young (FL)

So the amendment was agreed to.

137.46 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 16, printed in House Report 109-350, submitted by Mr. GONZALEZ:

Strike section 706(1).

At the end of the title VII of the bill, add the following:

SEC. 709. COMPLIANCE WITH RESPECT TO THE UNLAWFUL EMPLOYMENT OF ALIENS.

(a) CIVIL PENALTY.—Paragraph (4) of subsection (e) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

“(4) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—

“(A) IN GENERAL.—With respect to a violation by any person or other entity of subsection (a)(1)(A) or (a)(2), the Secretary of Homeland Security shall require the person or entity to cease and desist from such violations and to pay a civil penalty in the amount specified in subparagraph (B).

“(B) AMOUNT OF CIVIL PENALTY.—A civil penalty under this paragraph shall not be less than \$50,000 for each occurrence of a violation described in subsection (a)(1)(A) or (a)(2) with respect to the alien referred to in such subsection, plus, in the event of the removal of such alien from the United States based on findings developed in connection with the assessment or collection of such penalty, the costs incurred by the Federal Government, cooperating State and local governments, and State and local law enforcement agencies, in connection with such removal.

“(C) DISTRIBUTION OF PENALTIES TO STATE AND LOCAL GOVERNMENTS.—

“(i) IN GENERAL.—Penalties collected under this paragraph for a person or entity shall be distributed as follows:

“(I) 25 percent of such amount shall be distributed to the State in which the person or entity is located.

137.47

[Roll No. 658]

AYES—87

Ackerman	Green, Al	Pallone
Andrews	Green, Gene	Pascrell
Becerra	Herseth	Pelosi
Berman	Honda	Pomeroy
Bishop (NY)	Hooley	Rahall
Boucher	Israel	Reyes
Brady (PA)	Jackson (IL)	Roybal-Allard
Brown (OH)	Jackson-Lee	Rush
Capps	(TX)	Ryan (OH)
Capuano	Johnson, E. B.	Sánchez, Linda T.
Carnahan	Kilpatrick (MI)	Sanders
Case	Kucinich	Schiff
Clay	Lantos	Schwartz (PA)
Cleaver	Larson (CT)	Smith (WA)
Clyburn	Lipinski	Stark
Conyers	Lofgren, Zoe	Tanner
Cooper	Maloney	Thompson (CA)
Costello	Markey	Thompson (MS)
Crowley	Marshall	Tierney
Cummings	Matsui	Towns
Davis (CA)	McCollum (MN)	Udall (NM)
DeFazio	McDermott	Van Hollen
DeGette	McGovern	Velázquez
DeLauro	McKinney	Waters
Emanuel	Melancon	Watson
Emanuel	Menendez	Miller (NC)
Engel	Miller (NC)	Obey
Eshoo	Miller (NC)	Ortiz
Evans	Obey	Waxman
Fattah	Ortiz	Wexler
Gonzalez	Owens	Wu

NOES—332

Abercrombie	Boswell	Cramer
Aderholt	Boustany	Crenshaw
Akin	Boyd	Cubin
Alexander	Bradley (NH)	Cuellar
Allen	Brady (TX)	Culberson
Baca	Brown (SC)	Davis (AL)
Bachus	Brown, Corrine	Davis (FL)
Baird	Brown-Waite,	Davis (IL)
Baker	Ginny	Davis (KY)
Baldwin	Burgess	Davis (TN)
Barrow	Burton (IN)	Davis, Tom
Bartlett (MD)	Butterfield	Deal (GA)
Bass	Buyer	Delahunt
Bean	Calvert	DeLay
Beauprez	Camp (MI)	Dent
Berkley	Campbell (CA)	Diaz-Balart, L.
Berry	Cannon	Dicks
Biggett	Cantor	Dingell
Bilirakis	Capito	Doggett
Bishop (GA)	Cardin	Doolittle
Bishop (UT)	Cardoza	Doyle
Blackburn	Carson	Drake
Blumenauer	Carter	Dreier
Blunt	Castle	Duncan
Boehlert	Chabot	Edwards
Boehner	Chandler	Ehlers
Bonilla	Chocoma	Emerson
Bonner	Coble	English (PA)
Bono	Cole (OK)	Etheridge
Boozman	Conaway	Everett
Boren	Costa	Farr

Harman	McIntyre	Shimkus
Harris	McKeon	Shuster
Hart	McMorris	Simmons
Hastings (FL)	McNulty	Simpson
Hastings (WA)	Meehan	Skelton
Hayes	Meek (FL)	Slaughter
Hayworth	Meeks (NY)	Smith (NJ)
Hefley	Mica	Smith (TX)
Hensarling	Michaud	Snyder
Herger	Millender-McDonald	Sodrel
Higgins	Miller (FL)	Solis
Hinchee	Miller (MI)	Souder
Hinojosa	Miller, Gary	Spratt
Hobson	Miller, George	Stearns
Hoekstra	Mollohan	Strickland
Holden	Moore (KS)	Stupak
Holt	Moore (WI)	Sullivan
Holt	Moran (KS)	Sweeney
Hostettler	Moran (VA)	Tauscher
Hoyer	Murphy	Taylor (MS)
Hulshof	Murtha	Taylor (NC)
Hunter	Musgrave	Terry
Inglis (SC)	Myrick	Thomas
Inlee	Nadler	Thornberry
Issa	Neal (MA)	Olver
Jefferson	Neugebauer	Osborne
Jenkins	Ney	Otter
Jindal	Northup	Oxley
Johnson (CT)	Norwood	Pastor
Johnson (IL)	Nunes	Paul
Johnson, Sam	Nussle	Pearce
Jones (NC)	Oberstar	Pence
Jones (OH)	Jenkins	Peterson (MN)
Kanjorski	Jindal	Peterson (PA)
Kaptur	Johnson (CT)	Petri
Keller	Johnson (IL)	Pickering
Kelly	Johnson, Sam	Pitts
Kennedy (MN)	Jones (NC)	Platts
Kennedy (RI)	Jones (OH)	Poe
Kildee	Kanjorski	Pombo
Kind	Kaptur	Porter
King (IA)	Keller	Price (GA)
King (NY)	Kelly	Price (NC)
Kingston	Kennedy (MN)	Pryce (OH)
Kirk	Kennedy (RI)	Putnam
Kline	Kildee	Radanovich
Knollenberg	Kind	Ramstad
Knollenberg	King (IA)	Rangel
Kuhl (NY)	King (NY)	
Langevin	Kingston	
Larsen (WA)	Kirk	
	Kline	
	Knollenberg	
	Kuhl (NY)	
	Langevin	
	Larsen (WA)	

NOT VOTING—14

Barrett (SC)	Istook	Payne
Barton (TX)	Kolbe	Reynolds
Davis, Jo Ann	LaHood	Young (AK)
Diaz-Balart, M.	McCarthy	Young (FL)
Hyde	Napolitano	

So the amendment was not agreed to.

137.48 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 18, printed in House Report 109-350, submitted by Mr. SULLIVAN:

Add at the end the following new title:

TITLE IX—SECURE OUR NATION'S INTERIOR

SEC. 901. EXPEDITED REMOVAL.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

“(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 1-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless—

“(I) the alien has been charged with a crime, is in criminal proceedings, or is serving a criminal sentence; or

“(II) the alien indicates an intention to apply for asylum under section 208 or a fear of persecution and the officer determines that the alien has been physically present in the United States for less than 1 year.

“(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who is described in clause (i), and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B) if the officer determines that the alien has been physically present in the United States for less than 1 year.”

SEC. 902. CLARIFICATION OF INHERENT AUTHORITY OF STATE AND LOCAL LAW ENFORCEMENT.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

SEC. 903. DEPARTMENT OF HOMELAND SECURITY RESPONSE TO REQUESTS FOR ASSISTANCE FROM STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

“CUSTODY OF ILLEGAL ALIENS

“SEC. 240D. (a) IN GENERAL.—If the Governor of a State (or, if appropriate, a political subdivision of the State), exercising authority with respect to the apprehension of an illegal alien, submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary

“(1) shall—

“(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

“(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

“(2) shall designate a Federal, State, or local prison or jail or a private contracted

prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security. The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

“(b) REIMBURSEMENT TO STATES AND LOCALITIES.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

“(c) INCARCERATION OF ILLEGAL ALIENS.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

“(d) TRANSFER OF ILLEGAL ALIENS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

“(2) AGREEMENTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

“(e) DEFINITION.—For purposes of this section, the term ‘illegal alien’ means an alien who entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security.”

SEC. 904. UNIVERSAL PROCESSING THROUGH THE AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) RECORD OF ENTRY AND EXIT.—Not later than January 1, 2008, the Secretary of Homeland Security shall develop a program to collect and maintain a record of each admission for every alien arriving in the United States.

(b) PURPOSE.—The program established in subsection (a) shall verify the identity of every arriving and departing alien by comparing in real time the biometric identifier on such alien’s travel or entry document or passport with the arriving or departing alien.

(c) COORDINATION.—The program established under subsection (a) shall be coordinated with the system established under section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)).

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress detailing the additional resources, including machine readers and personnel, that are needed at each port of entry, based on recent and anticipated volumes of admissions at such ports of entry, to fully implement subsection (a).

It was decided in the negative { Yeas 163 Nays 251 Answered present 1

137.49

[Roll No. 659]

AYES—163

- Aderholt, Alexander, Bachus, Baker, Barrow, Bartlett (MD), Beauprez, Berry, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehner, Bonner, Bono, Boozman, Boren, Boswell, Boyd, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Buyer, Calvert, Campbell (CA), Cantor, Capito, Case, Chabot, Chandler, Choccola, Coble, Conaway, Cooper, Cramer, Crenshaw, Cubin, Culberson, Davis (KY), Davis (TN), Deal (GA), Dent, Doollittle, Drake, Duncan, Edwards, Emerson, English (PA), Everett, Forbes, Ford, Fortenberry, Franks (AZ), Gallegly, Garrett (NJ), Gibbons, Gingrey, Gohmert, Goode, Goodlatte, Gordon, Graves, Gutknecht, Hall, Harris, Hart, Hayes, Hayworth, Hefley, Herger, Herseeth, Holden, Hostettler, Hulshof, Hunter, Inglis (SC), Jenkins, Johnson, Sam, Jones (NC), Keller, Kelly, Kennedy (MN), King (IA), Kingston, Kline, Latham, Lewis (KY), Linder, LoBiondo, Lucas, Lungren, Daniel E., Mack, Manzullo, Marchant, Marshall, Matheson, McCaul (TX), McCrery, McHenry, McIntyre, McKeon, Melancon, Mica, Miller (FL), Miller, Gary, Moran (KS), Murphy, Musgrave, Myrick, Neugebauer, Ney, Norwood, Nussle, Osborne, Otter, Paul, Peterson (MN), Peterson (PA), Pickering, Pitts, Platts, Poe, Pomo, Porter, Price (GA), Pryce (OH), Putnam, Ramstad, Renzi, Reynolds, Rogers (AL), Rogers (MI), Rohrabacher, Ross, Royce, Ryan (KS), Saxton, Schmidt, Sessions, Shays, Sherwood, Shimkus, Shuster, Simpson, Skelton, Smith (TX), Stearns, Sullivan, Sweeney, Tancred, Tanner, Taylor (MS), Taylor (NC), Tiberi, Walden (OR), Wamp, Weldon (FL), Westmoreland, Whitfield, Wicker, Wilson (SC)

NOES—251

- Abercrombie, Ackerman, Akin, Allen, Andrews, Baca, Baird, Baldwin, Bass, Bean, Becerra, Berkley, Berman, Biggert, Bishop (GA), Bishop (NY), Blumenauer, Boehlert, Bonilla, Boucher, Boustany, Brady (PA), Brown (OH), Brown, Corrine, Burgess, Burton (IN), Butterfield, Camp (MI), Cannon, Capps, Capuano, Cardin, Cardoza, Carnahan, Carson, Carter, Castle, Clay, Cleaver, Clyburn, Conyers, Costa, Costello, Crowley, Cuellar, Cummings, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis, Tom, DeFazio, DeGette, Delahunt, DeLauro, DeLay, Diaz-Balart, L., Dicks, Dingell, Doggett, Doyle, Dreier, Cannon, Ehlers, Emanuel, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Feeney, Ferguson, Filner, Fitzpatrick (PA), Flake, Foley, Fossella, Foxx, Frank (MA), Frelinghuysen, Gerlach, Gilchrest, Gillmor, Gonzalez, Granger, Green (WI), Green, Al, Green, Gene, Grijalva, Gutierrez, Harman, Hastings (FL), Hastings (WA), Hensarling, Higgins, Hinchey, Hinojosa, Hobson, Hoekstra, Holt, Honda, Hooley

Hoyer	Miller (MI)	Scott (GA)
Inslee	Miller (NC)	Scott (VA)
Israel	Miller, George	Sensenbrenner
Issa	Mollohan	Serrano
Jackson (IL)	Moore (KS)	Shadegg
Jackson-Lee	Moore (WI)	Shaw
(TX)	Moran (VA)	Sherman
Jefferson	Murtha	Simmons
Johnson (CT)	Nadler	Slaughter
Johnson (IL)	Neal (MA)	Smith (NJ)
Johnson, E. B.	Northup	Smith (WA)
Jones (OH)	Nunes	Snyder
Kanjorski	Oberstar	Sodrel
Kaptur	Obey	Solis
Kildee	Olver	Souder
Kilpatrick (MI)	Ortiz	Spratt
Kind	Owens	Stark
King (NY)	Oxley	Strickland
Kirk	Pallone	Stupak
Knollenberg	Pascarell	Tauscher
Kucinich	Pastor	Terry
Kuhl (NY)	Pearce	Thomas
Langevin	Pelosi	Thompson (CA)
Lantos	Pence	Thompson (MS)
Larsen (WA)	Petri	Thornberry
Larson (CT)	Pomeroy	Tiahrt
LaTourette	Price (NC)	Tierney
Leach	Radanovich	Towns
Lee	Rahall	Turner
Levin	Rangel	Udall (CO)
Lewis (GA)	Regula	Udall (NM)
Lipinski	Rehberg	Upton
Lofgren, Zoe	Reichert	Van Hollen
Lowe	Reyes	Velázquez
Lynch	Rogers (KY)	Visclosky
Maloney	Ros-Lehtinen	Walsh
Markey	Roybal-Allard	Wasserman
Matsui	Ruppersberger	Schultz
McCollum (MN)	Rush	Waters
McDermott	Ryan (OH)	Watson
McGovern	Ryan (WI)	Watt
McKinney	Sabo	Waxman
McMorris	Salazar	Weiner
McNulty	Sánchez, Linda	Weldon (PA)
Meehan	T.	Weller
Meek (FL)	Sanchez, Loretta	Wexler
Meeks (NY)	Sanders	Wilson (NM)
Menendez	Schakowsky	Wolf
Michaud	Schiff	Woolsey
Millender-	Schwartz (PA)	Wu
McDonald	Schwarz (MI)	Wynn

ANSWERED "PRESENT"—1

McCotter

NOT VOTING—18

Barrett (SC)	Istook	McHugh
Barton (TX)	Kennedy (RI)	Napolitano
Cole (OK)	Kolbe	Payne
Davis, Jo Ann	LaHood	Rothman
Diaz-Balart, M.	Lewis (CA)	Young (AK)
Hyde	McCarthy	Young (FL)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. KIRK, assumed the Chair.

When Mr. CULBERSON, Acting Chairman, pursuant to House Resolution 621, reported the bill back, as amended pursuant to House Resolution 610, to the House with sundry further amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In section 101(a), in the matter preceding paragraph (1), strike "The Secretary" insert "Not later than 18 months after the date of the enactment of this Act, the Secretary".

In section 101(b), strike "the entry into the United States of" and insert "all unlawful entries into the United States, including entries by".

In section 101, add at the end the following new subsection:

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining oper-

ational control over the entire international land and maritime borders of the United States in accordance with this section.

In section 102(b), insert after paragraph (3) the following new paragraph (and redesignate subsequent paragraphs accordingly):

(4) An assessment of all legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

In section 102—

(1) in subsection (b), in the matter before paragraph (1), strike "Committee on Homeland Security of the House of Representatives" and insert "appropriate congressional committees";

(2) in subsection (b)(3), insert ", except for ports of entry and facilities subject to vulnerability assessments under section 70102 or 70103 of title 46, United States Code," after "borders of the United States";

(3) amend subsection (d) to read as follows: (d) COORDINATION.—The National Strategy for Border Security described in subsection (b) shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13.

(4) in subsection (f), strike "Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House" and insert "appropriate congressional committees, such committees shall promptly report to their respective House";

(5) in subsection (g), insert "and section 301(b)" after "this title"; and

(6) add at the end the following new subsection:

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 111, strike "Committee on Homeland Security of the House of Representatives" and insert "appropriate congressional committees".

At the end of title I, add the following new section:

SEC. 118. VOLUNTARY RELOCATION PROGRAM EXTENSION.

Section 5739(e) of title 5, United States Code, is amended by striking "7" and inserting "12".

In section 203, amend paragraph (3) to read as follows:

(3) by amending subsection (c) to read as follows:

"(c)(1) Whoever—

"(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(B) knowingly misrepresents the existence or circumstances of a marriage—

"(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

"(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(2) Whoever—

"(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

"(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

"(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review."

In section 275(e)(1) of the Immigration and Nationality Act, proposed to be inserted by section 203(5)—

(1) in subparagraph (A), strike "(other than an aggravated felony)"; and

(2) strike subparagraph (B) and insert the following:

(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

In proposed section 275(e)(3) of the Immigration and Nationality Act, as inserted by section 203(5)—

(1) strike "(A) or (B)" and insert "(A), (B), or (C)"; and

(2) strike "an aggravated felony or other qualifying crime" and insert "a qualifying crime".

Strike section 210, and insert the following:

SEC. 210. ESTABLISHMENT OF THE FORENSIC DOCUMENTS LABORATORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a Fraudulent Documents Center (to be known as the Forensic Document Laboratory) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and foreign governments on the production, sale, distribution, and use of fraudulent documents intended to be used to enter, travel, or remain within the United States unlawfully.

(2) Maintain the information described in paragraph (1) in a comprehensive database.

(3) Maintain a repository of genuine and fraudulent travel and identity document exemplars.

(4) Convert the information collected into reports that provide guidance to government officials in identifying fraudulent documents being used to enter into, travel within, or remain in the United States.

(5) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—The Forensic Document Laboratory shall distribute its reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

At the end of title II, add the following new sections:

SEC. 211. MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) is amended—

(1) by adding at the end of paragraph (5) the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion."; and

(2) by adding at the end of paragraph (6) the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion."

(b) **PRIMA FACIE ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY OF REMOVAL NOT PREVIOUSLY CONSIDERED.**—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a) is further amended by adding at the end of paragraph (6) the following new subparagraph:

“(E) **SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.**—The time and numerical limitations specified in this paragraph shall not apply if—

“(i) the Secretary seeks to remove the alien to an alternative or additional country of removal under subparagraph (D) or (E) of section 241(b)(2) that had not been considered during the alien’s prior removal proceedings;

“(ii) the alien’s motion to reopen is filed within 30 days after the date the alien receives notice of the Secretary’s intention to remove the alien to that country; and

“(iii) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture with respect to that particular country.”.

(c) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall apply to motions to reopen and reconsider that are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, regardless of whether a final administrative order is entered before, on, or after such date.

SEC. 212. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“1541. Trafficking in passports.

“1542. False statement in an application for a passport.

“1543. Forgery and unlawful production of a passport.

“1544. Misuse of a passport.

“1545. Schemes to defraud aliens.

“1546. Immigration and visa fraud.

“1547. Attempts and conspiracies.

“1548. Increased penalties for certain offenses.

“1549. Seizure and forfeiture.

“1550. Additional jurisdiction.

“1551. Additional venue.

“1552. Definitions.

“1553. Authorized law enforcement activities.

“§ 1541. Trafficking in passports

“(a) Whoever, during any three-year period—

“(1) knowingly and without lawful authority produces, issues, or transfers 10 or more passports; or

“(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more passports; or

“(3) knowingly secures, possesses, uses, receives, buys, or sells 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued, or designed for the use of another, or produced or issued without lawful authority; or

“(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation) knowing the applications to contain any false statement or representation;

shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

“(b) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this

title, imprisoned not less than 3 years nor more than 20 years, or both.

“§ 1542. False statement in an application for a passport

“Whoever knowingly—

“(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation); or

“(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing it to contain any false statement or representation; or

“(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), when such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports; shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1543. Forgery and unlawful production of a passport

“(a) Whoever—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority; shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport; or

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1544. Misuse of a passport

“(a) Whoever—

“(1) knowingly uses any passport issued or designed for the use of another; or

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport; or

“(3) knowingly secures, possesses, uses, receives, buys, or sells any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States; shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly uses any passport—

“(1) to enter or to attempt to enter the United States, or

“(2) to defraud an agency of the United States, a State, or a political subdivision of a State,

knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another, shall be fined under this title, imprisoned not less than 6 months nor more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) Whoever knowingly defrauds any person in connection with—

“(1) any matter that is authorized by or arises under the immigration laws of the United States, or

“(2) any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly and falsely represents himself to be an attorney in any matter authorized by or arising under the immigration laws of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) Whoever—

“(1) knowingly uses any immigration document issued or designed for the use of another; or

“(2) knowingly forges, counterfeits, alters, or falsely makes any immigration document; or

“(3) knowingly completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation; or

“(4) knowingly secures, possesses, uses, transfers, receives, buys, or sells any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued or designed for another, or produced or issued without lawful authority; or

“(5) knowingly adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) knowingly and without lawful authority transfers or furnishes an immigration document to a person for use when such person is not the person for whom the immigration document was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever, during any three-year period—

“(1) knowingly and without lawful authority produces, issues, or transfers 10 or more immigration documents; or

“(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more immigration documents; or

“(3) knowingly secures, possesses, uses, buys, or sells 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or issued or designed for the use of another, or produced or issued without lawful authority; or

“(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation;

shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

“(c) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make an immigration document shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

“§ 1547. Attempts and conspiracies

“Whoever attempts or conspires to violate any section within this chapter shall be punished in the same manner as a completed violation of that section. An attempt offense under this chapter is a general intent crime.

“§ 1548. Increased penalties for certain offenses

“(a) Whoever violates any of the sections within this chapter with the intent to facilitate an act of international terrorism (as defined in section 2331 of this title) shall be

fined under this title, imprisoned not less than 7 years nor more than 25 years, or both.

“(b) Whoever violates any section in this chapter with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

“§ 1549. Seizure and forfeiture

“(a) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of any section within this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1550. Additional jurisdiction

“(a) Whoever commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided by that offense.

“(b) Whoever commits an offense under this chapter outside the United States shall be punished as provided by that offense if—

“(1) the offense involves a United States immigration document (or any document purporting to be the same) or any matter, right, or benefit arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder; or

“(2) the offense is in or affects foreign commerce; or

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of the immigration laws of the United States, or the national security of the United States; or

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331 of this title) or a drug trafficking crime (as defined in section 929(a) of this title) that affects or would affect the national security of the United States; or

“(5) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(20)); or

“(6) an offender is a stateless person whose habitual residence is in the United States.

“§ 1551. Additional venue

“An offense under section 1542 of this chapter may be prosecuted in—

“(1) any district in which the false statement or representation was made; or

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

Nothing in this section limits the venue otherwise available under sections 3237 and 3238 of this title.

“§ 1552. Definitions

“For purposes of this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact that is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’ means—

“(A) any passport or visa; or

“(B) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States.

Such term includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2) of this subsection.

“(6) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(7) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(8) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(9) The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“§ 1553. Authorized law enforcement activities

“The sections in this chapter do not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).”

SEC. 213. CRIMINAL DETENTION OF ALIENS.

(a) Section 3142(e) of title 18, United States Code, is amended by inserting at the end the following:

“Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

“(1) has no lawful immigration status in the United States;

“(2) is the subject of a final order of removal; or

“(3) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278, of the Immigration and Nationality Act.”

(b) Section 3142(g)(3) of title 18, United States Code, is amended by striking “and” at the end of subparagraph (A) and by adding at the end the following new subparagraph:

“(C) the person’s immigration status; and”

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

“SEC. 3291. IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

“No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons) of this title (or for attempt or conspiracy to violate any such section), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (or for attempt or conspiracy to violate any such section), unless the indictment is returned or the information filed within ten years after the commission of the offense.”

SEC. 215. CONFORMING AMENDMENT.

Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of Title 18 or is described in section 1546(a) of such title (relating to document fraud) and (ii)” and inserting “which is described in any section of chapter 75 of title 18, United States Code.”; and

(2) by inserting after “first offense” the following: “(i) that is not described in section 1548 (relating to increased penalties), and (ii)”.

SEC. 216. INADMISSIBILITY FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) by striking “or” at the end of subclause (I);

(2) by inserting “or” at the end of subclause (II); and

(3) by inserting the following new subparagraph:

“(III) a violation of (or a conspiracy or attempt to violate) any section of chapter 75 of title 18, United States Code.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 217. REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Clause (iii) of section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended to read as follows “(iii) of a violation of, or an attempt or a conspiracy to violate, any section of chapter 75 of title 18, United States Code.”

(b) EFFECTIVE DATE.—This amendment made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act

In section 301—

(1) in subsection (b), in the matter preceding paragraph (1), strike “Congress” and insert “appropriate congressional committees (as defined in section 102(g))”; and

(2) in subsection (c), strike "RULE OF CONSTRUCTION" and insert "RULES OF CONSTRUCTION", insert "(1)" before "Nothing" and add at the end the following new paragraph:

(2) Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 305(a), in the matter before paragraph (1), strike "any activity" and insert "any terrorism prevention or deterrence activity".

At the end of title III, add the following new section:

SEC. 308. RED ZONE DEFENSE BORDER INTELLIGENCE PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Homeland Security and the Director of National Intelligence shall jointly establish a pilot program to improve the coordination and management of intelligence and homeland security information provided to or utilized by the Department of Homeland Security relating to the southwest international land and maritime border of the United States.

(b) **PILOT AREA.**—The Secretary of Homeland Security and the Director of National Intelligence shall designate a geographic area along the southwest international land and maritime border of the United States centered on Cochise County, Arizona, to be the pilot area for the pilot program established pursuant to subsection (a).

(c) **PROGRAM.**—The pilot program established pursuant to subsection (a) shall—

(1) coordinate and facilitate the sharing of intelligence and homeland security information related to border security within the pilot area designated pursuant to subsection (b) among Federal, State, local, and tribal governments, including relevant intelligence and homeland security information provided to the Department of Homeland Security by the intelligence community and relevant intelligence and homeland security information gathered by the Department of Homeland Security from other sources;

(2) to the maximum extent possible, provide for persistent surveillance of such pilot area;

(3) to the maximum extent possible, utilize airships, aerostats, and existing unmanned aerial vehicles to provide for surveillance of such pilot area;

(4) to the maximum extent possible, fully utilize the capabilities of underutilized assets currently available to conduct surveillance of such pilot area;

(5) where practicable, utilize the capabilities of existing operational and analytical centers that analyze intelligence and homeland security information relating to such pilot area from multiple sources and improve the interoperability of such centers;

(6) consistent with applicable security requirements, disseminate actionable intelligence and homeland security information relating to border security within such pilot area to the appropriate Federal, State, local, tribal, and foreign governments to support operational activities relating to border security within such pilot area;

(7) provide for direct transmission of such actionable intelligence and homeland security information to operational and analytical centers included in the pilot program;

(8) provide for a representative of the Department of Homeland Security to be assigned to each operational and analytical center to facilitate the immediate utilization, where practicable, of such actionable intelligence and homeland security information; and

(9) develop metrics to assess the capability of such pilot program to improve border security.

(d) **STRATEGY COORDINATION.**—In establishing the pilot program under subsection (a), the Director of National Intelligence shall coordinate the intelligence activities of the pilot program with the relevant activities and programs of other elements of the intelligence community.

(e) **HEADQUARTERS.**—The Secretary of Homeland Security and the Director of National Intelligence may establish a headquarters for the pilot program established pursuant to subsection (a) within the area designated as the pilot area pursuant to subsection (b).

(f) **DURATION.**—The pilot program established pursuant to subsection (a) shall last a minimum of two years.

(g) **REPORT.**—Not later than one year after the establishment of the pilot program pursuant to subsection (a), the Secretary of Homeland Security and the Director of National Intelligence shall submit to Congress a report containing—

(1) the lessons learned from such pilot program based on the metrics developed pursuant to subsection (c)(9);

(2) recommendations for enhancing the provision and sharing of intelligence and homeland security information relating to border security under the National Strategy for Border Security submitted pursuant to section 102(b) and with other programs of the intelligence community relating to border security; and

(3) an identification of any provisions of law that may impede effective coordination of intelligence and homeland security information relating to the southwest international land and maritime border of the United States.

(h) **DEFINITIONS.**—In this section:

(1) **HOMELAND SECURITY INFORMATION.**—The term "homeland security information" has the meaning given the term in section 892(f)(1) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)(1)).

(2) **INTELLIGENCE COMMUNITY.**—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

In section 401(c), add at the end the following paragraph:

(3) **DISCRETION.**—Nothing in this section shall be construed as limiting the authority of the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

In section 431(e) of the Homeland Security Act of 2002, as added by section 502(a), insert "the Department of Transportation," after "Justice,".

Amend clause (vi) of section 601(a)(1)(B) to read as follows:

(vi) by striking the last sentence and inserting the following: "The Secretary of Homeland Security shall waive the application of clause (v) in the case of removal of an alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations."

In section 602(a)—

(1) in section 241(a)(8) of the Immigration and Nationality Act, inserted by paragraph (8)

(A) strike "procedures described" and insert "rules set forth"; and

(B) strike the dash and "(A)" and strike ", and" and all that follows up to the period at the end; and

(2) in section 241(j) of such Act, inserted by paragraph (9)—

(A) in paragraph (1), strike "procedures described" and insert "rules set forth";

(B) in paragraph (3)(B)(i) strike "subparagraph (A) if" and all the follows through "apply," and insert the following:

" subparagraph (A)—

"(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

"(II) pending a determination as provided in subparagraph (C) of paragraph (4)."

In section 241(j)(3)(B)(ii) of the Immigration and Nationality Act, inserted by section 602(a)(9), strike " paragraph (4)(A)" and insert "paragraph (4)(B)".

In section 611—

(1) strike "section 103(d)(1)" and insert "sections 103(d)(1) and 105(a)(2)(A)"; and

(2) strike "is amended" and insert "are each amended".

Add at the end of title VI, the following new sections:

SEC. 615. REPORT ON CRIMINAL ALIEN PROSECUTION.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of criminal alien prosecutions, including prosecutions of human smugglers.

SEC. 616. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) **RESPONSIBILITY OF UNITED STATES ATTORNEYS.**—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act; and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

The determination under paragraph (1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(b) **RESPONSIBILITIES OF FEDERAL COURTS.**—

(1) **MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.**—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in paragraph (2) of subsection (a).

(2) **DATA ENTRIES.**—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(c) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

In section 274A(h)(4) of the Immigration and Nationality Act, as added by section 705—

(1) amend the heading to read: “**RECRUITMENT AND REFERRAL**”;

(2) amend the third sentence to read as follows: “However, labor service agencies, whether public, private, for-profit, or non-profit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.”; and

(3) amend the sixth sentence to read as follows: “However, labor service agencies, whether public, private, for-profit, or non-profit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.”

Redesignate section 708 as 709, and insert after section 707 the following new section:

SEC. 708. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking “imposing”, and inserting a dash and “(A) imposing”;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

“(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

“(ii) take other steps that facilitate the employment of day laborers by others.”

At the end of title VIII add the following:

SEC. 807. CLARIFICATION OF JURISDICTION ON REVIEW.

(a) REVIEW OF DISCRETIONARY DETERMINATIONS.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting before “no court” the following: “and regardless of whether the individual determination, decision, or action is made in removal proceedings.”;

(2) in clause (i), by striking “any judgment” and inserting “any individual determination”; and

(3) in clause (ii)—

(A) by inserting “discretionary” after “any other”;

(B) by striking “the authority for which is specified under this title to be in the discretion of the Attorney General or the Secretary of Homeland Security,” and inserting “under this title or the regulations promulgated hereunder.”; and

(C) by striking the period at the end and inserting the following: “, irrespective of whether such decision or action is guided or informed by standards, regulatory or otherwise.”.

(b) REVIEW OF ORDERS AGAINST CRIMINAL ALIENS.—Section 242(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is amended by inserting after “of removal” the following: “(irrespective of whether relief or protection was denied on the basis of the alien’s having committed a criminal offense)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions for review that are pending on or after the date of the enactment of this Act.

SEC. 808. FEES AND EXPENSES IN JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

“(i) Notwithstanding any other provision of law, a court shall not award fees or other expenses to an alien based upon the alien’s status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the Attorney General’s determination that the alien was removable under section 212 or 237 was not substantially justified.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fees or other expenses awarded on or after the date of the enactment of this Act.

In section 106, in the matter preceding paragraph (1), strike “communication capabilities” and insert “communication capabilities, including the specific use of satellite communications”.

At the end of section 109, add the following new subsection:

(e) ACTION BY INSPECTOR GENERAL.—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information related to such improper conduct or wrongdoing to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security for purposes of evaluating whether to suspend or debar the contractor.

At the end of title I, insert the following:

SEC. 118. SENSE OF CONGRESS REGARDING ENFORCEMENT OF IMMIGRATION LAWS.

(a) FINDINGS.—Congress finds the following:

(1) A primary duty of the Federal Government is to secure the homeland and ensure the safety of United States citizens and lawful residents.

(2) As a result of the terrorist attacks on September 11, 2001, perpetrated by al Qaida terrorists on United States soil, the United States is engaged in a Global War on Terrorism.

(3) According to the National Commission on Terrorist Attacks Upon the United States, up to 15 of the 9/11 hijackers could have been intercepted or deported through more diligent enforcement of immigration laws.

(4) Four years after those attacks, there is still a failure to secure the borders of the United States against illegal entry.

(5) The failure to enforce immigration laws in the interior of the United States means that illegal aliens face little or no risk of apprehension or removal once they are in the country.

(6) If illegal aliens can enter and remain in the United States with impunity, so, too, can terrorists enter and remain while they plan, rehearse, and then carry out their attacks.

(7) The failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching catastrophic or harmful attacks on United States soil.

(8) There are numerous immigration laws that are currently not being enforced.

(9) Law enforcement officers are often discouraged from enforcing the law by superiors.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, the Attorney General, Secretary of State, Secretary of Homeland Security, and other Department Secretaries should immediately use every tool available to them to enforce the immigration laws of the United States, as enacted by Congress.

Add at the end of title I the following new section:

SEC. 118. SECURING ACCESS TO BORDER PATROL UNIFORMS.

Notwithstanding any other provision of law, all uniforms procured for the use of Border Patrol agents shall be manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States.

At the end of title I, insert the following new section:

SEC. 118. US-VISIT.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a timeline for—

(1) equipping all land border ports of entry with the US-VISIT system;

(2) developing and deploying at all land border ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Department of Homeland Security.

At the end of title I, add the following:

SEC. 118. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court, until an IBIS check on the alien has been initiated at a Treasury Enforcement Communications System (TECS) access level of no less than Level 3, results from the check have been returned, and any derogatory information has been obtained and assessed, and until any other such background and security checks have been completed as the Secretary may require.

“(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until any suspected or alleged fraud relating to the granting of any status (including the

granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been fully investigated and found to be unsubstantiated.”.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting “distributes (or intends to distribute),” before “or falsely” the first place it appears.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting “distributed,” before “or falsely” the second place it appears.

At the end of title II, insert the following:

SEC. 211. REDUCTION IN IMMIGRATION BACKLOG.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall require that, not later than six months after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services (in this section referred to as “USCIS”) undertake maximum efforts to reduce to the greatest extent practicable the backlog in the processing and adjudicative functions of USCIS.

(b) **PILOT PROGRAM INITIATIVES.**—

(1) **IN GENERAL.**—The Director is authorized to implement a pilot program for the purposes of, to the greatest extent practicable—

(A) reducing the backlog in the processing of immigration benefit applications; and
(B) preventing such backlog from recurring.

(2) **INITIATIVES.**—To carry out paragraph (1), initiatives may include measures such as increasing personnel, transferring personnel to focus on areas with the largest potential for backlog, streamlining paperwork processes, and increasing information technology and service centers.

At the end of title II, add the following new sections:

SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) **CONSTRUCTION.**—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) **ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal cus-

tody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(b) **AVAILABILITY.**—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) **APPLICABILITY.**—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established under subsection (a)(2) with them while on duty.

(d) **COSTS.**—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under subsection (a).

(e) **TRAINING FLEXIBILITY.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and can have a portal in place within 30 days, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) **FEDERAL PERSONNEL TRAINING.**—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) **CLARIFICATION.**—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws in the normal course of carrying out their normal law enforcement duties.

(f) **TRAINING LIMITATION.**—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and

(2) in paragraph (2), by adding at the end the following: “Such training shall not exceed 14 days or 80 hours, whichever is longer.”.

SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) **GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING ILLEGAL ALIENS.**—From amounts made available to make grants under this section, the Secretary of Homeland Security shall make grants to States and political subdivisions of States for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting immigration law violators, including additional administrative costs incurred under this Act.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under this section, a State or political subdivision of a State must have the authority to, and have in effect the policy and practice to, assist in the enforcement of the immigration laws of the United States in the

course of carrying out such agency’s routine law enforcement duties.

(c) **FUNDING.**—There is authorized to be appropriated for grants under this section \$250,000,000 for each fiscal year.

(d) **GAO AUDIT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States and political subdivisions of States under subsection (a).

SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).

(a) **CONTINUATION AND EXPANSION.**—

(1) **IN GENERAL.**—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) **EXPANSION.**—The institutional removal program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with officials of the institutional removal program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition for receiving such funds.

(b) **AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.**—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien’s State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from United States Immigration and Customs Enforcement can take the alien into custody.

(c) **TECHNOLOGY USAGE.**—Technology such as video conferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the institutional removal program—

(1) \$100,000,000 for fiscal year 2008;

(2) \$115,000,000 for fiscal year 2007;

(3) \$130,000,000 for fiscal year 2009;

(4) \$145,000,000 for fiscal year 2010; and

(5) \$160,000,000 for fiscal year 2011.

SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by inserting before the period at the end the following: “and \$1,000,000,000 for each subsequent fiscal year”.

SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.

(a) **IN GENERAL.**—Effective 2 years after the date of the enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State,

of a political subdivision within the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States or political subdivisions of States to report or arrest victims or witnesses of a criminal offense.

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or political subdivision of a State due to the failure of the State to comply with subsection (a) shall be reallocated to States that comply with such subsection.

At the end of title IV, add the following new section:

SEC. 408. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Under Secretary may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, any and all aliens who have overstayed their authorized period of stay, and any and all aliens whose visas have been revoked. Such information shall be provided to the National Crime Information Center, and the National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available on the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or whether sufficient identifying information is available on the alien and even if the alien has already been removed; and

At the end of title III, add the following:

SEC. 308. COMMUNICATION BETWEEN GOVERNMENT AGENCIES AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking “Immigration and Naturalization Service” and inserting “Department of Homeland Security” each place it appears; and

(2) by adding at the end the following:

“(d) ENFORCEMENT.—

“(1) INELIGIBILITY FOR FEDERAL LAW ENFORCEMENT AID.—Upon a determination that any person, or any Federal, State, or local government agency or entity, is in violation of subsection (a) or (b), the Attorney General shall not provide to that person, agency, or entity any grant amount pursuant to any law enforcement grant program carried out

by any element of the Department of Justice, including the program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 241(i)), and shall ensure that no such grant amounts are provided, directly or indirectly, to such person, agency, or entity. In the case of grant amounts that otherwise would be provided to such person, agency, or entity pursuant to a formula, such amounts shall be reallocated among eligible recipients.

“(2) VIOLATIONS BY GOVERNMENT OFFICIALS.—In any case in which a Federal, State, or local government official is in violation of subsection (a) or (b), the government agency or entity that employs (or, at the time of the violation, employed) the official shall be subject to the sanction under paragraph (1).

“(3) DURATION.—The sanction under paragraph (1) shall remain in effect until the Attorney General determines that the person, agency, or entity has ceased violating subsections (a) and (b).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to grant requests pending on or after the date of the enactment of this Act.

At the end of title IV, insert the following new section:

SEC. 408. REPORT ON APPREHENSION AND DETENTION OF CERTAIN ALIENS.

(a) REPORT REQUIRED.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on—

(1) the number of illegal aliens from non-contiguous countries who are apprehended at or between ports of entry since the date of enactment of this Act;

(2) the number of such aliens who have been deported since the date of enactment of this Act; and

(3) the number of such aliens from countries the governments of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law, are governments that have repeatedly provided support for acts of international terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should develop a strategy for entering into appropriate security screening watch lists the appropriate background information of illegal aliens from countries described in paragraph (3) of subsection (a).

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by inserting “or” at the end; and

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

“(E) is unlawfully present in the United States and who is deportable on any grounds and is apprehended for any offense described in section 237(a)(2)(F) by a State or local law enforcement officer covered under an agreement under section 287(g).”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer appre-

hends an individual for an offense described in section 237(a)(2)(F) and the officer has reasonable ground to believe that the individual is an alien—

“(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

“(2) if any such database—

“(A) indicates that the individual is an alien unlawfully present in the United States—

“(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

“(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

“(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

“(B) indicates that the individual is an alien but is not unlawfully present in the United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.”

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

“(F) DRIVING WHILE INTOXICATED AND WHILE UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien—

“(i) who at the time the alien is unlawfully present in the United States and who commits the offense of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) and who is convicted of such offense, or

“(ii) who is unlawfully present in the United States and who commits an offense by refusing in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content,

is deportable and shall be deported.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike “(F) CRIMINAL” and insert “(G) CRIMINAL”.

At the end of title VI, insert the following new section:

SEC. 615. DECLARATION OF CONGRESS.

Congress condemns rapes by smugglers along the international land border of the United States and urges in the strongest possible terms the Government of Mexico to work in coordination with United States Customs and Border Protection of the Department of Homeland Security take immediate action to prevent such rapes from occurring.

At the end of title VI, add the following new section:

SEC. 6. INCREASED CRIMINAL PENALTIES FOR DOCUMENT FRAUD AND CRIMES OF VIOLENCE.

(a) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not more than 25 years” and inserting “not less than 25 years”;

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,” after “section 2331 of this title);”;

(C) by striking “20 years” and inserting “imprisoned not more than 40 years”;

(D) by striking “10 years” and inserting “imprisoned not more than 20 years”; and

(E) by striking “15 years” and inserting “imprisoned not more than 25 years”; and

(2) in subsection (b), by striking “5 years” and inserting “10 years”.

(b) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Illegal aliens 1131”.

At the end of title VI, add the following new section:

SEC. 6. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting “section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” after “section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction);” and

(2) by inserting “section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),” after “section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling).”.

In paragraphs (1)(A) and (2)(A) of section 706, strike “paragraph (10)” and insert “paragraphs (10) through (12)”.

In the matter inserted by section 706(1)(B), strike “not less than \$5,000” and insert “not less than \$5,000 and not more than \$7,500”.

In the matter inserted by section 706(1)(C), strike “not less than \$10,000” and insert “not less than \$10,000 and not more than \$15,000”.

In the matter inserted by section 706(1)(D), strike “not less than \$25,000” and insert “not less than \$25,000 and not more than \$40,000”.

In section 706(3), strike “the following new paragraph” and insert “the following new paragraphs”.

In section 706(3), after the paragraph (10) added by this section add the following:

“(11) EXEMPTION FROM PENALTY FOR INITIAL GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was the first such violation of such provision by the violator and the violator acted in good faith.

“(12) SAFE HARBOR FOR CONTRACTORS.—A person or other entity shall not be liable for a penalty under paragraph (4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection.”.

At the end of title VII, insert the following new section:

SEC. 710. LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner’s responsibilities in this title or the amendments made by this title, but only to the extent (extent for the purpose of carrying out section 707) the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner’s full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

At the end of title VII, insert the following:

SEC. 709. REPORT ON EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Not later than one year after the implementation of the employment eligibility verification system and one year thereafter, the Secretary of Homeland Security shall submit to Congress a report on the progress and problems associated with implementation of the system, including information relating to the most efficient use of the system by small businesses.

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE ——PRESCREENING OF AIR PASSENGERS

SEC. ——. IMMEDIATE INTERNATIONAL PASSENGER PRESREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger’s information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted to board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term “passenger” includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system’s accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, and computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

At the end of the bill, add the following:

TITLE IX—FENCING AND OTHER BORDER SECURITY IMPROVEMENTS

SEC. 901. FINDINGS.

The Congress finds the following:

(1) Hundreds of people die crossing our international border with Mexico every year.

(2) Illegal narcotic smuggling along the Southwest border of the United States is both dangerous and prolific.

(3) Over 155,000 non-Mexican individuals were apprehended trying to enter the United States along the Southwest border in fiscal year 2005.

(4) The number of illegal entrants into the United States through the Southwest border is estimated to exceed one million people a year.

SEC. 902. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking “NEAR SAN DIEGO, CALIFORNIA”; and

(2) by amending paragraph (1) to read as follows:

“(1) SECURITY FEATURES.—

“(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

“(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(B) PRIORITY AREAS.—With respect to the border described—

“(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2006 and that fence construction is completed by May 30, 2007; and

“(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas port of entry to 15 southeast of the Laredo, Texas port of entry is completed by December 31, 2006.

“(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10%, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.”.

SEC. 903. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system; and

(2) the feasibility of constructing the system.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Congress on the study described in subsection (a).

SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Secretary of Homeland Security shall take all necessary steps to secure the Southwest international border for the purpose of saving lives, stopping illegal drug trafficking, and halting the flow of illegal entrants into the United States.

At the end of the bill, add the following new title:

TITLE IX—SECURITY AND FAIRNESS ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as—

(1) the “Security and Fairness Enhancement for America Act of 2005”; or

(2) the “SAFE for America Act”.

SEC. 902. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking “(a), (b), or (c),” and inserting “(a) or (b),”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b),”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

Add at the end the following new title:

TITLE IX—OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 901. OATH OF RENUNCIATION AND ALLEGIANCE.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by inserting after the fourth sentence the following: “The oath referred to in this section shall be the oath provided for in paragraph (a) or (b) of section 337.1 of title 8, Code of Federal Regulations, as in effect on April 1, 2005.”.

(b) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

At the end of the bill, add the following:

TITLE IX—ELIMINATION OF CORRUPTION AND PREVENTION OF ACQUISITION OF IMMIGRATION BENEFITS THROUGH FRAUD

SEC. 901. SHORT TITLE.

This title may be cited as the “Taking Action to Keep Employees Accountable in Immigration Matters Act of 2005” or the “TAKE AIM Act of 2005”.

SEC. 902. FINDINGS.

Congress finds the following:

(1) The mission of United States Citizenship and Immigration Services (USCIS) is to faithfully execute the immigration laws enacted by Congress and to ensure that only

those aliens who are eligible under such laws and who do not pose a risk to the United States or its citizens or lawful residents are able to obtain permission to remain in the United States.

(2) Only United States citizens have an absolute right to be in the United States; for all others, permission to enter and reside here, either as nonimmigrants or immigrants, is a privilege that is conditioned on following the rules of one’s admission and stay.

(3) It is important that United States Citizenship and Immigration Services, like all other Federal agencies that come into close contact with the public their customers.

(4) Immigration benefits fraud has become endemic. It undermines the rule of law and threatens national security, and so must be addressed aggressively and consistently.

(5) Internal corruption also threatens national security and erodes the integrity of the immigration system. In order to restore integrity and credibility to the system, the backlog of complaints against United States Citizenship and Immigration Services employees must be cleared by experienced investigators as expeditiously as possible without compromising the quality of investigations.

(6) In separating customs and border protection and immigration and customs enforcement from United States Citizenship and Immigration Services, Congress did not intend to wholly eliminate all law enforcement functions within the latter, nor is it possible for United States citizenship and immigration services to achieve its mission without a law enforcement function. The attempt to do so has produced the current abysmal results. Thus, it is imperative that United States Citizenship and Immigration Services embrace the critical law enforcement function especially the internal audit function.

SEC. 903. STRUCTURE OF THE OFFICE OF SECURITY AND INVESTIGATIONS.

The Director of the Office of Security and Investigations shall report directly to the Director of United States Citizenship and Immigration Services.

SEC. 904. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO INVESTIGATE INTERNAL CORRUPTION.

(a) AUTHORITY.—In addition to the authority otherwise provided by this title, the Director of the Office of Security and Investigations, in carrying out the duties of the Office, has sole authority—

(1) to receive, process, dispose of administratively, and investigate any criminal or noncriminal violations of the Immigration and Nationality Act or title 18, United States Code, that are alleged to have been committed by any officer, agent, employee, or contract worker of United States Citizenship and Immigration Services, and that are referred to United States Citizenship and Immigration Services by the Office of the Inspector General of the Department of Homeland Security;

(2) to ensure that all complaints alleging such violations are handled and stored in the same manner as sensitive but unclassified materials;

(3) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services which relate to programs and operations with respect to which the Director has responsibilities under this title;

(4) to request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Office from any Federal, State, or local governmental agency or unit thereof;

(5) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned to the Office of Security and Investigations, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court (except that procedures other than subpoenas shall be used by the Director to obtain documents and information from Federal agencies);

(6) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned to the Office of Security and Investigations, which oath, affirmation, or affidavit when administered or taken by or before an agent of the Office of Security and Investigations designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal;

(7) to have direct and prompt access to the head of United States Citizenship and Immigration Services when necessary for any purpose pertaining to the performance of functions and responsibilities of the Office of Security and Investigations;

(8) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Security and Investigations subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(9) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of title 5, United States Code; and

(10) to the extent and in such amounts as may be provided in advance by immigration fee accounts or appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this title.

(b)(1) Upon request of the Director for information or assistance under subsection (a)(4), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Director, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(3) or (a)(4) is, in the judgment of the Director, unreasonably refused or not provided, the Director shall report the circumstances to the Director of United States Citizenship and Immigration Services without delay.

(c) The Director of United States Citizenship and Immigration Services shall provide the Office of Security and Investigations with appropriate and adequate office space at central and field office locations of United States Citizenship and Immigration Services, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d)(1) In addition to the authority otherwise provided by this title, the Director, the Deputy Director, the Assistant Director of Security Operations, the Assistant Director of Special Investigations, all 1811-series

criminal investigators, certain 1801-series investigative management specialists, and security specialists supervised by such assistant directors may be authorized by the Secretary of Homeland Security to—

(A) carry a firearm while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary;

(B) make an arrest without a warrant while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary, for any offense against the United States committed in the presence of such Director, Assistant Director, or designee, or for any felony cognizable under the laws of the United States if such Director, Assistant Director, or designee has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Secretary shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(3)(A) Powers authorized for the Director under paragraph (1) may be rescinded or suspended upon a determination by the Secretary that the exercise of authorized powers by that Director has not complied with the guidelines promulgated by the Secretary under paragraph (2).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Secretary that such individual has not complied with guidelines promulgated by the Secretary under paragraph (2).

(4) A determination by the Secretary under paragraph (3) shall not be reviewable in or by any court.

(5) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority.

SEC. 905. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO DETECT AND INVESTIGATE IMMIGRATION BENEFITS FRAUD.

The Office of Security and Investigations of United States Citizenship and Immigration Services shall have authority—

(1) to conduct fraud detection operations, including data mining and analysis;

(2) to investigate any criminal or non-criminal allegations of violations of the Immigration and Nationality Act or title 18, United States Code, that Immigration and Customs Enforcement declines to investigate;

(3) to turn over to a United States Attorney for prosecution evidence that tends to establish such violations; and

(4) to engage in information sharing, partnerships, and other collaborative efforts with any—

(A) Federal, State, or local law enforcement entity;

(B) foreign partners; or

(C) entity within the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

SEC. 906. INCREASE IN FULL-TIME OFFICE OF SECURITY AND INVESTIGATIONS PERSONNEL.

(a) INCREASE IN GS-1811 SERIES CRIMINAL INVESTIGATORS.—(1) In each of fiscal years 2007 through 2010, the Director of the Office of Security and Investigations shall, subject to the availability of security fees described in section 910 of this title, increase by not less than 100 the number of full-time, active-duty GS-1811 series criminal Discussion draft

10 investigators, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(b) INCREASE IN GS-1801 SERIES INVESTIGATION AND COMPLIANCE OFFICERS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS-1801 series investigation and compliance officers, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(c) INCREASE IN GS-0132 SERIES INTELLIGENCE RESEARCH SPECIALISTS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS-0132 series intelligence research specialists, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

SEC. 907. ANNUAL REPORT.

The Director of the Office of Security and Investigations shall annually submit to Congress a report detailing the activities of the Office. The report shall include data on the following:

(1) The number of investigations the Office of Security and Investigations began, completed, and turned over to a United States Attorney for prosecution during the past 12 months.

(2) The types of allegations investigated by the Office of Security and Investigations during the past 12 months, including both the allegations of misconduct by employees of United States Citizenship and Immigration Services and allegations of immigration benefits fraud.

(3) The disposition of all investigations conducted by the Office of Security and Investigations during the past 12 months.

(4) The number, if any, of allegations pending at the end of the 12-month period according to the type of allegation, the grade level of the employee, if applicable, along with an assessment of the resources the Office of Security and Investigations would need, if any, to remain current with new allegations received.

SEC. 908. INVESTIGATIONS OF FRAUD TO PRECEDE IMMIGRATION BENEFITS GRANT.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court may not—

“(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court, until any suspected or alleged fraud relating to the benefit application has been fully investigated and found to be unsubstantiated.”.

SEC. 909. ELIMINATION OF THE FRAUD DETECTION AND NATIONAL SECURITY OFFICE.

Not later than 30 days following the date of enactment of this title, the Secretary of Homeland Security shall eliminate the Fraud Detection and National Security Office of United States Citizenship and Immigration Services and transfer all authority of such office to the Office of Security and Investigations.

SEC. 910. SECURITY FEE.

Section 286(d) of the Immigration and Nationality Act (8 U.S.C. 1356(d)) is amended by inserting “(1) ” before “monies” and adding at the end the following:

“(2) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge each alien who files an application for adjustment of status or an extension of stay a security fee of \$10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

“(3) In addition to any other fee authorized by law, the Secretary of State shall charge each alien who files an application for an immigrant or nonimmigrant visa a security fee of \$10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

“(4) Any fees collected under paragraphs (2) and (3) that are in excess of the operating budget of the Office of Security and Investigations shall be made available to Immigration and Customs Enforcement for the sole purpose of investigating immigration benefits fraud referred to it by United States Citizenship and Immigration Services.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. REYES moved to recommit the bill to the Committee on Homeland Security with instructions to report the bill back to the House forthwith with the following amendment in the nature of a substitute:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Border Security and Terrorism Prevention Act of 2005”.

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

- Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURING UNITED STATES BORDERS

- Sec. 101. Achieving operational control on the border.
Sec. 102. National strategy for border security.
Sec. 103. Implementation of cross-border security agreements.
Sec. 104. Biometric data enhancements.
Sec. 105. One face at the border initiative.
Sec. 106. Secure communication.
Sec. 107. Border patrol agents.
Sec. 108. Coast Guard enforcement personnel.
Sec. 109. Immigration enforcement agents.
Sec. 110. Port of entry inspection personnel.
Sec. 111. Canine detection teams.
Sec. 112. Secure border initiative financial accountability.
Sec. 113. Border patrol training capacity review.
Sec. 114. Airspace security mission impact review.
Sec. 115. Repair of private infrastructure on border.
Sec. 116. Border Patrol unit for Virgin Islands.
Sec. 117. Report on progress in tracking travel of Central American gangs along international border.
Sec. 118. Collection of data.
Sec. 119. Deployment of radiation detection portal equipment at United States ports of entry.
Sec. 120. Sense of Congress regarding the Secure Border Initiative.
Sec. 121. Report regarding enforcement of current employment verification laws.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

- Sec. 201. Joint strategic plan for United States border surveillance and support.
Sec. 202. Border security on protected land.
Sec. 203. Border security threat assessment and information sharing test and evaluation exercise.
Sec. 204. Border Security Advisory Committee.
Sec. 205. Center of excellence for border security.
Sec. 206. Sense of Congress regarding cooperation with Indian Nations.

TITLE III—DETENTION AND REMOVAL

- Sec. 301. Enhanced detention capacity.
Sec. 302. Increase in detention and removal officers.
Sec. 303. Expansion and effective management of detention facilities.
Sec. 304. Enhancing transportation capacity for unlawful aliens.
Sec. 305. Report on financial burden of repatriation.
Sec. 306. Training program.
Sec. 307. GAO study on deaths in custody.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

- Sec. 401. Enhanced border security coordination and management.

- Sec. 402. Making Our Border Agencies Work.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

- Subtitle A—Equipment enhancements to address shortfalls to securing United States borders

- Sec. 501. Emergency deployment of United States Border Patrol agents.

- Sec. 502. Helicopters and power boats.
Sec. 503. Motor vehicles.
Sec. 504. Portable computers.
Sec. 505. Radio communications.
Sec. 506. Hand-held global positioning system devices.
Sec. 507. Night vision equipment.
Sec. 508. Body armor.
Sec. 509. Weapons.
Subtitle B—Human capital enhancements to improve the recruitment and retention of border security personnel
Sec. 511. Maximum student loan repayments for United States Border Patrol agents.
Sec. 512. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security.
Sec. 513. Law enforcement retirement coverage for inspection officers and other employees.
Sec. 514. Increase United States Border Patrol agent and inspector pay.
Sec. 515. Compensation for training at Federal Law Enforcement Training Center.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

- Sec. 531. Increase in full time United States Customs and Border Protection import specialists.
Sec. 532. Certifications relating to functions and import specialists of United States Custom and Border Protection.
Sec. 533. Expedited traveler programs.

TITLE VI—ENSURING PROPER SCREENING

- Sec. 601. US-VISIT Oversight Task Force.
Sec. 602. Verification of security measures under the Customs–Trade Partnership Against Terrorism (CTPAT) program and the Free and Secure Trade (FAST) program.
Sec. 603. Immediate international passenger prescreening pilot program.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

- Sec. 701. Combating human smuggling.
Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit.
Sec. 703. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily.
Sec. 704. Adjustment of status when needed to protect informants.
Sec. 705. Rewards program.
Sec. 706. Outreach program.
Sec. 707. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

- Sec. 711. Short title.
Sec. 712. Northern Border Prosecution Initiative.
Sec. 713. Authorization of appropriations.

Subtitle C—Criminal Aliens

- Sec. 721. Removal of criminal aliens.
Sec. 722. Assistance for States incarcerating undocumented aliens charged with certain crimes.
Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 724. ICE strategy and staffing assessment.
Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated.

Sec. 726. Increase in prosecutors and immigration judges and United States Marshals.

Subtitle D—Operation Predator

Sec. 731. Direct funding for Operation Predator.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

Sec. 801. Aviation security research and development.

Sec. 802. Biometric center of excellence.

Sec. 803. Portal detection systems.

Sec. 804. In-line checked baggage screening.

Sec. 805. Checked baggage screening area monitoring.

Sec. 806. Improved explosive detection systems.

Sec. 807. Man-portable air defense systems (MANPADS).

Sec. 808. Pilot program to evaluate use of blast resistant cargo and baggage containers.

Sec. 809. Air cargo security.

Sec. 810. Federal air marshals.

Sec. 811. Border security technologies for use between ports of entry.

Sec. 812. Immigration security initiative.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

Sec. 821. Establishment of Commission.

Sec. 822. Purposes.

Sec. 823. Composition of Commission.

Sec. 824. Powers of commission.

Sec. 825. Compensation and travel expenses.

Sec. 826. Security clearances for commission members and staff.

Sec. 827. Reports of Commission.

Sec. 828. Funding.

TITLE IX—FAIRNESS FOR AMERICA'S HEROES

Sec. 901. Short title.

Sec. 902. Naturalization through combat zone service in Armed Forces.

Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service.

Sec. 904. Effective date.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Sec. 1001. Short title and purpose.

Sec. 1002. Immigration reform for the Commonwealth of the Northern Mariana Islands.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Location and deportation of criminal aliens.

Sec. 1102. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody deportable aliens.

Sec. 1103. Denying admission to foreign government officials of countries denying alien return.

Sec. 1104. Border patrol training facility.

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEE.**—The term “appropriate congressional committee” has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) **STATE.**—The term “State” has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall take all actions the Sec-

retary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) **OPERATIONAL CONTROL DEFINED.**—In this section, the term “operational control” means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) **SURVEILLANCE PLAN.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) **NATIONAL STRATEGY FOR BORDER SECURITY.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try

to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection.

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) **CONSULTATION.**—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) **PRIORITY OF NATIONAL STRATEGY.**—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) **IMMEDIATE ACTION.**—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve

and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) **REPORTING OF IMPLEMENTING LEGISLATION.**—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) **IN GENERAL.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) **UPDATES.**—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the inter-

national land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) **INCREASE IN BORDER PATROL AGENTS.**—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) **ASSOCIATED COSTS.**—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. COAST GUARD ENFORCEMENT PERSONNEL.

The Secretary of Homeland Security shall increase by not less than 2,500 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty Coast Guard personnel, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 110. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) \$107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) \$154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) \$198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) \$242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 111. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 112. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) **IN GENERAL.**—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than \$20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) **REPORT BY INSPECTOR GENERAL.**—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) **REPORT BY SECRETARY.**—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 113. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) **COMPONENTS OF REVIEW.**—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per

year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 114. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the "NCR") will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 115. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial \$50,000 for each fiscal year to carry out this section.

SEC. 116. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 117. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 118. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile

data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 119. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 120. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 121. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense

shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory

committee to be known as the Border Security Advisory Committee (in this section referred to as the "Committee").

(b) **DUTIES.**—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) **MEMBERSHIP.**—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) **ESTABLISHMENT.**—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) **ACTIVITIES OF THE CENTER.**—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the "catch and release" policy and to address long-standing shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108-458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) **IN GENERAL.**—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) **CRITERIA FOR SELECTION.**—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security

efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) **IN GENERAL.**—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: "**Bureau of Border Security and Customs**";

(2) by striking section 401 and inserting the following section:

"SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

"(a) **ESTABLISHMENT.**—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

"(b) **COMMISSIONER.**—

"(1) **IN GENERAL.**—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

"(2) **APPOINTMENT.**—The Commissioner shall be appointed—

“(A) by the President, by and with the advice and consent of the Senate; and

“(B) from individuals who have—

“(i) a minimum of ten years professional experience in law enforcement; and

“(ii) a minimum of ten years of management experience.

“(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

“(1) coordinating all Federal border security activities;

“(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

“(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

“(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

“(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

“(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

“(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

“(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

“(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

“(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.”;

(3) in section 402, in the matter preceding paragraph (1), by striking “acting through the Under Secretary for Border and Transportation Security,” and inserting “acting through the Commissioner of Border Security and Customs.”; and

(4) by inserting after section 403 the following new section:

“SEC. 404. TRANSFER.”

“The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the ‘Reorganization Plan Modification for the Department of Homeland Security’ submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.”

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

“Sec. 401. Bureau of Border Security and Customs.”

; and

(2) by inserting after the item relating to section 403 the following new item:

“Sec. 404. Transfer.”.

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O’odham Indian reservation (commonly known as the “Shadow Wolves” unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security’s Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking “under the Under Secretary for Border Transportation and Security”.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking “The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.” and inserting “There shall be in the Department an Office for Domestic Preparedness.”; and

(B) in subsection (b), in the second sentence, by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary of Homeland Security”.

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking “, acting through the Under Secretary for Border and Transportation Security.”;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

“(8) Administering the program to collect information relating to nonimmigrant for-

eign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.”;

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

“SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.”

“(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

“(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

“(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

“(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

“SEC. 406. IMMIGRATION LEGAL ADVISOR.”

“There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.”; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting “and Customs” after “Border Security” each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking “Under Secretary for Border and Transportation Security” and inserting “Commissioner of Border Security and Customs”;

(ii) in section 443, as redesignated by subsection (c)(3), by striking “Under Secretary for Border and Transportation Security” and inserting “Commissioner of Border Security and Customs”;

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking “Assistant Secretary” and inserting “Commissioner”;

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking “Assistant Secretary” and inserting “Commissioner”; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking “Assistant Secretary” and inserting “Commissioner”.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

“Sec. 405. Chief of Policy and Strategy.

“Sec. 406. Legal advisor.”;

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and

types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a “panic button” and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements To Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

“(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

“(A) paragraph (2)(A) shall be applied by substituting ‘\$20,000’ for ‘\$10,000’; and

“(B) paragraph (2)(B) shall be applied by substituting ‘\$80,000’ for ‘\$60,000’.”.

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking “and” at the end of subparagraph (C), and by adding at the end the following:

“(E) an employee (not otherwise covered by this paragraph)—

“(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

“(ii) who is authorized to carry a firearm; and

“(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns.”.

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking “(A) and (B)” and inserting “(A), (B), (E), and (F)”.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after “position.” (in the matter before subparagraph (A)) the following: “For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before ‘including’) shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).”.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term “incumbent” means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term “prior service” means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of

title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—
(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS-11 of the General Schedule to the annual rate of basic pay for positions at GS-12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these posi-

tions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2006, 2007, and 2008, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2006, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (CTPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs-Trade Partnership Against Terrorism (CTPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH CTPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for non-compliance with the requirements of the CTPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated ter-

rorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term “passenger” includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTH-EASTERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate

by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the comma at the end and inserting “; or”;

(3) by inserting after clause (ii) the following:

“(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

“(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

“(II) is willing to supply or has supplied such information to a Federal or State court; or

“(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.”;

(4) by inserting “, or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General” after “jointly”; and

(5) by striking “(i) or (ii)” and inserting “(i), (ii), or (iii)”.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: “The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400.”; and

(2) by adding at the end the following:

“(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.”.

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking “(1) or (2),” and inserting “(1), (2), (3), or (4),”;

(2) by redesignating paragraph (3) as paragraph (5);

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

“(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

“(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

“(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

“(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.”; and

(4) by adding at the end the following:

“(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.”.

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

“(e) REWARDS PROGRAM.—

“(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

“(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary

of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

“(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

“(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

“(B) the arrest or conviction of any individual committing such an act;

“(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

“(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

“(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

“(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

“(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

“(8) LIMITATIONS AND CERTIFICATION.—

“(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed \$100,000, except as personally authorized by the Secretary of Homeland Security.

“(B) APPROVAL.—Any reward under this subsection exceeding \$50,000 shall be personally approved by the Secretary of Homeland Security.

“(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.”.

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

“(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

“(1) the penalties for—

“(A) bringing in and harboring aliens in violation of this section; and

“(B) participating in a commercial operation for making, or trafficking in, docu-

ments to be used for entering or remaining in the United States unlawfully; and

“(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.”.

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the “Northern Border Prosecution Initiative Reimbursement Act”.

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term “eligible northern border entity” means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section \$28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years after fiscal year 2006.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act, ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities

and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and Nationality Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the institutional removal program—

- (A) \$100,000,000 for fiscal year 2007;
- (B) \$115,000,000 for fiscal year 2008;
- (C) \$130,000,000 for fiscal year 2009; and
- (D) \$145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) There are authorized to be appropriated to carry out this subsection \$500,000,000 for fiscal year 2006 and \$1,000,000,000 for each of the succeeding ten fiscal years.

"(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes."

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—
(A) by striking "for the costs" and inserting the following: "for—
"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and
(2) by striking subsections (c) through (e) and inserting the following:

"(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2)."

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for

identifying child predators and removing them from the United States if they are subject to deportation.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2006 through fiscal year 2010.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

In addition to such other sums as are authorized under law, to carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$20,000,000 for fiscal year 2007 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 802. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated \$1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 803. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 804. IN-LINE CHECKED BAGGAGE SCREENING.

In addition to such other sums as are authorized under law, to carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2007 \$400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 805. CHECKED BAGGAGE SCREENING AREA MONITORING.

In addition to such other sums as are authorized under law, to carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2007 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 806. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 4024

of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000 for fiscal year 2007 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 807. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

In addition to such other sums as are authorized under law, to carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2007.

SEC. 808. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

In addition to such other sums as are authorized under law, to carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated \$2,000,000 for fiscal year 2007. Such sums shall remain available until expended.

SEC. 809. AIR CARGO SECURITY.

In addition to such other sums as are authorized under law, to carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary \$100,000,000 for fiscal year 2007 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 810. FEDERAL AIR MARSHALS.

In addition to such other sums as are authorized under law, to carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement \$83,000,000 for fiscal year 2007 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 811. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated \$25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 812. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) \$40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United

States (in this subtitle referred to as the "Commission").

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) **MEMBERS.**—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) **QUALIFICATIONS; INITIAL MEETING.**—

(1) **POLITICAL PARTY AFFILIATION.**—Not more than 5 members of the Commission shall be from the same political party.

(2) **NONGOVERNMENTAL APPOINTEES.**—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) **OTHER QUALIFICATIONS.**—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) **DEADLINE FOR APPOINTMENT.**—All members of the Commission shall be appointed on or before January 30, 2006.

(5) **INITIAL MEETING.**—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) **QUORUM; VACANCIES.**—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) **SENSE OF CONGRESS REGARDING APPOINTMENTS.**—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107-306.

SEC. 824. POWERS OF COMMISSION.

(a) **IN GENERAL.**—

(1) **HEARINGS AND EVIDENCE.**—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony,

receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other

services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, \$10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the "Fairness for America's Heros Act".

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

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

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

"(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

"(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

"(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

"(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate."

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440-1(e)) is amended to read as follows:

"(e) BENEFITS FOR SURVIVORS.—

"(1) IN GENERAL.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

"(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

"(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

"(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

"(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

“(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.”.

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

SEC. 1001. SHORT TITLE AND PURPOSE.

(a) **SHORT TITLE.**—This title may be cited as the “Northern Mariana Islands Covenant Implementation Act”.

(b) **STATEMENT OF PURPOSE.**—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intent of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for—

(A) the orderly phasing-out of the non-resident contract worker program of the Commonwealth of the Northern Mariana Islands; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and

(2) to minimize, to the maximum extent practicable, potential adverse effects the orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands by—

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands, consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the “Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America” through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of those officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials of the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 1002. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) **AMENDMENTS TO JOINT RESOLUTION APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.**—Public Law 94-241 (48 U.S.C. 1801 note; 90 Stat. 263) is amended by adding at the end the following:

“SEC. 6. IMMIGRATION AND TRANSITION.

“(a) **APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), effective on the first day of the first full month beginning 1 year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (referred to in this section as the ‘transition program effective date’), the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

“(2) **TRANSITION PERIOD.**—

“(A) **IN GENERAL.**—There shall be a transition period ending December 31, 2014 (except for subsection (d)(3)(D)), following the transition program effective date, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) (referred to in this section as the ‘transition program’).

“(B) **IMPLEMENTATION.**—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by each agency having responsibilities under the transition program.

“(b) **EXEMPTION FROM NUMERICAL LIMITATIONS FOR H-2B TEMPORARY WORKERS.**—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations established in section 214(g) of that Act (8 U.S.C. 1184(g)).

“(c) **TEMPORARY ALIEN WORKERS.**—With respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act, the transition program shall conform to the following requirements:

“(1) **TREATED AS NONIMMIGRANTS.**—Aliens admitted under this subsection shall be treated as nonimmigrants under subparagraph (A), (C), (D), (G), (J), (K), or (S) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of that Act (8 U.S.C. 1258), or adjustment of status, if eligible, under this section and section 245 of that Act (8 U.S.C. 1255).

“(2) **PERMIT SYSTEM.**—

“(A) **IN GENERAL.**—The Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) **REDUCTION IN ALLOCATION OF PERMITS.**—The permit system shall—

(i) provide for a reduction in the allocation of permits for workers described in subparagraph (A) on an annual basis, to zero, over a period not to extend beyond December 31, 2014; and

(ii) take into account the number of petitions granted under subsection (i).

“(C) **VALIDITY OF PERMIT.**—A permit shall not be valid beyond the expiration of the transition period.

“(D) **BASIS OF PERMIT SYSTEM.**—The permit system may be based on any reasonable method and criteria determined by the Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration

the objective of providing as smooth a transition as possible to the full application of Federal law.

“(E) **USER FEES.**—

(i) **IN GENERAL.**—The Secretary of Labor may establish and collect appropriate user fees for the purposes of this section.

(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected pursuant to this section shall—

(I) be deposited in a special fund of the Treasury;

(II) be available, to the extent and in the amounts provided in advance in appropriations Acts, for the purposes of administering this section; and

(III) remain available until expended.

“(3) **VISAS FOR NONIMMIGRANT TEMPORARY ALIEN WORKERS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B)—

(i) the Secretary of Homeland Security shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program; and

(ii) the Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection.

“(B) **LIMITATION.**—Visas described in subparagraph (A) shall not be valid for admission to the United States (as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38))), except the Commonwealth of the Northern Mariana Islands.

“(C) **EMPLOYMENT.**—An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa may engage in employment only as authorized pursuant to the transition program.

“(D) **PROHIBITION.**—No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

“(4) **TRANSFER BETWEEN EMPLOYERS.**—An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of the authorized stay of the alien in the Commonwealth, without advance permission of the current or prior employer of the employee, to the extent that the transfer is authorized by the Secretary of Homeland Security in accordance with criteria established by the Secretary and the Secretary of Labor.

“(d) **IMMIGRANTS.**—

(1) **IN GENERAL.**—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2))) and persons granted an immigrant visa under paragraph (2) or (3), aliens shall not be granted initial admission as lawful permanent residents of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

(2) **FAMILY-SPONSORED IMMIGRANT VISAS.**—For any fiscal year during which the transition program will be in effect, the Secretary of Homeland Security, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate Federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as authorized by sections 202 and 203(a) of the Immigration

and Nationality Act (8 U.S.C. 1152 and 1153(a)).

“(3) EMPLOYMENT-BASED IMMIGRANT VISAS.—

“(A) EXCEPTIONAL CIRCUMSTANCES.—

“(i) IN GENERAL.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Secretary of Homeland Security may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

“(ii) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this paragraph.

“(B) ADMISSION AS LAWFUL PERMANENT RESIDENTS.—

“(i) IN GENERAL.—Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States.

“(ii) ADJUSTMENT OF STATUS.—Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

“(C) NO PRECLUSION ON OTHER APPLICATIONS.—Nothing in this paragraph precludes an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for an immigrant visa or admission as a lawful permanent resident under that Act.

“(D) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

“(i) IN GENERAL.—During 2013, and in 2019 if a 5-year extension is granted, the Secretary of Homeland Security and the Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to determine—

“(I) the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands; and

“(II) whether a 5-year extension of the provisions of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry.

“(ii) LEGITIMATE BUSINESS.—

“(I) IN GENERAL.—For the purpose of this paragraph, a business shall not be considered legitimate if the business engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law.

“(II) DETERMINATION.—The determination of whether a business is legitimate and whether the business is sufficiently related to the tourism industry shall be made by the Secretary of Homeland Security and shall not be reviewable.

“(iii) NOTICE OF EXTENSION.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an extension of this paragraph is necessary to ensure an adequate number of

workers for legitimate businesses in the tourism industry, the Secretary of Homeland Security shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a 5-year period with respect to the tourism industry only.

“(iv) FURTHER EXTENSION.—The Secretary of Homeland Security may authorize 1 further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Secretary of Homeland Security consults with the Secretary of Labor, the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Secretary of Homeland Security determines that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

“(v) EXTENSION FOR CERTAIN LEGITIMATE BUSINESSES.—The Secretary of Homeland Security, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Labor and the Secretary of Commerce, may extend the provisions of this paragraph to legitimate businesses in industries outside the tourism industry for a single 5-year period if the Secretary of Homeland Security determines that—

“(I) the extension is necessary to ensure an adequate number of workers in that industry; and

“(II) the industry is important to growth or diversification of the local economy.

“(vi) CONSIDERATIONS.—In making a determination for the tourism industry or for industries outside the tourism industry, the Secretary of Homeland Security shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in the industry.

“(vii) PROHIBITION ON ADDITIONAL EXTENSIONS.—No additional extension beyond the initial 5-year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension.

“(viii) REPORT.—If an extension is granted, the Secretary of Homeland Security shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing—

“(I) the reasons for the extension; and

“(II) whether the Secretary believes authority for additional extensions should be enacted.

“(e) NONIMMIGRANT INVESTOR VISAS.—

“(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Secretary of Homeland Security may, upon the application of the alien, classify an alien as a non-immigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

“(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

“(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

“(C) is otherwise admissible; and

“(D) maintains the investment or investments that formed the basis for such long-term investor status.

“(2) REGULATIONS.—Not later than 180 days after the transition program effective date, the Secretary of Homeland Security and the Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

“(3) INTERIM TREATMENT OF ALIENS.—The Secretary of Homeland Security shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) until the regulations implementing this subsection are published.

“(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

“(1) REMOVAL.—No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that the presence of the alien in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of—

“(A) the completion of the period of the admission of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

“(B) the second anniversary of the transition program effective date.

“(2) EMPLOYMENT AUTHORIZATION.—Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth of the Northern Mariana Islands until the earlier of—

“(A) the expiration of the employment authorization of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

“(B) the second anniversary of the transition program effective date.

“(3) NO LIMITATION.—Nothing in this subsection prevents or limits the removal under section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of an alien described in paragraph (1) or (2) at any time, if—

“(A) the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act; and

“(B) the Secretary of Homeland Security has determined that the Government of the Commonwealth of the Northern Mariana Islands violated section 2(f) of that Act.

“(g) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

“(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall, by reason of the violation be counted for purposes of the ground of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

“(i) 1-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

“(1) IN GENERAL.—An alien may be granted an immigrant visa, or have the status of the alien adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien’s permanent residence set forth in paragraphs (B) and (C) of subsection (d)(3), if—

“(A) the alien is employed directly by an employer in a business that the Secretary of Homeland Security has determined is legitimate;

“(B) not later than 180 days after the transition program effective date, the employer has filed a petition for classification of the alien as an employment-based immigrant with the Secretary of Homeland Security pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154);

“(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and is authorized to be employed in the Commonwealth of the Northern Mariana Islands for the 4-year period immediately preceding the filing of the petition;

“(D) the alien has been employed continuously in that business by the petitioning employer for the 4-year period immediately preceding the filing of the petition;

“(E) the alien continues to be employed in that business by the petitioning employer as of the date on which—

“(i) the immigrant visa is granted; or

“(ii) the status of the alien is adjusted to permanent resident;

“(F) the business of the petitioner has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding 4 years; and

“(G) the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(2) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

“(3) NONIMMIGRANT STATUS.—The fact that an alien is the beneficiary of an application for a preference status that was filed with the Secretary of Homeland Security under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Joint Resolution or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), if the alien is otherwise eligible for that nonimmigrant status.

“(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).”

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(A) in paragraph (36), by striking “and the Virgin Islands of the United States.” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.”; and

(B) in paragraph (38), by striking “and the Virgin Islands of the United States.” and in-

serting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.”.

(2) INADMISSIBLE ALIENS.—Section 212(1) of the Immigration and Nationality Act (8 U.S.C. 1182(1)) is amended—

(A) in paragraph (1)—

(i) by striking “stay on Guam”, and inserting “stay on Guam or the Commonwealth of the Northern Mariana Islands”;

(ii) by inserting “a total of ” after “exceed”;

(iii) by striking “after consultation with the Governor of Guam,” and inserting “after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands.”; and

(iv) in subparagraph (A), by striking “on Guam”, and inserting “on Guam or the Commonwealth of the Northern Mariana Islands, respectively.”;

(B) in paragraph (2)(A), by striking “into Guam”, and inserting “into Guam or the Commonwealth of the Northern Mariana Islands, respectively.”; and

(C) in paragraph (3), by striking “Government of Guam” and inserting “Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first full month beginning 1 year after the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor.

(2) FUNDING.—For each of the first 5 fiscal years beginning after the date of enactment of this Act, \$500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104-134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative, of which—

(A) \$200,000 shall be available to reimburse the Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy; and

(B) \$300,000 shall be available to reimburse the Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands.

(3) ECONOMIC GROWTH AND DIVERSIFICATION.—

(A) IN GENERAL.—The Secretary of Commerce shall—

(i) consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the Secretary of the Interior, regional banks, and other experts in the local economy; and

(ii) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy.

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(A), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Commerce shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Commerce—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary decides will encourage diversification and growth of the Commonwealth economy.

(E) ADDITIONAL WORKERS.—If the Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Secretary of Homeland Security, the Secretary of Labor, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the conclusion of the Secretary with an explanation of—

(i) how many workers may be needed;

(ii) over what period of time the workers will be needed; and

(iii) what efforts are being carried out to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(4) RECRUITMENT.—

(A) IN GENERAL.—The Secretary of Labor shall—

(i) consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the Secretary of the Interior, and the Secretary of Commerce; and

(ii) assist in the development and implementation of a training program described in paragraph (2)(B).

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(B), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Labor shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Labor—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary determines will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor may establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing the responsibilities of the Secretaries under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the transition program established under section 6 of Public Law 94-241, as added by this Act.

(2) RECRUITMENT OF RESIDENTS.—To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the Secretary of Homeland Security and the Secretary of Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing operations described in paragraph (1).

(e) REPORT TO CONGRESS.—Not later than 66 months after the date of enactment of this Act, and subsequently, as the President considers appropriate, the President shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, a report that—

(1) evaluates the overall effect of the transition program and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth of the Northern Mariana Islands; and

(2) describes what efforts have been undertaken to diversify and strengthen the local economy, including efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between the date of enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94-241, as added by this title, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

TITLE XI—MISCELLANEOUS PROVISIONS
SEC. 1101. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), relating to criminal aliens, including such aliens who under a “catch and release” policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1102. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is an alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1103. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

“(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.”

SEC. 1104. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, *viva voce*,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. KIRK, announced that the nays had it.

Mr. REYES demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 198
negative } Nays 221

¶137.50 [Roll No. 660]
AYES—198

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|----------------|---------------|-----------------|
| Abercrombie | Davis (AL) | Inslee |
| Ackerman | Davis (CA) | Israel |
| Allen | Davis (FL) | Jackson (IL) |
| Andrews | Davis (IL) | Jackson-Lee |
| Baca | Davis (TN) | (TX) |
| Baird | DeFazio | Johnson, E. B. |
| Baldwin | DeGette | Jones (OH) |
| Bean | DeLauro | Kanjorski |
| Becerra | DeLauro | Kaptur |
| Berkley | Dicks | Kennedy (RI) |
| Berman | Dingell | Kildee |
| Berry | Doggett | Kilpatrick (MI) |
| Bishop (GA) | Doyle | Kind |
| Bishop (NY) | Edwards | Kucinich |
| Blumenauer | Emanuel | Langevin |
| Boren | Engel | Lantos |
| Boswell | Eshoo | Larsen (WA) |
| Boucher | Etheridge | Larson (CT) |
| Boyd | Evans | Lee |
| Brady (PA) | Farr | Levin |
| Brown (OH) | Fattah | Lewis (GA) |
| Brown, Corrine | Filner | Lipinski |
| Butterfield | Ford | Lofgren, Zoe |
| Capps | Frank (MA) | Lowey |
| Capuano | Gonzalez | Lynch |
| Cardin | Gordon | Maloney |
| Cardoza | Green, Al | Markey |
| Carnahan | Green, Gene | Marshall |
| Carson | Grijalva | Matheson |
| Chandler | Gutierrez | Matsui |
| Clay | Harman | McCollum (MN) |
| Cleaver | Hastings (FL) | McDermott |
| Clyburn | Herseth | McGovern |
| Conyers | Higgins | McIntyre |
| Cooper | Hinches | McKinney |
| Costa | Hinojosa | McNulty |
| Costello | Holden | Meehan |
| Cramer | Holt | Meek (FL) |
| Crowley | Honda | Meeks (NY) |
| Cuellar | Hooley | Melancon |
| Cummings | Hoyer | Menendez |

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|--------------------|-------------------|---------------|
| Michaud | Reyes | Strickland |
| Millender-McDonald | Ross | Stupak |
| Miller (NC) | Rothman | Tanner |
| Miller, George | Roybal-Allard | Tauscher |
| Mollohan | Ruppersberger | Taylor (MS) |
| Moore (KS) | Rush | Thompson (CA) |
| Moore (WI) | Ryan (OH) | Thompson (MS) |
| Moran (VA) | Sabo | Tierney |
| Murtha | Salazar | Towns |
| Nadler | Sánchez, Linda T. | Udall (CO) |
| Neal (MA) | Sanchez, Loretta | Udall (NM) |
| Oberstar | Sanders | Van Hollen |
| Obey | Schakowsky | Velázquez |
| Oliver | Schiff | Visclosky |
| Ortiz | Schwartz (PA) | Wasserman |
| Owens | Scott (GA) | Schultz |
| Pallone | Scott (VA) | Waters |
| Pascarella | Serrano | Watson |
| Pastor | Sherman | Watt |
| Payne | Skelton | Waxman |
| Pelosi | Slaughter | Weiner |
| Peterson (MN) | Smith (WA) | Wexler |
| Pomeroy | Snyder | Woolsey |
| Price (NC) | Solis | Wu |
| Rahall | Spratt | Wynn |
| Rangel | Stark | |

NOES—221

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|--------------------|--------------------|---------------|
| Aderholt | Gallegly | Murphy |
| Akin | Garrett (NJ) | Musgrave |
| Alexander | Gerlach | Myrick |
| Bachus | Gibbons | Neugebauer |
| Baker | Gilchrest | Ney |
| Barrow | Gillmor | Northup |
| Bartlett (MD) | Gingrey | Norwood |
| Bass | Gohmert | Nunes |
| Beauprez | Goode | Osborne |
| Biggert | Goodlatte | Otter |
| Bilirakis | Granger | Oxley |
| Bishop (UT) | Graves | Paul |
| Blackburn | Green (WI) | Pearce |
| Blunt | Gutknecht | Pence |
| Boehlert | Hall | Peterson (PA) |
| Boehner | Harris | Petri |
| Bonilla | Hart | Pickering |
| Bonner | Hastings (WA) | Pitts |
| Bono | Hayes | Platts |
| Boozman | Hayworth | Poe |
| Boustany | Hefley | Pombo |
| Bradley (NH) | Hensarling | Porter |
| Brady (TX) | Herger | Price (GA) |
| Brown (SC) | Hobson | Pryce (OH) |
| Brown-Waite, Ginny | Hoekstra | Putnam |
| Burgess | Hostettler | Radanovich |
| Burton (IN) | Hulshof | Ramstad |
| Buyer | Hunter | Regula |
| Calvert | Inglis (SC) | Rehberg |
| Camp (MI) | Issa | Reichert |
| Campbell (CA) | Jenkins | Renzi |
| Cannon | Jindal | Reynolds |
| Cantor | Johnson (CT) | Rogers (AL) |
| Capito | Johnson (IL) | Rogers (KY) |
| Carter | Johnson, Sam | Rogers (MI) |
| Case | Jones (NC) | Rohrabacher |
| Castle | Keller | Ros-Lehtinen |
| Chabot | Kelly | Royce |
| Chocola | Kennedy (MN) | Ryan (WI) |
| Coble | King (IA) | Ryun (KS) |
| Cole (OK) | King (NY) | Saxton |
| Conaway | Kingston | Schmidt |
| Crenshaw | Kirk | Schwarz (MI) |
| Cubin | Kline | Sensenbrenner |
| Culberson | Knollenberg | Sessions |
| Davis (KY) | Kuhl (NY) | Shadegg |
| Davis, Tom | Latham | Shaw |
| Deal (GA) | LaTourrette | Shays |
| DeLay | Leach | Sherwood |
| Dent | Lewis (CA) | Shimkus |
| Diaz-Balart, L. | Lewis (KY) | Shuster |
| Doolittle | Linder | Simmons |
| Drake | LoBiondo | Simpson |
| Dreier | Lucas | Smith (NJ) |
| Duncan | Lungren, Daniel E. | Smith (TX) |
| Ehlers | Mack | Sodrel |
| Emerson | Manullo | Souder |
| English (PA) | Marchant | Stearns |
| Everett | McCaul (TX) | Sullivan |
| Feeney | McCotter | Sweeney |
| Ferguson | McCrery | Tancred |
| Fitzpatrick (PA) | McHenry | Taylor (NC) |
| Flake | McHugh | Terry |
| Foley | McKeon | Thomas |
| Forbes | McMorris | Thornberry |
| Fortenberry | Mica | Tiaht |
| Fossella | Miller (FL) | Tiberi |
| Fox | Miller (MI) | Turner |
| Franks (AZ) | Miller, Gary | Upton |
| Frelinghuysen | Moran (KS) | Walden (OR) |
| | | Walsh |

Wamp Westmoreland Wilson (SC)
Weldon (FL) Whitfield Wolf
Weldon (PA) Wicker
Weller Wilson (NM)

NOT VOTING—14

Barrett (SC) Istook Napolitano
Barton (TX) Jefferson Nussle
Davis, Jo Ann Kolbe Young (AK)
Diaz-Balart, M. LaHood Young (FL)
Hyde McCarthy

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. KIRK, announced that the yeas had it.

Ms. Zoe LOFGREN of California demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 239 affirmative } { Nays 182

¶137.51 [Roll No. 661]

AYES—239

Aderholt English (PA) LaTourette
Akin Everett Lewis (CA)
Alexander Feeney Lewis (KY)
Bachus Ferguson Linder
Baker Fitzpatrick (PA) Lipinski
Barrow Flake LoBiondo
Bass Foley Lucas
Bean Forbes Lungren, Daniel
Beauprez Ford E.
Berry Fortenberry Mack
Biggart Fossella Manzullo
Bilirakis Foxx Marchant
Bishop (UT) Franks (AZ) Marshall
Blackburn Frelinghuysen Matheson
Blunt Gallegly McCaul (TX)
Boehlert Garrett (NJ) McCotter
Bonilla Gerlach McCrery
Bonner Gibbons McHenry
Bono Gilchrest McHugh
Boozman Gillmor McIntyre
Boren Gingrey McKeon
Boswell Gohmert McMorris
Boucher Goode Melancon
Boustany Goodlatte Mica
Bradley (NH) Gordon Miller (FL)
Brady (TX) Granger Miller (MI)
Brown (SC) Graves Miller, Gary
Brown-Waite, Green (WI) Moore (KS)
Ginny Gutknecht Moran (KS)
Burgess Hall Murphy
Burton (IN) Harris Musgrave
Buyer Hart Myrick
Calvert Hastert Neugebauer
Camp (MI) Hayes Ney
Campbell (CA) Hefley Northup
Cannon Hensarling Norwood
Cantor Herger Nussle
Capito Hersth Osborne
Carter Higgins Otter
Case Hoekstra Oxley
Castle Holden Paul
Chabot Hostettler Pence
Chandler Hulshof Peterson (MN)
Chocola Hunter Peterson (PA)
Coble Inglis (SC) Petri
Conaway Issa Pickering
Costello Jenkins Pitts
Cramer Jindal Platts
Crenshaw Johnson (CT) Poe
Cubin Johnson (IL) Pombo
Culberson Johnson, Sam Pomeroy
Davis (KY) Jones (NC) Porter
Davis (TN) Kanjorski Price (GA)
Davis, Tom Keller Pryce (OH)
Deal (GA) Kelly Putnam
DeFazio Kennedy (MN) Ramstad
DeLay King (IA) Regula
Dent King (NY) Rehberg
Doolittle Kingston Reichert
Drake Kirk Renzi
Dreier Kline Reynolds
Duncan Knollenberg Rogers (AL)
Edwards Kuhl (NY) Rogers (KY)
Ehlers Larsen (WA) Rogers (MI)
Emerson Latham Rohrabacher

Ross Simmons Udall (CO)
Royce Simpson Upton
Ryan (WI) Skelton Visclosky
Ryun (KS) Smith (TX) Walden (OR)
Salazar Sodrel Walsh
Saxton Stearns Wamp
Schmidt Strickland Weldon (FL)
Schwarz (MI) Sullivan Weldon (PA)
Sensenbrenner Sweeney Weller
Sessions Tancredo Westmoreland
Shadegg Tanner Whitfield
Shaw Taylor (MS) Wicker
Shays Taylor (NC) Wilson (SC)
Sherwood Terry Wolf
Shimkus Thornberry
Shuster Tiahrt

NOES—182

Abercrombie Hastings (FL) Owens
Ackerman Hastings (WA) Pallone
Allen Hayworth Pascrell
Andrews Hinchey Pastor
Baca Hinojosa Payne
Baird Hobson Pearce
Baldwin Holt Pelosi
Bartlett (MD) Honda Price (NC)
Becerra Hooley Radanovich
Berkley Hoyer Rahall
Berman Inslee Rangel
Bishop (GA) Israel Reyes
Bishop (NY) Jackson (IL) Ros-Lehtinen
Blumenauer Jackson-Lee Rothman
Boehner (TX) Jackson-Lee Roybal-Allard
Boyd Jefferson Ruppertsberger
Brady (PA) Johnson, E. B. Rush
Brown (OH) Jones (OH) Ryan (OH)
Brown, Corrine Kaptur Sabo
Butterfield Kennedy (RI) Sánchez, Linda
Capps Kildee T.
Capuano Kilpatrick (MI) Sanchez, Loretta
Cardin Kind Sanders
Cardoza Kucinich Schakowsky
Carnahan Langevin Schiff
Carson Lantos Schwartz (PA)
Clay Larson (CT) Scott (GA)
Cleaver Leach Scott (VA)
Clyburn Lee Serrano
Conyers Levin Sherman
Cooper Lewis (GA) Slaughter
Costa Lofgren, Zoe Smith (NJ)
Crowley Lowey Smith (WA)
Cuellar Lynch Snyder
Cummings Maloney Solis
Davis (AL) Markey Souder
Davis (CA) Matsui Spratt
Davis (FL) McCollum (MN) Stark
Davis (IL) McDermott Stupak
DeGette McGovern Tauscher
Delahunt McKinney Thomas
DeLauro McNulty Thompson (CA)
Diaz-Balart, L. Meehan Thompson (MS)
Dicks Meeke (FL) Tiberi
Dingell Meeks (NY) Tierney
Doggett Menendez Towns
Doyle Michaud Turner
Emanuel Millender Udall (NM)
Engel McDonald Van Hollen
Eshoo Miller (NC) Velázquez
Etheridge Miller, George Wasserman
Evans Mollohan Schultz
Farr Moore (WI) Waters
Fattah Moran (VA) Watson
Filner Murtha Watt
Frank (MA) Nadler Waxman
Gonzalez Neal (MA) Weiner
Green, Al Nunes Wexler
Green, Gene Oberstar Wilson (NM)
Grijalva Obey Woolsey
Gutierrez Olver Wu
Harman Ortiz Wynn

NOT VOTING—13

Barrett (SC) Hyde Napolitano
Barton (TX) Istook Young (AK)
Cole (OK) Kolbe Young (FL)
Davis, Jo Ann LaHood
Diaz-Balart, M. McCarthy

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.52 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SENSEN-BRENNER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical and clerical changes to reflect the actions of the House in amending the bill.

¶137.53 HOUR OF MEETING

On motion of Mr. SENSEN-BRENNER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Saturday, December 17, 2005.

¶137.54 H. RES. 598—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KIRK, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 598) condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted the United Nations International Independent Investigation Commission (UNIIC), expressing support for extending the UNIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 404 affirmative } { Nays 5 } { Answered present 1

¶137.55 [Roll No. 662]

YEAS—404

Ackerman Bradley (NH) Cooper
Aderholt Brady (PA) Costa
Akin Brady (TX) Costello
Alexander Brown (OH) Cramer
Allen Brown (SC) Crenshaw
Andrews Brown, Corrine Crowley
Baca Brown-Waite, Cubin
Bachus Ginny Cuellar
Baird Burgess Culberson
Baldwin Burton (IN) Cummings
Barrow Butterfield Davis (AL)
Bartlett (MD) Buyer Davis (CA)
Bass Calvert Davis (FL)
Bean Camp (MI) Davis (IL)
Beauprez Campbell (CA) Davis (KY)
Becerra Cannon Davis (TN)
Berkley Cantor Davis, Tom
Berry Capito Deal (GA)
Biggart Capps DeFazio
Bilirakis Capuano DeGette
Bishop (GA) Cardin Delahunt
Bishop (NY) Cardoza DeLauro
Bishop (UT) Carnahan DeLay
Blackburn Carson Dent
Blumenauer Carter Diaz-Balart, L.
Blunt Case Dicks
Boehlert Castle Dingell
Boehner Chabot Doggett
Bonilla Chandler Doolittle
Bonner Chocola Doyle
Bono Clay Drake
Boozman Cleaver Dreier
Boren Clyburn Duncan
Boswell Coble Edwards
Boucher Cole (OK) Ehlers
Boustany Conaway Emanuel
Boyd Conyers Emerson

Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herse
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham

LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NAYS—5

Kaptur
Lantos
McDermott
McKinney
Paul

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—23

Baker
Barrett (SC)
Barton (TX)
Berman
Davis, Jo Ann
Diaz-Balart, M.
Farr
Ford
Hyde
Istook
Kilpatrick (MI)
Kolbe
LaHood
Markey
McCarthy
Murtha
Napolitano
Nussle
Oxley
Radanovich
Walden (OR)
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶137.56 SUBMISSION OF CONFERENCE REPORT—S. 1281

Mr. BOEHLERT submitted a conference report (Rept. No. 109-354) on the bill of the Senate (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶137.57 PROVIDING FOR THE CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 109-355) the resolution (H. Res. 623) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶137.58 CHANGE OF CONFERENCE—S. 1932

The SPEAKER pro tempore, Mr. SCHWARZ of Michigan, by unanimous consent, and pursuant to clause 11 of rule I, Mr. UPTON was removed as a conferee on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the bill of the Senate (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for the fiscal year 2006 (H. Con. Res. 95) and Mr. BARTON of Texas, was appointed to fill the vacancy.

Ordered, That the Clerk notify the Senate thereof.

¶137.59 MESSAGE FROM THE PRESIDENT—INTELLIGENCE REFORM AND TERRORISM PREVENTION

The SPEAKER pro tempore, Mr. SCHWARZ of Michigan, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The robust and effective sharing of terrorism information is vital to pro-

tecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the

Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, December 16, 2005.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Permanent Select Committee on Intelligence and ordered to be printed (H. Doc. 109-76).

¶137.60 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3963. An Act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4508. An Act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2520. An Act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3402. An Act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2120. An Act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message also announced that the Senate concurred on a House Amendment with an amendment to Senate bill:

S. 467. An Act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

¶137.61 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under this rule, referred as follows:

S. 2120. An Act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

¶137.62 ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4324. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4340. An Act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4436. An Act to provide certain authorities for the Department of State, and for other purposes.

¶137.63 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARRETT of South Carolina, for today;

To Mr. ISTOOK, for today and balance of the week;

To Mrs. NAPOLITANO, for today; and

To Mr. YOUNG of Florida, for today from 6 p.m. until approximately 5 p.m. on December 17.

And then,

¶137.64 ADJOURNMENT

On motion of Mr. INSLEE, pursuant to the previous order of the House, at midnight, the House adjourned until 2 p.m. on Saturday, December 17, 2005.

¶137.65 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; with an amendment (Rept. 109-316 Pt. 2). Ordered to be printed.

Mr. HYDE: Committee on International Relations. House Resolution 549. Resolution requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; with an amendment (Rept. 109-351). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. The Methamphetamine Epidemic: International Roots of the Problem, and Recommended Solutions (Rept. 109-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAXTON: Report of the Joint Economic Committee on the 2005 Economic Report of the President (Rept. 109-353). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee of Conference. Conference report on S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010 (Rept. 109-354). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 623. Resolution providing for consideration of motions to suspend the rules (Rept. 109-355). Referred to the House Calendar.

¶137.66 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO:

H.R. 4567. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium fluoroacetate (known as "Compound 1080"), to provide for the collection and destruction of remaining stocks of sodium fluoroacetate, to compensate persons who turn in sodium fluoroacetate to the Secretary of Agriculture for destruction, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PRICE of Georgia, Mrs. MYRICK, and Mr. BROWN of Ohio):

H.R. 4568. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4569. A bill to require certain analog conversion devices to preserve digital content security measures; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, and Mr. BERMAN):

H.R. 4570. A bill to require the approval of a Foreign Intelligence Surveillance Court judge or designated United States Magistrate Judge for the issuance of a national security letter, to require the Attorney General to submit semiannual reports on national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4571. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Motor Rail project, California; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4572. A bill to revise and extend the Export Administration Act of 1979; to the Committee on International Relations.

By Mr. WELLER:

H.R. 4573. A bill to increase the renewable fuel content of gasoline sold in the United

States by the year 2025 to 25 billion gallons, to require Federal agencies to use ethanol and biodiesel in government vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. FILNER, Mr. HUNTER, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mr. HONDA, Mr. POMBO, Mr. SCOTT of Virginia, Mrs. DRAKE, and Mr. BERMAN):

H.R. 4574. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 4575. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, Rules, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, and Mr. WELDON of Florida):

H.R. 4576. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Ten Commandments, the Pledge of Allegiance, and the National Motto; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. PORTER, Mr. BISHOP of Utah, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 4577. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Resources.

By Ms. MCCOLLUM of Minnesota:

H.R. 4578. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under such Act; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 4579. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. GARY G. MILLER of California, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. WAMP, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. ROHRBACHER, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. BURGESS, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CANTOR, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, Mr. FEENEY, Mr. SODREL, Mr. COBLE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4580. A bill to prohibit loans by Federal agencies to aliens who are unlawfully present in the United States; to the Committee on Financial Services.

By Mr. AKIN (for himself, Mr. CARNAHAN, and Mrs. EMERSON):

H.R. 4581. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4582. A bill to amend title 49, United States Code, to require employment investigations for employees of aircraft repair stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself and Ms. SCHAKOWSKY):

H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. FALCOMA, and Mrs. CHRISTENSEN):

H.R. 4584. A bill to require rate intergration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. BOUSTANY (for himself and Mr. SPRATT):

H.R. 4585. A bill to amend title XVIII of the Social Security Act to remove the cap on disproportionate share adjustment percentages for certain rural hospitals; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4586. A bill to extend the authorization of the Benjamin Franklin Tercentenary Commission; to the Committee on Government Reform.

By Ms. DEGETTE:

H.R. 4587. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 4588. A bill to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4589. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4590. A bill to amend title 11 of the United States Code to provide fair treatment of employee benefits; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4591. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4592. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 4593. A bill to advance the deadline for energy use metering in Federal buildings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4594. A bill to require certain reports with respect to the energy efficiency design performance of new Federal buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4595. A bill to clarify that buildings administered by the Architect of the Capitol are covered by certain Federal building energy management requirements and energy efficiency standards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4596. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Science, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BOSWELL, Mr. CASE, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mr. FALCOMA, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HALL, Mr. HASTINGS of Florida, Mr. HAYWORTH, Ms. HERSETH, Mr. INSLEE, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. LEWIS of California, Mr. MCCOTTER, Mr. MANZULLO, Ms. MILLENDER-MCDONALD, Mr. NEY, Ms. NORTON, Mr. PALLONE, Mr. RANGEL, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. WEXLER, and Mr. WOLF):

H.R. 4597. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 4598. A bill to provide for an awareness program, and a study, on a rare form of breast cancer; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4600. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4601. A bill to prohibit the operation of nuclear power plants unless there exists a State- and county-certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4602. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. EMANUEL, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. SPRATT, Mr. DINGELL, Mr. OBEY, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Ms. DEGETTE, Mrs. CAPPs, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Ms. BORDALLO, Ms. SOLIS, Mr. LEWIS of Georgia, Mr. OWENS, Mr. MCGOVERN, Ms. MATSUI, Mr. MCNULTY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mrs. MALONEY, Mr. MORAN of Virginia, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. CASE, Mr. KILDEE, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. McDERMOTT, Mr. ACKERMAN, Mr. LEVIN, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. SCHIFF):

H.R. 4603. A bill to amend the Public Health Service Act with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, Agriculture, International Relations, Education and the Workforce, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. HIGGINS, Mr. HOLT, Mr. BROWN of Ohio, Mr. McDERMOTT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. LYNCH, Mr. CLAY, Mrs. MCCARTHY, Mr. WEINER, and Ms. WASSERMAN SCHULTZ):

H.R. 4604. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. OBERSTAR, and Mr. PETERSON of Minnesota):

H.R. 4605. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. CUELLAR, and Mr. LATOURETTE):

H.R. 4606. A bill to amend title XIX of the Social Security Act to provide for an on-going cost-of-living increase in the Medicaid disproportionate share hospital (DSH) allotments for States; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. DICKS):

H.R. 4607. A bill to ensure passenger safety at airports; to the Committee on Homeland Security.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BOSWELL, and Mr. CALVERT):

H.R. 4608. A bill to amend the Internal Revenue Code of 1986 to modernize the rules governing the treatment of qualifying continuing care facilities; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. SERRANO, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. PALLONE, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. McDERMOTT, Mr. PAYNE, Mr. GRIJALVA, Mr. CARNAHAN, Mr. HOLT, Mr. INSLEE, Mr. NADLER, Mr. WEXLER, Mr. BAIRD, Mr. GEORGE MILLER of California, and Mrs. CAPPs):

H.R. 4609. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4610. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 4611. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to strengthen the participation of small businesses in recovery efforts following a major disaster, emergency, or terrorist event; to the Committee on Transportation and Infrastructure.

By Mr. TURNER (for himself, Mr. HOBSON, Mr. BOEHNER, and Mr. OXLEY):

H.R. 4612. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park," and for other purposes; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. KAPTUR):

H.R. 4613. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. GORDON, Mr. SMITH of Texas, Mr. BERMAN, Mr. EHLERS, Mr. WU, Mr. COBLE, Ms. ZOE LOFGREN of California, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. JENKINS, Mr. FEENEY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, and Mr. INGLIS of South Carolina):

H. Con. Res. 319. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96-517; commonly known as the "Bayh-Dole Act"); on the occasion of the 25th anniversary of its enactment; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. ROYCE):

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and un-

conditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. MEEKS of New York, Mr. OWENS, Mr. RAHALL, Mr. RYAN of Ohio, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 321. Concurrent resolution providing that the new permanent Council of Representatives of Iraq is encouraged to debate and vote on whether or not a continued United States military presence in Iraq is desired by the Government of Iraq; to the Committee on International Relations.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H. Con. Res. 322. Concurrent resolution expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. MEEK of Florida, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TERRY, Mr. GENE GREEN of Texas, Mr. SALAZAR, Mr. ENGEL, Mr. NEUGEBAUER, Mrs. MCCARTHY, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. PASTOR, Mr. FORTUÑO, Mr. DENT, Mr. POMBO, Mr. FILNER, Mr. RENZI, and Mr. BONILLA):

H. Con. Res. 323. Concurrent resolution honoring the Hispanic Americans who have served in the Armed Forces, such as Captain Felix Sosa-Camejo, United States Army; to the Committee on Armed Services.

By Mr. ISSA (for himself, Mr. FILNER, Mr. BERMAN, Ms. BORDALLO, and Mr. HUNTER):

H. Res. 622. A resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. CROWLEY, Ms. WATSON, Mr. WEXLER, Ms. LEE, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. ENGEL, Mr. DELAHUNT, Mr. BERMAN, and Mr. PAYNE):

H. Res. 624. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; to the Committee on International Relations.

By Mr. CAPUANO:

H. Res. 625. A resolution providing that the House of Representatives should consider policy options regarding United States policy in Iraq; to the Committee on International Relations.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 626. A resolution congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 627. A resolution congratulating Chris Carpenter on being named the Cy Young Award winner for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. FERGUSON, Mr. ROTHMAN, Mr. MENENDEZ, and Mr. HOLT):

H. Res. 628. A resolution congratulating Bruce Springsteen of New Jersey on the 30th anniversary of his masterpiece record album "Born to Run," and commending him on a career that has touched the lives of millions of Americans; to the Committee on Education and the Workforce.

By Mr. PRICE of Georgia (for himself, Mr. WESTMORELAND, Mr. GINGREY, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. BARROW, Mr. KINGSTON, and Mr. LINDER):

H. Res. 629. A resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Ms. BERKLEY):

H. Res. 630. A resolution expressing the sense of the House of Representatives that the holiday symbols and traditions of all Americans being observed this winter should be protected, for those who celebrate these holidays; to the Committee on Government Reform.

137.67 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 4614. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4615. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4616. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4617. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

137.68 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. STEARNS.
H.R. 19: Mr. CAMPBELL of California.
H.R. 23: Mr. BEAUPREZ, Mrs. SCHMIDT, and Mr. MILLER of North Carolina.

H.R. 226: Mr. GRIJALVA.
H.R. 269: Mr. MCCOTTER.
H.R. 283: Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. EVANS.

H.R. 297: Mr. MEEHAN.
H.R. 328: Ms. SOLIS.
H.R. 373: Mr. MEEHAN.
H.R. 501: Mr. CONYERS.

H.R. 551: Mr. VAN HOLLEN.
H.R. 552: Mr. MURPHY.
H.R. 567: Mr. MEEHAN.
H.R. 582: Ms. LINDA T. SÁNCHEZ of California and Mr. MICHAUD.

H.R. 601: Mr. MOORE of Kansas.
H.R. 615: Mr. CLAY, Mr. SMITH of New Jersey, and Mr. ENGEL.

H.R. 651: Mr. HEFLEY.
H.R. 697: Mr. MARSHALL.
H.R. 698: Mr. CAMPBELL of California.
H.R. 747: Mr. CARNAHAN.

H.R. 759: Mr. BAIRD and Mr. ENGEL.
H.R. 772: Mr. MARKEY, Mr. DEAL of Georgia, Mr. HINCHEY, and Mr. LEWIS of Georgia.

H.R. 817: Mr. LEVIN, Mr. OBERSTAR, Mr. GONZALEZ, Mr. CARNAHAN, Mr. BECERRA, Mr. MARKEY, Mr. DAVIS of Florida, and Mr. SCOTT of Georgia.

H.R. 857: Mr. ROYCE.
H.R. 864: Mr. LIPINSKI and Ms. WOOLSEY.
H.R. 870: Ms. SOLIS.
H.R. 885: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DAVIS of Illinois.

H.R. 952: Mr. UDALL of Colorado.
H.R. 964: Mr. DELAHUNT.
H.R. 986: Ms. MATSUI.
H.R. 994: Mrs. BLACKBURN and Ms. BERKLEY.

H.R. 997: Mr. CAMPBELL of California.
H.R. 998: Mr. CLAY.
H.R. 1020: Mr. LANTOS.
H.R. 1053: Mr. ENGEL, Mr. UDALL of Colorado, and Mr. BROWN of Ohio.

H.R. 1059: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1105: Mr. NUNES.
H.R. 1219: Mr. STEARNS.

H.R. 1241: Mr. GERLACH.
H.R. 1259: Mr. HOLT, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. PALLONE, Mr. ETHERIDGE, Mr. STARK, Mr. BISHOP of New York, Mr. DOGGETT, Mr. HOLDEN, Mr. BROWN of Ohio, Mr. THOMPSON of California, Ms. SLAUGHTER, Mr. CARDIN, Mr. REYES, Mr. ALLEN, Ms. BEAN, Mr. MATHESON, Ms. MATSUI, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. ESHOO, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. MARSHALL, Mr. DELAHUNT, Mr. OBERSTAR, Mr. SABO, Mr. MEEHAN, Mr. DINGELL, Ms. VELÁZQUEZ, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. EDWARDS, Mr. ORTIZ, Mr. DICKS, Mr. CARNAHAN, Mr. MARKEY, Mr. HINOJOSA, Mr. GORDON, Mr. KING of New York, Mr. COBLE, Mr. HOEKSTRA, Mr. COSTA, Mr. MELANCON, Mr. SALAZAR, Mr. KANJORSKI, Mr. MCINTYRE, Mr. STRICKLAND, Ms. MCCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. HOYER, Ms. SCHWARTZ of Pennsylvania, Mr. ANDREWS, Mr. BERRY, Mr. ROTHMAN, and Mr. MICHAUD.

H.R. 1273: Mr. STEARNS.
H.R. 1290: Mr. BRADY of Pennsylvania.
H.R. 1323: Ms. SCHWARTZ of Pennsylvania.
H.R. 1426: Mr. WATT.

H.R. 1578: Mr. PRICE of Georgia, Mr. CHOCOLA, Ms. GINNY BROWN-WAITE of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MENENDEZ, Mr. REICHERT, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. MEEKS of New York, Mr. ROGERS of Michigan, Mr. BARROW, Mr. TIBERI, Mr. PICKERING, Mr. PETRI, and Mr. ACKERMAN.

H.R. 1595: Ms. MCKINNEY, Mr. SAXTON, and Mr. GOHMERT.
H.R. 1642: Mr. CASE.
H.R. 1646: Mr. EVANS and Mr. CLEAVER.
H.R. 1696: Mr. FITZPATRICK of Pennsylvania.

H.R. 1707: Ms. SCHAKOWSKY.

H.R. 1709: Mr. WYNN, Mr. DOGGETT, and Mr. LANTOS.

H.R. 1864: Ms. SCHAKOWSKY.
H.R. 1898: Mr. WESTMORELAND and Mr. LOBONDO.

H.R. 1951: Mr. SAM JOHNSON of Texas and Mr. NEY.
H.R. 2072: Mr. WEINER.
H.R. 2090: Mr. WEXLER, Mr. CONYERS, and Mr. KUCINICH.

H.R. 2134: Ms. HERSETH.
H.R. 2206: Mr. BASS.
H.R. 2216: Mr. MCCOTTER, Mr. BURTON of Indiana, and Mr. SIMMONS.

H.R. 2234: Mr. CARNAHAN.
H.R. 2238: Mr. LUCAS.
H.R. 2323: Mr. RANGEL.
H.R. 2356: Mr. GENE GREEN of Texas and Mr. CRAMER.

H.R. 2369: Mr. RAHALL.
H.R. 2378: Mr. KUHL of New York.
H.R. 2410: Mr. VAN HOLLEN, Mr. MEEHAN, and Mr. TIERNEY.

H.R. 2412: Mr. CARDIN.
H.R. 2421: Mr. FATTAH, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ANDREWS, and Mr. KING of New York.

H.R. 2470: Mr. CAMP of Michigan, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. ROGERS of Alabama, and Mr. STEARNS.
H.R. 2521: Mr. OWENS, Mr. ENGLISH of Pennsylvania, and Mr. RUSH.

H.R. 2553: Ms. MATSUI.
H.R. 2592: Mr. ANDREWS.
H.R. 2629: Mr. PRICE of North Carolina.
H.R. 2669: Mr. LATOURETTE, Mr. WU, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. RUPPERSBERGER, Mr. GONZALEZ, Mr. BECERRA, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mr. DOYLE, Mr. DAVIS of Florida, Mr. SPRATT, Ms. MILLENDER-MCDONALD, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. MARKEY, and Mr. CARDOZA.

H.R. 2671: Mr. CAPUANO, Mr. NEY, and Mr. TERRY.
H.R. 2682: Mr. BOUCHER.
H.R. 2717: Mr. WEINER.

H.R. 2742: Mr. AL GREEN of Texas, Mr. MCCOTTER, and Mr. ANDREWS.
H.R. 2835: Ms. MATSUI.
H.R. 2841: Ms. ESHOO.

H.R. 2861: Mr. PRICE of North Carolina, Mr. YOUNG of Alaska, Ms. BERKLEY, and Mr. MCDERMOTT.

H.R. 2872: Ms. HERSETH, Mr. RUSH, Mr. LARSEN of Washington, Ms. PELOSI, Mr. DAVIS of Illinois, Mr. BECERRA, Ms. VELÁZQUEZ, Mr. NEUGEBAUER, Mr. NADLER, Mr. CRAMER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mrs. BIGGERT, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ADERHOLT, Mr. WATT, Mr. AL GREEN of Texas, Mr. HOYER, Mr. THOMPSON of California, Mr. LYNCH, Ms. SCHWARTZ of Pennsylvania, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BACA, Mr. CARNAHAN, Mr. HINOJOSA, Mrs. KELLY, Mr. WEINER, Mr. SNYDER, and Mr. HINCHEY.

H.R. 2923: Mr. EHLERS and Mr. KENNEDY of Rhode Island.
H.R. 2926: Mr. CRAMER.
H.R. 2939: Mr. MOORE of Kansas.
H.R. 2943: Mr. WU.

H.R. 2989: Ms. MATSUI, Mr. BOSWELL, and Mr. MCINTYRE.

H.R. 3049: Mr. CONYERS.
H.R. 3096: Mr. ROTHMAN.
H.R. 3137: Ms. FOX and Mr. CAMPBELL of California.

H.R. 3145: Mr. PALLONE.
H.R. 3150: Mr. CAMPBELL of California.
H.R. 3174: Mr. MEEKS of New York.
H.R. 3195: Mr. MOORE of Kansas.

H.R. 3248: Mr. KUCINICH and Mr. SCHIFF.
H.R. 3313: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. MARKEY, and Mr. GUTIERREZ.

H.R. 3326: Mr. DOGGETT.
 H.R. 3334: Mr. BACA and Mr. MOORE of Kansas.
 H.R. 3373: Mr. BOREN, Ms. SOLIS, and Ms. MCCOLLUM of Minnesota.
 H.R. 3385: Mr. CARTER and Mr. SMITH of Texas.
 H.R. 3478: Mr. LIPINSKI and Mr. SMITH of New Jersey.
 H.R. 3479: Mr. RENZI.
 H.R. 3546: Mr. MCDERMOTT.
 H.R. 3561: Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. KUCINICH.
 H.R. 3598: Mr. KUHL of New York and Mr. PALLONE.
 H.R. 3612: Mr. GORDON.
 H.R. 3640: Mr. ALLEN and Ms. WATSON.
 H.R. 3641: Ms. WATSON, Mr. DOGGETT, Mr. CLEAVER, Mrs. JONES of Ohio, and Mr. KUCINICH.
 H.R. 3642: Mr. BOOZMAN and Mr. KUCINICH.
 H.R. 3657: Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MCCARTHY, Ms. LINDA T. SANCHEZ of California, and Mr. KENNEDY of Minnesota.
 H.R. 3731: Mr. CAPUANO.
 H.R. 3754: Mr. PETERSON of Minnesota.
 H.R. 3778: Mr. HEFLEY.
 H.R. 3858: Ms. NORTON and Mr. DEFazio.
 H.R. 3883: Mr. TIBERI, Mr. POMBO, and Mr. SCOTT of Georgia.
 H.R. 3908: Mrs. EMERSON.
 H.R. 3925: Mr. SCHIFF.
 H.R. 3931: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. BOEHLERT, Mr. CAPUANO, Mr. RUPPERSBERGER, Mr. BECERRA, Mr. CONYERS, Mr. DOYLE, and Mr. WU.
 H.R. 3936: Mr. OWENS.
 H.R. 3941: Mr. KUHL of New York and Mr. ENGLISH of Pennsylvania.
 H.R. 3968: Ms. WOOLSEY and Mr. WU.
 H.R. 3973: Ms. MCCOLLUM of Minnesota.
 H.R. 3985: Mr. BRADY of Pennsylvania.
 H.R. 4011: Mrs. JO ANN DAVIS of Virginia.
 H.R. 4015: Ms. MCCOLLUM of Minnesota.
 H.R. 4025: Mr. LIPINSKI.
 H.R. 4028: Mr. GOODE.
 H.R. 4042: Mr. WU.
 H.R. 4049: Mr. GARY G. MILLER of California.
 H.R. 4055: Ms. KILPATRICK of Michigan.
 H.R. 4063: Mr. TOM DAVIS of Virginia.
 H.R. 4089: Ms. FOX.
 H.R. 4129: Ms. FOX.
 H.R. 4147: Mr. MORAN of Virginia.
 H.R. 4180: Mrs. DRAKE, Ms. HART, and Mrs. CAPITO.
 H.R. 4188: Mr. KIRK.
 H.R. 4196: Mr. MOORE of Kansas.
 H.R. 4197: Mr. BARROW.
 H.R. 4200: Mr. GARY G. MILLER of California, Mr. MCHENRY, and Mr. KOLBE.
 H.R. 4217: Mr. HENSARLING and Mr. LEWIS of Kentucky.
 H.R. 4222: Mr. SMITH of Washington.
 H.R. 4229: Mr. SMITH of Washington, Mr. CARNAHAN, and Mr. PASTOR.
 H.R. 4236: Mr. OTTER and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 4258: Mr. LEWIS of Georgia.
 H.R. 4259: Mr. MORAN of Kansas.
 H.R. 4264: Mrs. MCCARTHY.
 H.R. 4268: Mr. LATHAM and Mr. KILDEE.
 H.R. 4291: Mr. GUTIERREZ, Mr. SANDERS, Ms. LEE, Mr. DEFazio, Mr. OWENS, Mr. BROWN of Ohio, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. MCGOVERN, Ms. SOLIS, Mr. LANTOS, and Mr. STRICKLAND.
 H.R. 4299: Mr. LUCAS.
 H.R. 4300: Mr. BUTTERFIELD and Mr. LEWIS of Georgia.
 H.R. 4315: Mr. WALSH, Mr. BROWN of South Carolina, Mr. PETRI, Mr. GILCREST, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. MARSHALL, Mr. LEACH, Mr. EHLERS, Mr. CUELLAR, Mr. LATHAM, Mr. FOLEY, Mr. BOEHLERT, Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Alabama, Mr. BASS, Mr. TERRY, Mr. FOSSELLA, and Mr. ROSS.

H.R. 4318: Mr. ADERHOLT, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. JINDAL, Mr. LARSON of Connecticut, Mr. NEY, Mr. OXLEY, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Ms. GRANGER, Ms. FOX, Mr. COLE of Oklahoma, Mr. SHIMKUS, Mr. SHERWOOD, Mr. PETERSON of Minnesota, Mr. HUNTER, Mr. BLUNT, Mr. MCCRERY, Mr. MURTHA, Mr. HOLDEN, Mr. SOUDER, Mr. KUHL of New York, Mr. FORD, Mr. BAKER, Mr. OBERSTAR, Mr. TERRY, Mr. SULLIVAN, Mr. MARSHALL, Mr. BOOZMAN, Mr. LATHAM, Mr. PENCE, Mr. HENSARLING, Mr. KLINE, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. JENKINS, Mr. ROGERS of Kentucky, Mr. TIBERI, Mr. KING of New York, Mr. HEFLEY, Mr. HOBSON, Mr. BURGESS, Mr. BONILLA, Mr. GOODLATTE, Mr. MCHUGH, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. ALEXANDER, Mr. HOSTETTLER, Mr. CARTER, Mr. BOREN, Mr. HERGER, and Mr. MEEHAN.
 H.R. 4341: Mr. BEAUPREZ.
 H.R. 4343: Mr. MCGOVERN and Mr. LANTOS.
 H.R. 4347: Ms. MCKINNEY and Ms. MOORE of Wisconsin.
 H.R. 4381: Mr. GENE GREEN of Texas.
 H.R. 4392: Mr. EMANUEL and Mr. KUCINICH.
 H.R. 4394: Mr. BUTTERFIELD and Mr. UDALL of Colorado.
 H.R. 4399: Mr. STARK and Mr. SAXTON.
 H.R. 4403: Mr. BROWN of Ohio.
 H.R. 4409: Mrs. MILLER of Michigan Mr. GERLACH, Mr. WYNN, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, and Mr. LANTOS.
 H.R. 4412: Mr. MCHUGH.
 H.R. 4418: Mr. CANNON and Mr. CARDOZA.
 H.R. 4424: Mr. EMANUEL.
 H.R. 4427: Mr. ROGERS of Alabama.
 H.R. 4452: Mr. ANDREWS, Mr. PASTOR, Mr. HIGGINS, Mr. FOLEY, Mrs. MCCARTHY, and Mr. BISHOP of New York.
 H.R. 4463: Ms. SOLIS and Mr. PRICE of North Carolina.
 H.R. 4465: Mr. FILNER, Mr. AL GREEN of Texas, Mrs. DAVIS of California, and Mr. CARNAHAN.
 H.R. 4474: Ms. CARSON.
 H.R. 4476: Mr. KUCINICH.
 H.R. 4479: Mr. EVANS, Mr. STUPAK, Mr. ALLEN, Mr. MCDERMOTT, Mr. CARNAHAN, and Mr. VAN HOLLEN.
 H.R. 4510: Mr. JENKINS, Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. COOPER, Ms. HARMAN, Mr. KUCINICH, Ms. ESHOO, Mr. KIND, Mr. BERMAN, Mr. HOYER, Mr. REYES, Mrs. BONO, Mr. FARR, Mr. RANGEL, Ms. ROSLEHTINEN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. SCHIFF, Ms. WATERS, Mr. CUELLAR, Ms. HOOLEY, Mr. SHUSTER, Mr. TOWNS, Mr. OXLEY, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. BISHOP of Utah, Mr. CULBERSON, Mr. FORD, Mr. ROHRBACHER, Mr. GUTKNECHT, Mrs. MYRICK, Mr. ROYCE, Ms. DEGETTE, Mr. HAYWORTH, Mr. RENZI, Ms. PELOSI, Mr. DOGGETT, Mr. WATT, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCGOVERN, Mr. SPRATT, Mr. CARDIN, Mr. STARK, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. WU, Mr. ANDREWS, Mr. ROTHMAN, Mr. MCHENRY, Mr. PASTOR, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. RAMSTAD, Mrs. KELLY, Mr. CAPUANO, Mr. STRICKLAND, Mr. LANTOS, Mr. PETRI, Mr. MOLLOHAN, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. ROSS, and Mr. MATHESON.
 H.R. 4519: Mr. TOWNS.
 H.R. 4520: Mr. GENE GREEN of Texas and Mr. KUCINICH.
 H.R. 4524: Mrs. DAVIS of California and Mr. TAYLOR of Mississippi.
 H.R. 4534: Mr. MCCRERY.
 H.R. 4535: Mr. SULLIVAN, Mr. MCCOTTER, Mr. HAYWORTH, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. BOUSTANY, and Mr. MORAN of Kansas.
 H.R. 4542: Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, Mr. DOYLE, Mr. THOMPSON of Cali-

fornia, Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. LANTOS, Mr. HOYER, Mr. KUCINICH, Mrs. CAPITO, Mr. TIERNEY, Mr. BOEHLERT, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. CLEAVER, Mr. WYNN, Ms. LINDA T. SANCHEZ of California, Mr. GORDON, Mr. KIND, Mrs. EMERSON, and Ms. DEGETTE.
 H.R. 4546: Mr. CHABOT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. GERLACH, Ms. HART, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. PLATTS, Mr. PORTER, Mr. SULLIVAN, and Mr. WELDON of Florida.
 H.R. 4558: Mrs. BLACKBURN.
 H.J. Res. 3: Ms. HERSETH.
 H.J. Res. 39: Mr. MCCOTTER.
 H.J. Res. 56: Mr. SANDERS, Mr. PAYNE, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. BLUMENAUER, Mr. HINCHEY, and Ms. WOOLSEY.
 H.J. Res. 73: Mr. SABO and Mr. HONDA.
 H. Con. Res. 23: Mr. MCINTYRE.
 H. Con. Res. 137: Mr. HINCHEY.
 H. Con. Res. 138: Mrs. MALONEY.
 H. Con. Res. 177: Mr. WEXLER and Mr. BUTTERFIELD.
 H. Con. Res. 197: Mr. MICHAUD.
 H. Con. Res. 231: Ms. SOLIS.
 H. Con. Res. 278: Ms. SOLIS.
 H. Con. Res. 287: Mr. ABERCROMBIE and Mr. WU.
 H. Con. Res. 301: Mr. INGLIS of South Carolina.
 H. Con. Res. 302: Mr. GOODE.
 H. Res. 85: Mr. SHERMAN.
 H. Res. 411: Mr. ROYCE.
 H. Res. 517: Ms. CARSON.
 H. Res. 521: Mr. NADLER, Ms. SOLIS, Ms. NORTON, Mr. SHAYS, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. MEEHAN, Mr. HINCHEY, Mr. LANGEVIN, Mr. BROWN of Ohio, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. SCHIFF, Mr. VAN HOLLEN, and Mr. HOLT.
 H. Res. 526: Ms. SOLIS.
 H. Res. 561: Mrs. JOHNSON of Connecticut.
 H. Res. 573: Mr. KUCINICH.
 H. Res. 589: Mr. RENZI.
 H. Res. 597: Mr. CASE and Mr. SOUDER.
 H. Res. 600: Mr. GRIJALVA.
 H. Res. 601: Mr. DOOLITTLE, Mr. FITZPATRICK of Pennsylvania, Mr. CLAY, Mr. AL GREEN of Texas, Mr. KIRK, Mr. MENENDEZ, Mr. SHAYS, Mr. LUCAS, Mr. HOLT, and Mr. WALSH.
 H. Res. 604: Mr. KUHL of New York, Mr. SWENEY, Mr. SERRANO, Mrs. MCCARTHY, and Mrs. MALONEY.
 H. Res. 605: Mr. MEEKS of New York and Mr. BOEHLERT.
 H. Res. 612: Mr. KING of Iowa, Mrs. DRAKE, and Mrs. MILLER of Michigan.

SATURDAY, DECEMBER 17, 2005 (138)

The House was called to order by the SPEAKER.

¶138.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, December 16, 2005.

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

¶138.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5836. A letter from the Acting Director, Defense Procurement and Acquisition Policy,

Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Training for Contractor Personnel Interacting with Detainees [DFARS Case 2005-D007] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5837. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on Totally Enclosed Lifeboat Survival Systems [DFARS Case 2004-D034] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5838. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services (RIN: 3209-AA15) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5839. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Improving Pub. Safety Comms. in the 800MHz Band; [WT Dkt. 02-55]; Amdt. of Pt. 2 of the Comm. Rules to Allocate Spectrum Below 3GHz for Mobile and Fixed Service to Supp. the Intro. of New Adv. Wireless Service, [ET Dkt. No. 00-258]; Petition for Rule Making of the Wireless Info. Networks Forum Concerning the Unlicensed Personal Comm. Service [RM-9498]; Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Comm. Serv. [RM-10024]; Amdt. of Sec. 2.106 of the Commission's Rules to Allocate Spectrum at 2GHz for Use by the Mobile Satellite Serv.; [ET Dkt. No. 95-18] Received December 15, 2005, pursuant to the Committee on Energy and Commerce.

5840. A letter from the Senior Legal Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Digital Television Distributed Transmission System Technologies [MB Docket No. 05-312] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5841. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wilmington, Mount Sterling, Zanesville and Baltimore, Ohio) [MB Docket No. 04-161; RM-10961; RM-11111] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5842. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Milner, Ellaville, and Plains, Georgia) [MB Docket No. 05-106; RM-11196] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5843. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bass River Township and Ocean City, New Jersey) [MB Docket No. 05-188; RM-11240] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5844. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Com-

munications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mt. Enterprise, Texas and Hodge, Louisiana) [MB Docket No. 05-34; RM-10761] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5845. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Terrebonne, Oregon) [MB Docket No. 02-123; RM-10445] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Regulation on Maintaining Telecommunications Services During a Crisis or Emergency in Federally-owned Buildings—received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4831 et seq.; to the Committee on International Relations.

5848. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0A-06, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 05-19 on 06 May 2005; to the Committee on International Relations.

5849. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-12, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

5850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Italy (Transmittal No. DDTC 048-05); to the Committee on International Relations.

5851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30468; Amdt. No. 458] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30467; Amdt. No. 3143] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30466; Amdt. No. 3142] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-23005; Directorate Identifier 2003-NM-110-AD; Amendment 39-14379; AD 2005-23-21] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Propeller Assemblies Models 2D34C53/74E-X; D2A34C58/90AT-X; 3AF32C87/82NC-X; D3AF32C87/82NC-X; D3A32C88/82NC-X; D3A32C90/82NC-X; and 3AF34C92/90LF-X [Docket No. FAA-2005-22731; Directorate Identifier 2005-NE-36-AD; Amendment 39-14389; AD 2005-24-09] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No. FAA-2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-14388; AD 2005-24-08] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-23006; Directorate Identifier 2002-NM-51-AD; Amendment 39-14380; AD 2005-23-22] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Foreign Entities [TD 9235] (RIN: 1545-BD77) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5860. A letter from the Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108-188, section 104(h); jointly to the Committees on Resources and International Relations.

¶138.3 MESSAGE FROM THE SENATE

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

H.R. 4195. An Act to authorize early repayment of obligations to Bureau of Reclamation within Rogue River Valley Irrigation District.

The message also announced that the Senate has passed bills on the following titles in which the concurrence of the House is requested.

S. 310. An Act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

S. 435. An Act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 648. An Act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

S. 1025. An Act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

S. 1096. An Act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1165. An Act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1496. An Act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1552. An Act to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009.

S. 1578. An Act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 1869. An Act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

138.4 PROVIDING FOR THE CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 623):

Resolved, That it shall be in order at any time on the legislative day of Saturday, December 17, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

(2) The bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C. W. Bill Young Cell Transplantation Program.

(3) The bill (H.R. 4568) to improve proficiency testing of clinical laboratories.

(4) The bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

(5) The bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

(6) The bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

(7) The conference report to accompany the bill (S. 1281) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

(8) The conference report to accompany the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

(9) A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

When said resolution was considered. After debate,

Mr. SESSIONS submitted the following amendment:

In the 8th paragraph, strike "conference report to accompany the"

After further debate,

On motion of Mr. SESSIONS, the previous question was ordered on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. MCHUGH, announced that the yeas had it.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MCHUGH, announced that the yeas had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 213 Nays 190

138.5 [Roll No. 663] YEAS—213

- Aderholt, Culberson, Hayworth, Alexander, Davis (KY), Hefley, Bachus, Deal (GA), Hensarling, Baker, DeLay, Heger, Barrett (SC), Dent, Hobson, Bartlett (MD), Diaz-Balart, L., Hoekstra, Bass, Doolittle, Hostettler, Beauprez, Drake, Hulshof, Biggert, Dreier, Hunter, Bilirakis, Duncan, Inglis (SC), Bishop (UT), Emerson, Issa, Blackburn, English (PA), Jenkins, Blunt, Everett, Jindal, Boehlert, Feeney, Johnson (CT), Boehner, Ferguson, Johnson (IL), Bonilla, Fitzpatrick (PA), Johnson, Sam, Bonner, Flake, Jones (NC), Bono, Foley, Keller, Boozman, Forbes, Kelly, Boustany, Fortenberry, Kennedy (MN), Bradley (NH), Fossella, King (IA), Brady (TX), Poxo, King (NY), Brown (SC), Franks (AZ), Kingston, Brown-Waite, Frelinghuysen, Kirk, Ginny, Garret (NJ), Kline, Burgess, Gerlach, Knollenberg, Burton (IN), Gibbons, Kuhl (NY), Buyer, Gillmor, LaHood, Calvert, Camp (MI), Latham, Campbell (CA), Gingrey, LaTourette, Cannon, Gohmert, Leach, Cantor, Goodlatte, Lewis (CA), Capito, Granger, Lewis (KY), Carter, Graves, Linder, Castle, Green (WI), LoBiondo, Chabot, Gutknecht, Lucas, Chocola, Hall, Lungren, Daniel, Coble, Harris, Mack, Cole (OK), Hart, Manzullo, Conaway, Hastings (WA), Marchant, Crenshaw, Hayes, McCaul (TX)

- Porter, Shuster, Price (GA), Simmons, McHenry, Simpson, McHugh, Pryce (OH), McKeon, Putnam, McMorris, Radanovich, Mica, Ramstad, Miller (FL), Regula, Miller (MI), Rehberg, Miller, Gary, Reichert, Moran (KS), Renzi, Murphy, Reynolds, Musgrave, Rogers (AL), Neugebauer, Rogers (KY), Ney, Rogers (MI), Northup, Rohrabacher, Norwood, Ros-Lehtinen, Nunes, Rothman, Nussle, Royce, Osborne, Ryan (WI), Otter, Ryun (KS), Oxley, Saxton, Paul, Schmidt, Pearce, Schwarz (MI), Pence, Sensenbrenner, Peterson (PA), Sessions, Petri, Shadegg, Pickering, Shaw, Pitts, Shays, Poe, Sherwood, Pombo, Shimkus

NAYS—190

- Abercrombie, Green, Gene, Nadler, Ackerman, Grijalva, Napolitano, Allen, Gutierrez, Neal (MA), Andrews, Harman, Oberstar, Baird, Hastings (FL), Obey, Baldwin, Herseth, Olver, Barrow, Higgins, Ortiz, Bean, Hinchey, Owens, Berkley, Hinojosa, Pallone, Berman, Holden, Pascrell, Berry, Holt, Payne, Bishop (GA), Honda, Pelosi, Bishop (NY), Hooley, Peterson (MN), Blumenauer, Inslee, Pomeroy, Boren, Israel, Price (NC), Boswell, Jackson (IL), Rahall, Boucher, Jackson-Lee, Rangel, Boyd, (TX), Reyes, Brady (PA), Jefferson, Ross, Brown (OH), Johnson, E. B., Roybal-Allard, Brown, Corrine, Jones (OH), Ruppertsberger, Butterfield, Kanjorski, Rush, Capps, Kaptur, Ryan (OH), Capuano, Kennedy (RI), Sabo, Cardin, Kildee, Salazar, Carnahan, Kilpatrick (MI), Sanchez, Linda T., Kind, Kucinich, Sanchez, Loretta, Chandler, Langevin, Sanders, Cleaver, Lantos, Schakowsky, Clyburn, Larsen (WA), Schiff, Conyers, Larson (CT), Schwartz (PA), Cooper, Lee, Scott (GA), Costa, Levin, Scott (VA), Costello, Lewis (GA), Serrano, Cramer, Jindal, Lipinski, Crowley, Lofgren, Zoe, Sherman, Cuellar, Lowey, Skelton, Davis (AL), Lynch, Slaughter, Davis (CA), Maloney, Smith (WA), Davis (FL), Markey, Snyder, Davis (IL), Marshall, Solis, Davis (TN), Matheron, Stark, DeFazio, Matsui, Strickland, DeGette, McCollum (MN), Stupak, Delahunt, McDermott, Tanner, DeLauro, McGovern, Tauscher, Dicks, McIntyre, Taylor (MS), Dingell, McKinney, Thompson (CA), McNulty, Thompson (MS), Tierney, Meehan, Meehan, Tierney, Edwards, Meek (FL), Towns, Emanuel, Meeks (NY), Udall (CO), Engel, Melancon, Udall (NM), Eshoo, Menendez, Van Hollen, Etheridge, Michaud, Velázquez, Evans, Millender, Visclosky, Farr, McDonald, Wasserman, Fattah, Miller (NC), Schultz, Filner, Miller, George, Watt, Ford, Mollohan, Waxman, Frank (MA), Moore (KS), Weiner, Gonzalez, Moore (WI), Woolsey, Gordon, Moran (VA), Wu, Green, Al, Murtha, Wynn

NOT VOTING—30

Akin	Diaz-Balart, M.	Pastor
Baca	Ehlers	Platts
Barton (TX)	Gilchrest	Spratt
Becerra	Hoyer	Stearns
Cardoza	Hyde	Waters
Clay	Istook	Watson
Cubin	Kolbe	Weldon (PA)
Cummings	McCarthy	Westmoreland
Davis, Jo Ann	McCrery	Wexler
Davis, Tom	Myrick	Young (FL)

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

138.6 PROFICIENCY TESTING IMPROVEMENT

Mr. DEAL of Georgia moved to suspend the rules and pass the bill (H.R. 4568) to improve proficiency testing of clinical laboratories.

The SPEAKER pro tempore, Mr. MCHUGH, recognized Mr. DEAL of Georgia and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MCHUGH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

138.7 STEM CELL RESEARCH

Mr. DEAL of Georgia moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Act of 2005".

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor, as determined by the Secretary pursuant to section 379(c) of the Public Health Service Act, in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(d)(3) of the Public Health Service Act (42 U.S.C. 274k(d)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the C.W. Bill Young Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the C.W. Bill Young Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the C.W. Bill Young Cell Transplantation Program in perpetuity or for such time as determined viable by the Secretary; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(d)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into

by the Secretary under this section shall be for 10 years. The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) PREFERENCE.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term "C. W. Bill Young Cell Transplantation Program" means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term "cord blood donor" means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term "cord blood unit" means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term "first-degree relative" means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term "qualified cord blood bank" has the meaning given to that term in section 379(d)(4) of the Public Health Service Act, as amended by this Act.

(6) The term "Secretary" means the Secretary of Health and Human Services.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) EXISTING FUNDS.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary \$15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) LIMITATION.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

"SEC. 379. NATIONAL PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program (referred to in this section as the 'Program'), successor to the National Bone Marrow Donor Registry, that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone

marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (d) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

“(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

“(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

“(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

“(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

“(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

“(4) The membership of the Advisory Council—

“(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

“(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

“(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

“(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

“(B) to limit the number of members of the Advisory Council with any such affiliation.

“(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

“(A) an annual report on the activities carried out under this section; and

“(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and

Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

“(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

“(c) INFORMED CONSENT.—The Secretary shall, through a public process, examine issues of informed consent, including—

“(1) the appropriate timing of such consent; and

“(2) the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

Based on such examination, the Secretary shall require that the standards used by the accreditation entities recognized under subsection (b) ensure that a cord blood unit is acquired with the informed consent of the maternal donor.

“(d) FUNCTIONS.—

“(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

“(A) operate a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

“(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

“(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (e), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

“(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

“(E) carry out informational and educational activities in accordance with subsection (e);

“(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

“(G) provide for a system of patient advocacy through the office established under subsection (h);

“(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (h);

“(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

“(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

“(K) facilitate research with the appropriate Federal agencies to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

“(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

“(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Fed-

eral and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

“(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

“(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

“(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

“(E) provide for a system of patient advocacy through the office established under subsection (h);

“(F) coordinate with the qualified cord blood banks to support informational and educational activities in accordance with subsection (g);

“(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

“(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

“(3) SINGLE POINT OF ACCESS; STANDARD DATA.—

“(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to search electronically for and facilitate access to, in the manner and to the extent defined by the Secretary and consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single point of access.

“(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

“(4) DEFINITION.—The term ‘qualified cord blood bank’ means a cord blood bank that—

“(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

“(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

“(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

“(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

“(E) has established a system for encouraging donation by a genetically diverse group of donors; and

“(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

“(e) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

“(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

“(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

“(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

“(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

“(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

“(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

“(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(1).

“(f) BONE MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

“(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

“(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

“(3) procedures to ensure the proper collection and transportation of the marrow;

“(4) standards for the system for patient advocacy operated under subsection (h), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(5) standards that—

“(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

“(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

“(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

“(g) CORD BLOOD RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

“(1) RECRUITMENT; PRIORITIES.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

“(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND DONATION.—

“(A) IN GENERAL.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

“(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

“(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

“(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

“(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(2).

“(h) PATIENT ADVOCACY AND CASE MANAGEMENT FOR BONE MARROW AND CORD BLOOD.—

“(1) IN GENERAL.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the ‘Office’).

“(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

“(A) The Office shall be headed by a director.

“(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

“(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

“(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (d) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party matters.

“(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (d) to determine whether the search needs of the patient involved are being met, including with respect to the following:

“(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

“(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

“(iii) Identifying and resolving problems in the search, to the extent practicable.

“(F) The Office shall ensure that the following data are made available to patients:

“(i) The resources available through the Program.

“(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

“(iii) The post-transplant outcomes for individual transplant centers.

“(iv) Information concerning issues that patients may face after a transplant.

“(v) Such other information as the Program determines to be appropriate.

“(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

“(3) CASE MANAGEMENT.—

“(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

“(i) individualized case assessment; and

“(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

“(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

“(i) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program. The Secretary may promulgate regulations under this section.

“(j) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department

of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

“(k) CONTRACTS.—

“(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

“(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

“(1) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

“(m) RECORDS.—

“(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

“(n) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (d)(4)(D) or (f)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (f)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.”

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274i) is amended to read as follows:

“SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

“(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

“(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

“(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

“(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.”

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et

seq.) is amended by inserting after section 379A the following:

“SEC. 379A-1. DEFINITIONS.

“In this part:

“(1) The term ‘Advisory Council’ means the advisory council established by the Secretary under section 379(a)(1).

“(2) The term ‘bone marrow’ means the cells found in adult bone marrow and peripheral blood.

“(3) The term ‘outcomes database’ means the database established by the Secretary under section 379A.

“(4) The term ‘Program’ means the C.W. Bill Young Cell Transplantation Program established under section 379.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

“SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$34,000,000 for fiscal year 2006 and \$38,000,000 for each of fiscal years 2007 through 2010.”

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking **“NATIONAL BONE MARROW DONOR REGISTRY”** and inserting **“C. W. BILL YOUNG CELL TRANSPLANTATION PROGRAM”**.

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

The SPEAKER pro tempore, Mr. MCHUGH, recognized Mr. DEAL of Georgia and Ms. DEGETTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURGESS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

138.8 STATE HIGH RISK POOL FUNDING EXTENSION

Mr. BURGESS moved to suspend the rules and pass the bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BURGESS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

138.9 DEPARTMENT OF JUSTICE AUTHORIZATION FY 2006-2009

Mr. SENSENBRENNER moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3402) to authorize appropriations for the Department of Justice for the fiscal years 2006 through 2009, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Violence Against Women and Department of Justice Reauthorization Act of 2005”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Universal definitions and grant provisions.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

- Sec. 101. Stop grants improvements.
- Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
- Sec. 103. Legal Assistance for Victims improvements.
- Sec. 104. Ensuring crime victim access to legal services.
- Sec. 105. The Violence Against Women Act court training and improvements.
- Sec. 106. Full faith and credit improvements.
- Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
- Sec. 108. Sex offender management.
- Sec. 109. Stalker database.
- Sec. 110. Federal victim assistants reauthorization.

- Sec. 111. Grants for law enforcement training programs.
- Sec. 112. Reauthorization of the court-appointed special advocate program.
- Sec. 113. Preventing cyberstalking.
- Sec. 114. Criminal provision relating to stalking.
- Sec. 115. Repeat offender provision.
- Sec. 116. Prohibiting dating violence.
- Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.
- Sec. 118. Updating protection order definition.
- Sec. 119. GAO study and report.
- Sec. 120. Grants for outreach to underserved populations.
- Sec. 121. Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

- Sec. 201. Findings.
- Sec. 202. Sexual assault services program.
- Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.
- Sec. 204. Training and services to end violence against women with disabilities.

- Sec. 205. Training and services to end violence against women in later life.
- Sec. 206. Strengthening the National Domestic Violence Hotline.
- TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE**
- Sec. 301. Findings.
- Sec. 302. Rape prevention and education.
- Sec. 303. Services, education, protection, and justice for young victims of violence.
- Sec. 304. Grants to combat violent crimes on campuses.
- Sec. 305. Juvenile justice.
- Sec. 306. Safe havens.
- TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE**
- Sec. 401. Preventing violence against women and children.
- Sec. 403. Public Awareness Campaign.
- Sec. 402. Study conducted by the Centers for Disease Control and
- TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**
- Sec. 501. Findings.
- Sec. 502. Purpose.
- Sec. 503. Training and education of health professionals in domestic and sexual violence.
- Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
- Sec. 505. Research on effective interventions in the healthcare setting.
- TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN**
- Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
- Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
- Sec. 603. Public housing authority plans reporting requirement.
- Sec. 604. Housing strategies.
- Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
- Sec. 606. Amendments to the low-income housing assistance voucher program.
- Sec. 607. Amendments to the public housing program.
- TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE**
- Sec. 701. Grant for National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.
- TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS**
- Subtitle A—Victims of Crime**
- Sec. 801. Treatment of spouse and children of victims.
- Sec. 802. Presence of victims of a severe form of trafficking in persons.
- Sec. 803. Adjustment of status.
- Sec. 804. Protection and assistance for victims of trafficking.
- Sec. 805. Protecting victims of child abuse.
- Subtitle B—VAWA Self-Petitioners**
- Sec. 811. Definition of VAWA self-petitioner.
- Sec. 812. Application in case of voluntary departure.
- Sec. 813. Removal proceedings.
- Sec. 814. Eliminating abusers' control over applications and limitation on petitioning for abusers.
- Sec. 815. Application for VAWA-related relief.
- Sec. 816. Self-petitioning parents.
- Sec. 817. VAWA confidentiality nondisclosure.
- Subtitle C—Miscellaneous Amendments**
- Sec. 821. Duration of T and U visas.
- Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
- Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
- Sec. 824. Self-petitioning rights of HRIFA applicants.
- Sec. 825. Motions to reopen.
- Sec. 826. Protecting abused juveniles.
- Sec. 827. Protection of domestic violence and crime victims from certain disclosures of information.
- Sec. 828. Rulemaking.
- Subtitle D—International Marriage Broker Regulation**
- Sec. 831. Short title.
- Sec. 832. Access to VAWA protection regardless of manner of entry.
- Sec. 833. Domestic violence information and resources for immigrants and regulation of international marriage brokers.
- Sec. 834. Sharing of certain information.
- TITLE IX—SAFETY FOR INDIAN WOMEN**
- Sec. 901. Findings.
- Sec. 902. Purposes.
- Sec. 903. Consultation.
- Sec. 904. Analysis and research on violence against Indian women.
- Sec. 905. Tracking of violence against Indian women.
- Sec. 906. Grants to Indian tribal governments.
- Sec. 907. Tribal deputy in the Office on Violence Against Women.
- Sec. 908. Enhanced criminal law resources.
- Sec. 909. Domestic assault by an habitual offender.
- TITLE X—DNA FINGERPRINTING**
- Sec. 1001. Short title.
- Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.
- Sec. 1003. Expanded use of CODIS grants.
- Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
- Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.
- TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION**
- Subtitle A—AUTHORIZATION OF APPROPRIATIONS**
- Sec. 1101. Authorization of appropriations for fiscal year 2006.
- Sec. 1102. Authorization of appropriations for fiscal year 2007.
- Sec. 1103. Authorization of appropriations for fiscal year 2008.
- Sec. 1104. Authorization of appropriations for fiscal year 2009.
- Sec. 1105. Organized retail theft.
- Sec. 1106. United States-Mexico Border Violence Task Force.
- Sec. 1107. National Gang Intelligence Center.
- Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS**
- CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES**
- Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program.
- Sec. 1112. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
- Sec. 1113. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
- Sec. 1114. Clarification of uses for regional information sharing system grants.
- Sec. 1115. Integrity and enhancement of national criminal record databases.
- Sec. 1116. Extension of matching grant program for law enforcement armor vests.
- CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME**
- Sec. 1121. Office of Weed and Seed Strategies.
- CHAPTER 3—ASSISTING VICTIMS OF CRIME**
- Sec. 1131. Grants to local nonprofit organizations to improve outreach services to victims of crime.
- Sec. 1132. Clarification and enhancement of certain authorities relating to crime victims fund.
- Sec. 1133. Amounts received under crime victim grants may be used by State for training purposes.
- Sec. 1134. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
- Sec. 1135. Change of certain reports from annual to biennial.
- Sec. 1136. Grants for young witness assistance.
- CHAPTER 4—PREVENTING CRIME**
- Sec. 1141. Clarification of definition of violent offender for purposes of juvenile drug courts.
- Sec. 1142. Changes to distribution and allocation of grants for drug courts.
- Sec. 1143. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
- Sec. 1144. Term of Residential Substance Abuse Treatment program for local facilities.
- Sec. 1145. Enhanced residential substance abuse treatment program for State prisoners.
- Sec. 1146. Residential Substance Abuse Treatment Program for Federal facilities.
- CHAPTER 5—OTHER MATTERS**
- Sec. 1151. Changes to certain financial authorities.
- Sec. 1152. Coordination duties of Assistant Attorney General.
- Sec. 1153. Simplification of compliance deadlines under sex-offender registration laws.
- Sec. 1154. Repeal of certain programs.
- Sec. 1155. Elimination of certain notice and hearing requirements.
- Sec. 1156. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 1157. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
- Sec. 1158. Office of Audit, Assessment, and Management.
- Sec. 1159. Community Capacity Development Office.
- Sec. 1160. Office of Applied Law Enforcement Technology.
- Sec. 1161. Availability of funds for grants.
- Sec. 1162. Consolidation of financial management systems of Office of Justice Programs.
- Sec. 1163. Authorization and change of COPS program to single grant program.
- Sec. 1164. Clarification of persons eligible for benefits under public safety officers' death benefits programs.
- Sec. 1165. Pre-release and post-release programs for juvenile offenders.
- Sec. 1166. Reauthorization of juvenile accountability block grants.
- Sec. 1167. Sex offender management.
- Sec. 1168. Evidence-based approaches.
- Sec. 1169. Reauthorization of matching grant program for school security.
- Sec. 1170. Technical amendments to Aimee's Law.

Subtitle C—MISCELLANEOUS PROVISIONS

Sec. 1171. Technical amendments relating to Public Law 107-56.

Sec. 1172. Miscellaneous technical amendments.

Sec. 1173. Use of Federal training facilities.

Sec. 1174. Privacy officer.

Sec. 1175. Bankruptcy crimes.

Sec. 1176. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.

Sec. 1177. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.

Sec. 1178. Expanded jurisdiction for contraband offenses in correctional facilities.

Sec. 1179. Magistrate judge's authority to continue preliminary hearing.

Sec. 1180. Technical corrections relating to steroids.

Sec. 1181. Prison Rape Commission extension.

Sec. 1182. Longer statute of limitation for human trafficking-related offenses.

Sec. 1183. Use of Center for Criminal Justice Technology.

Sec. 1184. SEARCH Grants.

Sec. 1185. Reauthorization of Law Enforcement Tribute Act.

Sec. 1186. Amendment regarding bullying and gangs.

Sec. 1187. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Sec. 1188. Reauthorize the Gang Resistance Education and Training Projects Program.

Sec. 1189. National Training Center.

Sec. 1190. Sense of Congress relating to "good time" release.

Sec. 1191. Public employee uniforms.

Sec. 1192. Officially approved postage.

Sec. 1193. Authorization of additional appropriations.

Sec. 1194. Assistance to courts.

Sec. 1195. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.

Sec. 1196. Reauthorization of State Criminal Alien Assistance Program.

Sec. 1197. Extension of Child Safety Pilot Program.

Sec. 1198. Transportation and subsistence for special sessions of District Courts.

Sec. 1199. Youth Violence Reduction Demonstration Projects.

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

"(a) DEFINITIONS.—In this title:

"(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

"(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

"(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

"(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

"(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

"(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

"(4) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

"(5) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

"(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

"(B) court security personnel;

"(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

"(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

"(6) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

"(7) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

"(A) the length of the relationship;

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.

"(8) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) The length of the relationship.

"(ii) The type of relationship.

"(iii) The frequency of interaction between the persons involved in the relationship.

"(9) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

"(10) INDIAN.—The term 'Indian' means a member of an Indian tribe.

"(11) INDIAN COUNTRY.—The term 'Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

"(12) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

"(13) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(14) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(15) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(16) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

"(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

"(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

"(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

"(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

"(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(D) a social security number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

"(19) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

"(20) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as

part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

“(21) **RURAL AREA AND RURAL COMMUNITY.**—The term ‘rural area’ and ‘rural community’ mean—

“(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

“(B) any area or community, respectively, that is—

“(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

“(ii) located in a rural census tract.

“(22) **RURAL STATE.**—The term ‘rural State’ means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

“(23) **SEXUAL ASSAULT.**—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(24) **STALKING.**—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“(25) **STATE.**—The term ‘State’ means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(26) **STATE DOMESTIC VIOLENCE COALITION.**—The term ‘State domestic violence coalition’ means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

“(27) **STATE SEXUAL ASSAULT COALITION.**—The term ‘State sexual assault coalition’ means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(28) **TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.**—The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic or sexual violence that is—

“(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

“(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

“(29) **TRIBAL COALITION.**—The term ‘tribal coalition’ means—

“(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaskan Native women.

“(30) **TRIBAL GOVERNMENT.**—The term ‘tribal government’ means—

“(A) the governing body of an Indian tribe; or

“(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(31) **TRIBAL ORGANIZATION.**—The term ‘tribal organization’ means—

“(A) the governing body of any Indian tribe;

“(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

“(C) any tribal nonprofit organization.

“(32) **UNDERSERVED POPULATIONS.**—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

“(33) **VICTIM ADVOCATE.**—The term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

“(34) **VICTIM ASSISTANT.**—The term ‘victim assistant’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

“(35) **VICTIM SERVICES OR VICTIM SERVICE PROVIDER.**—The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

“(36) **YOUTH.**—The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

“(b) **GRANT CONDITIONS.**—

“(1) **MATCH.**—No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.

“(2) **NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.**—

“(A) **IN GENERAL.**—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

“(B) **NONDISCLOSURE.**—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

“(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs; or

“(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other

Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

“(C) **RELEASE.**—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

“(D) **INFORMATION SHARING.**—Grantees and subgrantees may share—

“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(E) **OVERSIGHT.**—Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

“(3) **APPROVED ACTIVITIES.**—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

“(4) **NON-SUPPLANTATION.**—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

“(5) **USE OF FUNDS.**—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

“(6) **REPORTS.**—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

“(7) **EVALUATION.**—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

“(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

“(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

“(8) **NONEXCLUSIVITY.**—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

“(9) **PROHIBITION ON TORT LITIGATION.**—Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

“(10) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

“(11) TECHNICAL ASSISTANCE.—If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.”.

(b) CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.—

(1) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (42 U.S.C. 14039) is amended by striking “The Attorney General shall submit to the Congress an annual report, beginning 1 year after the date of the enactment of this Act, that provides” and inserting “Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides”.

(2) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking “Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,” and inserting “Not later than 1 month after the end of each even-numbered fiscal year.”.

(3) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Section 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3) is amended by striking “Not later than” and all that follows through “the Attorney General shall submit” and inserting the following: “Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit”.

(4) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Section 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking “shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.” and inserting “shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.”.

(c) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

“SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

“In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.”.

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

“SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

“In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.”.

(d) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-2 note) is amended to read as follows:

“SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

“In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.”.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking “\$185,000,000 for each of fiscal years 2001 through 2005” and inserting “\$225,000,000 for each of fiscal years 2007 through 2011”.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking “and” after the semicolon;

(2) in paragraph (11), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

“(13) supporting the placement of special victim assistants (to be known as ‘Jessica Gonzales Victim Assistants’) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

“(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

“(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

“(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

“(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

“(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

“(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as ‘Crystal Judson Victim Advocates,’ to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

“(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (‘Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project’ July 2003));

“(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on

an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.”.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: “and describe how the State will address the needs of underserved populations”; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

“(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.”.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “5 percent” and inserting “10 percent”;

(B) in paragraph (2), striking by “ $\frac{1}{54}$ ” and inserting “ $\frac{1}{56}$ ”;

(C) in paragraph (3), by striking “and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{54}$ ” and inserting “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to $\frac{1}{56}$ ”; and

(D) in paragraph (4), by striking “ $\frac{1}{54}$ ” and inserting “ $\frac{1}{56}$ ”;

(2) in subsection (c)(3)(B), by inserting after “victim services” the following: “, of which at least 10 percent shall be distributed to culturally specific community-based organization”; and

(3) in subsection (d)—

(A) in paragraph (3), by striking the period and inserting “; and”; and

(B) by adding at the end the following:

“(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.”.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by adding at the end the following:

“(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

“(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

“(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.”.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is amended by adding at the end the following:

“(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under

this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

“(e) **JUDICIAL NOTIFICATION.**—

“(1) **IN GENERAL.**—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

“(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

“(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

“(i) the period ending on the date on which the next session of the State legislature ends; or

“(ii) 2 years.

“(2) **REDISTRIBUTION.**—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, *pro rata*.”

(g) **POLYGRAPH TESTING PROHIBITION.**—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

“**SEC. 2013. POLYGRAPH TESTING PROHIBITION.**

“(a) **IN GENERAL.**—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

“(b) **PROSECUTION.**—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.”

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking “\$65,000,000 for each of fiscal years 2001 through 2005” and inserting “\$75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.”

(b) **GRANTEE REQUIREMENTS.**—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking “to treat domestic violence as a serious violation” and inserting “to treat domestic violence, dating violence, sexual assault, and stalking as serious violations”;

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after “State” the following: “, tribal, territorial,”;

(B) in paragraph (1), by—

(i) striking “mandatory arrest or”; and

(ii) striking “mandatory arrest programs and”;

(C) in paragraph (2), by—

(i) inserting after “educational programs,” the following: “protection order registries,”;

(ii) striking “domestic violence and dating violence” and inserting “domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking”;

(D) in paragraph (3), by—

(i) striking “domestic violence cases” and inserting “domestic violence, dating violence, sexual assault, and stalking cases”; and

(ii) striking “groups” and inserting “teams”;

(E) in paragraph (5), by striking “domestic violence and dating violence” and inserting “domestic violence, dating violence, sexual assault, and stalking”;

(F) in paragraph (6), by—

(i) striking “other” and inserting “civil”; and

(ii) inserting after “domestic violence” the following: “, dating violence, sexual assault, and stalking”; and

(G) by adding at the end the following:

“(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

“(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

“(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

“(12) To develop, enhance, and maintain protection order registries.

“(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.”;

(3) in subsection (c)—

(A) in paragraph (3), by striking “and” after the semicolon;

(B) in paragraph (4), by striking the period and inserting “, and”; and

(C) by adding at the end the following:

“(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

“(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

“(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.”; and

(4) by striking subsections (d) and (e) and inserting the following:

“(d) **SPEEDY NOTICE TO VICTIMS.**—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

“(1) certifies that it has a law or regulation that requires—

“(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

“(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

“(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

“(2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

“(A) the period ending on the date on which the next session of the State legislature ends; or

“(B) 2 years.

“(e) **ALLOTMENT FOR INDIAN TRIBES.**—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

(c) **APPLICATIONS.**—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(b)) is amended in each of paragraphs (1) and (2) by inserting after “involving domestic violence” the following: “, dating violence, sexual assault, or stalking”.

(d) **TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.**—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

“**SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.**

“Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.”

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended—

(1) in subsection (a), by—

(A) inserting before “legal assistance” the following: “civil and criminal”;

(B) inserting after “effective aid to” the following: “adult and youth”; and

(C) inserting at the end the following: “Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.”;

(2) by striking subsection (b) and inserting the following:

“(b) **DEFINITIONS.**—In this section, the definitions provided in section 4002 of the Violence Against Women Act of 1994 shall apply.”;

(3) in subsection (c), by inserting “and tribal organizations, territorial organizations” after “Indian tribal governments”;

(4) in subsection (d) by striking paragraph (2) and inserting the following:

“(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials.”

(5) in subsection (e), by inserting “dating violence,” after “domestic violence,”; and

(6) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$65,000,000 for each of fiscal years 2007 through 2011.”; and

(B) in paragraph (2)(A), by—

(i) striking “5 percent” and inserting “10 percent”; and

(ii) inserting “adult and youth” after “that assist”.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking “using funds derived from a source other than the Corporation to provide” and inserting “providing”;

(B) in clause (i), by striking “in the United States” and all that follows and inserting “or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or”; and

(C) in clause (ii), by striking “has been battered” and all that follows and inserting “, without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).”; and

(2) in subsection (b)(2), by striking “described in such subsection” and inserting “, sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))”.

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle J—Violence Against Women Act Court Training and Improvements

“SEC. 41001. SHORT TITLE.

“This subtitle may be cited as the ‘Violence Against Women Act Court Training and Improvements Act of 2005’.

“SEC. 41002. PURPOSE.

“The purpose of this subtitle is to enable the Attorney General, through the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

“(1) improved internal civil and criminal court functions, responses, practices, and procedures;

“(2) education for court-based and court-related personnel on issues relating to victims’ needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

“(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

“(4) enabling courts or court-based or court-related programs to develop new or enhance current—

“(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

“(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

“(C) offender management, monitoring, and accountability programs;

“(D) safe and confidential information-storage and -sharing databases within and between court systems;

“(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

“(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

“(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

“SEC. 41003. GRANT REQUIREMENTS.

“Grants awarded under this subtitle shall be subject to the following conditions:

“(1) ELIGIBLE GRANTEEES.—Eligible grantees may include—

“(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

“(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

“(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

“(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

“(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

“(C) the grantee’s internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

“SEC. 41004. NATIONAL EDUCATION CURRICULA.

“(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

“(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

“(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

“(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

“SEC. 41005. TRIBAL CURRICULA.

“(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law re-

garding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

“(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

“(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

“(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

“SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2007 to 2011.

“(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

“(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.”.

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking “or Indian tribe” each place it appears and inserting “, Indian tribe, or territory”; and

(2) striking “State or tribal” each place it appears and inserting “State, tribal, or territorial”.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking “and enforced as if it were” and inserting “and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were”.

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

“(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.”.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

“(5) PROTECTION ORDER.—The term ‘protection order’ includes—

“(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or

injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.”; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking “2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser” and inserting “2261A—

“(1) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

“(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship”.

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

“SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

“The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

“SEC. 41102. PURPOSE AREAS.

“Grants made under this subtitle may be used—

“(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

“(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

“(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

“(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

“SEC. 41103. ELIGIBLE ENTITIES.

“Entities eligible for grants under this subtitle include—

“(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

“(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

“(3) States or State agencies;

“(4) local governments or agencies;

“(5) Indian tribal governments or tribal organizations;

“(6) territorial governments, agencies, or organizations; or

“(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

“SEC. 41104. GRANT CONDITIONS.

“Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

“SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2007 through 2011.

“(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

“(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.”.

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2007 through 2011.”.

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking “2001” and inserting “2007”; and

(2) by striking “2006” and inserting “2011”.

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103-322) is amended to read as follows:

“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

“There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), \$1,000,000 for each of fiscal years 2007 through 2011.”.

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term “act of trafficking” means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a State or a local government.

(3) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

“(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.”.

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking “January 1, 1995” and inserting “January 1, 2010”.

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking “to expand” and inserting “to initiate, sustain, and expand”;

(2) subsection (b)—

(A) in paragraph (1)—

(i) by striking “subsection (a) shall be” and inserting the following: “subsection (a)—

“(A) shall be”;

(ii) by striking “(2) may be” and inserting the following:

“(B) may be”; and

(iii) in subparagraph (B) (as redesignated), by striking “to initiate or expand” and inserting “to initiate, sustain, and expand”; and

(B) in the first sentence of paragraph (2)—

(i) by striking “(1)(a)” and inserting “(1)(A)”; and

(ii) striking “to initiate and to expand” and inserting “to initiate, sustain, and expand”; and

(3) by adding at the end the following:

“(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation’s criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.”.

(d) REPORT.—Subtitle B of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) by redesignating section 218 as section 219; and

(2) by inserting after section 217 the following new section:

“SEC. 218. REPORT.

“(a) REPORT REQUIRED.—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

“(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

“(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

“(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

“(A) the length of time a child spends in foster care;

“(B) the extent to which there is an increased provision of services;

“(C) the percentage of cases permanently closed; and

“(D) achievement of the permanent plan for reunification or adoption.”

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d), is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle \$12,000,000 for each of fiscal years 2007 through 2011.”

(2) PROHIBITION ON LOBBYING.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d) and amended by paragraphs (1) and (2), is further amended by adding at the end the following new subsection:

“(c) PROHIBITION ON LOBBYING.—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A-122.”

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).”

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term “telecommunications device” in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

“§2261A. Stalking

“Whoever—

“(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or

leaves Indian country, with the intent to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

“(2) with the intent—

“(A) to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

“(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

“(i) that person;

“(ii) a member of the immediate family (as defined in section 115) of that person; or

“(iii) a spouse or intimate partner of that person;

uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

shall be punished as provided in section 2261(b) of this title.”

(b) ENHANCED PENALTIES FOR STALKING.—Section 2261(b) of title 18, United States Code, is amended by adding at the end the following:

“(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.”

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

“§2265A. Repeat offenders

“(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

“(b) DEFINITION.—For purposes of this section—

“(1) the term ‘prior domestic violence or stalking offense’ means a conviction for an offense—

“(A) under section 2261, 2261A, or 2262 of this chapter; or

“(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

“(2) the term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.”

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking “or intimate partner” and inserting “, intimate partner, or dating partner”; and

(2) in paragraph (2), striking “or intimate partner” and inserting “, intimate partner, or dating partner”.

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

“(10) DATING PARTNER.—The term ‘dating partner’ refers to a person who is or has been in

a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

“(A) the length of the relationship; and

“(B) the type of relationship; and

“(C) the frequency of interaction between the persons involved in the relationship.”

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after “Indian country” the following: “or within the special maritime and territorial jurisdiction of the United States”.

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after “Indian country” the following: “or within the special maritime and territorial jurisdiction of the United States”.

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

“(B) the term ‘protection order’ includes—

“(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.”

SEC. 119. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to

carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) **TERM.**—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) **ELIGIBLE ENTITIES.**—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) **ALLOCATION OF FUNDS.**—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) **USE OF FUNDS.**—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) **APPLICATION.**—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) **CRITERIA.**—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) **REPORTS.**—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2007 through 2011.

SEC. 121. ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this sec-

tion as the “Director”), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director.

(2) **PROGRAMS COVERED.**—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Victims.

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section _____ of the Violence Against Women Act of 1994 (42 U.S.C. _____), Older Battered Women.

(E) Section _____ of the Violence Against Women Act of 2000 (42 U.S.C. _____), Disabled Women Program.

(b) **PURPOSE OF PROGRAM AND GRANTS.**—

(1) **GENERAL PROGRAM PURPOSE.**—The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking.

(3) **TECHNICAL ASSISTANCE AND TRAINING.**—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) **ELIGIBLE ENTITIES.**—Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) **REPORTING.**—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) **GRANT PERIOD.**—The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) **EVALUATION.**—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) **NON-EXCLUSIVITY.**—Nothing in this Section shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost \$127,000,000,000 per year, including—

- (A) lost productivity;
- (B) medical and mental health care;
- (C) police and fire services;
- (D) social services;
- (E) loss of and damage to property; and
- (F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

- (A) the inability to support themselves;
- (B) poor health that increases their dependence on the abuser;
- (C) fear of being placed in a nursing home; and
- (D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women’s programs surveyed—

- (A) only 35 percent of these programs offered disability awareness training for their staff; and
- (B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of

a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

"(a) PURPOSES.—The purposes of this section are—

"(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and child victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

"(2) to provide for technical assistance and training relating to sexual assault to—

"(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES AND TERRITORIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24 hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

"(iv) information and referral to assist the sexual assault victim and family or household members;

"(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

"(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

"(3) APPLICATION.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

"(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

"(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

"(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

"(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

"(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

"(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

"(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

"(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

"(4) DISTRIBUTION.—

"(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

"(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

"(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

"(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

"(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

"(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

"(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

"(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

"(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

"(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

"(D) design and conduct public education campaigns;

"(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

"(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

"(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

"(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/5 of the amounts so appropriated to each of those State and territorial coalitions.

"(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

"(e) GRANTS TO TRIBES.—

"(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaska

Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

“(2) ALLOCATION AND USE OF FUNDS.—

“(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

“(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

“(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

“(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

“(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

“(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

“(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

“(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

“(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).”

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

“(a) PURPOSES.—The purposes of this section are—

“(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

“(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

“(B) law enforcement agencies;

“(C) prosecutors;

“(D) courts;

“(E) other criminal justice service providers;

“(F) human and community service providers;

“(G) educational institutions; and

“(H) health care providers;

“(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

“(3) to increase the safety and well-being of women and children in rural communities, by—

“(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

“(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

“(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in

this section as the ‘Director’), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

“(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

“(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

“(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

“(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

“(d) ALLOTMENTS AND PRIORITIES.—

“(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

“(2) ALLOTMENT FOR SEXUAL ASSAULT.—

“(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of \$45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of \$50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of \$55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

“(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

“(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

“(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

“(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

“(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.”

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

“SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

“(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

“(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

“(2) to enhance direct services to such individuals.

“(b) USE OF FUNDS.—Grants awarded under this section shall be used—

“(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

“(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

“(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

“(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

“(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including—

“(A) the Americans with Disabilities Act of 1990; and

“(B) section 504 of the Rehabilitation Act of 1973;

“(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

“(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

“(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

“(A) a State;

“(B) a unit of local government;

“(C) an Indian tribal government or tribal organization; or

“(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

“(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5)).

“(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.”

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) **TRAINING PROGRAMS.**—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

“SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

“(a) **GRANTS AUTHORIZED.**—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

“(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

“(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

“(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

“(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

“(b) **ELIGIBLE ENTITIES.**—An entity shall be eligible to receive a grant under this section if the entity is—

“(1) a State;

“(2) a unit of local government;

“(3) an Indian tribal government or tribal organization; or

“(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

“(c) **UNDERSERVED POPULATIONS.**—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking “\$5,000,000 for each of fiscal years 2001 through 2005” and inserting “\$10,000,000 for each of the fiscal years 2007 through 2011”.

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d)(2), by inserting “(including technology training)” after “train;”

(2) in subsection (f)(2)(A), by inserting “, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline” after “hotline personnel”; and

(3) in subsection (g)(2), by striking “shall” and inserting “may”.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim’s residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b-1c(c)) is amended to read as follows:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$80,000,000 for each of fiscal years 2007 through 2011.

“(2) **NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.**—Of the total amount made available under this subsection in each fiscal year, not less than \$1,500,000 shall be available for allotment under subsection (b).”

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103-322, Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

“SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

“(a) **GRANTS AUTHORIZED.**—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

“(b) **ELIGIBLE GRANTEEES.**—To be eligible to receive a grant under this section, an entity shall be—

“(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

“(2) a community-based organization specializing in intervention or violence prevention services for youth;

“(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

“(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

“(c) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

“(2) **TYPES OF PROGRAMS.**—Such a program—

“(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

“(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

“(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

“(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

“(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

“(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

“(d) **AWARDS BASIS.**—

“(1) **GRANTS TO INDIAN TRIBES.**—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

“(2) **ADMINISTRATION.**—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

“(3) **TECHNICAL ASSISTANCE.**—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

“(e) **TERM.**—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$15,000,000 for each of fiscal years 2007 through 2011.

“SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

“(a) **PURPOSE.**—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the ‘Director’), shall make grants to eligible entities to carry out the purposes of this section.

“(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

“(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

“(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

“(B) shall include a court or law enforcement agency partner; and

“(C) may include—

“(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

“(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

“(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

“(iv) faith-based entities that deal with the concerns and problems faced by youth;

“(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

“(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

“(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

“(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

“(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

“(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

“(2) to establish and enhance linkages and collaboration between—

“(A) domestic violence and sexual assault service providers; and

“(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

“(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

“(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

“(iii) to include where appropriate legal assistance, referral services, and parental support;

“(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

“(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

“(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

“(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

“(f) DISTRIBUTION.—In awarding grants under this section—

“(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

“(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

“(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

“(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

“(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

“(1) the activities implemented by the recipients of the grants awarded under this section; and

“(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

“(A) the staffs of courts;

“(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

“(C) law enforcement agencies and community organizations.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 in each of fiscal years 2007 through 2011.

“SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

“(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim service providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

“(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the ‘Secretary’), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

“(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

“(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

“(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

“(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

“(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

“(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

“(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

“(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

“(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

“(B) domestic violence or dating violence in child protection cases; and

“(C) the needs of both the child and non-abusing parent;

“(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

“(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

“(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

“(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

“(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

“(h) GRANTEE REQUIREMENTS.—

“(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

“(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

“(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

“(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

“(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

“(A) shall include a State or local child welfare agency or Indian Tribe;

“(B) shall include a domestic violence or dating violence victim service provider;

“(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

“(D) may include a court; and

“(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

“SEC. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

“(a) SHORT TITLE.—This section may be cited as the ‘Supporting Teens through Education and Protection Act of 2005’ or the ‘STEP Act’.

“(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

“(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

“(2) to develop and implement policies in middle and high schools regarding appropriate, safe

responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

“(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

“(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

“(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

“(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

“(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

“(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

“(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

“(f) GRANT TERM AND ALLOCATION.—

“(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

“(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b)(5), and (b)(6).

“(g) DISTRIBUTION.—

“(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

“(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

“(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

“(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

“(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

“(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

“(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

“(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

“(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

“(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

“(k) REPORTING AND DISSEMINATION OF INFORMATION.—

“(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

“(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

“(1) AUTHORIZATION OF APPROPRIATIONS.—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2007 through 2011.

“(2) **AVAILABILITY.**—Funds appropriated under paragraph (1) shall remain available until expended.”.

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.**(a) GRANTS AUTHORIZED.—**

(1) **IN GENERAL.**—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) **AWARD BASIS.**—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than \$500,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) **EQUITABLE PARTICIPATION.**—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) **USE OF GRANT FUNDS.**—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out non-profit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall,

to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) **IN GENERAL.**—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) **COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.**—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) **NONMONETARY ASSISTANCE.**—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) **ANNUAL REPORT.**—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) **FINAL REPORT.**—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) **REPORT TO CONGRESS.**—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$12,000,000 for fiscal year 2007 and \$15,000,000 for each of fiscal years 2008 through 2011.

(f) **REPEAL.**—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

SEC. 305. JUVENILE JUSTICE.

Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

“(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;”.

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

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

“SEC. 10402. SAFE HAVENS FOR CHILDREN.”;

(2) in subsection (a)—

(A) by inserting “, through the Director of the Office on Violence Against Women,” after “Attorney General”;

(B) by inserting “dating violence,” after “domestic violence,”;

(C) by striking “to provide” and inserting the following:

“(1) to provide”;

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

“(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

“(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.”; and

(3) by striking subsection (e) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

“(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

“(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

“(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

“(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.”

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

“SEC. 41301. FINDINGS.

“Congress finds that—

“(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

“(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

“(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

“(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

“(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

“(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

“(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

“(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

“SEC. 41302. PURPOSE.

“The purpose of this subtitle is to—

“(1) prevent crimes involving violence against women, children, and youth;

“(2) increase the resources and services available to prevent violence against women, children, and youth;

“(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

“(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

“(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

“(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

“SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

“(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

“(3) AWARD BASIS.—The Director shall award grants—

“(A) considering the needs of underserved populations;

“(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

“(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

“(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2007 through 2011.

“(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

“(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

“(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

“(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

“(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

“(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

“(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

“(B) ensure linguistically, culturally, and community relevant services for underserved communities.

“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

“(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

“(3) AWARD BASIS.—The Director shall—

“(A) consider the needs of underserved populations;

“(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

“(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2007 through 2011.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

“(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

“(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

“(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

“(B) ensure linguistically, culturally, and community relevant services for underserved communities;

“(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

“(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

“(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

“(iii) link new parents with existing community resources in communities where resources exist; and

“(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

“SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

“(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

“(3) AWARD BASIS.—The Director shall award grants—

“(A) considering the needs of underserved populations;

“(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

“(C) awarding up to 8 percent for the funding of technical assistance for grantees and non-grantees working in this area from the amounts made available under this section for a fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2007 through 2011.

“(c) USE OF FUNDS.—

“(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

“(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

“(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

“(ii) that include at a minimum—

“(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

“(II) strategies to help participants be as safe as possible; or

“(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

“(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

“(d) ELIGIBLE ENTITIES.—

“(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

“(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

“(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

“(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

“(D) a program that provides culturally specific services.

“(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

“(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

“(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

“(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

“(B) ensure linguistically, culturally, and community relevant services for underserved communities;

“(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

“(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.”.

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title \$2,000,000 for each of the fiscal years 2007 through 2011.

SEC. 403. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women, shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed \$5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological

abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of \$1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

“SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

“(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

“(1) be an accredited school of allopathic or osteopathic medicine;

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

“(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

“(C) a plan for consulting with community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

“(c) USE OF FUNDS.—

“(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

“(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

“(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

“(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

“(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

“(B) provide stipends to students who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other off-site training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

“(3) REQUIREMENTS.—

“(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentiality and security procedures, and shall be fairly compensated by grantees for their services.

“(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

“(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

“(d) REQUIREMENTS OF GRANTEES.—

“(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

“(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$3,000,000 for each of fiscal years 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.”.

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 3990. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

“(a) AUTHORITY TO AWARD GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

“(A) be—

“(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

“(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

“(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

“(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

“(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

“(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

“(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient’s privacy and safety and prohibits insurance discrimination.

“(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

“(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

“(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

“(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

“(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

“(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

“(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

“(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

“(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

“(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, \$5,000,000 for each of fiscal years 2007 through 2011.”.

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

“CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

“SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

“(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting

that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

“(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

“(1) With respect to the authority of the Centers for Disease Control and Prevention—

“(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

“(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

“(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women’s safety.

“(2) With respect to the authority of the Agency for Healthcare Research and Quality—

“(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

“(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

“(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 3990 of the Public Health Service Act.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2007 through 2011.”

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

“**Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

“SEC. 41401. FINDINGS.

“Congress finds that:

“(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

“(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

“(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

“(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

“(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests

for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

“(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

“(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

“(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

“(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

“(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

“(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

“(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

“SEC. 41402. PURPOSE.

“The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

“(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

“(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

“(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

“(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

“SEC. 41403. DEFINITIONS.

“For purposes of this subtitle—

“(1) the term ‘assisted housing’ means housing assisted—

“(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

“(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

“(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

“(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

“(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

“(F) under subtitle D of title VIII of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12901 et seq.);

“(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

“(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

“(2) the term ‘continuum of care’ means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

“(3) the term ‘low-income housing assistance voucher’ means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

“(4) the term ‘public housing’ means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

“(5) the term ‘public housing agency’ means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

“(6) the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’—

“(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

“(B) includes—

“(i) an individual who—

“(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

“(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

“(III) is living in an emergency or transitional shelter;

“(IV) is abandoned in a hospital; or

“(V) is awaiting foster care placement;

“(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

“(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

“(7) the term ‘homeless service provider’ means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

“(8) the term ‘tribally designated housing’ means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

“(9) the term ‘tribally designated housing entity’ means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));

“SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in partnership with the Secretary of Housing and Urban

Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

“(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

“(A) not less than \$25,000 per year; and

“(B) not more than \$1,000,000 per year.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

“(1) shall include a domestic violence victim service provider;

“(2) shall include—

“(A) a homeless service provider;

“(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

“(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

“(3) may include a dating violence, sexual assault, or stalking victim service provider;

“(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

“(5) may include a public housing agency or tribally designated housing entity;

“(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

“(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

“(8) may include a State, tribal, territorial, or local government or government agency; and

“(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

“(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1) shall develop sustainable long-term living solutions in the community by—

“(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

“(B) assisting with the placement of individuals and families in long-term housing; and

“(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

“(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

“(4) may use funds for the administrative expenses related to the continuing operation, up-

keep, maintenance, and use of housing described in paragraph (3); and

“(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

“(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

“(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

“(1) give priority to linguistically and culturally specific services;

“(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

“(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

“(g) DEFINITIONS.—For purposes of this section:

“(1) AFFORDABLE HOUSING.—The term ‘affordable housing’ means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

“(2) LONG-TERM HOUSING.—The term ‘long-term housing’ means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

“(A) rented or owned by the individual;

“(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

“(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

“(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

“(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

“(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

“SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

“(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

“(1) education and training of eligible entities;

“(2) development and implementation of appropriate housing policies and practices;

“(3) enhancement of collaboration with victim service providers and tenant organizations; and

“(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice (‘Director’), and in consultation with the Secretary of Housing and Urban Development (‘Secretary’), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families (‘ACYF’), shall award grants and contracts for not less

than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

“(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

“(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

“(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

“(c) ELIGIBLE GRANTEEES.—

“(1) IN GENERAL.—Eligible grantees are—

“(A) public housing agencies;

“(B) principally managed public housing resident management corporations, as determined by the Secretary;

“(C) public housing projects owned by public housing agencies;

“(D) tribally designated housing entities; and

“(E) private, for-profit, and nonprofit owners or managers of assisted housing.

“(2) SUBMISSION REQUIRED FOR ALL GRANTEEES.—To receive assistance under this section, an eligible grantee shall certify that—

“(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

“(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

“(C) it does not discriminate against any person—

“(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

“(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

“(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

“(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

“(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

“(e) CERTIFICATION.—

“(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

“(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

“(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the

clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

“(B) producing a Federal, State, tribal, territorial, or local police or court record.

“(3) **LIMITATION.**—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

“(4) **CONFIDENTIALITY.**—

“(A) **IN GENERAL.**—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing; or

“(ii) otherwise required by applicable law.

“(B) **NOTIFICATION.**—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

“(f) **USE OF FUNDS.**—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

“(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

“(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

“(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

“(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

“(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

“(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court or-

ders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

“(7) developing and implementing more effective security policies, protocols, and services;

“(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

“(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

“(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

“(h) **TECHNICAL ASSISTANCE.**—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.”

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) **IN GENERAL.**—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,”;

(B) by inserting “, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking” after “other organizations”; and

(C) in paragraph (1), by inserting “, dating violence, sexual assault, or stalking” after “domestic violence”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting “, dating violence, sexual assault, or stalking” after “violence”;

(C) by inserting before paragraph (2), as redesignated, the following:

“(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.”; and

(D) in paragraph (3)(B) as redesignated, by inserting “Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.” after “assistance.”;

(3) in paragraph (1) of subsection (c), by striking “18 months” and inserting “24 months”;

(4) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and”;

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting “purpose and” before “amount”;

(B) in clause (ii) of subparagraph (C), by striking “and”;

(C) in subparagraph (D), by striking the period and inserting “; and”;

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

“(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.”; and

(6) in subsection (g)—

(A) in paragraph (1), by striking “\$30,000,000” and inserting “\$40,000,000”;

(B) in paragraph (1), by striking “2004” and inserting “2007”;

(C) in paragraph (1), by striking “2008” and inserting “2011”;

(D) in paragraph (2), by striking “not more than 3 percent” and inserting “up to 5 percent”;

(E) in paragraph (2), by inserting “evaluation, monitoring, technical assistance,” before “salaries”; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

“(C) **UNDERSERVED POPULATIONS.**—

“(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

“(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.”

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) **STATEMENT OF GOALS.**—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.”;

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

“(13) **DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.**—A description of—

“(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

“(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

“(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.”

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after “immunodeficiency syndrome,” the following: “victims of domestic violence, dating violence, sexual assault, and stalking”.

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

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

“(8) CONFIDENTIALITY.—

“(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or a grantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System non-personally identifying data that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

“(B) DEFINITIONS

“(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term ‘personally identifying information’ or ‘personal information’ means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

- “(I) a first and last name;
- “(II) a home or other physical address;
- “(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- “(IV) a social security number; and
- “(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

“(ii) VICTIM SERVICE PROVIDER.—The term ‘victim service provider’ or ‘victim service providers’ means a nonprofit, nongovernmental organization including rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.”

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

“(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

“(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

“(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

“(ii) Notwithstanding clause (i), an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

“(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agen-

cy, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

“(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant’s household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

“(v) Nothing in clause (i) may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

“(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after “public housing agency” the following: “and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission”;

(B) in paragraph (1)(B)(ii), by inserting after “other good cause” the following: “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”;

(C) in paragraph (1)(B)(iii), by inserting after “termination of tenancy” the following: “, except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of the tenancy or occupancy rights or program assistance, if the tenant or immediate member of the tenant’s family is a victim of that domestic violence, dating violence, or stalking; (II) notwithstanding subclause (I), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager under this section may bifurcate a lease, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the vic-

tim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence

in question against the tenant or a member of the tenant’s household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”;

(3) in subsection (f)—

(A) in paragraph (6), by striking “and”;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

“(8) the term ‘domestic violence’ has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

“(9) the term ‘dating violence’ has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

“(10) the term ‘stalking’ means—

“(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

“(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

“(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

“(i) that person;

“(ii) a member of the immediate family of that person; or

“(iii) the spouse or intimate partner of that person; and

“(11) the term ‘immediate family member’ means, with respect to a person—

“(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

“(B) any other person living in the household of that person and related to that person by blood and marriage.”;

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: “That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”;

(B) in paragraph (7)(C), by inserting after “other good cause” the following: “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”;

(C) in paragraph (7)(D), by inserting after “termination of tenancy” the following: “, except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant’s family is a

victim of that domestic violence, dating violence, or stalking; (ii) notwithstanding clause (i), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate, assistance to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”; and

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

“(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

“(B) CONSTRUCTION OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

“(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

“(D) EXCEPTIONS.—

“(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

“(ii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders

issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

“(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.

“(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMEDIATE THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

“(v) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”;

(5) in subsection (r)(5), by inserting after “violation of a lease” the following: “, except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit”; and

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

“(ee) CERTIFICATION AND CONFIDENTIALITY.—

“(1) CERTIFICATION.—

“(A) IN GENERAL.—An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager, or public housing agency requests such certification.

“(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

“(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

“(i) providing the requesting owner, manager, or public housing agency with documentation

signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

“(ii) producing a Federal, State, tribal, territorial, or local police or court record.

“(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

“(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manager, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5).

“(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing;

“(ii) required for use in an eviction proceeding under subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20); or

“(iii) otherwise required by applicable law.

“(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).”

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

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

“(3) the public housing agency shall not deny admission to the project to any applicant on the

basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking”;

(3) in subsection (l)(5), by inserting after “other good cause” the following: “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”;

(4) in subsection (l)(6), by inserting after “termination of tenancy” the following: “; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant’s family is a victim of that domestic violence, dating violence, or stalking; (B) notwithstanding subparagraph (A), a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant’s household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”; and

(5) by inserting at the end of subsection (t) the following new subsection:

“(u) CERTIFICATION AND CONFIDENTIALITY.—

“(1) CERTIFICATION.—

“(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

“(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification

within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

“(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

“(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

“(ii) producing a Federal, State, tribal, territorial, or local police or court record.

“(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency’s discretion, a public housing agency may provide benefits to an individual based solely on the individual’s statement or other corroborating evidence.

“(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

“(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim’s statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a public housing agency or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection (l)(5) and (6).

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing;

“(ii) required for use in an eviction proceeding under subsections (l)(5) or (6); or

“(iii) otherwise required by applicable law.

“(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsections (l)(5) and (6), including their right to confidentiality and the limits thereof.

“(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

“(A) the term ‘domestic violence’ has the same meaning given the term in section 4002 of the Violence Against Women Act of 1994;

“(B) the term ‘dating violence’ has the same meaning given the term in

“(C) the term ‘stalking’ means—

“(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

“(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

“(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

“(I) that person;

“(II) a member of the immediate family of that person; or

“(III) the spouse or intimate partner of that person; and

“(D) the term ‘immediate family member’ means, with respect to a person—

“(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

“(ii) any other person living in the household of that person and related to that person by blood and marriage.”.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1902) is amended by adding at the end the following:

“Subtitle O—National Resource Center

“SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

“(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

“(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

“(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

“(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

“(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

“(c) USE OF GRANT AMOUNT.—

“(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

“(2) RESPONSES.—Responses referred to in paragraph (1) may include—

“(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

“(B) providing conferences and other educational opportunities; and

“(C) developing protocols and model workplace policies.

“(d) LIABILITY.—The compliance or non-compliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 through 2011.

“(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.”

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “Attorney General” and inserting “Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;”;

(B) in subclause (III)(aa)—

(i) by inserting “Federal, State, or local” before “investigation”; and

(ii) by striking “, or” and inserting “or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or”; and

(C) in subclause (IV), by striking “and” at the end;

(2) by amending clause (ii) to read as follows:

“(ii) if accompanying, or following to join, the alien described in clause (i)—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and”;

(3) by inserting after clause (ii) the following:

“(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.”

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) by amending clause (ii) to read as follows:

“(ii) if accompanying, or following to join, the alien described in clause (i)—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and”.

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking “Attorney General” and inserting “Secretary of Homeland Security, the Attorney General,”; and

(2) in paragraph (2), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

“(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien’s unlawful presence in the United States.”

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 803. ADJUSTMENT OF STATUS.

(a) VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security, or in the case of subparagraph (C)(i), the Attorney General,”; and

(B) in subparagraph (A), by inserting at the end “or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney General, the investigation or prosecution is complete, whichever period of time is less;”;

(2) in paragraph (2), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(3) in paragraph (5), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(b) VICTIMS OF CRIMES AGAINST WOMEN.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General may adjust” and inserting “Secretary of Homeland Security may adjust”; and

(B) in subparagraph (B), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(2) in paragraph (3)—

(A) by striking “Attorney General may adjust” and inserting “Secretary of Homeland Security may adjust”; and

(B) by striking “Attorney General considers” and inserting “Secretary considers”; and

(3) in paragraph (4), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(1) in subsections (b)(1)(E), (e)(5), and (g), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) in subsection (c), by inserting “, the Secretary of Homeland Security” after “Attorney General”.

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by inserting “and the Secretary of Homeland Security” after “Attorney General”; and

(B) in subclause (II)(bb), by inserting “and the Secretary of Homeland Security” after “Attorney General”.

(2) in clause (ii), by inserting “Secretary of Homeland Security” after “Attorney General”; and

(3) in clause (iii)—

(A) in subclause (II), by striking “and” at the end;

(B) in subclause (III), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(IV) responding to and cooperating with requests for evidence and information.”

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended by striking “Attorney General” each place it occurs and inserting “Secretary of Homeland Security”.

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting “or the Secretary of Homeland Security” after “Attorney General”.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting “or section 204(a)(1)(B)(iii)” after “204(a)(1)(A)” each place it appears; and

(B) in subclause (III), by striking “a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,” and inserting “a VAWA self-petitioner”; and

(2) by adding at the end the following:

“(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(ii), (A)(iv), (B)(ii), or (B)(iii).”

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

“(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.”

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

“(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.”

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

“(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows that the abuse was at least one central reason for the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).”

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: “or if the child has been

battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household”.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(51) The term ‘VAWA self-petitioner’ means an alien, or a child of the alien, who qualifies for relief under—

“(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

“(B) clause (ii) or (iii) of section 204(a)(1)(B);

“(C) section 216(c)(4)(C);

“(D) the first section of Public Law 89-732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

“(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

“(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

“(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208).”.

SEC. 812. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

“(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

“(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

“(A) shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000; and

“(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

“(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien’s overstaying the grant of voluntary departure.

“(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.”.

SEC. 813. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking “serious illness of the alien” and inserting “battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) DISCRETION TO CONSENT TO AN ALIEN’S REAPPLICATION FOR ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien’s reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and

Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” and inserting “, subject to paragraph (5)”;

(B) in paragraph (2)(A)(iv), by striking “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” and inserting “, subject to paragraph (5)”;

(C) by adding at the end the following:

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.”.

SEC. 814. ELIMINATING ABUSERS’ CONTROL OVER APPLICATIONS AND LIMITATION ON PETITIONING FOR ABUSERS.

(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106-386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

“(i) if the basis of the motion is to apply for relief under—

“(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

“(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

“(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

“(IV) the first section of Public Law 89-732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

“(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and”;

(B) in clause (ii), by inserting “or adjustment of status” after “suspension of deportation”; and

(2) in subparagraph (B)(ii), by striking “for relief” and all that follows through “1101 note)” and inserting “for relief described in subparagraph (A)(i)”.

(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

“(K) Upon the approval of a petition as a VAWA self-petitioner, the alien—

“(i) is eligible for work authorization; and

“(ii) may be provided an ‘employment authorized’ endorsement or appropriate work permit incidental to such approval.”.

(c) EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.—Title I of the Immigration and Nationality Act is amended by adding at the end the following new section:

“SEC. 106. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

“(a) IN GENERAL.—In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Sec-

retary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an ‘employment authorized’ endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

“(b) CONSTRUCTION.—The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.”.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 105 the following new item:

“Sec. 106. Employment authorization for battered spouses of certain nonimmigrants.”.

(e) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

“(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual’s child) which established the individual’s (or individual’s child) eligibility as a VAWA petitioner or for such nonimmigrant status.”.

SEC. 815. APPLICATION FOR VAWA-RELATED RELIEF.

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100) is amended—

(1) in subparagraph (B)(ii), by inserting “, or was eligible for adjustment,” after “whose status is adjusted”; and

(2) in subparagraph (E), by inserting “, or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005” after “April 1, 2000”.

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105-100) is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

SEC. 816. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

“(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

“(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

“(II) is a person of good moral character;

“(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

“(IV) resides, or has resided, with the citizen daughter or son; and

“(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.”.

SEC. 817. VAWA CONFIDENTIALITY NONDISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(including any bureau or agency of such Department)” and inserting “, the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)”;

(B) in paragraph (1)—

(i) in subparagraph (D), by striking “or” at the end; and

(ii) by inserting after subparagraph (E) the following:

“(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator;”

(2) in subsection (b), by adding at the end the following new paragraphs:

“(6) Subsection (a) may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

“(7) Government entities adjudicating applications for relief under subsection (a)(2), and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act, may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims’ service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.”

(3) in subsection (c), by inserting “or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act” after “in violation of this section”; and

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

“(d) GUIDANCE.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.”

Subtitle C—Miscellaneous Amendments**SEC. 821. DURATION OF T AND U VISAS.**

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

“(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

“(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.”

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

“(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien’s presence in the United States is required to assist in the investigation or prosecution of such criminal activity.”

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking “The Attorney General” and inserting “(a) The Secretary of Homeland Security”;

(B) by inserting “(subject to subsection (b))” after “except”; and

(C) by adding at the end the following:

“(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).”

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking “248(2)” and inserting “248(a)(2)”.

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking “(A)(i)(II)” and inserting “(A)(ii)”; and

(2) in the fourth sentence, by striking “subsection (b)(2)(B) of this section” and inserting “this subparagraph, subparagraph (A)(ii).”

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking “(A)(i)(III)” and inserting “(A)(iii)”.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking “(9)(A)” and inserting “(10)(A)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101-649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89-732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”; and

(2) by adding at the end the following: “An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act

of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification”;

(2) in clause (ii), by striking “whose status is adjusted to that of an alien lawfully admitted for permanent residence” and inserting “who is or was eligible for classification”; and

(3) in clause (iii), by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

SEC. 825. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109-13), is amended—

(1) in subparagraph (A), by inserting “, except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)” before the period at the end; and

(2) in subparagraph (C)—

(A) in the heading of clause (iv), by striking “SPOUSES AND CHILDREN” and inserting “SPOUSES, CHILDREN, AND PARENTS”;

(B) in the matter before subclause (1) of clause (iv), by striking “The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply” and inserting “Any limitation under this section on the deadlines for filing such motions shall not apply”;

(C) in clause (iv)(I), by striking “or section 240A(b)” and inserting “, section 240A(b), or section 244(a)(3) (as in effect on March 31, 1997)”;

(D) by striking “and” at the end of clause (iv)(II);

(E) by striking the period at the end of clause (iv)(III) and inserting “; and”; and

(F) by adding at the end the following:

“(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.”

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A)(i) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III—A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))—

“(I) there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

“(aa) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

“(bb) if the motion is accompanied by a suspension of deportation application to be filed with the Secretary of Homeland Security or by a copy of the self-petition that will be filed with the Department of Homeland Security upon the granting of the motion to reopen; and

“(I) any such limitation shall not apply so as to prevent the filing of one motion to reopen described in section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

“(ii) PRIMA FACIE CASE.—The filing of a motion to reopen under this subparagraph shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B))) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.”;

(2) in subparagraph (B), in the matter preceding clause (i), by inserting “who are physically present in the United States and” after “filed by aliens”; and

(3) in subparagraph (B)(i), by inserting “or exclusion” after “deportation”.

(c) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

“(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—

“(1) IN GENERAL.—In cases where an enforcement action leading to a removal proceeding was taken against an alien at any of the locations specified in paragraph (2), the Notice to Appear shall include a statement that the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) have been complied with.

“(2) LOCATIONS.—The locations specified in this paragraph are as follows:

“(A) At a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.

“(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (V) of section 101(a)(15).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act and shall apply to apprehensions occurring on or after such date.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following new clause:

“(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.”.

SEC. 827. PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION.

In developing regulations or guidance with regard to identification documents, including driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106-386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the “International Marriage Broker Regulation Act of 2005”.

SEC. 832. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NON-IMMIGRANT PETITIONERS.—

(1) 214(D) AMENDMENT.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking “(d)” and inserting “(d)(1)”;

(B) by inserting after the second sentence “Such information shall include information on any criminal convictions of the petitioner for any specified crime.”;

(C) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and

(D) by adding at the end the following:

“(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

“(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

“(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

“(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

“(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

“(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

“(I) the petitioner was acting in self-defense;

“(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

“(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection be-

tween the crime and the petitioner's having been battered or subjected to extreme cruelty.

“(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

“(3) In this subsection:

“(A) The terms ‘domestic violence’, ‘sexual assault’, ‘child abuse and neglect’, ‘dating violence’, ‘elder abuse’, and ‘stalking’ have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

“(B) The term ‘specified crime’ means the following:

“(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

“(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

“(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.”.

(2) 214(R) AMENDMENT.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence “Such information shall include information on any criminal convictions of the petitioner for any specified crime.”; and

(B) by adding at the end the following:

“(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

“(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

“(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause (i).

“(5) In this subsection:

“(A) The terms ‘domestic violence’, ‘sexual assault’, ‘child abuse and neglect’, ‘dating violence’, ‘elder abuse’, and ‘stalking’ have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

“(B) The term ‘specified crime’ means the following:

“(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

“(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

“(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) **LIMITATION ON USE OF CERTAIN INFORMATION.**—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) **INFORMATION FOR K NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) **INFORMATION PAMPHLET.**—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) **SUMMARIES.**—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) **TRANSLATION.**—

(A) **IN GENERAL.**—In order to best serve the language groups having the greatest concentra-

tion of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) **REVISION.**—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) **AVAILABILITY AND DISTRIBUTION.**—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) **MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.**—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) **CONSULAR ACCESS.**—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) **POSTING ON FEDERAL WEBSITES.**—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) **INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.**—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) **DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.**—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) **VISA AND ADJUSTMENT INTERVIEWS.**—

(1) **FIANCÉ(E)S, SPOUSES AND THEIR DERIVATIVES.**—During an interview with an applicant

for a K nonimmigrant visa, a consular officer shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) **FAMILY-BASED APPLICANTS.**—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) **CONFIDENTIALITY.**—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) **REGULATION OF INTERNATIONAL MARRIAGE BROKERS.**—

(1) **PROHIBITION ON MARKETING CHILDREN.**—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) **REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.**—

(A) **IN GENERAL.**—

(i) **SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.**—Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).

(ii) **COLLECTION OF BACKGROUND INFORMATION.**—Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) **BACKGROUND INFORMATION.**—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(1) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.—

(A) LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.—An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) CONFIDENTIALITY.—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) PENALTY FOR MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(4) LIMITATION ON DISCLOSURE.—An international marriage broker shall not provide the

personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) PENALTIES.—

(A) FEDERAL CIVIL PENALTY.—

(i) VIOLATION.—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than \$5,000 and not more than \$25,000 for each such violation.

(ii) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) NONPREEMPTION.—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the meaning given such term in section 16 of title 18, United States Code.

(2) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given such term in section 3 of this Act.

(3) FOREIGN NATIONAL CLIENT.—The term "foreign national client" means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) INTERNATIONAL MARRIAGE BROKER (A) IN GENERAL.—The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) EXCEPTIONS.—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a

nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

(5) K NONIMMIGRANT VISA.—The term "K nonimmigrant visa" means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) PERSONAL CONTACT INFORMATION.—

(A) IN GENERAL.—The term "personal contact information" means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(7) REPRESENTATIVE.—The term "representative" means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration.

(8) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) UNITED STATES.—The term "United States", when used in a geographic sense, includes all the States.

(10) UNITED STATES CLIENT.—The term "United States client" means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) DATA COLLECTION.—The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834. SHARING OF CERTAIN INFORMATION.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2007 and 2009, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

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

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

“(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.”.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

“SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

“(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

“(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

“(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

“(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

“(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

“(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

“(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

“(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

“(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

“(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.”.

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1)) is amended to read as follows:

“(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.”.

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

“(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.”.

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

“(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”.

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

“(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.”.

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

“(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”.

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended by adding at the end the following:

“(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

“SEC. 2008. TRIBAL DEPUTY.

“(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

“(b) DUTIES.—

“(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

“(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

“(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

“(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

“(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

“(E) represent the Office on Violence Against Women in the annual consultations under section 903;

“(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

“(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

“(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

“(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), or the Vi-

olence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

“(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

“(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

“(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

“(C) development of tribal educational awareness programs and materials;

“(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

“(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.”.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: “(i) is a misdemeanor under Federal, State, or Tribal law; and”.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3)) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the semicolon and inserting “, or”;

(3) by adding at the end the following:

“(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime.”.

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“§117. Domestic assault by an habitual offender

“(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

“(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

“(2) an offense under chapter 110A, shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

“(b) DOMESTIC ASSAULT DEFINED.—In this section, the term ‘domestic assault’ means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.”.

TITLE X—DNA FINGERPRINTING**SEC. 1001. SHORT TITLE.**

This title may be cited as the “DNA Fingerprint Act of 2005”.

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking “DNA profiles” and all that follows through “, and”;

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

“(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

“(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

“(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.”;

(3) in subsection (d)(2)(A)(ii), by striking “all charges for” and all that follows, and inserting the following: “the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.”; and

(4) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking “taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))” and inserting “collected under applicable legal authority”.

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “The Director” and inserting the following:

“(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

“(B) The Director”; and

(B) in paragraphs (3) and (4), by striking “Director of the Bureau of Prisons” each place it appears and inserting “Attorney General, the Director of the Bureau of Prisons.”; and

(2) in subsection (b), by striking “Director of the Bureau of Prisons” and inserting “Attorney General, the Director of the Bureau of Prisons.”;

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18,

United States Code, are each amended by inserting “and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)” after “period of release”.

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking “except for a felony offense under chapter 109A.”.

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION**Subtitle A—AUTHORIZATION OF APPROPRIATIONS****SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.**

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$679,661,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,761,237,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,716,173,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$181,137,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) \$121,105,000 for the Office of Justice Programs.

(B) \$14,172,000 for the Office on Violence Against Women.

(C) \$31,343,000 for the Office of Community Oriented Policing Services.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$75,741,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$706,847,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,991,686,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,784,820,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$188,382,000,

which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$125,949,000 for the Office of Justice Programs.

(B) \$15,600,000 for the Office on Violence Against Women.

(C) \$32,597,000 for the Office of Community Oriented Policing Services.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$233,934,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$78,771,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$735,121,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$6,231,354,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,856,213,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$195,918,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$130,987,000 for the Office of Justice Programs.

(B) \$16,224,000 for the Office on Violence Against Women.

(C) \$33,901,000 for the Office of Community Oriented Policing Services.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$81,922,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$764,526,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$6,480,608,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,930,462,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$203,755,000, which shall include not to exceed \$8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: \$204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) \$132,226,000 for the Office of Justice Programs.

(B) \$16,837,000 for the Office on Violence Against Women.

(C) \$35,257,000 for the Office of Community Oriented Policing Services.

SEC. 1105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation, in consultation with the retail community, shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in

the private sector to track and identify where organized retail theft type crimes are being committed in the United States. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, \$5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, “organized retail theft” means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 1106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

- (1) the Federal Bureau of Investigation;
- (2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (3) the Drug Enforcement Administration;
- (4) the Bureau of Prisons;
- (5) the United States Marshals Service;
- (6) the Directorate of Border and Transportation Security of the Department of Homeland Security;
- (7) the Department of Housing and Urban Development;
- (8) State and local law enforcement;
- (9) Federal, State, and local prosecutors;
- (10) Federal, State, and local probation and parole offices;
- (11) Federal, State, and local prisons and jails; and
- (12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE’S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

SEC. 1111. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

“Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program”;

(B) by amending section 500 to read as follows:

“SEC. 500. NAME OF PROGRAM.

“(a) IN GENERAL.—The grant program established under this subpart shall be known as the ‘Edward Byrne Memorial Justice Assistance Grant Program’.

“(b) REFERENCES TO FORMER PROGRAMS.—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

“(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.”; and

(C) by inserting after section 500 the following new sections:

“SEC. 501. DESCRIPTION.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to

States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

“(A) Law enforcement programs.

“(B) Prosecution and court programs.

“(C) Prevention and education programs.

“(D) Corrections and community corrections programs.

“(E) Drug treatment and enforcement programs.

“(F) Planning, evaluation, and technology improvement programs.

“(G) Crime victim and witness programs (other than compensation).

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

“(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

“(1) neighborhood or community-based organizations that are private and nonprofit;

“(2) units of local government; or

“(3) tribal governments.

“(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

“(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

“(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

“(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

“(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

“(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

“(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

“(B) luxury items;

“(C) real estate;

“(D) construction projects (other than penal or correctional institutions); or

“(E) any similar matters.

“(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

“(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

“(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

“SEC. 502. APPLICATIONS.

“To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the

Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

“(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

“(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

“(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

“(A) the application (or amendment) was made public; and

“(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

“(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

“(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

“(A) the programs to be funded by the grant meet all the requirements of this subpart;

“(B) all the information contained in the application is correct;

“(C) there has been appropriate coordination with affected agencies; and

“(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

“SEC. 503. REVIEW OF APPLICATIONS.

“The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

“SEC. 504. RULES.

“The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

“SEC. 505. FORMULA.

“(a) ALLOCATION AMONG STATES.—

“(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

“(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the total population of a State to—

“(ii) the total population of the United States; and

“(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

“(ii) the average annual number of such crimes reported by all States for such years.

“(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the

total amount (in this paragraph referred to as a ‘minimum allocation State’), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

“(A) allocate 0.25 percent of the total amount to each State; and

“(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

“(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

“(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

“(2) 40 percent shall be for grants to be allocated under subsection (d).

“(c) ALLOCATION FOR STATE GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

“(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

“(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

“(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

“(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

“(2) ALLOCATION.—

“(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the ‘local amount’), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

“(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

“(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

“(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

“(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

“(ii) but for this paragraph, the amount of funds allocated under this section to—

“(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of

local government certified pursuant to clause (i); or

“(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i), then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

“(B) In this paragraph, the term ‘geographically constituent unit of local government’ means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

“(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

“(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

“(2) ALLOCATIONS UNDER \$10,000.—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

“(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

“(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State’s allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

“(g) SPECIAL RULES FOR PUERTO RICO.—

“(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

“(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

“(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term ‘unit of

local government' means a district attorney or a parish sheriff.

“SEC. 506. RESERVED FUNDS.

(a) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

(1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which \$1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

(b) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 501, pursuant to his determination that the same is necessary—

(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 505.

“SEC. 507. INTEREST-BEARING TRUST FUNDS.

(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) EXPENDITURES.—

(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

“SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart \$1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.”

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking “such as” and all that follows through “the M.O.R.E. program” and inserting “such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program”.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking “pursuant to section 511 or 515” and inserting “pursuant to section 515”;

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking “the program evaluations as required by section 501(c) of this part” and inserting “program evaluations”;

(ii) in subsection (a)(2), by striking “evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part” and inserting “evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part”; and

(iii) in subsection (b)(2), by striking “programs funded under section 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 505 (formula grants)”;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “section 506” and inserting “section 505”; and

(ii) in subsection (a)(1), by striking “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503” and inserting “an assessment of the impact of such activities on meeting the purposes of subpart 1”;

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking “the purposes of section 501 of this title” and inserting “the purposes of such subpart 1”; and

(ii) by striking “the application submitted pursuant to section 503 of this title.” and inserting “the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).”;

(E) in section 808 (42 U.S.C. 3789), by striking “the State office described in section 507 or 1408” and inserting “the State office responsible for the trust fund required by section 507, or the State office described in section 1408.”;

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking “for the purposes of section 506(a)” and inserting “for the purposes of section 505(a)”;

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking “section 506(a)” and inserting “section 505(a)”;

(ii) in paragraph (2)—

(I) by striking “section 503(a)” and inserting “section 502”; and

(II) by striking “section 506” and inserting “section 505”;

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking “The office designated under section 507 of title 1” and inserting “The office responsible for the trust fund required by section 507”;

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking “and reflects consideration of the statewide strategy under section 503(a)(1)”;

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking “The Office designated under section 507” and inserting “The office responsible for the trust fund required by section 507”.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 1112. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking “more than 5 recipients” and inserting “more than 5 individuals, or groups of individuals, as recipients”.

SEC. 1113. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking “the Director of the Office of Justice Assistance” and inserting “the Assistant Attorney General for the Office of Justice Programs”.

SEC. 1114. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting “regional” before “information sharing systems”;

(2) by amending paragraph (3) to read as follows:

“(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;”;

(3) by striking “(5)” at the end of paragraph (4).

SEC. 1115. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: “The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”;

(2) by amending paragraph (19) of subsection (c) to read as follows:

“(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;”;

(3) in subsection (d)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.”.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking “particular individual” and inserting “private person or public agency”.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking “Except as provided by Federal law other than this title, no” and inserting “No”.

SEC. 1116. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3793(a)(23) is amended by striking "2007" and inserting "2009".

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

SEC. 1121. OFFICE OF WEED AND SEED STRATEGIES.

(a) *IN GENERAL.*—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) *ESTABLISHMENT.*—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) *ASSISTANCE.*—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) *IN GENERAL.*—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) *WEEDING.*—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) *SEEDING.*—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

"(b) *GUIDELINES.*—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

"(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

"(A) in a voting capacity, representatives of—

"(i) appropriate law enforcement agencies; and

"(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

"(B) in a voting capacity, both—

"(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

"(ii) the United States Attorney for the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) *DESIGNATION.*—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

"(C) the steering committee is capable of implementing the strategy appropriately; and

"(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

"(d) *APPLICATION.*—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

"(1) a sustainable Weed and Seed strategy that includes—

"(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) *GRANTS.*—

"(1) *IN GENERAL.*—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

"(2) *USES.*—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) *LIMITATIONS.*—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

"(4) *DISTRIBUTION.*—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) *FEDERAL SHARE.*—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) *SUPPLEMENT, NOT SUPPLANT.*—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"SEC. 105. INCLUSION OF INDIAN TRIBES.

"For purposes of sections 103 and 104, the term "State" includes an Indian tribal government."

(b) *ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.*—

(1) *ABOLISHMENT.*—The Executive Office of Weed and Seed is abolished.

(2) *TRANSFER.*—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) *EFFECTIVE DATE.*—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

SEC. 1131. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after "Director";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime;"

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(C)"; and

(ii) by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C)."

SEC. 1132. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) *AUTHORITY TO ACCEPT GIFTS.*—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: " , which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime."

(2) *AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.*—Subsection (d)(5)(A) of

such section is amended by striking "expended" and inserting "obligated".

(3) **AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.**—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking "acting through the Director,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate."

SEC. 1133. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) **CRIME VICTIM COMPENSATION.**—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

(b) **CRIME VICTIM ASSISTANCE.**—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

SEC. 1134. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) **CLARIFICATION OF STATE GRANTS.**—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (c)(3)(A), by striking "police" and inserting "law enforcement"; and

(2) in subsection (d)—

(A) in the second sentence, by inserting after "each application" the following: "submitted by a State"; and

(B) in the third sentence, by striking "An application" and inserting "In addition, each application submitted by a State or tribal government".

(b) **CHANGE FROM ANNUAL TO BIENNIAL REPORTING.**—Section 2009(b) of such Act (42 U.S.C. 3796gg-3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit".

SEC. 1135. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) **STALKING AND DOMESTIC VIOLENCE.**—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(b) **SAFE HAVENS FOR CHILDREN.**—Subsection 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than 1 month after the end of each even-numbered fiscal year,".

(c) **STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.**—Subsection 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3), is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit".

(d) **GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.**—Subsection

826(d)(3) of the Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3)) is amended by striking from "Not" through and including "under this section" and inserting "Not later than 1 month after the end of each even-numbered fiscal year".

(e) **TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.**—Subsection 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section." and inserting "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than one month after the end of each even-numbered fiscal year."

SEC. 1136. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) **IN GENERAL.**—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) **USE OF FUNDS.**—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) **DEFINITIONS.**—In this section:

(1) The term "juvenile" means an individual who is age 17 or younger.

(2) The term "young adult" means an individual who is age 21 or younger but not a juvenile.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006 through 2009.

CHAPTER 4—PREVENTING CRIME

SEC. 1141. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(b)) is amended in the matter preceding paragraph (1) by striking "an offense that" and inserting "a felony-level offense that".

SEC. 1142. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) **MINIMUM ALLOCATION REPEALED.**—Section 2957 of such Act (42 U.S.C. 3797u-6) is amended by striking subsection (b) and inserting the following:

"(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Unless one or more applications submitted by

any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Community Capacity Development Office shall consider and respond to the unique needs of rural States, rural areas and rural communities."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(25)(A)) is amended by adding at the end the following:

"(v) \$70,000,000 for each of fiscal years 2007 and 2008."

SEC. 1143. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking "offenders with substance abuse problems" and inserting "offenders, and other individuals under the jurisdiction of the court, with substance abuse problems".

SEC. 1144. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3) is amended by adding at the end the following new subsection:

"(d) **DEFINITION.**—In this section, the term "residential substance abuse treatment program" means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(1) directed at the substance abuse problems of the prisoners; and

"(2) intended to develop the prisoner's cognitive, behavioral, social, vocational and other skills so as to solve the prisoner's substance abuse and other problems; and

"(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period."

SEC. 1145. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) **ENHANCED DRUG SCREENINGS REQUIREMENT.**—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(b)) is amended to read as follows:

"(b) **SUBSTANCE ABUSE TESTING REQUIREMENT.**—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

"(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

"(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State."

(b) **AFTERCARE SERVICES REQUIREMENT.**—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT" and inserting "AFTERCARE SERVICES REQUIREMENT"; and

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance

provided under this part will be provided with after care services.”; and

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

“(4) After care services required by this subsection shall be funded through funds provided for this part.”.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff-2) is amended by adding at the end the following new subsection:

“(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.”.

SEC. 1146. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR FEDERAL FACILITIES.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.”; and

(2) in paragraph (5)(A)—

(A) in clause (i) by striking “and” after the semicolon;

(B) in clause (ii) by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iii) which may include the use of pharmacotherapies, if appropriate, that may extend beyond the treatment period.”.

CHAPTER 5—OTHER MATTERS

SEC. 1151. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107-273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking “section 6503(d)” and inserting “sections 3335(b) or 6503(d)”;

(2) by striking “section 6503” and inserting “sections 3335(b) or 6503”.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking “pursuant to section 501(a)” and inserting “pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108-7), or (as carried out pursuant to any subsequent authority) or section 501(a)”.

(c) ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 1152. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after “the Bureau of Justice Statistics,” the following: “the Office for Victims of Crime.”.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in sub-

section (a)(6) by inserting “, including placing special conditions on all grants, and determining priority purposes for formula grants” before the period at the end.

SEC. 1153. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking “unless such requirement is terminated under” and inserting “for the time period specified in”.

SEC. 1154. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAM.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769-3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751-13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801-13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 1155. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking “(a)” before “Whenever.”.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking “, after reasonable notice and opportunity for a hearing.”; and

(B) by striking “, except as otherwise provided herein”.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 1156. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking “(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))”.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking “program or project” and inserting “program, plan, or project”.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking “which” and inserting “, including faith-based, that”.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking “and” at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

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

“(26) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(27) the term ‘private person’ means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).”.

SEC. 1157. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after “The Attorney General” the following: “or the Secretary of Homeland Security, as applicable.”; and

(2) in subsection (b)(1)—

(A) by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(B) by striking “shall not exceed the lesser of the amount” and inserting “shall be the amount billed, not to exceed the amount”;

(C) by striking “items and services” and all that follows through “the Medicare program” and inserting “items and services under the Medicare program”;

(D) by striking “; or” and all that follows through the period at the end and inserting a period.

SEC. 1158. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

“(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

“(1) The program under part Q of this title.

“(2) Any grant program carried out by the Office of Justice Programs.

“(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

“(c) PROGRAM ASSESSMENTS REQUIRED.—

“(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate

amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

“(2) **RELATIONSHIP TO NJ EVALUATIONS.**—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) **TIMING OF PROGRAM ASSESSMENTS.**—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

“(d) **COMPLIANCE ACTIONS REQUIRED.**—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

“(e) **GRANT MANAGEMENT SYSTEM.**—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

“(f) **AVAILABILITY OF FUNDS.**—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.”

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1159. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

“SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

“(2) **PURPOSE.**—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) **EXCLUSIVITY.**—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by

any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

“(b) **MEANS.**—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) **LOCATIONS.**—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

“(d) **BEST PRACTICES.**—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) **AVAILABILITY OF FUNDS.**—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.”

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1160. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) **ESTABLISHMENT.**—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) **DUTIES.**—In carrying out the purpose of the Division, the head of the Division shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.”

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1161. AVAILABILITY OF FUNDS FOR GRANTS.

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

“SEC. 108. AVAILABILITY OF FUNDS.

“(a) **PERIOD FOR AWARDED GRANT FUNDS.**—

“(1) **IN GENERAL.**—Unless otherwise specifically provided in an authorization, DOJ grant

funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) **TREATMENT OF REPROGRAMMED FUNDS.**—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(3) **TREATMENT OF DEOBLIGATED FUNDS.**—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

“(b) **PERIOD FOR EXPENDING GRANT FUNDS.**—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) **DEFINITION.**—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) **APPLICABILITY.**—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.”

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1162. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) **CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.**—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) **FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.**—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) **CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.**—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) **ACHIEVING COMPLIANCE.**—

(1) **SCHEDULE.**—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) **SPECIFIC REQUIREMENTS.**—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by

the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 1163. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) *IN GENERAL.*—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

“(a) *GRANT AUTHORIZATION.*—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).”;

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking “**ADDITIONAL GRANT PROJECTS.**—Grants made under subsection (a) may include programs, projects, and other activities to—” and inserting “**USES OF GRANT AMOUNTS.**—The purposes for which grants made under subsection (a) may be made are—”;

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

“(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties.”;

(D) by amending paragraph (9) (as so redesignated) to read as follows:

“(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking “subsection (i)” and inserting “subsection (g)”.

(b) *CONFORMING AMENDMENT.*—Section 1702 of title I of such Act (42 U.S.C. 3796dd-1) is amended in subsection (d)(2) by striking “section 1701(d)” and inserting “section 1701(b)”.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking “expended—” and all that follows through “2000” and inserting “expended \$1,047,119,000 for each of fiscal years 2006 through 2009”;

(2) in subparagraph (B)—

(A) by striking “section 1701(f)” and inserting “section 1701(d)”;

(B) by striking the third sentence.

SEC. 1164. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAMS.

(a) *PERSONS ELIGIBLE FOR DEATH BENEFITS.*—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers’ Benefit Act of 2002 (Public Law 107-196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) ‘member of a rescue squad or ambulance crew’ means an officially recognized or designated public employee member of a rescue squad or ambulance crew;”;

(3) in paragraph (4) by striking “and” and all that follows through the end and inserting a semicolon.

(4) in paragraph (6) by striking “enforcement of the laws” and inserting “enforcement of the criminal laws (including juvenile delinquency).”

(b) *CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.*—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting “with respect” before “to any individual”.

(c) *WAIVER OF COLLECTION IN CERTAIN CASES.*—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

“(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.”.

(d) *DESIGNATION OF BENEFICIARY.*—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

“(4) if there is no surviving spouse or surviving child—

“(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer’s most recently executed designation of beneficiary on file at the time of death with such officer’s public safety agency, organization, or unit, provided that such individual survived such officer; or

“(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer’s most recently executed life insurance policy on file at the time of death with such officer’s public safety agency, organization, or unit, provided that such individual survived such officer; or”.

(e) *CONFIDENTIALITY.*—Section 1201(1)(a) of such Act (42 U.S.C. 3796(a)) is amended by adding at the end the following:

“(6) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or recently executed life insurance policy pursuant to paragraph (4) shall maintain the confidentiality of such designation or policy in the same manner as it maintains personnel or other similar records of the officer.”.

SEC. 1165. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796e(b)) is amended—

(1) in paragraph (15) by striking “or” at the end;

(2) in paragraph (16) by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.”.

SEC. 1166. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-10(a)) is amended by striking “2002 through 2005” and inserting “2006 through 2009”.

SEC. 1167. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

“(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry

out this section \$5,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 1168. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”;

(2) in subsection (b)(1)(A)(ii) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”.

SEC. 1169. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) *IN GENERAL.*—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking “2003” and inserting “2009”.

(b) *PROGRAM TO REMAIN UNDER COPS OFFICE.*—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after “The Attorney General” the following: “, acting through the Office of Community Oriented Policing Services.”.

SEC. 1170. TECHNICAL AMENDMENTS TO AIMEE’S LAW.

Section 2001 of Div. C, Pub. L. 106-386 (42 U.S.C. 13713), is amended—

(1) in each of subsections (b), (c)(1), (c)(2), (c)(3), (e)(1), and (g) by striking the first uppercase letter after the heading and inserting a lower case letter of such letter and the following: “Pursuant to regulations promulgated by the Attorney General hereunder.”

(2) in subsection (c), paragraphs (1) and (2), respectively, by—

(A) striking “a State”, the first place it appears, and inserting “a criminal-records-reporting State”;

(B) striking “(3),” and all that follows through “subsequent offense” and inserting “(3), it may, under subsection (d), apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation”;

(3) in subsection (c)(3), by—

(A) striking “if—” and inserting “unless—”;

(B) striking—

(i) “average”;

(ii) “individuals convicted of the offense for which,”;

(iii) “convicted by the State is”;

(C) inserting “not” before “less” each place it appears.

(4) in subsections (d) and (e), respectively, by striking “transferred”;

(5) in subsection (e)(1), by—

(A) inserting “pursuant to section 506 of the Omnibus Crime Control and Safe Streets Act of 1968” before “that”;

(B) striking the last sentence and inserting “No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31, United States Code”;

(6) in subsection (i)(1), by striking “State—” and inserting “State (where practicable)”;

(7) by striking subsection (i)(2) and inserting:

“(2) *REPORT.*—The Attorney General shall submit to Congress—

“(A) a report, by not later than 6 months after the date of enactment of this Act, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

“(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

“(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).”.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 1171. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107-56.

(a) *STRIKING SURPLUS WORDS.*—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking "or" at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking "to be used to be used" and inserting "to be used".

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking "sections" and inserting "section".

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107-56 is amended, effective on the date of the enactment of that section, by striking "title 18" and inserting "title 28".

SEC. 1172. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

"3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives".

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1922), is repealed.

(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103-322 is amended by striking subsection (c).

SEC. 1173. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 1174. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include advising the Attorney General regarding—

(1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;

(2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;

(3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including section 552a of title 5, United States Code, and Section 208 of the E-Government Act of 2002 (Pub. L. 107-347);

(4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;

(5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and

(6) privacy-related reports from the Department to Congress and the President.

(c) REVIEW OF PRIVACY RELATED FUNCTIONS, RESOURCES, AND REPORT.—Within 120 days of his designation, the privacy official shall prepare a comprehensive report to the Attorney General and to the Committees on the Judiciary of the House of Representatives and of the Senate, describing the organization and resources of the Department with respect to privacy and related information management functions, including access, security, and records management, assessing the Department's current and future needs relating to information privacy issues, and making appropriate recommendations regarding the Department's organizational structure and personnel.

(d) ANNUAL REPORT.—The privacy official shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on an annual basis on activities of the Department that affect privacy, including a summary of complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters.

SEC. 1175. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 1176. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 1177. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting "or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "in a Federal prison.":

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking "one year" and inserting "five years".

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking "six months" and inserting "two years" in each of subsections (a)(4) and (b).

SEC. 1178. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting "or any prison,

institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "penal facility".

SEC. 1179. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: "In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay."

SEC. 1180. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public Law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

"(xvii) 13 β -ethyl-17 β -hydroxygon-4-en-3-one."; and

(2) striking clause (xiv) and inserting the following:

"(xiv) stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-en-3,20-dione)."

SEC. 1181. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking "2 years" and inserting "3 years".

SEC. 1182. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3298. Trafficking-related offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "3298. Trafficking-related offenses".

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting "or for ten years after the offense, whichever is longer" after "of the child".

SEC. 1183. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit "center of excellence" that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) \$7,500,000 for fiscal year 2006;

(2) \$7,500,000 for fiscal year 2007; and

(3) \$10,000,000 for fiscal year 2008.

SEC. 1184. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General to carry out this section \$4,000,000 for each of fiscal years 2006 through 2009.

SEC. 1185. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking “2006” and inserting “2009”.

SEC. 1186. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

“(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;”.

SEC. 1187. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) **ORGANIZATIONAL PROVISION.**—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

“Sec
“599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives
“599B. Personnel management demonstration project”.

(b) **TRANSFER OF PROVISIONS.**—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) **CONFORMING AMENDMENTS.**—

(1) Such section 1111 is amended—
(A) by striking the section heading and inserting the following:

“599A. Bureau of alcohol, tobacco, firearms, and Explosives”;

and

(B) in subsection (b)(2), by inserting “of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)” after “subsection (c)”,

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

“599B. Personnel Management demonstration project”;

and such section (as so amended) shall constitute section 599B of such title.

(d) **CLERICAL AMENDMENT.**—The chapter analysis for such part is amended by adding at the end the following new item:

“40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives2599A”. ..

SEC. 1188. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$20,000,000 for fiscal year 2006;
- “(2) \$20,000,000 for fiscal year 2007;
- “(3) \$20,000,000 for fiscal year 2008;
- “(4) \$20,000,000 for fiscal year 2009; and
- “(5) \$20,000,000 for fiscal year 2010.”.

SEC. 1189. NATIONAL TRAINING CENTER.

(a) **IN GENERAL.**—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to con-

trol the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

- (1) \$2,500,000 for fiscal year 2006.
- (2) \$3,000,000 for fiscal year 2007.
- (3) \$3,000,000 for fiscal year 2008.
- (4) \$3,000,000 for fiscal year 2009.

SEC. 1190. SENSE OF CONGRESS RELATING TO “GOOD TIME” RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a “good time” release program for non-violent criminals in the Federal prison system.

SEC. 1191. PUBLIC EMPLOYEE UNIFORMS.

(a) **IN GENERAL.**—Section 716 of title 18, United States Code, is amended—

(1) by striking “police badge” each place it appears in subsections (a) and (b) and inserting “official insignia or uniform”;

(2) in each of paragraphs (2) and (4) of subsection (a), by striking “badge of the police” and inserting “official insignia or uniform”;

(3) in subsection (b)—

(A) by striking “the badge” and inserting “the insignia or uniform”;

(B) by inserting “is other than a counterfeit insignia or uniform and” before “is used or is intended to be used”; and

(C) by inserting “is not used to mislead or deceive, or” before “is used or intended”;

(4) in subsection (c)—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”;

(C) by adding at the end the following:

“(3) the term ‘official insignia or uniform’ means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

“(4) the term ‘public employee’ means any officer or employee of the Federal Government or of a State or local government; and

“(5) the term ‘uniform’ means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee.”; and

(5) by adding at the end the following:

“(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

“(1) for a dramatic presentation, such as a theatrical, film, or television production; or

“(2) for legitimate law enforcement purposes.”; and

(6) in the heading for the section, by striking “POLICE BADGES” and inserting “PUBLIC EMPLOYEE INSIGNIA AND UNIFORM”.

(b) **CONFORMING AMENDMENT TO TABLE OF SECTIONS.**—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking “Police badges” and inserting “Public employee insignia and uniform”.

(c) **DIRECTION TO SENTENCING COMMISSION.**—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and uniform received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 1192. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following:

“Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.”.

SEC. 1193. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 1194. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 1195. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator’s drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1196. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking “appropriated” and all that follows through the period and inserting the following: “appropriated to carry out this subsection—

“(A) \$750,000,000 for fiscal year 2006;

“(B) \$850,000,000 for fiscal year 2007; and

“(C) \$950,000,000 for each of the fiscal years 2008 through 2011.”.

(b) **LIMITATION ON USE OF FUNDS.**—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

“(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.”.

(c) **STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security’s efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

SEC. 1197. EXTENSION OF CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking “A volunteer organization in a participating State may not submit background check requests under paragraph (3).”;

(B) in paragraph (3)—

(i) in subparagraph (A), by striking “a 30-month” and inserting “a 60-month”;

(ii) in subparagraph (A), by striking “100,000” and inserting “200,000”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) PARTICIPATING ORGANIZATIONS.—

“(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

“(I) the Boys and Girls Clubs of America;

“(II) the MENTOR/National Mentoring Partnership;

“(III) the National Council of Youth Sports; and

“(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

“(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the rejection or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.”;

(iv) by striking subparagraph (C) and inserting the following:

“(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.”;

(v) in subparagraph (D), by striking “the organizations described in subparagraph (C)” and inserting “participating organizations”;

(vi) in subparagraph (F), by striking “14 business days” and inserting “10 business days”;

(2) in subsection (c)(1), by striking “and 2005” and inserting “through 2008”; and

(3) in subsection (d)(1), by adding at the end the following:

“(O) The extent of participation by eligible organizations in the state pilot program.”.

SEC. 1198. TRANSPORTATION AND SUBSISTENCE FOR SPECIAL SESSIONS OF DISTRICT COURTS.

(a) TRANSPORTATION AND SUBSISTENCE.—Section 141(b) of title 28, United States Code, as added by section 2(b) of Public Law 109-63, is amended by adding at the end the following:

“(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (5) of section 141(b) of title 28, United States Code, as added by subsection (a) of this section.

SEC. 1199. YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local government or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

(b) SELECTION OF GRANT RECIPIENTS.—

(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed \$15,000,000 per fiscal year.

(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

(C) a plan for evaluation by an independent third party.

(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

(A) A program focus on

(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

(ii) fostering positive relationships between program participants and supportive adults in the community; and

(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services, substance abuse programs, recreational opportunities, and other services;

(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers;

(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program;

(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal ex-

periences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor;

(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members;

(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act;

(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

(c) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

(1) Designing and enhancing program activities;

(2) Employing and training personnel.

(3) Purchasing or leasing equipment.

(4) Providing services and training to program participants and their families.

(5) Supporting related law enforcement and probation activities, including personnel costs.

(6) Establishing and maintaining a system of program records.

(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.

(8) Evaluating program effectiveness.

(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

(d) EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Attorney General may use up to \$500,000 of funds appropriated annually under this section to—

(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;

(B) provide training and technical assistance to grant recipients; and

(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

(A) a summary of the activities carried out with such grants;

(B) an assessment by the Attorney General of the program carried out; and

(C) such other information as the Attorney General considers appropriate.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this Act shall not exceed 90 percent of the total program costs.

(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

(f) DEFINITIONS.—In this section:

(1) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes.

(2) JUVENILE.—The term “juvenile” means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term “young adult” means an individual who is 18 through 24 years of age.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SENSENBRENNER and Mr. CONYERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶138.10 MENTAL HEALTH BENEFITS

Mr. BOEHNER moved to suspend the rules and pass the bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BOEHNER and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.11 SECOND HIGHER EDUCATION EXTENSION

Mr. BOEHNER moved to suspend the rules and pass the bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes: as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BOEHNER and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.12 NASA AUTHORIZATION FY 2006-2010

Mr. BOEHLERT moved to suspend the rules and agree to the following conference report (Rept. No. 109-354):

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281), to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Aeronautics and Space Administration Authorization Act of 2005”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS

Sec. 101. Responsibilities, policies, and plans.

Sec. 102. Reports.

Sec. 103. Baselines and cost controls.

Sec. 104. Prize authority.

Sec. 105. Foreign launch vehicles.

Sec. 106. Safety management.

Sec. 107. Lessons learned and best practices.

Sec. 108. Commercialization plan.

Sec. 109. Study on the feasibility of use of ground source heat pumps.

Sec. 110. Whistleblower protection.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Structure of budget accounts.

Sec. 202. Fiscal year 2007.

Sec. 203. Fiscal year 2008.

Sec. 204. ISS research.

Sec. 205. Test facilities.

Sec. 206. Official representation fund.

Sec. 207. ISS cost cap.

TITLE III—SCIENCE

Subtitle A—General Provisions

Sec. 301. Performance assessments.

Sec. 302. Status on Hubble Space Telescope servicing mission.

Sec. 303. Independent assessment of Landsat-NPOESS integrated mission.

Sec. 304. Assessment of science mission extensions.

Sec. 305. Microgravity research.

Sec. 306. Coordination with the National Oceanic and Atmospheric Administration.

Sec. 307. Review and report on Headquarters Earth-Sun System Applied Sciences Program.

Subtitle B—Remote Sensing

Sec. 311. Definitions.

Sec. 312. General responsibilities.

Sec. 313. Pilot projects to encourage public sector applications.

Sec. 314. Program evaluation.

Sec. 315. Data availability.

Sec. 316. Education.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

Sec. 321. George E. Brown, Jr. Near-Earth Object Survey.

TITLE IV—AERONAUTICS

Sec. 401. Definition.

Subtitle A—Governmental Interest in Aeronautics Research and Development

Sec. 411. Governmental interest.

Subtitle B—High Priority Aeronautics Research and Development Programs

Sec. 421. Fundamental research program.

Sec. 422. Research and technology programs.

Sec. 423. Airspace systems research.

Sec. 424. Aviation safety and security research.

Sec. 425. Aviation weather research.

Sec. 426. Assessment of wake turbulence research and development program.

Sec. 427. University-based Centers for Research on Aviation Training.

Subtitle C—Scholarships

Sec. 431. NASA aeronautics scholarships.

Subtitle D—Data Requests

Sec. 441. Aviation data requests.

TITLE V—HUMAN SPACE FLIGHT

Sec. 501. Space Shuttle follow-on.

Sec. 502. Transition.

Sec. 503. Requirements.

Sec. 504. Ground-based analog capabilities.

Sec. 505. ISS completion.

Sec. 506. ISS research.

Sec. 507. National laboratory designation.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

Sec. 601. Orbital debris.

Sec. 602. Secondary payload capability.

Subtitle B—Education

Sec. 611. Institutions in NASA’s minority institutions program.

Sec. 612. Program to expand distance learning in rural underserved areas.

Sec. 613. Charles “Pete” Conrad Astronomy awards.

Sec. 614. Review of education programs.

Sec. 615. Equal access to NASA’s education programs.

Sec. 616. Museums.

Sec. 617. Review of MUST program.

Sec. 618. Continuation of certain education programs.

Sec. 619. Implementation of previous recommendations.

Subtitle C—Technology Transfer

Sec. 621. Commercial technology transfer program.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

Sec. 701. Retrocession of jurisdiction.

Sec. 702. Extension of indemnification.

Sec. 703. NASA scholarships.

Sec. 704. Independent cost analysis.

Sec. 705. Recovery and disposition authority.

Sec. 706. Changes to existing laws on reports.

Sec. 707. Small business contracting.

Sec. 708. NASA healthcare program.

Sec. 709. Offshore performance of contracts for the procurement of goods and services.

Sec. 710. Study on enhanced use leasing.

Subtitle B—National Science Foundation

Sec. 721. Data on specific fields of study.

Sec. 722. National Science Foundation major research equipment and facilities.

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

Sec. 801. Establishment of task force.

- Sec. 802. Tasks of the task force.
 Sec. 803. Composition of the task force.
 Sec. 804. Reporting requirements.
 Sec. 805. Sunset.

Subtitle B—Human Space Flight Independent Investigation Commission

- Sec. 821. Definitions.
 Sec. 822. Establishment of Commission.
 Sec. 823. Tasks of the Commission.
 Sec. 824. Composition of Commission.
 Sec. 825. Powers of Commission.
 Sec. 826. Public meetings, information, and hearings.
 Sec. 827. Staff of Commission.
 Sec. 828. Compensation and travel expenses.
 Sec. 829. Security clearances for Commission members and staff.
 Sec. 830. Reporting requirements and termination.

SEC. 2. DEFINITIONS.

In this Act:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.
 (2) ISS.—The term “ISS” means the International Space Station.
 (3) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science, and microgravity science; and

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(iv) encouraging commercial use and development of space to the greatest extent practicable; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—

(1) IN GENERAL.—The Administrator shall establish a program to develop a sustained human presence on the Moon, including a robust precursor program, to promote exploration, science,

commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(2) MILESTONES.—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 503)—

(A) Returning Americans to the Moon no later than 2020.

(B) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(C) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the ISS.

(D) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through an official the President shall designate, and in consultation with appropriate Federal agencies, shall develop a national policy to guide the aeronautics research and development programs of the United States through 2020. The policy shall include national goals for aeronautics research and development and shall describe the role and responsibilities of each Federal agency that will carry out the policy. The development of the policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and development and have suggested policies to ensure continued competitiveness.

(2) CONTENT.—(A) At a minimum, the national aeronautics research and development policy shall describe for NASA—

(i) the priority areas of research for aeronautics through fiscal year 2011;

(ii) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(iii) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(iv) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be the authorized level for aeronautics provided in title II of this Act.

(B) The policy shall be based on the premises that—

(i) the Federal Government has an established interest in conducting research and development programs for improving the usefulness, performance, speed, safety, and efficiency of aeronautical vehicles, as described in section 102(d)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(2)); and

(ii) the Federal Government has an established interest in conducting research and development programs that help preserve the role of the United States as a global leader in aeronautical technologies and in their application, as described in section 102(d)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(5)).

(3) CONSIDERATIONS.—In developing the national aeronautics research and development policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact of that decision on the United States economy, and the ability to achieve environmental and other public goals related to aeronautics.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will conduct research in-house, fund university research, and collaborate on industry research, and the expected impact of that mix of funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics research and development policy, the President shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the policy.

(5) SCHEDULE.—(A) Not later than 1 year after the date of enactment of this Act, the President shall transmit the national aeronautics research and development policy to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) Not later than 60 days after the transmittal of the policy under subparagraph (A), the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report describing how NASA will carry out the policy.

(C) At the time the President’s fiscal year 2007 budget is transmitted to the Congress, the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the proposed NASA aeronautics budget describing—

(i) the rationale for the budget levels and activities in the proposed fiscal year 2007 NASA aeronautics budget;

(ii) the extent to which the program directions proposed for fiscal year 2007 are likely to be consistent with the national policy being prepared under this section; and

(iii) the extent to which the proposed programs for fiscal year 2007 are consistent with past reports and current studies of the National Academy of Sciences, and other relevant reports and studies.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a plan to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall be designed to ensure that NASA has a rich and vigorous set of science activities, and shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking; and

(C) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the science plan under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) How to best benefit from the relationship between NASA’s space and earth science activities and those of other Federal agencies.

(C) Whether the Magnetospheric Multiscale Mission, SIM-Planet Quest, and missions under the Future Explorers Programs can be expedited to meet previous schedules.

(D) Whether any NASA Earth observing missions that have been delayed or cancelled can be restored.

(E) How to ensure the long-term vitality of Earth observation programs at NASA, including their satellite, science, and data system components.

(F) Whether current and currently planned Earth observation missions should be supplemented or replaced with new satellite architectures and instruments that enable global coverage, and all-weather, day and night imaging of the Earth's surface features.

(G) How to integrate NASA earth science missions with the Global Earth Observing System of Systems.

(4) CONSULTATION.—In developing the plan under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The plan developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the plan.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, refurbish, or upgrade, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transactions NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, including the funding levels for maintenance and repairs; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the

programs of NASA, consistent with the policies and plans developed pursuant to this section. Under the strategy, NASA shall utilize current personnel, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy developed under paragraph (1) shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal employee unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the unions.

(4) LIMITATION.—NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to March 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study conducted under paragraph (1) shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers, and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—

(1) CATEGORIES.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(A) by program—

(i) the budget for space operations, including the ISS and the Space Shuttle;

(ii) the budget for exploration systems;

(iii) the budget for aeronautics;

(iv) the budget for space science;

(v) the budget for earth science;

(vi) the budget for microgravity science;

(vii) the budget for education;

(viii) the budget for safety oversight; and

(ix) the budget for public relations;

(B) the budget for technology transfer programs;

(C) the budget for the Integrated Enterprise Management Program, by individual element;

(D) the budget for the Independent Technical Authority, both total and by center;

(E) the total budget for the prize program under section 104, and the administrative budget for that program; and

(F) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(2) SENSE OF CONGRESS REGARDING EVALUATION CRITERIA FOR BUDGET REQUESTS.—It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

(i) ADDITIONAL BUDGET INFORMATION.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

(1) information on corporate and center general and administrative costs and service pool costs, including—

(A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(C) the major activities included in each cost category; and

(2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(j) NASA AERONAUTICS TEST FACILITIES AND SIMULATORS.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for aeronautics test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(A)(iii). The review shall take into consideration the results of the study conducted pursuant to the instructions on page 582 of the conference report (H. Rept. 108-767) to accompany the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-375).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautics test facilities identified in the 2003 independent assessment by the RAND Corporation titled "Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs" as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, or any aeronautics simulators, that were in use as of January 1, 2004, with the exception of the already closed 16-foot transonic tunnel, until—

(A) the review conducted under paragraph (1) has been transmitted to the Congress; and

(B) 60 days after the Administrator has transmitted to the Committee on Appropriations and the Committee on Science of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a written certification that the proposed closure will not have an adverse impact on NASA's ability to execute the national policy developed under subsection (c) and to achieve the goals described in that policy.

Subparagraph (B) shall cease to be effective five years after the date the study required by this section has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) NATIONAL AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Administrator shall implement, beginning not later than May 1, 2006, a national awareness campaign through various media, including print, radio, television, and the Internet, to articulate the missions, publicize recent accomplishments, and facilitate efforts to encourage young Americans to enter the fields of science, mathematics, and engineering to help maintain United States leadership in those fields.

(2) REPORTS.—(A) Not later than April 1, 2006, the Administrator shall transmit a plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the activities that will be undertaken as part of the national awareness campaign required by paragraph (1) and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subparagraph, but the plan shall include a description of any activities undertaken prior to the transmittal and the estimated cost of those activities.

(B) Not later than three years after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of the national awareness campaign.

(b) BUDGET INFORMATION.—Not later than April 30, 2006, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the public specifications for that development contract; and

(2) the expected budgets for each fiscal year through 2020 for human spaceflight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the confidence level for each of the cost estimates used in this section.

(c) SPACE COMMUNICATIONS PLAN.—

(1) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. At a minimum, the plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next 20 years, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(E) Projected Tracking and Data Relay Satellite System requirements for the next 20 years, including those in support of other relevant Federal agencies.

(F) Cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet projected requirements.

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) SCHEDULE.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than July 15, 2006, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(e) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—As part of ongoing efforts to coordinate research and development across the Federal agencies, the Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made in response to the findings of the study required by paragraph (1); and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(3) CONTRACT.—The Director of the Office of Science and Technology Policy may contract with a nongovernmental entity to conduct the study required by paragraph (1).

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by

15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) **THIRTY PERCENT THRESHOLD.**—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) **DEFINITIONS.**—For the purposes of this section—

(1) the term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA’s Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term “life-cycle cost” means the total of the direct, indirect, recurring, and non-recurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term “major program” means an activity approved to proceed to implementation that

has an estimated life-cycle cost of more than \$250,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

“PRIZE AUTHORITY

“SEC. 314. (a) **IN GENERAL.**—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

“(b) **TOPICS.**—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

“(c) **ADVERTISING.**—The Administrator shall widely advertise prize competitions to encourage participation.

“(d) **REQUIREMENTS AND REGISTRATION.**—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

“(e) **ELIGIBILITY.**—To be eligible to win a prize under this section, an individual or entity—

“(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

“(2) shall have complied with all the requirements under this section;

“(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

“(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

“(f) **LIABILITY.**—(1) Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term ‘related entity’ means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

“(2) Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

“(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

“(B) the Federal Government for damage or loss to Government property resulting from such an activity.

“(g) **JUDGES.**—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

“(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

“(2) have a familial or financial relationship with an individual who is a registered participant.

“(h) **ADMINISTERING THE COMPETITION.**—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

“(i) **FUNDING.**—(1) Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

“(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

“(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

“(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

“(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

“(4) No prize competition under this section may offer a prize in an amount greater than \$10,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(5) No prize competition under this section may result in the award of more than \$1,000,000 in cash prizes without the approval of the Administrator.

“(j) **USE OF NASA NAME AND INSIGNIA.**—A registered participant in a competition under this section may use the Administration’s name, initials, or insignia only after prior review and written approval by the Administration.

“(k) **COMPLIANCE WITH EXISTING LAW.**—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.”

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) **ACCORD WITH SPACE TRANSPORTATION POLICY.**—NASA shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) **INTERAGENCY COORDINATION.**—NASA shall not launch a payload on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) **APPLICATION.**—This section shall not apply to any payload for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting “(a) IN GENERAL.—” before “There”;

(2) by striking “to it” and inserting “to it, including evaluating NASA’s compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board.”;

(3) by inserting “and the Congress” after “advise the Administrator”;

(4) by striking “and with respect to the adequacy of proposed or existing safety standards and shall” and inserting “with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture related to safety. The Panel shall also”; and

(5) by adding at the end the following:

“(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA’s management and culture related to safety. Each annual report shall include an evaluation of the Administration’s compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the Space Shuttle.”.

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA’s approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support low-Earth orbit activities and earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration. The plan shall also emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations be-

tween NASA and the private sector under existing authorities of NASA for reimbursable and nonreimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term “ground source heat pump” means an electric-powered system that uses the Earth’s relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by NASA to protect from retaliation NASA employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that NASA employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) GOAL.—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) PLAN.—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower’s complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate NASA Human Resources professionals, and all NASA managers and supervisors, regarding personnel laws, rules, and regulations.

(d) REPORT.—Not later than February 15 of each year beginning with the year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the concerns described in sub-

section (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

TITLE II—AUTHORIZATION OF APPROPRIATIONS**SEC. 201. STRUCTURE OF BUDGET ACCOUNTS.**

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended—

(1) by amending subsection (a) to read as follows:

“(a) (1) Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in three accounts, ‘Science, Aeronautics, and Education’, ‘Exploration Systems and Space Operations’, and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

“(2) Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

“(3) Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.”; and

(2) in subsection (b)—

(A) by inserting “(1)” before “To ensure”; and

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

“(2) The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.”.

SEC. 202. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 \$17,932,000,000, as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), \$7,136,800,000, of which \$962,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), \$10,761,700,000, of which \$6,618,600,000 shall be for Space Operations.

(3) For the Office of Inspector General, \$33,500,000.

SEC. 203. FISCAL YEAR 2008.

There are authorized to be appropriated to NASA for fiscal year 2008 \$18,686,300,000 as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), \$7,747,800,000, of which \$990,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), \$10,903,900,000, of which \$6,546,600,000 shall be for Space Operations

(3) For the Office of Inspector General, \$34,600,000.

SEC. 204. ISS RESEARCH.

Beginning with fiscal year 2006, the Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to ground-based, free-flyer, and ISS life and microgravity science research that is not directly related to

supporting the human exploration program, consistent with section 305.

SEC. 205. TEST FACILITIES.

(a) **CHARGES.**—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **FUNDING ACCOUNT.**—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. OFFICIAL REPRESENTATION FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of \$70,000 in any fiscal year, for official reception and representation expenses.

SEC. 207. ISS COST CAP.

(a) **REPORT.**—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report providing the current expected development costs of the ISS and describing any changes to those costs that have occurred because of the grounding of the Space Shuttle after the loss of the Space Shuttle Columbia and because of the implementation of full-cost accounting.

(b) **REPEAL.**—Thirty days after the transmittal of the report described in subsection (a), section 202 of the National Aeronautics and Space Administration Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) **IN GENERAL.**—The performance of each division in the Science directorate of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) **TIMING.**—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) **REPORTS.**—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled "Assessment of Options for Extending the Life of the Hubble Space Telescope", all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle serv-

icing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) **ASSESSMENT.**—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Operational Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft compared with undertaking various alternatives, including a dedicated Landsat data "gap-filler" mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Operational Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) **REPORT.**—

(1) **DEADLINE.**—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act unless, prior to that date, NASA cancels plans to fly the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft.

(2) **CANCELLATION.**—If NASA cancels such plans, the Administrator shall—

(A) not later than 7 days after a cancellation decision, inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing, of the cancellation; and

(B) not later than 90 days after the transmittal of the cancellation notice, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for undertaking a dedicated gap filler mission or alternative means for ensuring the continuity of Landsat data, which shall include consideration of a low-cost constellation of small satellites.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) **ASSESSMENT.**—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime. In addition—

(1) not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for at least the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager; and

(2) for those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

(b) **REPORT.**—Not later than 30 days after completing each assessment required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

The Administrator shall—

(1) transmit the report required by section 506;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can be advanced significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable, basic, applied, and commercial ISS research in fields such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low-temperature physics, and cellular research at a level that will sustain the existing United States scientific expertise and research capability in microgravity research.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **JOINT WORKING GROUP.**—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions where appropriate. The Joint Working Group shall also prepare the plans required by subsection (c).

(b) **COORDINATION REPORT.**—Not later than February 15 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) **COORDINATION OF TRANSITION PLANNING AND REPORTING.**—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with other relevant agencies, shall evaluate relevant NASA science missions for their potential operational capabilities and shall prepare transition plans for the existing and future Earth observing systems found to have potential operational capabilities.

(d) **LIMITATION.**—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

SEC. 307. REVIEW AND REPORT ON HEAD-QUARTERS EARTH-SUN SYSTEM APPLIED SCIENCES PROGRAM.

(a) **REVIEW.**—The Administrator shall review the policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Headquarters Earth-Sun System Applied Sciences Program and former Earth Science Applications Program. This review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including, but not limited to—

(A) membership selection, determination of qualifications, and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a

significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission of proposals under the same solicitation announcement; and

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of the relevance for NASA of—

(A) National Institutes of Health intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) Department of Agriculture Cooperative State Research Education and Extension Service program and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(C) National Institutes of Health and Department of Agriculture best practices in the planning, selection, and management of applied sciences research and development; and

(D) any other relevant models.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the results of the review conducted under subsection (a). The report shall include a plan to ensure that the peer review process is transparent and selects proposals in a manner that instills public and stakeholder confidence.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term “geospatial information” means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term “high resolution” means resolution better than five meters; and

(3) the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. GENERAL RESPONSIBILITIES.

The Administrator shall—

(1) develop a sustained relationship with the United States commercial remote sensing industry and, consistent with applicable policies and law, to the maximum practicable, rely on their services; and

(2) in conjunction with United States industry and universities, research, develop, and demonstrate prototype earth science applications to enhance Federal, State, local, and tribal governments’ use of government and commercial remote sensing data, technologies, and other sources of geospatial information for improved decision support to address their needs.

SEC. 313. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 314. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industries, to monitor the program established under section 313. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 313.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 313 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 315. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 313 shall be retrievable through an electronic, Internet-accessible database.

SEC. 316. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information and awareness of the need for geospatial workforce development.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the “George E. Brown, Jr. Near-Earth Object Survey Act”.

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth’s species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth’s atmosphere several times in the Earth’s history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects’ closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term “near-Earth object” means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

“(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.”; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking “and (f)” and inserting “(f), and (g)”.

(3) FIFTH-YEAR REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of the fifth year after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) since the date of enactment of this Act.

(B) A summary of expenditures for all activities pursuant to paragraph (1) since the date of enactment of this Act.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) Analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term “institution of higher education” has the meaning

given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—Governmental Interest in Aeronautics Research and Development

SEC. 411. GOVERNMENTAL INTEREST.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautics research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—High Priority Aeronautics Research and Development Programs

SEC. 421. FUNDAMENTAL RESEARCH PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautics research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) OPERATION.—The Administrator shall conduct the program under this section, in part by awarding grants to institutions of higher education. The Administrator shall encourage the participation of institutions of higher education located in States that participate in the Experimental Program to Stimulate Competitive Research. All grants to institutions of higher education under this section shall be awarded through merit review.

(c) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(d) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 422. RESEARCH AND TECHNOLOGY PROGRAMS.

(a) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium- to long-range flights, compared to aircraft in commercial service as of the date of enactment of this Act.

(3) EMISSIONS.—Nitrogen oxides on take-off and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(b) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing and demonstrating, in a relevant environment, airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(c) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.—The Administrator

may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(d) HYPERSONICS RESEARCH.—The Administrator may establish a hypersonics research program with the objective of exploring the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. The program may also include the transition to the hypersonic range of Mach 3 to Mach 5.

(e) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator may establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(f) FUEL CELL-POWERED AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a fuel-cell powered aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

(g) MARS AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 423. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 424. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Aviation Safety and Security Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 425. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oce-

anic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 426. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 2 years after the date of enactment of this Act.

SEC. 427. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate NASA Centers.

(b) PURPOSE.—The purpose of the Centers shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

Subtitle C—Scholarships

SEC. 431. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering or equivalent programs at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

Subtitle D—Data Requests

SEC. 441. AVIATION DATA REQUESTS.

The Administrator shall make available upon request satellite imagery and aerial photography of remote terrain that NASA owns at the time of

the request to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, to assist and train pilots in navigating challenging topographical features of such terrain.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. SPACE SHUTTLE FOLLOW-ON.

(a) **POLICY STATEMENT.**—It is the policy of the United States to possess the capability for human access to space on a continuous basis.

(b) **PROGRESS REPORT.**—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle and the estimated time before they will demonstrate crewed, orbital spaceflight.

(c) **COMPLIANCE REPORT.**—If, 1 year before the final planned flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, and the United States cannot uphold the policy described in subsection (a), the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing—

(1) strategic risks to the United States associated with the failure to uphold the policy described in subsection (a);

(2) the estimated length of time during which the United States will not have its own human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

SEC. 502. TRANSITION.

(a) **IN GENERAL.**—The Administrator shall, to the fullest extent possible consistent with a successful development program, use the personnel, capabilities, assets, and infrastructure of the Space Shuttle program in developing the Crew Exploration Vehicle, Crew Launch Vehicle, and a heavy-lift launch vehicle.

(b) **PLAN.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how NASA will proceed with its human space flight programs, which, at a minimum, shall describe—

(1) how NASA will deploy personnel from, and use the facilities of, the Space Shuttle program to ensure that the Space Shuttle operates as safely as possible through its final flight and to ensure that personnel and facilities from the Space Shuttle program are used in NASA's exploration programs in accordance with subsection (a);

(2) the planned number of flights the Space Shuttle will make before its retirement;

(3) the means, other than the Space Shuttle and the Crew Exploration Vehicle, including commercial vehicles, that may be used to ferry crew and cargo to and from the ISS;

(4) the intended purpose of lunar missions and the architecture for those missions; and

(5) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in an emergency.

(c) **PERSONNEL.**—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for any Federal and contractor personnel engaged in the Space Shuttle program who can no longer be retained because of the retirement of the Space Shuttle. The plan shall include actions to assist Federal and contractor personnel in taking advantage of training, retraining, job placement and relocation programs, and any other actions that NASA will take to assist the employees. The

plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than March 31, 2006.

SEC. 503. REQUIREMENTS.

The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates;

(2) implement an exploration technology development program to enable lunar human and robotic operations consistent with section 101(b)(2), including surface power to use on the Moon and other locations;

(3) conduct an in-situ resource utilization technology program to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit; and

(4) pursue aggressively automated rendezvous and docking capabilities that can support the ISS and other mission requirements.

SEC. 504. GROUND-BASED ANALOG CAPABILITIES.

(a) **IN GENERAL.**—The Administrator may establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) **ENVIRONMENTAL CHARACTERISTICS.**—The Administrator shall select locations for the activities described in subsection (a) that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, or other potential resources).

(c) **INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.**—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 505. ISS COMPLETION.

(a) **POLICY.**—It is the policy of the United States to achieve diverse and growing utilization of, and benefits from, the ISS.

(b) **ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.**—The Administrator shall ensure that the ISS will—

(1) be assembled and operated in a manner that fulfills international partner agreements, as long as the Administrator determines that the Shuttle can safely enable the United States to do so;

(2) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research, consistent with section 305;

(3) have an ability to support a crew size of at least 6 persons, unless the Administrator transmits to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date of enactment of this Act, a report explaining why such a requirement should not be met, the impact of not meeting the requirement on the ISS research agenda and operations and international partner agreements, and what additional funding or other steps would be required to have an ability to support crew size of at least 6 persons;

(4) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles;

(5) support any diagnostic human research, on-orbit characterization of molecular crystal growth, cellular research, and other research

that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth; and

(6) be operated at an appropriate risk level.

(c) **CONTINGENCIES.**—

(1) **POLICY.**—The Administrator shall ensure that the ISS can have available, if needed, sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems are unavailable, and can have available, if needed, sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(2) **PLAN.**—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to carry out the policy described in paragraph (1).

SEC. 506. ISS RESEARCH.

The Administrator shall—

(1) carry out a program of microgravity research consistent with section 305;

(2) consider the need for a life sciences centrifuge and any associated holding facilities; and

(3) not later than 90 days after the date of enactment of this Act, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the research plan for NASA utilization of the ISS and the proposed final configuration of the ISS, which shall include an identification of microgravity research that can be performed in ground-based facilities and then validated in space and an assessment of the impact of having or not having a life science centrifuge aboard the ISS.

SEC. 507. NATIONAL LABORATORY DESIGNATION.

(a) **DESIGNATION.**—To further the policy described in section 501(a), the United States segment of the ISS is hereby designated a national laboratory.

(b) **MANAGEMENT.**—

(1) **PARTNERSHIPS.**—The Administrator shall seek to increase the utilization of the ISS by other Federal entities and the private sector through partnerships, cost-sharing agreements, and other arrangements that would supplement NASA funding of the ISS.

(2) **CONTRACTING.**—The Administrator may enter into a contract with a nongovernmental entity to operate the ISS national laboratory, subject to all applicable Federal laws and regulations.

(c) **PLAN.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how the national laboratory will be operated. At a minimum, the plan shall describe—

(1) any changes in the research plan transmitted under section 506(3) and any other changes in the operation of the ISS resulting from the designation;

(2) any ground-based NASA operations or buildings that will be considered part of the national laboratory;

(3) the management structure for the laboratory, including the rationale for contracting or not contracting with a nongovernmental entity to operate the ISS national laboratory;

(4) the workforce that will be considered employees of the national laboratory;

(5) how NASA will seek the participation of other parties described in subsection (b)(1); and

(6) a schedule for implementing any changes in ISS operations, utilization, or management described in the plan.

(d) **UNITED STATES SEGMENT DEFINED.**—In this section the term "United States segment of

the ISS" means those elements of the ISS manufactured—

- (1) by the United States; or
- (2) for the United States by other nations in exchange for funds or launch services.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

(a) IN GENERAL.—In order to provide more routine and affordable access to space for a broad range of scientific payloads, the Administrator is encouraged to provide the capabilities to support secondary payload flight opportunities on United States launch vehicles, or free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for designating a National Free Flyer Launch Coordination Center as a means of coordinating, consolidating, and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required by subsection (b) shall include an assessment of the feasibility of integrating a National Free Flyer Launch Coordination Center within the operations and facilities of an existing non-profit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or a similar entity, and shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities, including but not limited to those in the States of Montana and New Mexico and their respective contiguous States, and the State of Alaska, for the integration and launch of secondary payloads, including an assessment of the feasibility of establishing cooperative agreements among such facilities, existing or future commercial launch providers, payload developers, and the designated Coordination Center.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking "Historically Black Colleges and Universities and" and inserting "Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and".

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

- (1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the "Charles 'Pete' Conrad Astronomy Awards Act".

(b) DEFINITIONS.—For the purposes of this section—

(1) the term "amateur astronomer" means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term "Minor Planet Center" means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term "near-Earth asteroid" means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term "Program" means the Charles "Pete" Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles "Pete" Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of \$3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's precollege science, technology, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of

whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the review and evaluation required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's education programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section and the results of such efforts. As part of the report, the Administrator shall provide—

(1) data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education; and

(2) the total value of grants NASA made to Historically Black Colleges and Universities and to Hispanic Serving Institutions through education programs during the period covered by the report.

(c) PROGRAM.—The Administrator shall establish the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with, museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005, NASA Research Announcement.

SEC. 618. CONTINUATION OF CERTAIN EDUCATION PROGRAMS.

From amounts appropriated to NASA for education programs, the Administrator shall ensure the continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and, consistent with the results of the review under section 614, the NASA Explorer School program, to motivate and develop the next generation of explorers.

SEC. 619. IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.

(a) GAO REPORT.—Not more than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing action taken by NASA to implement the recommendations contained in the Government Accountability Office's Report No. 04-639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C.

1681 et seq.), the Administrator shall conduct compliance reviews of at least 2 grantees annually.

Subtitle C—Technology Transfer

SEC. 621. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between NASA and the private sector. This program shall place at least as much emphasis on encouraging the transfer of NASA technology to the private sector (“spinning out”) as on encouraging use of private sector technology by NASA. This program shall be maintained in a manner that provides clear benefits for the agency, the domestic economy, and the research community.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of NASA’s technology transfer and commercialization organizations that is in effect as of the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

“RETROCESSION OF JURISDICTION

“SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

“(b) For purposes of this section, the term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.”.

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking “December 31, 2002” and all that follows and inserting “December 31, 2010.”.

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking “Act.” and inserting “Act (42 U.S.C. 1885a or 1885b).”;

(2) in subsection (c) by striking “require.” and inserting “require to carry out this section.”;

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking “Treasurer of the” and all that follows through “by 3” and inserting “Treasurer of the United States”.

(b) REPEAL.—The Vision 100-Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking “Phase B” in subsection (a) and inserting “implementation”;

(2) by striking “\$150,000,000” and inserting “\$250,000,000”;

(3) by striking “Chief Financial Officer” each place it appears in subsection (a) and inserting “Administrator”;

(4) by inserting “and consider” in subsection (a) after “shall conduct”; and

(5) by striking subsection (b) and inserting the following:

“(b) IMPLEMENTATION DEFINED.—In this section, the term ‘implementation’ means all activ-

ity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.”.

SEC. 705. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 701 of this Act, is further amended by adding at the end the following:

“SEC. 317. RECOVERY AND DISPOSITION AUTHORITY.

“(a) IN GENERAL.—

“(1) CONTROL OF REMAINS.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

“(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

“(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

“(b) DEFINITIONS.—In this section:

“(1) CREWMEMBER.—The term ‘crewmember’ means an astronaut or other person assigned to a NASA human space flight vehicle.

“(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term ‘NASA human space flight vehicle’ means a space vehicle, as defined in section 308(f)(1), that

“(A) is intended to transport 1 or more persons;

“(B) is designed to operate in outer space; and

“(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.”.

SEC. 706. CHANGES TO EXISTING LAWS ON REPORTS.

(a) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is amended—

(1) by striking “and not later than the first day of every second month thereafter until October 1, 2006” and inserting “and semiannually thereafter until December 31, 2011”; and

(2) by adding at the end the following: “Each such report shall also identify each Russian entity or person to whom NASA has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in-kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto. Each report shall include the specific purpose of each payment made to each entity or person identified in the report.”.

(b) Section 304(b) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note) is amended by striking “2000” and inserting “2010”.

(c) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 707. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15

U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 708. NASA HEALTHCARE PROGRAM.

The Administrator shall develop a plan to better understand the longitudinal health effects of space flight on humans. In the development of the plan, the Administrator shall consider the need for the establishment of a lifetime healthcare program for NASA astronauts and their families or other methods to obtain needed health data from astronauts and retired astronauts.

SEC. 709. OFFSHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by NASA from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 710. STUDY ON ENHANCED USE LEASING.

Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of NASA’s enhanced use leasing pilot program established by section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j). At a minimum the review shall analyze—

(1) the financial impact of the program, taking into account revenue foregone by the United States, whether such revenue would have been realized in the absence of the program, and any revenue that accrued to NASA because of the program;

(2) the use and effectiveness of the program; and

(3) whether the arrangements made under the program would have been made in the absence of the program.

Subtitle B—National Science Foundation

SEC. 721. DATA ON SPECIFIC FIELDS OF STUDY.

The National Science Foundation shall continue to collect statistically reliable data on the field of degree of college-educated individuals to fulfill obligations under section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) and the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et. seq.). If the Director of the Foundation determines that there is a legal impediment to the continued collection of this data, he shall inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 722. NATIONAL SCIENCE FOUNDATION MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) ASTRONOMICAL SCIENCES SENIOR REVIEW.—

(1) **REVIEW.**—The Director of the National Science Foundation shall charge the Mathematical and Physical Sciences Advisory Committee with conducting a review of the astronomical facilities supported by the Foundation to determine the appropriate balance between supporting the operation of existing facilities and supporting the design, development, and eventual operation of new facilities. The review shall recommend actions that would enable the Foundation to support priorities recommended in the National Academy of Sciences reports “Astronomy and Astrophysics in the New Millennium” and “Connecting Quarks with the Cosmos”.

(2) **TRANSMITTAL.**—The Director shall transmit the review, along with a schedule for implementing any recommendations the Director accepts and an explanation for rejecting any recommendations, to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate no later than June 30, 2006.

(b) **PLAN FOR FUNDING DESIGN AND DEVELOPMENT FOR MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PROJECTS.**—

(1) **IN GENERAL.**—The Director of the National Science Foundation shall develop a plan to facilitate more thorough design and development of facilities that can be considered for funding through the Major Research Equipment and Facilities Construction account.

(2) **CONSIDERATIONS.**—In developing the plan, the Director shall consider—

(A) steps to encourage and ease cross-directorate collaboration;

(B) ways to ensure that a Directorate that will eventually support the operation of a facility is fully committed to that facility from the outset;

(C) providing funding for the design and development of facilities from new sources within the Foundation; and

(D) ways to enable and encourage entities proposing facilities projects to receive design and development funding from nongovernmental sources.

(3) **TRANSMITTAL.**—No later than June 30, 2006, the Director of the National Science Foundation shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan, along with a statement from the Director describing how the plan addresses the considerations described in paragraph (2).

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

SEC. 801. ESTABLISHMENT OF TASK FORCE.

(a) **ESTABLISHMENT.**—The Administrator shall establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) **DEADLINE FOR ESTABLISHMENT.**—The Administrator shall establish the independent task force within 60 days after the date of enactment of this Act.

SEC. 802. TASKS OF THE TASK FORCE.

The independent task force established under section 801 shall, to the extent possible, undertake the following tasks:

(1) Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to the Administrator, Congress, and the public.

SEC. 803. COMPOSITION OF THE TASK FORCE.

(a) **EXTERNAL ORGANIZATIONS.**—The independent task force shall include at least one representative from each of the following external organizations:

(1) The Aerospace Safety Advisory Panel.

(2) The Task Force on International Space Station Operational Readiness of the NASA Advisory Council, or its successor.

(3) The Aeronautics and Space Engineering Board of the National Research Council.

(c) **INDEPENDENT ORGANIZATIONS WITHIN NASA.**—The independent task force shall also include at least the following individuals from within NASA:

(1) NASA’s Chief Engineer.

(2) The head of the Independent Technical Authority.

(3) The head of the Safety and Mission Assurance Office.

(4) The head of the NASA Engineering and Safety Center.

SEC. 804. REPORTING REQUIREMENTS.

(a) **INTERIM REPORTS.**—The independent task force may transmit to the Administrator and Congress, and make concurrently available to the public, interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of the task force members.

(b) **FINAL REPORT.**—The task force shall transmit to the Administrator and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of task force members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) **APPROVAL.**—The independent task force shall not be required to seek the approval of the contents of any of the reports submitted under subsection (a) or (b) by the Administrator or by any person designated by the Administrator prior to the submission of the reports to the Administrator and Congress and to their being made concurrently available to the public.

SEC. 805. SUNSET.

The independent task force established under this subtitle shall transmit its final report to the Administrator and to Congress and make it available to the public not later than 1 year after the independent task force is established and shall cease to exist after the transmittal.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. DEFINITIONS.

For purposes of this subtitle—

(1) the term “Commission” means a Commission established under this title; and

(2) the term “incident” means either an accident or a deliberate act.

SEC. 822. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) **DEADLINE FOR ESTABLISHMENT.**—The President shall establish a Commission within 7 days after an incident specified in subsection (a).

SEC. 823. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

SEC. 824. COMPOSITION OF COMMISSION.

(a) **NUMBER OF COMMISSIONERS.**—A Commission established pursuant to this subtitle shall consist of 15 members.

(b) **SELECTION.**—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission. The President may select one of the candidates from each of the 4 lists for membership on the Commission.

(3) No officer or employee of the Federal Government or Member of Congress shall serve as a member of the Commission.

(4) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(5) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(6) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(7) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(c) **DEADLINE FOR APPOINTMENT.**—All members of a Commission established under this subtitle shall be appointed no later than 30 days after the incident.

(d) **INITIAL MEETING.**—A Commission shall meet and begin operations as soon as practicable.

(e) **QUORUM; VACANCIES.**—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 825. POWERS OF COMMISSION.

(a) **HEARINGS AND EVIDENCE.**—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(b) **CONTRACTING.**—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—A Commission may secure directly from any executive department, bureau,

agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by the Commission.

SEC. 826. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this subtitle.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 827. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 828. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, mem-

bers of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 829. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 830. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this subtitle with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

And the House agree to the same.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE,

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,

Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUE,
BILL NELSON,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. BOEHLERT and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶138.13 FURTHER MESSAGE FROM THE SENATE

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

S. 863. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 959. An Act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 1310. An Act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1312. An Act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

S. 1892. An Act to amend Public Law 107-153 to modify a certain date.

¶138.14 SECRETARY OF THE SENATE TO CORRECT ENROLLMENT

Mr. BOEHLERT, submitted the following concurrent resolution (H. Con. Res. 324):

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, the Secretary of the Senate shall correct the title so as to read: "An Act to authorize the programs of the National Aeronautics and Space Administration."

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶138.15 TERRORISM RISK INSURANCE REVISION

Mr. OXLEY moved to suspend the rules and agree to the following amendment of the Senate to the House amendment to the bill of the Senate (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005".

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

(2) by striking "AVAILABILITY.—" and all that follows through "each entity" and inserting "AVAILABILITY.—During each Program Year, each entity"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007."

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance;

"(xi) professional liability insurance; or

"(xii) farm owners multiple peril insurance."

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and"; and

(4) in subparagraph (G), as so redesignated, by striking "through (D)" and all that follows through "Year 3" and inserting the following:

"through (F), for the Transition Period or any Program Year".

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting "through Program Year 4" before "shall be equal"; and

(B) by inserting ", and during Program Year 5 shall be equal to 85 percent," after "90 percent"; and

(2) in each of paragraphs (2) and (3), by striking "Program Year 2 or Program Year 3" each place that term appears and inserting "any of Program Years 2 through 5".

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of

2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) for Program Year 4, the lesser of—

"(i) \$25,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(E) for Program Year 5, the lesser of—

"(i) \$27,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year."

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking " (B), and (C) " and inserting "through (E)"; and

(2) in each of subparagraphs (B) and (C), by striking "subparagraph (A), (B), or (C)" each place that term appears and inserting "any of subparagraphs (A) through (E)".

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

"(i) \$50,000,000, with respect to such insured losses occurring in Program Year 4; or

"(ii) \$100,000,000, with respect to such insured losses occurring in Program Year 5."

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

"(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection."

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

"(A) group life coverage; and

"(B) coverage for chemical, nuclear, biological, and radiological events.

"(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a)."

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. OXLEY and Mr. KANJORSKI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to the amendment of the Senate to the House amendment?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate to the House amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate to the House amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

138.16 FURTHER CONTINUING APPROPRIATIONS FY 2006

Mr. LEWIS of California moved to suspend the rules and pass the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2006, and for other purposes, as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. LEWIS of California and Mr. OBEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

138.17 H.R. 2520—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

The question being put,

Will the House suspend the rules and agree to said amendment?

The vote was taken by electronic device.

When said resolution and report were referred to the House Calendar and ordered printed.

¶138.25 FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2141. An Act to make improvements to the Federal Deposit Insurance Act.

¶138.26 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 435. An Act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 648. An Act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Resources.

S. 959. An Act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

S. 1025. An Act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project, to the Committee on Resources.

S. 1096. An Act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 1165. An Act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii; to the Committee on Resources.

S. 1496. An Act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

S. 1552. An Act to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

S. 1869. An Act to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Resources.

S. 1312. An Act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶138.27 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3963. An Act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4195. An Act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4440. An Act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

H.R. 4508. An Act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

¶138.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today and December 18;

To Mr. BECERRA, for today; and

To Mr. HYDE, for today and December 18.

And then,

¶138.29 ADJOURNMENT

On motion of Mr. BOYD, pursuant to the previous order of the House, at 10 o'clock and 55 minutes p.m., the House adjourned until 1 p.m. on Sunday, December 18, 2005.

¶138.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 631. Resolution providing for consideration of motions to suspend the rules (Rept. 109-357). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 632. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-358). Referred to the House Calendar.

¶138.31 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 31, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 31, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce and the Permanent Select Committee on Intelligence extended for a period ending not later than December 31, 2005.

H.R. 3699. Referral to the Committees on Resources and Energy and Commerce extended for a period ending not later than December 31, 2005.

¶138.32 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3505. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than December 31, 2005, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109-356, Pt. 1). Ordered to be printed.

¶138.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOSSELLA (for himself and Mr. CASTLE):

H.R. 4618. A bill to amend the Securities Exchange Act of 1934 to establish rules and procedures for the delegation of compliance and inspections authority to the operating divisions of the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. FOSSELLA (for himself, Mr. SWEENEY, Mr. MCHUGH, Mrs. MALONEY, Mr. REYNOLDS, and Mr. KING of New York):

H.R. 4619. A bill to amend the Terrorism Risk Insurance Act of 2002 to establish a Commission on Terrorism Risk Insurance, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to provide a double deduction for a portion of an individual's State and local property taxes that are in excess of the national average; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. CHANDLER):

H.R. 4621. A bill to ensure that a sex offender or a sexually violent predator is not eligible for parole; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. HOLT):

H.R. 4622. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses and to expand such deduction for certain science, technology, engineering, and math professionals who become certified teachers; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. UDALL of Colorado):

H.R. 4623. A bill to repeal tax subsidies for oil and gas enacted by the Energy Policy Act of 2005 and to use the proceeds to double certain alternative energy incentives provided for in such Act; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. ANDREWS):

H.R. 4624. A bill to amend title XIX of the Social Security Act to require States to provide oral health services to children and

aged, blind, or disabled individuals under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHOCOLA (for himself, Mr. KENNEDY of Minnesota, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. BEAUPREZ, Ms. HART, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. BONO, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. FLAKE, Mr. FORTENBERRY, Ms. FOOX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HAYES, Mr. HEFLEY, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. MCCOTTER, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. OSBORNE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 4625. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4626. A bill to rechannelize spectrum in the 700 megahertz band to promote the deployment of commercial broadband technologies to facilitate interoperable communications for public safety; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 4627. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 4628. A bill to amend the Higher Education Act of 1965 to impose a fee on holdings of student loans; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. OBERSTAR, Mr. BAIRD, Mr. OWENS, Mr. PAYNE, Mr. GRIJALVA, Mr. ROTHMAN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. MCGOVERN, and Ms. BORDALLO):

H.R. 4629. A bill to amend the David L. Boren National Security Education Act of 1991 to create a critical foreign language program; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subse-

quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. BOREN):

H.R. 4630. A bill to amend the David L. Boren National Security Education Act of 1991 to allow scholarship and fellowship recipients to work in a field of education if no position in the Federal Government relating to national security is available; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. WICKER, Mr. MCHENRY, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mrs. MYRICK, Mr. FEENEY, Mr. MCCAUL of Texas, Mrs. MUSGRAVE, Mr. ROHRABACHER, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. COLE of Oklahoma, Mr. NEUGEBAUER, Mr. KLINE, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. ADERHOLT):

H.R. 4631. A bill to establish the Gulf De-regulation Commission; to the Committee on Government Reform, and in addition to the Committees on Rules, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 4632. A bill to provide for a Chief Medical Officer in the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4633. A bill to establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself and Mr. BOEHLERT):

H.R. 4634. A bill to require that the Secretary of the Interior hold at least one public hearing in the surrounding community where land requested to be taken into trust for an Indian tribe is located in order to ascertain the needs and interests of that surrounding community; to the Committee on Resources.

By Mr. LEWIS of California:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes; to the Committee on Appropriations, considered and passed.

By Mr. DAVIS of Illinois:

H. Con. Res. 325. Concurrent resolution congratulating Oprah Winfrey for her 20 years of exemplary work and service to the people of the United States and the world; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 633. A resolution honoring Helen Sewell on the occasion of her retirement

from the House of Representatives and expressing the gratitude of the House for her many years of service; to the Committee on House Administration.

By Mr. CHABOT (for himself, Mr. BERMAN, Mr. PENCE, and Mr. SCHIFF):

H. Res. 634. A resolution expressing the sense of the House of Representatives on reaching an agreement on the future status of Kosovo; to the Committee on International Relations.

138.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

214. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 69 memorializing the Congress of the United States to take such actions as are necessary to provide federal financial assistance to aid in rebuilding the investor-owned utility systems that are indispensable to the recovery efforts of the state of Louisiana and the city of New Orleans; to the Committee on Financial Services.

215. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks; to the Committee on Financial Services.

216. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 43 memorializing the Congress of the United States to enact comprehensive natural disaster insurance legislation affecting financial capacity that will address, encourage, and support insurance company reserving for future catastrophes by making such reserves deductible for federal income tax purposes; to the Committee on Financial Services.

217. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 42 memorializing the Congress of the United States to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita; to the Committee on Financial Services.

218. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 41 memorializing the Congress of the United States to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated; to the Committee on Financial Services.

219. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 28 memorializing the Congress of the United States to take such actions as are necessary to allow the Stafford Act to provide for payment of regular pay to essential personnel; to the Committee on Transportation and Infrastructure.

220. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 72 memorializing the Congress of the United States to task the Government Accountability Office with a complete audit of expenditures by the Federal Emergency Management Agency on Katrina and Rita recovery efforts in Louisiana; to the Committee on Transportation and Infrastructure.

221. Also, a memorial of the Legislature of the State of Louisiana, relative to House

Concurrent Resolution No. 53 memorializing the Congress of the United States to take such actions as are necessary to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or suspend provisions thereof, with respect to the requirement that the state of Louisiana reimburse the Federal Emergency Management Agency for a portion of the other assistance payments made to citizens of Louisiana due to Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

222. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 50 memorializing the Congress of the United States to take such actions as are necessary to forgive the debt of Louisiana's local governments resulting from seven hundred fifty million dollars in loans made available to them as disaster relief; to the Committee on Transportation and Infrastructure.

223. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 49 memorializing the Congress of the United States to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief; to the Committee on Transportation and Infrastructure.

224. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 36 memorializing the Congress of the United States to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement of funding of a levee reconstruction and improvement project; to the Committee on Transportation and Infrastructure.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 34 memorializing the Congress of the United States and the Louisiana Congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 18 memorializing the Congress of the United States to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricane Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed; to the Committee on Transportation and Infrastructure.

227. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 44 memorializing the Congress of the United States to enact a health insurance premium reimbursement program and a federal income tax credit for the health insurance premiums for affected victims of Hurricane Katrina and Rita; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

¶138.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 615: Ms. FOXX and Mr. DAVIS of Alabama.

H.R. 1259: Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. SMITH of Washington, Mr.

LARSEN of Washington, Mr. BONNER, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, and Mr. BACHUS.

H.R. 1288: Mr. CAMPBELL of California.

H.R. 1548: Mr. PRICE of North Carolina, Mr. EVERETT, Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. WELDON of Pennsylvania, and Mr. JEFFERSON.

H.R. 1562: Mr. BROWN of South Carolina.

H.R. 1807: Mr. MENENDEZ.

H.R. 1981: Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. MEEHAN.

H.R. 2121: Mr. TIBERI, Mr. NEAL of Massachusetts, and Mr. CUMMINGS.

H.R. 2322: Mr. POE and Mr. SESSIONS.

H.R. 2410: Mr. MCGOVERN.

H.R. 2421: Mr. SHAW.

H.R. 2521: Mr. LEWIS of Kentucky.

H.R. 2961: Mr. ENGLISH of Pennsylvania and Ms. ROS-LEHTINEN.

H.R. 3098: Mr. CALVERT.

H.R. 3195: Mr. SMITH of Washington.

H.R. 3524: Ms. BORDALLO and Mr. JEFFERSON.

H.R. 3861: Ms. BERKLEY, Ms. KAPTUR, Mr. BOREN, Mr. CARNAHAN, Mr. KUCINICH, Mr. WEINER, Ms. PELOSI, Mr. BARROW, Mr. WYNN, and Ms. ESHOO.

H.R. 3924: Mr. MOORE of Kansas.

H.R. 4036: Mr. SCHIFF, Mr. BUTTERFIELD, Mr. McNULTY, and Mr. EMANUEL.

H.R. 4098: Ms. DELAURO.

H.R. 4315: Mr. VAN HOLLEN and Mr. BARTLETT of Maryland.

H.R. 4331: Mr. McDERMOTT and Mr. BAIRD.

H.R. 4452: Mr. TIERNEY.

H.R. 4470: Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. PAYNE, Mr. OWENS, Mr. CONYERS, Mr. KUCINICH, Mr. WU, Mr. FARR, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. PLATTS.

H.R. 4510: Mr. BAIRD, Ms. BEAN, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. GORDON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LEVIN, Mrs. LOWEY, Mr. MENENDEZ, Mr. NADLER, Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. CASTLE, Mr. HOBSON, and Mr. CRENSHAW.

H.R. 4570: Mr. WAXMAN and Mr. HOYER.

H.R. 4575: Mr. CASTLE, Mrs. JOHNSON of Connecticut, Mr. LEACH, and Mr. SIMMONS.

H.R. 4608: Mr. RAMSTAD and Ms. HART.

H.J. Res. 71: Mr. TERRY, Mr. ISTOOK, and Mr. RAMSTAD.

H. Con. Res. 138: Mr. CROWLEY.

H. Con. Res. 309: Mr. GRIJALVA.

H. Con. Res. 321: Ms. WOOLSEY.

H. Res. 521: Ms. LEE and Mr. SHERMAN.

H. Res. 561: Mr. AL GREEN of Texas.

H. Res. 604: Mr. TOWNS and Mr. KING of New York.

H. Res. 605: Mr. NADLER.

¶138.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. CUELLAR.

SUNDAY, DECEMBER 18, 2005 (139)

The House was called to order by the SPEAKER.

¶139.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Saturday, December 17, 2005.

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

¶139.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5861. A letter from the Administrator, Housing and Community Facilities Programs, Department of Agriculture, transmitting the Department's final rule — Direct Single Family Housing Loans and Grants (RIN: 0575-AC54) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2005-0276; FRL-7746-5] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetic acid, [(5-chloro-8-quinolinyl) oxy]-, 1-methylhexyl ester (Cloquintocet-mexyl); Pesticide Tolerance [EPA-HQ-OPP-2005-0234; FRL-7753-4] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5864. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement, Prohibition of Foreign Taxation on U.S. Assistance Programs [DFARS Case 2004-D012] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5865. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 2003-D008] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5866. A letter from the Publications Control Officer, Department of the Army, Department of Defense, transmitting the Department's final rule — Amred Forces Disciplinary Control Boards and Off-Installation Liason and Operations (RIN: 0702-AA50) received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5867. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4946-F-02] (RIN: 2502-AI26) received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5868. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile [Release Nos. 33-8642; 34-52885; IC-27178] received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5869. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2005, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

5870. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Statistical Report and Report on Performance Outcomes for Fiscal Years 2000 through 2003; to the Committee on Education and the Workforce.

5871. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone; Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request [FRL-8007-9] (RIN: 2060-AN13) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5872. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; CO; PM10 Designation of Areas for Air Quality Planning Purposes, Lamar; State Implementation Plan Correction [CO-001-0076a; FRL-8004-9] received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5873. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Construction or Modification [R06-OAR-2005-TX-0030; FRL-8005-9] received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5874. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Technical Amendments to Evaporative Emissions Regulations, Dynamometer Regulations, and Vehicle Labeling [OAR-2004-0011; FRL-8004-7] (RIN: 2060-AM32) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5875. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-board Diagnostic Regulations for Light-Duty Vehicles, Light-Duty Trucks, Medium Duty Passenger Vehicles, Complete Heavy Duty Vehicles and Engines Intended for Use in Heavy Duty Vehicles weighing 14,000 pounds GVWR or less [FRL-8005-4] (RIN: 2060-AJ77) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5876. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Oklahoma Department of Environmental Quality [R06-OAR-2005-OK-0003; FRL-8006-7] received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5877. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Albuquerque — Bernalillo County Air Quality Control Board [R06-OAR-2005-NM-0005; FRL-8006-2] received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5878. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements [OAR-2003-0019; FRL-8006-5] (RIN: 2060-AK77) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5879. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units [EPA-HQ-OAR-2003-0156; FRL-8005-5] (RIN: 2060-AG31) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5880. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [EPA-R07-OAR-2005-IA-0006; FRL-8010-9] received December 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5881. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List [OAR-2003-0028; FRL-8009-5] (RIN: 2060-AI72) received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5882. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: National Emission Standards for Hazardous Air Pollutants; Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL-8009-3] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5883. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Partially Exempted Chemicals List Addition of Certain Aluminum Alkyl Chemicals [EPA-HQ-OPPT-2005-0047; FRL-7732-6] (RIN: 2070-AC61) received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5884. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Revisions [EPA-HQ-OPPT-2004-0106; FRL-7743-9] (RIN: 2070-AC61) received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5885. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Memoranda of Understanding between Texas Department of Transportation and the Texas Commission on Environmental Quality [EPA-R06-OAR-2004-TX-0001; FRL-8007-5] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5886. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Exemption of Certain Area Sources from Title V Operating Permit Programs [OAR-2004-0010; FRL-8008-5] (RIN: 2060-AM31) received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5887. A letter from the Secretary, Federal Trade Commission, transmitting the Com-

mission's first annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5888. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's report providing a detailed analysis of the effectiveness and enforcement of the provisions of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, pursuant to Public Law 108-187, section 10; to the Committee on Energy and Commerce.

5889. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5890. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Import Certificate Requirements in the Export Administration Regulations [Docket No. 050812221-5221-01] (RIN: 0694-AD50) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5891. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

5892. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [AAG/A Order No. 010-2005] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5893. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the Foundation's Annual Report for 2005, pursuant to 20 U.S.C. 4513; to the Committee on Government Reform.

5894. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5895. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Extension of Administrative Fines Program [Notice 2005-30] received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5896. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Electioneering Communications [Notice 2005-29] received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5897. A letter from the Legal Analyst, Presidio Trust, transmitting the Trust's final rule — Debt Collection (RIN: 3212-AA07) received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5898. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the the Final Feasibility Report and Environmental Impact of the Napa Salt Marsh Restoration, California; to the Committee on Transportation and Infrastructure.

5899. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron

and Steel Manufacturing Point Source Category [Docket No. EPA-OW-2002-0027; FRL-8007-8] (RIN: 2040-AE78) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5900. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Announcement of Contract Awards (RIN: 2700-AD18) received December 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5901. A letter from the Director, SHRP, Office of Personnel Management, transmitting the Office's final rule — Veterans Recruitment Appointments (RIN: 3206-AJ90) received December 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5902. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Wahluke Slope Viticultural Area (2005R-026P) [T.D. TTB-40; Re: Notice No. 46] (RIN: 1513-AB01) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5903. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Allocation of Costs of Assessing and Collecting State Taxes that are Collected in Conjunction with the State Unemployment Compensation Tax—received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5904. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Sickness or Accident Disability Payments [TD 9233] (RIN: 1545-BC89) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5905. A letter from the United States Trade Representative, transmitting reports of the Advisory Committee for Trade Policy and Negotiations (ACTPN) and the Industry Trade Advisory Committee (ITAC) 8: Information and Communication Technologies, and E-Commerce, on the Agreement on Duty-Free Treatment of Multi-Chip Integrated Circuits, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

5906. A letter from the Portfolio Manager, Critical Infrastructure Protection, Department of Homeland Security, transmitting a copy of the National Critical Infrastructure Protection Research and Development Plan; to the Committee on Homeland Security.

5907. A letter from the Assistant Secretary for Special Operations and Low-Interest Conflict, Department of Defense, transmitting the Department's Fiscal Year 2005 annual report on the Regional Defense Counterterrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; jointly to the Committees on Armed Services and International Relations.

5908. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2006-5 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from June 16, 2005 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

5909. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2004, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

5910. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the Commission's report entitled, "Home Health Agency Case Mix and Financial Performance," pursuant to Public Law 108-173, section 705; jointly to the Committees on Ways and Means and Energy and Commerce.

¶139.3 PROVIDING FOR THE CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 631):

Resolved, That it shall be in order at any time on the legislative day of Sunday, December 18, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 1185) to reform the Federal deposit insurance system, and for other purposes.

(2) A bill to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2006, and for other purposes.

(3) The resolution (H. Res. 545) expressing the sense of the House of Representatives on the arrest of Sanjar Umarov in Uzbekistan.

(4) The concurrent resolution (H. Con. Res. 284) expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt.

(5) The bill (H.R. 4501) to amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

(6) The bill (S. 1988) to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

(7) The bill (H.R. 2329) to permit eligibility in certain circumstances for an officer or employee of a foreign government to receive a reward under the Department of State Rewards Program.

(8) A resolution honoring Helen Sewell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service.

When said resolution was considered.

After debate,

Mr. SESSIONS submitted the following amendment which was agreed to:

Add at the end the following:

(9) The bill (H.R. 797) to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

(10) The bill (H.R. 358) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

(11) The resolution (H. Res. 456) expressing support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia.

(12) The concurrent resolution (H. Con. Res. 275) expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

On motion of Mr. SESSIONS, the previous question was ordered on the resolution and the amendment to their adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. LATHAM announced that the yeas had it.

The question being put, *viva voce*,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶139.4 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 632):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Sunday, December 18, 2005.

When said resolution was considered.

After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.5 ARREST OF SANJAR UMAROV IN UZBEKISTAN

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 545):

Whereas the United States supports the development of democracy, free markets, and civil society in Uzbekistan and in other states in Central Asia;

Whereas the rule of law, the impartial application of the law, and equal justice for all courts of law are pillars of all democratic societies;

Whereas Sanjar Umarov was reportedly arrested in Tashkent, Uzbekistan, on October 22, 2005;

Whereas Sanjar Umarov is a businessman and leader of the Uzbek opposition party, Sunshine Coalition;

Whereas Sanjar Umarov was reportedly taken into custody on October 22, 2005, during a crackdown on the Sunshine Coalition

that included a raid of its offices and seizure of its records;

Whereas Sanjar Umarov was reportedly charged with grand larceny;

Whereas press accounts report that representatives of Sanjar Umarov claim that Mr. Umarov was drugged and abused while at his pretrial confinement center in Tashkent, Uzbekistan, but such accounts could not be immediately confirmed, and official information about the health, whereabouts, and treatment while in custody of Mr. Umarov has thus far been unavailable;

Whereas the United States has expressed its serious concern regarding the overall state of human rights in Uzbekistan and is seeking to clarify the facts of this case;

Whereas the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) have expressed concern about the arrest and possible abuse of Sanjar Umarov; and

Whereas the Government of Uzbekistan is party to various treaty obligations, and in particular those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the law enforcement and judicial authorities of Uzbekistan should ensure that Sanjar Umarov is accorded the full measure of his rights under the Uzbekistan Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done;

(2) the Government of Uzbekistan should observe its various treaty obligations, especially those under the International Covenant on Civil and Political Rights, which obligate governments to provide for due process in criminal cases; and

(3) the Government of Uzbekistan should publicly clarify the charges against Sanjar Umarov, his current condition, and his whereabouts.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

139.6 ELECTIONS IN EGYPT

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 284); as amended:

Whereas promoting freedom and democracy is a foreign policy and national security priority of the United States;

Whereas free, fair, and transparent elections constitute a foundation of any meaningful democracy;

Whereas Egypt is the largest Arab nation comprising over half the Arab world's population;

Whereas Congress has long supported Egypt as a partner for peace and stands

ready to support Egypt's emergence as a democracy and free market economy;

Whereas a successful democracy in Egypt would definitely dispel the notion that democracy cannot succeed in the Arab Muslim world;

Whereas in his 2005 State of the Union Address, President George W. Bush stated that "the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East";

Whereas in her June 20, 2005, remarks at the American University in Cairo, Secretary of State Condoleezza Rice stated: "[T]he Egyptian Government must fulfill the promise it has made to its people—and to the entire world—by giving its citizens the freedom to choose. Egypt's elections, including the Parliamentary elections, must meet objective standards that define every free election.";

Whereas on February 26, 2005, Egyptian President Mubarak proposed to amend the Egyptian Constitution to allow for Egypt's first ever multi-candidate presidential election;

Whereas in May 2005, President Bush stated that Egypt's presidential election should proceed with international monitors and with rules that allow for a real campaign;

Whereas Egypt prohibited international monitoring in the presidential election, calling such action an infringement on its national sovereignty;

Whereas domestic monitoring of the election became a major point of contention between the government, the judiciary, and civil society organizations;

Whereas in May 2005, the Judges Club, an unofficial union for judges, took the provisional decision to boycott the election if their demand for a truly independent judiciary was not met;

Whereas the Judges Club initially insisted that the 9,000 to 10,000 judges were in no position to monitor the election if plans proceeded for polling at 54,000 stations on one day;

Whereas the government responded to their demands by grouping polling stations to decrease their number to about 10,000, more or less matching the number of available judges;

Whereas on September 2, 2005, a majority of the general assembly of the Judges Club decided that the judges would supervise the election and report any irregularities;

Whereas several coalitions of Egyptian civil society organizations demanded access to polling stations on election day and successfully secured court rulings granting them such access;

Whereas the Presidential Election Council, citing its constitutional authority to oversee the election process, reportedly ignored the court order for several days, before they granted some nongovernmental organizations access to polling stations a few hours before the polls opened;

Whereas the presidential campaign ran from August 17 to September 4, 2005;

Whereas the presidential election held on September 7, 2005, was largely peaceful, but reportedly marred by low turnout, general confusion over election procedures, alleged manipulation by government authorities, and other inconsistencies;

Whereas the presidential election was a potentially important step toward democratic reform in Egypt and a test of President Mubarak's pledge to open the country's authoritarian political system;

Whereas Mr. Mubarak promised to allow during the presidential campaign a free press and independent judiciary, lift emergency laws that stifle political activity, reduce presidential powers in favor of a more freely

elected parliament, and allow a slow but steady transition to a liberal democracy;

Whereas parliamentary elections were held in Egypt in November and December 2005;

Whereas several local human rights and civil society organizations issued a joint statement declaring unease over the Egyptian Government's criticism of independent judges, stating that the government was trying to deprive the organizations of the right of free expression;

Whereas reports prepared by judges who monitored the parliamentary elections indicated that numerous violations occurred in the second and third rounds of voting, including the physical prevention of voters from casting their votes, the closure of roads and streets leading to polling stations, and assaults on several judges as they oversaw the elections and protested the security agencies measures to prevent voters from reaching polling stations;

Whereas other Egyptian nongovernmental election monitors also have complained that security forces blocked thousands of eligible voters from entering polling stations during the parliamentary elections;

Whereas poll monitors and human rights organizations reported that violence initiated by Egyptian security forces, coupled with wide-scale arrests, contributed to poor turnout across the country during the parliamentary elections;

Whereas violence during the parliamentary elections, including reports of excessive force by Egyptian security services, resulted in the deaths of several demonstrators and the wounding of dozens more;

Whereas Ayman Nour, Mr. Mubarak's only serious challenger in the presidential election, was declared in the parliamentary elections to have lost his seat—in a Cairo district that elected him twice before—to a former state security official with reported ties to President Mubarak;

Whereas it was reported that Mr. Nour, a secular liberal, was harassed repeatedly by Mr. Mubarak's proxies and slandered by the Egyptian media, and local election observers reported numerous irregularities in Mr. Nour's Cairo district;

Whereas the Egyptian Government's apparent manipulation of the electoral system resulted in a weakening of the secular opposition and a strengthening of the Islamist opposition in Egypt; and

Whereas it is in the national interests of the United States and Egypt that Egypt be governed by a truly representative, pluralist, and legitimate national parliament: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the presidential election held on September 7, 2005, as a potential first step toward greater political reforms in Egypt;

(2) expresses grave concern over the widely reported irregularities during the Egyptian presidential election and parliamentary elections held in November and December 2005, including interference by Egyptian security forces, and the apparent failure of the Government of Egypt to ensure that the elections were free, fair, and transparent;

(3) calls on the Government of Egypt to take immediate steps to address these reported violations of the fundamental freedoms of the Egyptian people and hold those responsible for such violations accountable;

(4) recognizes that the development of a democratically-elected representative and empowered Egyptian national parliament is a fundamental reform needed to permit real progress toward the rule of law and democracy in Egypt;

(5) calls on the Government of Egypt to separate the apparatus of the National Democratic Party from the operations of

government, to divest all government holdings in Egyptian media, and to end the government monopoly over printing and distribution of newspapers;

(6) calls on the Government of Egypt to repeal the 1977 emergency law which took effect in 1981, as promised by President Mubarak, and in the development of any future anti-terrorism legislation to allow peaceful, constitutional political activities, including public meetings and demonstrations, and to allow full parliamentary review of any such legislation;

(7) expresses disappointment over the failure of the Government of Egypt to ensure that the presidential election was free, fair, and transparent;

(8) calls on the Government of Egypt, in future elections, to—

(A) ensure supervision by the judiciary of the election process across the country and at all levels;

(B) ensure the presence of accredited representatives of all competing parties and independent candidates at polling stations and during the vote-counting; and

(C) allow local and international election monitors full access and accreditation;

(9) urges the President of the United States to take into account the progress achieved by the Government of Egypt in meeting the goals outlined in this resolution when determining—

(A) the type and nature of United States diplomatic engagement with the Government of Egypt; and

(B) the type and level of assistance to be requested for the Government of Egypt;

(10) given the responsibility of the Government of Egypt for the outcome of the 2005 presidential and parliamentary elections, calls on the Government of Egypt not to use the strength of the Islamist opposition in Egypt to justify the failure of the Egyptian Government to comply with its international human rights obligations or to undertake the reforms to which it has committed; and

(11) urges the President and other officers of the Government of the United States to speak with unmistakable clarity in expressing the disappointment of the people and Government of the United States with respect to the behavior of the Government of Egypt during the 2005 presidential and parliamentary elections.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.7 PASSPORT SERVICES ENHANCEMENT

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 4501) to amend the Passport Act of

June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004; as amended.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.8 WAR RESERVES ALLIES, KOREA

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill of the Senate (S. 1988) to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.9 TERRORIST REWARDS ENHANCEMENT

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 2329) to permit eligibility in certain circumstances for an officer or employee of a foreign government to receive a reward under the Department of State Rewards Program.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds

of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.10 ENDING CONFLICT IN ACEH, SUMATRA, INDONESIA

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 456):

Whereas for three decades there has been a continuous armed conflict in Aceh, a province in Sumatra, Indonesia;

Whereas violence between the Indonesian military and the Free Aceh Movement has resulted in an estimated 15,000 deaths in the region;

Whereas the tsunami that occurred on December 26, 2004, killed at least 165,000 people in Aceh and devastated the landscape;

Whereas after the tsunami both the Government of Indonesia and the Free Aceh Movement recognized that a peaceful settlement of the conflict would have to be reached to enable the rebuilding of Aceh;

Whereas after months of negotiating through the Crisis Management Initiative chaired by former President Martti Ahtisaari of Finland, the parties agreed to a draft memorandum of understanding to end the conflict in July 2005;

Whereas Hamid Awaludin, Minister of Law and Human Rights of Indonesia, and Malik Mahmud, of the Free Aceh Movement, signed the final memorandum of understanding on August 15, 2005, in Helsinki;

Whereas the memorandum of understanding provides a timetable for disarmament of the Free Aceh Movement and troop withdrawals by the Indonesian military;

Whereas the memorandum of understanding provides the people of Aceh with new political powers and the right to retain 70 percent of the revenues from certain natural resource extractions from the province;

Whereas a Truth and Reconciliation Commission and a Human Rights Court will be established for Aceh;

Whereas the Free Aceh Movement has agreed to forego its demand for independence; and

Whereas Indonesian President Susilo Bambang Yudhoyono has provided amnesty and released hundreds of Free Aceh Movement members being held in prison since the signing of the peace agreement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia, and congratulates both parties for their willingness to compromise;

(2) expresses the hope that both parties live up to their commitments under the memorandum of understanding and that peace and security can finally be achieved in Aceh after three decades; and

(3) encourages the Secretary of State and the Administrator of the United States Agency for International Development to commit resources in guaranteeing the peace and building a strong civil society in Aceh.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.11 EDUCATION IN SAUDI ARABIA

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 275):

Whereas the terrorist attacks on the United States on September 11, 2001, were carried out by 19 hijackers, including 15 Saudi Arabian nationals;

Whereas since September 11, 2001, multiple terrorist attacks have occurred inside the Kingdom of Saudi Arabia that were carried out by Saudi nationals;

Whereas Saudi nationals have joined the insurgency in Iraq, carrying out terrorist activities and providing financial support;

Whereas the Government of Saudi Arabia controls and regulates all forms of education in public and private schools at all levels;

Whereas Islamic religious education is compulsory in public and private schools at all levels in Saudi Arabia;

Whereas the religious curriculum is written, monitored, and taught by followers of the Wahhabi interpretation of Islam, the only religion the Government of Saudi Arabia allows to be taught;

Whereas rote memorization of religious texts continues to be a central feature of much of the educational system of Saudi Arabia, leaving thousands of students unprepared to function in the global economy of the 21st century;

Whereas the Government of Saudi Arabia has tolerated elements within its education system that promote and encourage extremism;

Whereas some textbooks in Saudi Arabian schools foster intolerance, ignorance, and anti-Semitic, anti-American, and anti-Western views;

Whereas these intolerant views instilled in students make them prime recruiting targets of terrorists and other extremist groups;

Whereas extremism endangers the stability of the Kingdom of Saudi Arabia and the Middle East region, and threatens global security;

Whereas the events of September 11, 2001, and the global rash of terrorist attacks since then, have created an urgent need to promote moderate voices in the Islamic world as an effective way to combat extremism and terrorism;

Whereas the report of the National Commission on Terrorist Attacks Upon the United States stated that "Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism"; and

Whereas the ascension of King Abdullah to the throne in August 2005 presents a new opportunity for education reform in the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges the Government of Saudi Arabia to reform its textbooks and education curriculum in a manner that promotes tolerance and peaceful coexistence with others, develops civil society, and encourages functionality in the global economy;

(2) urges the President to direct the Secretary of State to use existing public diplomacy channels, international visitor exchanges, professional development, and educational reform programs, including those under the Middle East Partnership Initiative and the Broader Middle East Initiative, to focus on the issue of educational reform in Saudi Arabia in accordance with the objectives enumerated in paragraph (1);

(3) expresses extreme disappointment with the slow pace of education reform in the Kingdom of Saudi Arabia;

(4) urges the President to take into account progress in meeting the goals outlined in paragraph (1) when determining the level and frequency of United States bilateral relations with the Government of Saudi Arabia; and

(5) requests that the Secretary of State examine the educational system in Saudi Arabia, monitor the progress of the efforts to reform the education curriculum, and report on such progress, in classified form if necessary, to the appropriate congressional committees.

The SPEAKER pro tempore, Mr. LATHAM, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. GILLMOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.12 NATIVE AMERICAN HOUSING

Mr. RENZI moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 797) to amend the Native American Housing Assistance and Self-Determination Act of 1996 and Acts to improve housing programs for Indians:

Page 3, line 14, strike out "and"

Page 3, strike out line 24 and all that follows through page 4, line 4 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Page 4, strike out line 19 and all that follows through page 5, line 10 and insert the following:

"SEC. 544. INDIAN TRIBES.

"Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act."

Page 6, after line 2, insert:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h-1) is amended by striking "for fiscal year 1998 and fiscal years thereafter" and inserting "for fiscal years 1998 through 2005".

The SPEAKER pro tempore, Mr. GILLMOR, recognized Mr. RENZI and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments of the Senate?

The SPEAKER pro tempore, Mr. GILLMOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.13 LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION

Mr. RENZI moved to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 358) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the "Little Rock Nine" (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 \$1 coins each of which shall—

(1) weigh 26.73 grams;
 (2) have a diameter of 1.500 inches; and
 (3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;
 (2) an inscription of the year “2007”; and
 (3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) **TERMINATION OF MINTING AUTHORITY.**—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS AT A DISCOUNT.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **SURCHARGE REQUIRED.**—All sales shall include a surcharge of \$10 per coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result

in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) **CREDITABLE FUNDS.**—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

The SPEAKER pro tempore, Mr. GILLMOR, recognized Mr. RENZI and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. GILLMOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.14 HELEN SEWELL RETIREMENT FROM HOUSE OF REPRESENTATIVES

Mr. NEY moved to suspend the rules and agree to the following resolution (H. Res. 633):

Whereas Helen Sewell, the proprietor of the concession stand in the Republican Cloak Room of the House of Representatives, through her long and devoted service to the House and its Members, has become a House institution in the minds and hearts of House Members;

Whereas Helen Sewell has worked at the counter in the Cloak Room since she was a teenager in the 1930's;

Whereas Helen Sewell's service to the House of Representatives is a continuation of a family tradition, as her father began working in the Cloak Room 87 years ago;

Whereas Helen Sewell, as a result of her almost seven decades of service, has been present for some of the defining events in the Nation's history and the House's history, including the attack by Puerto Rican nationalists on March 1, 1954;

Whereas Helen Sewell has established personal relationships with many of the 20th century's most important Americans, including Presidents Ford, Nixon, and George H.W. Bush;

Whereas Helen Sewell's dedication to her work, and her careful attention to Members

of the House, has provided both nourishment and friendship to Members of the House since the days of the Great Depression;

Whereas Helen Sewell has demonstrated extraordinary strength and endurance by working long and difficult hours past her 80th year;

Whereas Helen Sewell received the 1983 John W. McCormick Award of Excellence for her service to the Congress;

Whereas all who have served as Members in the United States House of Representatives, and who have had occasion to meet Helen Sewell, believe that her service to the House is a matter of historical importance and should be commemorated; and

Whereas Helen Sewell will retire officially from the House of Representatives on December 31, 2005; Now, therefore, be it

Resolved, That the House of Representatives honors Helen Sewell on the occasion of her retirement and expresses its gratitude for her many years of service.

The SPEAKER pro tempore, Mr. GILLMOR, recognized Mr. NEY and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GILLMOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WELDON of Pennsylvania demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.15 RECESS—4:10 P.M.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶139.16 AFTER RECESS—11:53 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶139.17 SUBMISSION OF CONFERENCE REPORT—H.R. 2863

Mr. YOUNG of Florida submitted a conference report (Rept. No. 109-359) on the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶139.18 SUBMISSION OF CONFERENCE REPORT—H.R. 1815

Mr. HUNTER submitted a conference report (Rept. No. 109-360) on the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year; together

with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶139.19 ORDER OF BUSINESS—
CONSIDERATION OF CONFERENCE
REPORT TO H.R. 1815

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time to consider a conference report to accompany H.R. 1815; all points of order against the conference report and against its consideration are waived; the conference report shall be considered as read; and be debatable for 40 minutes equally divided by the chairman and ranking minority member of the Committee on Armed Services.

¶139.20 PROCEEDINGS VACATED—H. RES. 632

On motion of Mr. DREIER, by unanimous consent, requested that the proceedings whereby the yeas and nays were ordered on the adoption of the resolution (H. Res. 632) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, were vacated, to the end that the Chair may put the question on the resolution de novo.

Accordingly,

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.21 DEFENSE AUTHORIZATION FY 2006

Mr. HUNTER, pursuant to the previous order of the House, called up the following conference report (Rept. No. 109-360):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1815), to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2006".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—*This Act is organized into three divisions as follows:*

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Divisions C—Department of Energy National Security Authorizations and Other Authorizations.*

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for utility helicopters.

Sec. 112. Multiyear procurement authority for modernized target acquisition designation sight/pilot night vision sensors for AH-64 Apache attack helicopters.

Sec. 113. Multiyear procurement authority for conversion of AH-64A Apache attack helicopters to the AH-64D Block II configuration.

Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.

Sec. 115. Report on Army Modular Force Initiative.

Subtitle C—Navy Programs

Sec. 121. Virginia-class submarine program.

Sec. 122. LHA Replacement (LHA(R)) amphibious assault ship program.

Sec. 123. Cost limitation for next-generation destroyer program.

Sec. 124. Littoral Combat Ship (LCS) program.

Sec. 125. Prohibition on acquisition of next-generation destroyer through a single shipyard.

Sec. 126. Aircraft carrier force structure.

Sec. 127. Refueling and complex overhaul of the U.S.S. Carl Vinson.

Sec. 128. CVN-78 aircraft carrier.

Sec. 129. LHA Replacement (LHA(R)) ship.

Sec. 130. Report on alternative propulsion methods for surface combatants and amphibious warfare ships.

Subtitle D—Air Force Programs

Sec. 131. C-17 aircraft program and assessment of intertheater airlift requirements.

Sec. 132. Prohibition on retirement of KC-135E aircraft.

Sec. 133. Prohibition on retirement of F-117 aircraft during fiscal year 2006.

Sec. 134. Prohibition on retirement of C-130E/H tactical airlift aircraft during fiscal year 2006.

Sec. 135. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.

Sec. 136. Report on Air Force aircraft aeromedical evacuation programs.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Requirement that tactical unmanned aerial vehicles use specified standard data link.

Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

Sec. 143. Advanced SEAL Delivery System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.

Sec. 212. Contract for the procurement of the Future Combat Systems (FCS).

Sec. 213. Limitations on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.

Sec. 214. Separate program elements required for significant systems development and demonstration projects for Armored Systems Modernization program.

Sec. 215. Initiation of program to design and develop next-generation nuclear attack submarine.

Sec. 216. Extension of requirements relating to management responsibility for naval mine countermeasures programs.

Sec. 217. Single set of requirements for Army and Marine Corps heavy lift rotorcraft program.

Sec. 218. Requirements for development of tactical radio communications systems.

Sec. 219. Limitation on systems development and demonstration of Personnel Recovery Vehicle.

Sec. 220. Limitation on VXX helicopter program.

Sec. 221. Report on testing of Internet Protocol version 6.

Subtitle C—Missile Defense Programs

Sec. 231. Report on capabilities and costs for operational boost/ascend-phase missile defense systems.

Sec. 232. One-year extension of Comptroller General assessments of ballistic missile defense programs.

Sec. 233. Fielding of ballistic missile defense capabilities.

Sec. 234. Plans for test and evaluation of operational capability of the ballistic missile defense system.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

Sec. 241. Pilot program for identification and transition of advanced manufacturing processes and technologies.

Sec. 242. Transition of transformational manufacturing processes and technologies to defense manufacturing base.

Sec. 243. Manufacturing technology strategies.

Sec. 244. Report.

Sec. 245. Definitions.

Subtitle E—Other Matters

Sec. 251. Comptroller General report on program element structure for research, development, test, and evaluation projects.

Sec. 252. Research and development efforts for purposes of small business research.

Sec. 253. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.

Sec. 254. Report on efficiency of naval shipbuilding industry.

Sec. 255. Technology transition.

Sec. 256. Prevention, mitigation, and treatment of blast injuries.

Sec. 257. Modification of requirements for annual report on DARPA program to award cash prizes for advanced technology achievements.

Sec. 258. Designation of facilities and resources constituting the Major Range and Test Facility Base.

Sec. 259. Report on cooperation between Department of Defense and National Aeronautics and Space Administration on research, development, test, and evaluation activities.

Sec. 260. Delayed effective date for limitation on procurement of systems not GPS-equipped.

Sec. 261. Report on development and use of robotics and unmanned ground vehicle systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
 Sec. 302. Working capital funds.
 Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
 Sec. 312. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.

Subtitle C—Workplace and Depot Issues

Sec. 321. Modification of authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities.
 Sec. 322. Limitation on transition of funding for east coast shipyards from funding through Navy working capital fund to direct funding.
 Sec. 323. Armament Retooling and Manufacturing Support Initiative matters.
 Sec. 324. Sense of Congress regarding depot maintenance.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.
 Sec. 332. Extension of period for reimbursement for certain protective, safety, or health equipment purchased by or for members of the Armed Forces deployed in contingency operations.

Subtitle E—Outsourcing

Sec. 341. Public-private competition.
 Sec. 342. Contracting for procurement of certain supplies and services.
 Sec. 343. Performance of certain work by Federal Government employees.
 Sec. 344. Extension of temporary authority for contractor performance of security-guard functions.

Subtitle F—Analysis, Strategies, and Reports

Sec. 351. Report on Department of Army programs for repositioning of equipment and other materiel.
 Sec. 352. Reports on budget models used for base operations support, sustainment, and facilities recapitalization.
 Sec. 353. Army training strategy for brigade-based combat teams and functional supporting brigades.
 Sec. 354. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.
 Sec. 355. Report regarding management of Army lodging.
 Sec. 356. Comptroller General report on corrosion prevention and mitigation programs of the Department of Defense.
 Sec. 357. Study on use of biodiesel and ethanol fuel.
 Sec. 358. Report on effects of windmill farms on military readiness.
 Sec. 359. Report on space-available travel for certain disabled veterans and gray-area retirees.
 Sec. 360. Report on joint field training and experimentation on stability, security, transition, and reconstruction operations.
 Sec. 361. Reports on budgeting relating to sustainment of key military equipment.

Sec. 362. Repeal of Air Force report on military installation encroachment issues.

Subtitle G—Other Matters

Sec. 371. Supervision and management of Defense Business Transformation Agency.
 Sec. 372. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
 Sec. 373. Limitation on purchase of investment items with operation and maintenance funds.
 Sec. 374. Operation and use of general gift funds of the Department of Defense and Coast Guard.
 Sec. 375. Inclusion of packet based telephony in Department of Defense telecommunications benefit.
 Sec. 376. Limitation on financial management improvement and audit initiatives within Department of Defense.
 Sec. 377. Provision of welfare of special category residents at Naval Station Guantanamo Bay, Cuba.
 Sec. 378. Commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

Subtitle H—Utah Test and Training Range

Sec. 381. Definitions.
 Sec. 382. Military operations and overflights, Utah Test and Training Range.
 Sec. 383. Analysis of military readiness and operational impacts in planning process for Federal lands in Utah Test and Training Range.
 Sec. 384. Designation and management of Cedar Mountain Wilderness, Utah.
 Sec. 385. Relation to other lands.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
 Sec. 402. Revision in permanent active duty end strength minimum levels.
 Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
 Sec. 412. End strengths for Reserves on active duty in support of the reserves.
 Sec. 413. End strengths for military technicians (dual status).
 Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.
 Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
 Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.
 Sec. 502. Two-year renewal of temporary authority to reduce minimum length of commissioned service required for voluntary retirement as an officer.
 Sec. 503. Exclusion from active-duty general and flag officer distribution and strength limitations of officers on leave pending separation or retirement or between senior positions.
 Sec. 504. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.
 Sec. 505. Clarification of deadline for receipt by promotion selection boards of certain communications from eligible officers.

Sec. 506. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.

Sec. 507. Applicability of officer distribution and strength limitations to officers serving in intelligence community positions.

Sec. 508. Grades of the Judge Advocates General.

Sec. 509. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.

Sec. 510. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.

Subtitle B—Reserve Component Management

Sec. 511. Separation at age 64 for reserve component senior officers.
 Sec. 512. Modification of strength-in-grade limitations applicable to Reserve flag officers in active status.
 Sec. 513. Military technicians (dual status) mandatory separation.
 Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.

Sec. 515. Redesignation of the Naval Reserve as the Navy Reserve.

Sec. 516. Clarification of certain authorities relating to the Commission on the National Guard and Reserves.

Sec. 517. Report on employment matters for members of the reserve components.

Sec. 518. Defense Science Board study on deployment of members of the National Guard and Reserves in the Global War on Terrorism.

Sec. 519. Sense of Congress on certain matters relating to the National Guard and Reserves.

Sec. 520. Pilot program on enhanced quality of life for members of the Army Reserve and their families.

Subtitle C—Education and Training

PART I—DEPARTMENT OF DEFENSE SCHOOLS GENERALLY

Sec. 521. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.

Sec. 522. Authority for certain professional military education schools to receive faculty research grants for certain purposes.

PART II—UNITED STATES NAVAL POSTGRADUATE SCHOOL

Sec. 523. Revision to mission of the Naval Postgraduate School.

Sec. 524. Modification of eligibility for position of President of the Naval Postgraduate School.

Sec. 525. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.

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Sec. 2824. Report on application of force protection and anti-terrorism standards to leased facilities.

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Subtitle C—Base Closure and Realignment

Sec. 2831. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.

Sec. 2832. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.

Sec. 2833. Treatment of Indian Tribal Governments as public entities for purposes of disposal of real property recommended for closure in July 1993 BRAC Commission report.

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Sec. 2835. Required consultation with State and local entities on issues related to increase in number of military personnel at military installations.

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Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2841. Land conveyance, Camp Navajo, Arizona.

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PART III—AIR FORCE CONVEYANCES

Sec. 2861. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.

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Subtitle E—Other Matters

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Sec. 2874. Assessment of water needs for Presidio of Monterey and Ord Military Community.

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Sec. 2876. Sense of Congress regarding community impact assistance related to construction of Navy landing field, North Carolina.

Sec. 2877. Sense of Congress on establishment of Bakers Creek Memorial.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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Sec. 3303. Authorization for disposal of tungsten ores and concentrates.

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TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.

Sec. 3502. Payments for State and regional maritime academies.

Sec. 3503. Maintenance and repair reimbursement pilot program.

Sec. 3504. Tank vessel construction assistance.

Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

Sec. 3506. Assistance for small shipyards and maritime communities.

Sec. 3507. Transfer of authority for title XI non-fishing loan guarantee decisions to Maritime Administration.

Sec. 3508. Technical corrections.

Sec. 3509. United States Maritime Service.

Sec. 3510. Awards and medals.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for utility helicopters.

Sec. 112. Multiyear procurement authority for modernized target acquisition designation sight/pilot night vision sensors for AH-64 Apache attack helicopters.

Sec. 113. Multiyear procurement authority for conversion of AH-64A Apache attack helicopters to the AH-64D Block II configuration.

Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.

Sec. 115. Report on Army Modular Force Initiative.

Subtitle C—Navy Programs

Sec. 121. Virginia-class submarine program.

Sec. 122. LHA Replacement (LHA(R)) amphibious assault ship program.

Sec. 123. Cost limitation for next-generation destroyer program.

Sec. 124. Littoral Combat Ship (LCS) program.

Sec. 125. Prohibition on acquisition of next-generation destroyer through a single shipyard.

Sec. 126. Aircraft carrier force structure.

Sec. 127. Refueling and complex overhaul of the U.S.S. Carl Vinson.

Sec. 128. CVN-78 aircraft carrier.

Sec. 129. LHA Replacement (LHA(R)) ship.

Sec. 130. Report on alternative propulsion methods for surface combatants and amphibious warfare ships.

Subtitle D—Air Force Programs

Sec. 131. C-17 aircraft program and assessment of intertheater airlift requirements.

Sec. 132. Prohibition on retirement of KC-135E aircraft.

Sec. 133. Prohibition on retirement of F-117 aircraft during fiscal year 2006.

Sec. 134. Prohibition on retirement of C-130E/H tactical airlift aircraft during fiscal year 2006.

Sec. 135. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.

Sec. 136. Report on Air Force aircraft aeromedical evacuation programs.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Requirement that tactical unmanned aerial vehicles use specified standard data link.

Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

Sec. 143. Advanced SEAL Delivery System.

Subtitle A—Authorization of Appropriations**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

- (1) For aircraft, \$2,792,580,000.
- (2) For missiles, \$1,246,850,000.
- (3) For weapons and tracked combat vehicles, \$1,652,949,000.
- (4) For ammunition, \$1,738,872,000.
- (5) For other procurement, \$4,328,934,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Navy as follows:

- (1) For aircraft, \$9,803,126,000.
- (2) For weapons, including missiles and torpedoes, \$2,737,841,000.
- (3) For shipbuilding and conversion, \$8,880,623,000.
- (4) For other procurement, \$5,518,287,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of \$1,396,705,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$867,470,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Air Force as follows:

- (1) For aircraft, \$12,862,333,000.
- (2) For ammunition, \$1,021,207,000.
- (3) For missiles, \$5,394,557,000.
- (4) For other procurement, \$14,024,689,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of \$2,646,988,000.

Subtitle B—Army Programs**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UTILITY HELICOPTERS.**

(a) UH-60M BLACK HAWK HELICOPTERS.—Subject to subsection (c), the Secretary of the Army may enter into a multiyear contract for the procurement of UH-60M Black Hawk helicopters.

(b) MH-60S SEAHAWK HELICOPTERS.—Subject to subsection (c), the Secretary of the Army, acting as executive agent for the Department of the Navy, may enter into a multiyear contract for the procurement of MH-60S Seahawk helicopters.

(c) CONTRACT REQUIREMENTS.—Any multiyear contract under this section shall be entered into in accordance with section 2306b of title 10, United States Code, and shall commence with the fiscal year 2007 program year.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MODERNIZED TARGET ACQUISITION DESIGNATION SIGHT/PILOT NIGHT VISION SENSORS FOR AH-64 APACHE ATTACK HELICOPTERS.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for procurement of modernized target acquisition designation sight/pilot night vision sensors for AH-64 Apache attack helicopters.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of four program years.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR CONVERSION OF AH-64A APACHE ATTACK HELICOPTERS TO THE AH-64D BLOCK II CONFIGURATION.

(a) AUTHORITY.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 pro-

gram year, for conversion of AH-64A Apache attack helicopters to the AH-64D Block II configuration.

(b) LIMITATION ON TERM OF CONTRACT.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of four program years.

SEC. 114. ACQUISITION STRATEGY FOR TACTICAL WHEELED VEHICLE PROGRAMS.

(a) ARMY.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Army, the Secretary of the Army determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle, the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Marine Corps.

(b) MARINE CORPS.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Marine Corps, the Secretary of the Navy determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle, the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Army.

(c) APPLICABILITY ONLY TO NEW VEHICLE CLASS.—Subsections (a) and (b) do not apply to a contract for modifications, upgrades, or product improvements to the existing fleet of tactical wheeled vehicles of the Army or Marine Corps, respectively.

SEC. 115. REPORT ON ARMY MODULAR FORCE INITIATIVE.

(a) REPORT.—The Secretary of the Army shall submit to the congressional defense committees a report on the complex of programs referred to as the Army Modular Force Initiative. The report shall be submitted not later than 30 days after the date of the submission to Congress of a request by the President for the enactment of emergency supplemental appropriations for the Department of Defense for fiscal year 2006.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) A specification of each acquisition program of the Army that is considered by the Secretary of the Army to be part of the complex of programs constituting the Army Modular Force Initiative.

(2) For each program specified under paragraph (1), the acquisition objective of the program, the funding profile of the program, and the requirement for the program.

(3) The requirements of each such program that, under current funding plans of the Department of Defense for fiscal years after fiscal year 2006, would not be funded.

(4) A detailed accounting of the amounts for the Army Modular Force Initiative in the request for supplemental appropriations referred to in subsection (a).

Subtitle C—Navy Programs**SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.**

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the five Virginia-class submarines designated as SSN-779, SSN-780, SSN-781, SSN-782, and SSN-783 may not exceed the following amounts:

- (1) For the SSN-779 submarine, \$2,330,000,000.
- (2) For the SSN-780 submarine, \$2,470,000,000.
- (3) For the SSN-781 submarine, \$2,550,000,000.
- (4) For the SSN-782 submarine, \$2,670,000,000.
- (5) For the SSN-783 submarine, \$2,720,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNTS.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any Virginia-class submarine specified in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(3) The amounts of outfitting costs and post-delivery costs incurred for that submarine.

(4) The amounts of increases or decreases in costs of that submarine that are attributable to insertion of new technology into that submarine, as compared to the technology built into the lead vessel of the Virginia class.

(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for any Virginia-class submarine with respect to insertion of new technology into that submarine only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the submarine; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) NOTICE TO CONGRESS OF PROGRAM CHANGES.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in any of the amounts set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

SEC. 122. LHA REPLACEMENT (LHA(R)) AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) LIMITATION ON PROCUREMENT FUNDS.—Of the funds available to the Department of the Navy for Shipbuilding and Conversion, Navy, for fiscal year 2006 for procurement for the LHA Replacement (LHA(R)) amphibious assault ship program, not more than 70 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees the Secretary's certification in writing that—

(1) a detailed operational requirements document for the program has been approved within the Department of Defense by an appropriate approval authority; and

(2) there exists a stable design for the LHA(R) class of vessels.

(b) STABLE DESIGN.—For purposes of this section, the design of a class of vessels shall be considered to be stable when no substantial change to the design is anticipated.

SEC. 123. COST LIMITATION FOR NEXT-GENERATION DESTROYER PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the fifth vessel in the next-generation destroyer program may not exceed \$2,300,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the vessel referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(3) The amounts of outfitting costs and post-delivery costs incurred for that vessel.

(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the lead vessel of the next-generation destroyer program class.

(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for the vessel referred to in that

subsection with respect to insertion of new technology into that vessel only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) WRITTEN NOTICE OF CHANGE IN AMOUNT.—

(1) REQUIREMENT.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) EFFECTIVE DATE.—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the vessel referred to in subsection (a), such year being the fiscal year in which the Secretary of the Navy intends to award a contract for detail design and construction.

(e) NEXT-GENERATION DESTROYER PROGRAM.—In this section, the term “next-generation destroyer program” means the program to acquire and deploy a new class of destroyers as the follow-on to the Arleigh Burke class of destroyers.

SEC. 124. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels, excluding amounts for elements designated by the Secretary of the Navy as a mission package, may not exceed \$220,000,000 per vessel.

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for either vessel referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(3) The amounts of outfitting costs and post-delivery costs incurred for that vessel.

(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels.

(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for any vessel referred to in that subsection with respect to insertion of new technology into that vessel only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) ANNUAL REPORT ON COST GROWTH.—

(1) REQUIREMENT.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year,

written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) EFFECTIVE DATE.—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels, such year being the fiscal year in which the Secretary of the Navy intends to award a contract for detail design and construction of those vessels.

(e) ANNUAL REPORT ON MISSION PACKAGES.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time as the President’s budget for the next fiscal year is submitted under section 1105(a) of title 31, United States Code, a report that provides current information regarding the content of any element of the Littoral Combat Ship (LCS) class of vessels that is designated as a “mission package”, the estimated cost of any such element, and the total number of such elements anticipated.

(f) LIMITATION ON SHIPS AND MISSION MODULES.—No funds available to the Navy may be used for the procurement of Littoral Combat Ships, or elements for such Littoral Combat Ships referred to in subsection (e), after procurement of the first four vessels in the Littoral Combat Ship (LCS) class until the Secretary of the Navy submits to the congressional defense committees the Secretary’s certification in writing that there exist stable designs for the Littoral Combat Ship class of vessels.

(g) STABLE DESIGN.—For purposes of this section, the designs of a class of vessels shall be considered to be stable when no substantial change to those designs is anticipated.

SEC. 125. PROHIBITION ON ACQUISITION OF NEXT-GENERATION DESTROYER THROUGH A SINGLE SHIPYARD.

(a) PROHIBITION.—The Secretary of the Navy may not acquire vessels under the next-generation destroyer program through a winner-take-all acquisition strategy.

(b) PROHIBITION ON USE OF FUNDS.—The Secretary of the Navy may not obligate or expend any funds to prepare for, conduct, or implement a strategy for the acquisition of vessels under the next-generation destroyer program through a winner-take-all acquisition strategy.

(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DEFINED.—In this section, the term “winner-take-all acquisition strategy”, with respect to the acquisition of vessels under the next-generation destroyer program, means the acquisition (including design and construction) of such vessels through a single shipyard.

(d) NEXT-GENERATION DESTROYER PROGRAM.—In this section, the term “next-generation destroyer program” means the program to acquire and deploy a new class of destroyers as the follow-on to the Arleigh Burke class of destroyers.

SEC. 126. AIRCRAFT CARRIER FORCE STRUCTURE.

(a) REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.—Section 5062 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.”

(b) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amounts available for operation and maintenance for the Navy pursuant to this Act and any other Act for fiscal year 2006, not more than \$288,000,000 shall be available for repair and maintenance to ex-

tend the life of the U.S.S. John F. Kennedy (CVN-67).

SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.

(a) AMOUNT AUTHORIZED FROM FY06 SCN ACCOUNT.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, \$1,493,563,000 is available for work on the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70) under the contract authorized by Public Law 109-104.

(b) CONTRACT AUTHORITY.—The amount specified in subsection (a) includes the amount of \$89,000,000 made available by Public Law 109-104 for fiscal year 2006 for a period of such fiscal year preceding the enactment of this Act.

SEC. 128. CVN-78 AIRCRAFT CARRIER.

(a) AUTHORITY TO USE MULTIPLE YEARS OF FUNDING.—The Secretary of the Navy is authorized to enter into a contract for detail design and construction of the aircraft carrier designated CVN-78 that provides that, subject to subsection (b), funds for payments under the contract may be provided from amounts appropriated for Shipbuilding and Conversion, Navy, for fiscal years 2007, 2008, and 2009.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract described in subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for that fiscal year.

SEC. 129. LHA REPLACEMENT (LHA(R)) SHIP.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, \$200,447,000 shall be available for design, advance procurement, advance construction, detail design, and construction with respect to the LHA Replacement (LHA(R)) ship.

(b) AMOUNTS AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEARS 2007 AND 2008.—Amounts authorized to be appropriated for fiscal years 2007 and 2008 for shipbuilding and conversion, Navy, shall be available for construction with respect to the LHA Replacement ship.

(c) CONTRACT AUTHORITY.—

(1) DESIGN, ADVANCE PROCUREMENT, AND ADVANCE CONSTRUCTION.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for design, advance procurement, and advance construction with respect to the LHA Replacement ship.

(2) DETAIL DESIGN AND CONSTRUCTION.—The Secretary may enter into a contract during fiscal year 2006 for the detail design and construction of the LHA Replacement ship.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (c) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SEC. 130. REPORT ON ALTERNATIVE PROPULSION METHODS FOR SURFACE COMBATANTS AND AMPHIBIOUS WARFARE SHIPS.

(a) ANALYSIS OF ALTERNATIVES.—The Secretary of the Navy shall conduct an analysis of alternative propulsion methods for surface combatant vessels and amphibious warfare ships of the Navy.

(b) REPORT.—The Secretary shall submit to the congressional defense committees a report on the analysis of alternative propulsion systems carried out under subsection (a). The report shall be submitted not later than November 1, 2006.

(c) **MATTERS TO BE INCLUDED.**—The report under subsection (b) shall include the following: (1) The key assumptions used in carrying out the analysis under subsection (a).

(2) The methodology and techniques used in conducting the analysis.

(3) A description of current and future technology relating to propulsion that has been incorporated in recently-designed surface combatant vessels and amphibious warfare ships or that is expected to be available for those types of vessels within the next 10-to-20 years.

(4) A description of each propulsion alternative for surface combatant vessels and amphibious warfare ships that was considered under the study and an analysis and evaluation of each such alternative from an operational and cost-effectiveness standpoint.

(5) A comparison of the life-cycle costs of each propulsion alternative.

(6) For each nuclear propulsion alternative, an analysis of when that nuclear propulsion alternative becomes cost effective as the price of a barrel of crude oil increases for each type of surface combatant vessel and each type of amphibious warfare ship.

(7) The conclusions and recommendations of the study, including those conclusions and recommendations that could impact the design of future ships or lead to modifications of existing ships.

(8) The Secretary's intended actions, if any, for implementation of the conclusions and recommendations of the study.

(d) **LIFE-CYCLE COSTS.**—For purposes of this section, the term "life-cycle costs" includes those elements of cost that would be considered for a life-cycle cost analysis for a major defense acquisition program.

Subtitle D—Air Force Programs

SEC. 131. C-17 AIRCRAFT PROGRAM AND ASSESSMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.

(a) **MULTIYEAR PROCUREMENT AUTHORIZED.**—Subject to subsection (b), the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for the procurement of up to 42 additional C-17 aircraft.

(b) **CERTIFICATION REQUIRED.**—The Secretary of the Air Force may not exercise the authority in subsection (a) until the Secretary of Defense submits to the congressional defense committees a certification that the additional airlift capacity to be provided by the C-17 aircraft to be procured under that authority is consistent with the assessment of the intertheater airlift capabilities required to support the national defense strategy carried out pursuant to subsection (c) and submitted to the congressional committees pursuant to subsection (d).

(c) **ASSESSMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.**—

(1) **REQUIREMENT.**—The Secretary of Defense shall carry out an assessment of the intertheater airlift capabilities required to support the national defense strategy. The assessment shall include development of recommendations for future airlift force structure requirements, together with an explanation for each such recommendation. The Secretary shall submit the assessment pursuant to subsection (d).

(2) **ADDITIONAL INFORMATION.**—In the report on the results of the assessment required by paragraph (1), the Secretary shall explain how the recommendations for future airlift force structure requirements in that report take into account the following:

(A) The increased airlift demands associated with the Army modular brigade combat teams.

(B) The objective to be able to deliver—

(i) a brigade combat team anywhere in the world within four to seven days;

(ii) a division anywhere in the world within 10 days; and

(iii) multiple divisions anywhere in the world within 20 days.

(C) The increased airlift demands associated with the expanded scope of operational activities of the Special Operations forces.

(D) The realignment of the overseas basing structure in accordance with the Integrated Presence and Basing Strategy announced by the Secretary of Defense on March 20, 2003.

(E) Adjustments in the force structure to meet homeland defense requirements.

(F) The potential for simultaneous homeland defense activities and major combat operations.

(G) Potential changes in requirements for intratheater airlift or sealift capabilities.

(H) The capability of the Civil Reserve Air Fleet to provide adequate augmentation in meeting global mobility requirements.

(d) **SUBMISSION OF ASSESSMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.**—

(1) **INCLUSION IN QUADRENNIAL DEFENSE REVIEW.**—Subject to paragraph (2), the assessment of the intertheater airlift capabilities required to support the national defense strategy required by subsection (c)(1) shall be carried out as part of the quadrennial defense review under section 118 of title 10, United States Code, in 2005 and in accordance with the provisions of subsection (d)(9) of that section, and the report under subsection (c)(1) on that assessment shall be included in the report on that quadrennial defense review submitted to the Committees on Armed Services of the Senate and House of Representatives with the budget of the President for fiscal year 2007 (as submitted under section 1105(a) of title 31, United States Code).

(2) **ALTERNATIVE SUBMISSION.**—If the Secretary of Defense determines that, because of the date required by law for the submission of the report on the quadrennial defense review referred to in paragraph (1), the assessment of the intertheater airlift capabilities required to support the national defense strategy required by subsection (c)(1) cannot be carried out as part of the quadrennial defense review referred to in paragraph (1), the Secretary may submit the report of such assessment not later than 45 days after the date of the submission of that review pursuant to section 118(d) of title 10, United States Code. In that case, the Secretary shall submit the report of such assessment to the congressional defense committees.

(e) **MAINTENANCE OF C-17 AIRCRAFT PRODUCTION LINE.**—If the Secretary of Defense is unable to make the certification specified in subsection (b), the Secretary of the Air Force should procure sufficient C-17 aircraft to maintain the C-17 aircraft production line at not less than the minimum sustaining rate until sufficient flight test data regarding improved C-5 aircraft mission capability rates as a result of the Reliability Enhancement and Re-engineering Program and Avionics Modernization Program have been obtained to determine the validity of assumptions concerning the C-5 aircraft used in the Mobility Capabilities Study.

SEC. 132. PROHIBITION ON RETIREMENT OF KC-135E AIRCRAFT.

The Secretary of the Air Force may not retire any KC-135E aircraft of the Air Force in fiscal year 2006.

SEC. 133. PROHIBITION ON RETIREMENT OF F-117 AIRCRAFT DURING FISCAL YEAR 2006.

The Secretary of the Air Force may not retire any F-117 Nighthawk attack aircraft during fiscal year 2006.

SEC. 134. PROHIBITION ON RETIREMENT OF C-130E/H TACTICAL AIRLIFT AIRCRAFT DURING FISCAL YEAR 2006.

The Secretary of the Air Force may not retire any C-130E/H tactical airlift aircraft during fiscal year 2006.

SEC. 135. PROCUREMENT OF C-130J/KC-130J AIRCRAFT AFTER FISCAL YEAR 2005.

Any C-130J/KC-130J aircraft procured after fiscal year 2005 (including C-130J/KC-130J aircraft procured through a multiyear contract continuing in force from a fiscal year before fiscal year 2006) shall be procured through a con-

tract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 136. REPORT ON AIR FORCE AIRCRAFT AEROMEDICAL EVACUATION PROGRAMS.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on aircraft aeromedical evacuation programs of the Air Force. The report shall contain a comprehensive evaluation and overall assessment of (1) the current aeromedical evacuation program, carried out through the use of designated aircraft, compared to (2) the former aeromedical evacuation program, carried out through the use of dedicated aircraft.

(b) **MATTERS TO BE INCLUDED.**—The report shall include the following:

(1) A description of challenges and capability gaps of the current aircraft aeromedical evacuation program compared to the challenges and capability gaps of the former program.

(2) A description of possible means by which to best mitigate or resolve the challenges and capability gaps described under paragraph (1) with respect to the current program.

(3) Specification of medical equipment or upgrades needed to enhance the current program.

(4) Specification of aircraft equipment or upgrades needed to enhance the current program.

(5) A description of the advantages and disadvantages of the current program compared to the advantages and disadvantages of the former program.

(6) A cost comparison analysis of the current program and the former program.

(7) A description of the manner in which customer feedback is obtained and applied to the current program.

Subtitle E—Joint and Multiservice Matters

SEC. 141. REQUIREMENT THAT TACTICAL UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

(a) **REQUIREMENT.**—The Secretary of Defense shall take such steps as necessary to ensure that (except as specified in subsection (c)) all tactical unmanned aerial vehicles (UAVs) of the Army, Navy, Marine Corps, and Air Force are equipped and configured so that—

(1) the data link used by those vehicles is the Department of Defense standard tactical unmanned aerial vehicle data link known as the Tactical Common Data Link (TCDL), until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles; and

(2) those vehicles use data formats consistent with the architectural standard for tactical unmanned aerial vehicles known as STANAG 4586, developed to facilitate multinational interoperability among NATO member nations.

(b) **FUNDING LIMITATION.**—After December 1, 2006, no funds available to the Department of Defense may be used to enter into a contract for procurement of a new tactical unmanned aerial vehicle system with data links other than as required by subsection (a)(1).

(c) **WAIVER AUTHORITY.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the applicability of subsection (a) to any tactical unmanned aerial vehicle if the Under Secretary determines, and certifies to the congressional defense committees, that it would be technologically infeasible or economically acceptable to integrate a tactical data link specified in that subsection into that tactical unmanned aerial vehicle.

(d) **REPORT.**—Not later than February 1, 2006, the Secretary of each military department shall submit to Congress a report on the status of implementation of standard data links for unmanned aerial vehicles under the jurisdiction of the Secretary in accordance with subsection (a).

SEC. 142. LIMITATION ON INITIATION OF NEW UNMANNED AERIAL VEHICLE SYSTEMS.

(a) *LIMITATION*.—Funds available to the Department of Defense may not be used to procure an unmanned aerial vehicle (UAV) system, including any air vehicle, data link, ground station, sensor, or other associated equipment for any such system, or to modify any such system to include any form of armament, unless such procurement or modification is authorized in writing in advance by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) *EXCEPTION FOR EXISTING SYSTEMS*.—The limitation in subsection (a) does not apply with respect to an unmanned aerial vehicle (UAV) system for which funds are under contract as of the date of the enactment of this Act or for which funds have been appropriated for procurement before the date of the enactment of this Act.

SEC. 143. ADVANCED SEAL DELIVERY SYSTEM.

(a) *LIMITATION*.—Of the amounts authorized to be appropriated for fiscal year 2006 for operation and maintenance, Defense-wide, that are available for the United States Special Operations Command, \$10,100,000 may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Secretary's certification that the Secretary has revalidated the requirement for the Advanced SEAL Delivery System.

(2) A report on the Advanced SEAL Delivery System program that, at a minimum, includes—

(A) the conclusions of the quadrennial defense review concerning the program;

(B) the number of boats required for the program and the manner of their expected employment;

(C) an updated cost estimate for the program; and

(D) a timeline for addressing the technological challenges faced by the program by March 1, 2006.

(b) *REPORT ON ONGOING CRITICAL SYSTEMS REVIEW*.—Not later than January 1, 2007, the Secretary shall submit to the congressional defense committees a report providing the conclusions of the ongoing critical systems review with respect to the Advanced SEAL Delivery System program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.

Sec. 212. Contract for the procurement of the Future Combat Systems (FCS).

Sec. 213. Limitations on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.

Sec. 214. Separate program elements required for significant systems development and demonstration projects for Armored Systems Modernization program.

Sec. 215. Initiation of program to design and develop next-generation nuclear attack submarine.

Sec. 216. Extension of requirements relating to management responsibility for naval mine countermeasures programs.

Sec. 217. Single set of requirements for Army and Marine Corps heavy lift rotorcraft program.

Sec. 218. Requirements for development of tactical radio communications systems.

Sec. 219. Limitation on systems development and demonstration of Personnel Recovery Vehicle.

Sec. 220. Limitation on VXX helicopter program.

Sec. 221. Report on testing of Internet Protocol version 6.

Subtitle C—Missile Defense Programs

Sec. 231. Report on capabilities and costs for operational boost/ascend-phase missile defense systems.

Sec. 232. One-year extension of Comptroller General assessments of ballistic missile defense programs.

Sec. 233. Fielding of ballistic missile defense capabilities.

Sec. 234. Plans for test and evaluation of operational capability of the ballistic missile defense system.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

Sec. 241. Pilot program for identification and transition of advanced manufacturing processes and technologies.

Sec. 242. Transition of transformational manufacturing processes and technologies to defense manufacturing base.

Sec. 243. Manufacturing technology strategies.

Sec. 244. Report.

Sec. 245. Definitions.

Subtitle E—Other Matters

Sec. 251. Comptroller General report on program element structure for research, development, test, and evaluation projects.

Sec. 252. Research and development efforts for purposes of small business research.

Sec. 253. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.

Sec. 254. Report on efficiency of naval shipbuilding industry.

Sec. 255. Technology transition.

Sec. 256. Prevention, mitigation, and treatment of blast injuries.

Sec. 257. Modification of requirements for annual report on DARPA program to award cash prizes for advanced technology achievements.

Sec. 258. Designation of facilities and resources constituting the Major Range and Test Facility Base.

Sec. 259. Report on cooperation between Department of Defense and National Aeronautics and Space Administration on research, development, test, and evaluation activities.

Sec. 260. Delayed effective date for limitation on procurement of systems not GPS-equipped.

Sec. 261. Report on development and use of robotics and unmanned ground vehicle systems.

Subtitle A—Authorization of Appropriations**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$10,036,004,000.

(2) For the Navy, \$18,581,441,000.

(3) For the Air Force, \$22,305,012,000.

(4) For Defense-wide activities, \$19,277,402,000, of which \$168,458,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) *FISCAL YEAR 2006*.—Of the amounts authorized to be appropriated by section 201, \$11,363,021,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) *BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED*.—For purposes of this section, the term

“basic research, applied research, and advanced technology development” means work funded in program elements for defense research and development under Department of Defense budget activities 1, 2, and 3.

Subtitle B—Program Requirements, Restrictions, and Limitations**SEC. 211. ANNUAL COMPTROLLER GENERAL REPORT ON FUTURE COMBAT SYSTEMS PROGRAM.**

(a) *ANNUAL GAO REVIEW*.—The Comptroller General shall conduct an annual review of the Future Combat Systems program and shall, not later than March 15 of each year, submit to Congress a report on the results of the most recent review. With each such report, the Comptroller General shall submit a certification as to whether the Comptroller General has had access to sufficient information to enable the Comptroller General to make informed judgments on the matters covered by the report.

(b) *MATTERS TO BE INCLUDED*.—Each report on the Future Combat Systems program under subsection (a) shall include the following with respect to research and development under the program:

(1) The extent to which systems development and demonstration under the program is meeting established goals, including the goals established for performance, key performance parameters, technology readiness levels, cost, and schedule.

(2) The budget for the current fiscal year, and the projected budget for the next fiscal year, for all Department of Defense programs directly supporting the Future Combat Systems program and an evaluation of the contribution each such program makes to meeting the goals established for performance, key performance parameters, and technology readiness levels of the Future Combat Systems program.

(3) The plan for such systems development and demonstration (leading to production) for the fiscal year that begins in the year in which the report is submitted.

(4) The Comptroller General's conclusion regarding whether such systems development and demonstration (leading to production) is likely to be completed at a total cost not in excess of the amount specified (or to be specified) for such purpose in the Selected Acquisition Report for the Future Combat Systems program under section 2432 of title 10, United States Code, for the first quarter of the fiscal year during which the report of the Comptroller General is submitted.

(c) *TERMINATION*.—No report is required under this section after systems development and demonstration under the Future Combat Systems program is completed.

SEC. 212. CONTRACT FOR THE PROCUREMENT OF THE FUTURE COMBAT SYSTEMS (FCS).

The Secretary of the Army shall procure the Future Combat Systems (FCS) through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a transaction under section 2371 of title 10, United States Code.

SEC. 213. LIMITATIONS ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF MANNED GROUND VEHICLES UNDER ARMORED SYSTEMS MODERNIZATION PROGRAM.

(a) *LIMITATIONS*.—Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for the Armored Systems Modernization program, not more than 70 percent may be obligated for systems development and demonstration of manned ground vehicle variants under that program until each of the following occurs:

(1) The Secretary of Defense certifies to the congressional defense committees that the threshold requirements for manned ground vehicle variants with respect to lethality and survivability have been met and demonstrated, in accordance with applicable regulations, in a relevant environment to be at least equal to the

lethality and survivability of the manned ground vehicles to be replaced by those variants.

(2) The Secretary of Defense submits to the congressional defense committees the results of an independent analysis carried out with respect to the transportability requirement for the manned ground vehicle variants under the Future Combat Systems program for the purpose of determining whether—

(A) the requirement can be supported by the future-years defense plan and the projected extended planning period inter-theater and intra-theater airlift force structure budget;

(B) the requirement is justified by any likely deployment scenario envisioned by current operational plans; and

(C) the projected unit procurement cost warrants the investment required to deploy those variants.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees the results of an independent cost estimate, prepared by the cost analysis improvement group of the Office of the Secretary of Defense, with respect to the Future Combat Systems program.

(4) The Secretary of the Army submits to the congressional defense committees a report containing—

(A) the organizational design, quantities, and fielding plan for each of the current force Brigade Combat Teams and the Future Combat Systems Brigade Combat Teams; and

(B) the Future Combat Systems Manned Ground Vehicle research, development, test, and evaluation and procurement plan and budgets through the future-years defense plan, including unit procurement cost for each Future Combat Systems Manned Ground Vehicle variant in constant and current-year dollars.

(5) The Secretary of Defense submits to the congressional defense committees a report describing and evaluating the requirements and budgets for the technology insertion program for integrating Future Combat Systems capabilities into current force programs through the future-years defense plan for the purpose of determining—

(A) the balance in programs and resources between the Future Combat Systems Brigade Combat Teams and the current force Brigade Combat Teams;

(B) the feasibility of accelerating technology insertion into the current force Brigade Combat Teams;

(C) the level of research, development, test, and evaluation and procurement funding to support planned technology insertions into the current force Brigade Combat Teams through the future-years defense plan; and

(D) the capabilities of a current force Brigade Combat Team equipped with planned technology insertions in 2010, in comparison to a Future Combat Systems Manned Ground Vehicle Brigade Combat Team in 2014.

(b) EXCEPTION FOR NON-LINE-OF-SIGHT CANNON SYSTEM.—This section does not apply with respect to the obligation of funds for systems development and demonstration of the non-line-of-sight cannon system.

SEC. 214. SEPARATE PROGRAM ELEMENTS REQUIRED FOR SIGNIFICANT SYSTEMS DEVELOPMENT AND DEMONSTRATION PROJECTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM.

(a) PROGRAM ELEMENTS SPECIFIED.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2008 and each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated program element is assigned to each of the following systems development and demonstration projects of the Armored Systems Modernization program:

(1) Manned Ground Vehicles.

(2) Systems of Systems Engineering and Program Management.

(3) Future Combat Systems Reconnaissance Platforms and Sensors.

(4) Future Combat Systems Unmanned Ground Vehicles.

(5) Unattended Sensors.

(6) Sustainment.

(b) EARLY COMMENCEMENT OF DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for the systems development and demonstration projects of the Armored Systems Modernization program identified in subsection (a) as if the projects were already separate program elements.

(c) TECHNOLOGY INSERTION TO CURRENT FORCE.—

(1) REPORT ON ESTABLISHMENT OF ADDITIONAL PROGRAM ELEMENT.—Not later than June 1, 2006, the Secretary of the Army shall submit a report to the congressional defense committees describing the manner in which the costs of integrating Future Combat Systems capabilities into current force programs could be assigned to a separate, dedicated program element and any management issues that would be raised as a result of establishing such a program element.

(2) DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and each fiscal year thereafter, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for technology insertion to the current force under the Armored Systems Modernization program.

SEC. 215. INITIATION OF PROGRAM TO DESIGN AND DEVELOP NEXT-GENERATION NUCLEAR ATTACK SUBMARINE.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall initiate a program to design and develop the next-generation of nuclear attack submarines.

(b) OBJECTIVE.—The objective of the program required by subsection (a) is to develop a nuclear attack submarine that meets or exceeds the warfighting capability of a submarine of the current Virginia class at a cost dramatically lower than the cost of a submarine of the Virginia class. The Secretary may meet such objective by modifying the Virginia class of nuclear submarines to incorporate new technology.

(c) REPORT.—

(1) IN GENERAL.—The Secretary of the Navy shall include, with the defense budget justification materials submitted in support of the President's budget for fiscal year 2007 submitted to Congress under section 1105 of title 31, United States Code, a report on the program required by subsection (a).

(2) CONTENTS.—The report shall include—

(A) an outline of the management approach to be used in carrying out the program;

(B) the goals for the program; and

(C) a schedule for the program.

SEC. 216. EXTENSION OF REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

(a) IN GENERAL.—Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317), as most recently amended by section 212 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2480), is amended—

(1) in subsection (a), by striking “2008” and inserting “2011”;

(2) in subsection (b)(1), by inserting after “Secretary of Defense” the following: “, and the Secretary of Defense has forwarded to the congressional defense committees,”;

(3) in subsection (b)(2), by inserting before the semicolon at the end the following: “and, by so certifying, ensures that the budget meets the requirements of section 2437 of title 10, United States Code”; and

(4) by striking subsection (c) and inserting the following new subsection (c):

“(c) NOTIFICATION OF CERTAIN PROPOSED CHANGES.—

“(1) IN GENERAL.—With respect to a fiscal year, the Secretary may not carry out any change to the naval mine countermeasures master plan or the budget resources for mine countermeasures with respect to that fiscal year until after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a notification of the proposed change. Such notification shall describe the nature of the proposed change and the effect of the proposed change on the naval mine countermeasures program or related programs with respect to that fiscal year.

“(2) EXCEPTION.—Paragraph (1) does not apply to a change if both—

“(A) the amount of the change is below the applicable reprogramming threshold; and

“(B) the effect of the change does not affect the validity of the decision to certify.”.

(b) NOTICE AND CERTIFICATION BEFORE DECOMMISSIONING OF MHC-51 VESSELS.—The Secretary of the Navy may not decommission any vessel of the MHC-51 mine countermeasures class before the end of the service life of that vessel until—

(1) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on existing capabilities to assume the MHC-51 mission, together with the Secretary's certification that the capabilities of the vessels of the MHC-51 mine countermeasures class are no longer required; and

(2) a period of 30 days has elapsed after the date of receipt of that report and certification by those committees.

SEC. 217. SINGLE SET OF REQUIREMENTS FOR ARMY AND MARINE CORPS HEAVY LIFT ROTORCRAFT PROGRAM.

(a) JOINT REQUIREMENT.—The Secretary of the Army and the Secretary of the Navy shall develop a single set of requirements for the Joint Heavy Lift program for the Army and the Marine Corps.

(b) APPROVAL BY JROC REQUIRED.—The Secretary of Defense may not authorize entry into Systems Development and Demonstration for the next-generation heavy lift rotorcraft until the single joint requirement required by subsection (a) has been approved by the Joint Requirements Oversight Council.

(c) EXCEPTION.—This section does not apply to the CH-53X Heavy Lift Replacement Program.

SEC. 218. REQUIREMENTS FOR DEVELOPMENT OF TACTICAL RADIO COMMUNICATIONS SYSTEMS.

(a) INTERIM TACTICAL RADIO COMMUNICATIONS.—The Secretary of Defense shall—

(1) assess the immediate requirements of the military departments for tactical radio communications systems;

(2) ensure that the military departments rapidly acquire tactical radio communications systems utilizing existing technology or mature systems readily available in the commercial marketplace; and

(3) develop a plan and roadmap for the development, procurement, deployment, and sustainment of interim and future tactical radio communications systems.

(b) JOINT TACTICAL RADIO SYSTEM.—The Secretary of Defense shall apply Department of Defense Instruction 5000.2 to the Joint Tactical Radio System in a manner that does not permit the Milestone B entrance requirements to be waived unless the Secretary certifies that the Department is unable to meet critical national security objectives.

(c) CERTIFICATION OF BUDGETS.—

(1) BUDGETING THROUGH JOINT PROGRAM OFFICE.—The Secretary of Defense shall require that the Secretary of each military department, and the head of each Defense Agency with programs developing components of or research related to the Joint Tactical Radio System transmit such proposed budgets for these activities,

including all waveform development activities, for a fiscal year to the head of the single joint program office designated under section 213 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1416) for review and certification under paragraph (2) before submitting such proposed budget to the Under Secretary of Defense (Comptroller).

(2) **ACTIONS OF HEAD OF JOINT PROGRAM OFFICE.**—The head of the single joint program office designated under section 213 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1416) shall review each proposed budget transmitted under paragraph (1) and shall, not later than January 31 of the year preceding the fiscal year for which such budgets are proposed, submit to the Secretary of Defense a report containing comments with respect to all such proposed budgets, together with the certification as to whether such proposed budgets are adequate and whether such proposed budgets provide balanced support for the plan required under subsection (a)(3).

(3) **ACTIONS OF SECRETARY OF DEFENSE.**—The Secretary of Defense shall, not later than March 31 of the year preceding the fiscal year for which such budgets are proposed, submit to Congress a report on those proposed budgets which the head of the single joint program office has not certified under paragraph (2) to be adequate, including a discussion of the actions that the Secretary proposes to take to address the inadequacy of the proposed budgets.

(d) **REPORT ON IMPLEMENTATION REQUIRED.**—Not later than May 1, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

SEC. 219. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF PERSONNEL RECOVERY VEHICLE.

Not more than 40 percent of the amounts made available pursuant to the authorization of appropriations in section 201 for systems development and demonstration of the Personnel Recovery Vehicle may be obligated until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Secretary's certification that the requirements for the Personnel Recovery Vehicle have been validated by the Joint Requirements Oversight Council and that the acquisition schedule has been validated by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Secretary's certification that all technologies required to meet the requirements (as validated under paragraph (1)) for the Personnel Recovery Vehicle are mature and will have been demonstrated in a relevant environment before inclusion in production aircraft.

(3) The Secretary's assessment of whether another aircraft, or modification of an aircraft, in the inventory of the Department of Defense can meet the requirements and provide a more cost effective solution (as validated under paragraph (1)) for the Personnel Recovery Vehicle Program.

(4) In the event that the Department chooses to award a contract for the Personnel Recovery Vehicle Program for an aircraft not in the Department of Defense inventory, the Secretary's explanation of the reasons why the chosen system would be more effective or less expensive in terms of total life-cycle costs.

(5) A statement setting forth the independent cost estimate and manpower estimate (as required by section 2434 of title 10, United States Code) for the Personnel Recovery Vehicle.

SEC. 220. LIMITATION ON VXX HELICOPTER PROGRAM.

(a) **LIMITATION.**—Of the amounts appropriated or otherwise made available pursuant to

the authorization of appropriations in section 201 for the VXX executive helicopter program, not more than 75 percent may be obligated for system development and demonstration of the VXX helicopter until the Secretary of the Navy submits to Congress an event-driven acquisition strategy for Increment Two of the program that includes the completion of at least one phase of operational testing on production representative test vehicles before the initiation of aircraft production. That acquisition strategy shall be developed by the Secretary working with the Director of Operational Test and Evaluation of the Department of Defense.

(a) **REPORT.**—Not later than March 15, 2006, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth in detail the acquisition strategy referred to in subsection (a). The report shall, at a minimum, include the following:

(1) A list of the critical technologies required for the production and operation of Increment Two aircraft for the VXX executive helicopter program.

(2) A schedule that accepts no more than moderate risk in either cost or schedule for the demonstration and test of each critical technology listed pursuant to paragraph (1).

(3) A description of the event-based decision points and associated decision criteria that will occur before the initiation of production of Increment two aircraft.

(4) A description of a proposed operational evaluation using production representative test vehicles to occur before the initiation of production of Increment Two aircraft.

(5) An evaluation of the acquisition strategy for Increment Two aircraft detailed in the report provided by the Director of Operational Test and Evaluation of the Department of Defense.

SEC. 221. REPORT ON TESTING OF INTERNET PROTOCOL VERSION 6.

(a) **ADDITIONAL PLAN ELEMENT.**—Subsection (b) of section 331 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1850) is amended by adding at the end the following new paragraph:

“(5) A certification by the Chairman of the Joint Chiefs of Staff that the conversion of Department of Defense networks to Internet Protocol version 6 will provide equivalent or better performance and capabilities than that which would be provided by any other combination of available technologies or protocols.”

(b) **OFFICIAL RESPONSIBLE FOR OVERSIGHT OF TEST AND EVALUATION PLAN.**—Such section is further amended—

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

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

“(d) **OFFICIAL RESPONSIBLE FOR OVERSIGHT OF TEST AND EVALUATION PLAN.**—The Secretary of Defense shall designate the Director of Operational Test and Evaluation of the Department of Defense as the official responsible within the Department of Defense for oversight and direction of the test and evaluation plan under this section and for approval of the master test and evaluation plan under this section.”

(c) **ANNUAL REPORT.**—Subsection (e) of such section (as redesignated by subsection (b)(1)) is amended to read as follows:

“(e) **REPORTS.**—

“(1) Not later than June 30, 2006, the Secretary of Defense shall submit to the congressional defense committees a report containing the transition plan under subsection (a), updated to the time of the submission of the report.

“(2) For each of fiscal years 2006 through 2008, the Secretary of Defense shall, not later than the end of that fiscal year, submit to the congressional defense committees a report on the testing and evaluation carried out pursuant to subsection (c).”

Subtitle C—Missile Defense Programs

SEC. 231. REPORT ON CAPABILITIES AND COSTS FOR OPERATIONAL BOOST/ASCENT-PHASE MISSILE DEFENSE SYSTEMS.

(a) **SECRETARY OF DEFENSE ASSESSMENT.**—The Secretary of Defense shall conduct an assessment of the United States missile defense programs that are designed to provide capability against threat ballistic missiles in the boost/ascent phase of flight.

(b) **PURPOSE.**—The purpose of the assessment shall be to compare and contrast—

(1) capabilities of those programs (if operational) to defeat, while in the boost/ascent phase of flight, ballistic missiles launched from North Korea or a location in the Middle East against the continental United States, Alaska, or Hawaii; and

(2) asset requirements and costs for those programs to become operational with the capabilities referred to in paragraph (1).

(c) **REPORT.**—Not later than October 1, 2006, the Secretary shall submit to Congress a report providing the results of the assessment.

SEC. 232. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) **EXTENSION.**—Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking “through 2006” and inserting “through 2007”; and

(2) in paragraph (2), by striking “through 2007” and inserting “through 2008”.

(b) **MODIFICATION OF SUBMITTAL DATE.**—Paragraph (2) of such section is further amended by striking “February 15” and inserting “March 15”.

SEC. 233. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal years 2006 and 2007 for research, development, test, and evaluation for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 234. PLANS FOR TEST AND EVALUATION OF OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) **TEST AND EVALUATION PLANS FOR BLOCKS.**—

(1) **PLANS REQUIRED.**—With respect to block 06 and each subsequent block of the Ballistic Missile Defense System, the appropriate joint and service operational test and evaluation components of the Department of Defense concerned with the block shall prepare a plan, appropriate for the level of technological maturity of the block, to test, evaluate, and characterize the operational capability of the block.

(2) **CONSULTATION AND REVIEW.**—The preparation of each plan under this subsection shall be—

(A) carried out in coordination with the Missile Defense Agency; and

(B) subject to the review and approval of the Director of Operational Test and Evaluation.

(b) **REPORTS ON TEST AND EVALUATION OF BLOCKS.**—At the conclusion of the test and evaluation of block 06 and each subsequent block of the Ballistic Missile Defense System, the Director of Operational Test and Evaluation shall submit to the Secretary of Defense and the congressional defense committees a report providing—

(1) the assessment of the Director as to whether or not the test and evaluation was adequate to evaluate the operational capability of the block; and

(2) the characterization of the Director as to the operational effectiveness, suitability, and survivability of the block, as appropriate for the level of technological maturity of the block tested.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

SEC. 241. PILOT PROGRAM FOR IDENTIFICATION AND TRANSITION OF ADVANCED MANUFACTURING PROCESSES AND TECHNOLOGIES.

(a) **PILOT PROGRAM REQUIRED.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a pilot program under the authority of section 2521 of title 10, United States Code, to identify and transition advanced manufacturing processes and technologies the utilization of which would achieve significant productivity and efficiency gains in the defense manufacturing base.

(b) **CONSIDERATION OF DEFENSE PRIORITIES.**—In carrying out subsection (a), the Under Secretary shall take into consideration the defense priorities established in the most current Joint Warfighting Science and Technology plan, as required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note).

(c) **IDENTIFICATION FOR TRANSITION.**—In identifying manufacturing processes and technologies for transition to the defense manufacturing base under the pilot program, the Under Secretary shall select the most promising transformational technologies and manufacturing processes, in consultation with the Director of Defense Research and Engineering, the Joint Defense Manufacturing Technology Panel, and other such entities as may be appropriate, including the Director of the Small Business Innovation Research Program.

SEC. 242. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO DEFENSE MANUFACTURING BASE.

(a) **PROTOTYPES AND TEST BEDS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake the development of prototypes and test beds to validate the manufacturing processes and technologies selected for transition under the pilot program under section 241.

(b) **DIFFUSION OF ENHANCEMENTS.**—The Under Secretary shall seek the cooperation of industry in adopting such manufacturing processes and technologies through the following:

(1) The Manufacturing Extension Partnership Program.

(2) The identification of incentives for industry to incorporate and utilize such manufacturing processes and technologies.

SEC. 243. MANUFACTURING TECHNOLOGY STRATEGIES.

(a) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics may—

(1) identify an area of technology where the development of an industry-prepared roadmap for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

(b) **COMMENCEMENT OF ROADMAPPING.**—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

SEC. 244. REPORT.

(a) **IN GENERAL.**—Not later than December 31, 2007, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2006.

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2006;

(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and the implementation of such within the defense manufacturing base; and

(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) **DEFENSE MANUFACTURING BASE.**—The term “defense manufacturing base” includes any supplier of the Department of Defense, including a supplier of raw materials.

(2) **MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.**—The term “Manufacturing Extension Partnership Program” means the Manufacturing Extension Partnership Program of the Department of Commerce.

(3) **SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**—The term “Small Business Innovation Research Program” has the meaning given that term in section 2500(11) of title 10, United States Code.

Subtitle E—Other Matters

SEC. 251. COMPTROLLER GENERAL REPORT ON PROGRAM ELEMENT STRUCTURE FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROJECTS.

(a) **REPORT REQUIRED.**—The Comptroller General shall prepare a report containing assessments of—

(1) the current program element structure and content used to account for projects carried out, or proposed to be carried out, using amounts for research, development, test, and evaluation activities; and

(2) the effectiveness of such program elements, and related budget justification materials, in providing necessary information for budget transparency and oversight by the congressional defense committees.

(b) **RECOMMENDATIONS.**—The report required by subsection (a) shall also include such recommendations as the Comptroller General considers to be appropriate regarding program element size and content, budget justification material content, and appropriate reprogramming authorities within and between program elements, particularly in connection with highly complex research and development programs that employ the system-of-systems concept.

(c) **SUBMISSION.**—The report required by subsection (a) shall be submitted to the congressional defense committees not later than February 1, 2007.

SEC. 252. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsections:

“(x) **RESEARCH AND DEVELOPMENT FOCUS.**—

“(1) **REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.**—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

“(2) **UTILIZATION OF PLANS.**—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

“(A) The Joint Warfighting Science and Technology Plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note).

“(B) The Defense Technology Area Plan of the Department of Defense.

“(C) The Basic Research Plan of the Department of Defense.

“(3) **INPUT IN IDENTIFICATION OF AREAS OF EFFORT.**—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

“(y) **COMMERCIALIZATION PILOT PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of each military department is authorized to create and administer a ‘Commercialization Pilot Program’ to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

“(2) **IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.**—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

“(3) **LIMITATION.**—No research program may be identified under paragraph (2) unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

“(4) **FUNDING.**—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

“(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(B) shall not be used to make Phase III awards.

“(5) **EVALUATIVE REPORT.**—At the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

“(A) an accounting of the funds used in the Commercialization Pilot Program;

“(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and prime contractors; and

“(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and the number of projects commercialized.

“(6) **SUNSET.**—The pilot program under this subsection shall terminate at the end of fiscal year 2009.”

(b) **IMPLEMENTATION OF EXECUTIVE ORDER 13329.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by subsection (a), is further amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”;

(2) in subsection (g)—

(A) in paragraph (9), by striking “and” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”;

(3) in subsection (o)—

(A) in paragraph (14), by striking “and” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”.

(c) **TESTING AND EVALUATION AUTHORITY.**—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) the term ‘commercial applications’ shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.”.

SEC. 253. REVISED REQUIREMENTS RELATING TO SUBMISSION OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) **BIENNIAL SUBMITTAL.**—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 2501 note) is amended—

(1) by striking “ANNUAL” in the section heading and inserting “BIENNIAL”; and

(2) by striking “(a) ANNUAL PLAN REQUIRED.—On March 1 of each year” and inserting “Not later than March 1 of each even-numbered year”.

(b) **REPEAL OF REQUIREMENT FOR INCLUSION OF TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES WITH JWSTP.**—Subsection (b) of such section is repealed.

(c) **REQUIREMENT FOR SEPARATE REPORTS ON TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.**—Whenever the Secretary of Defense provides for the conduct of a study referred to as a Technology Area Review and Assessment, the Secretary shall, not later than March 1 of the year following the year in which that study is conducted, submit to the congressional defense committees a report containing a summary of each such Technology Area Review and Assessment conducted during that year.

SEC. 254. REPORT ON EFFICIENCY OF NAVAL SHIPBUILDING INDUSTRY.

(a) **ASSESSMENT OF EFFICIENCY OF NAVAL SHIPBUILDING INDUSTRY.**—

(1) **ASSESSMENT REQUIRED.**—The Secretary of the United States naval shipbuilding industry to determine how worldwide shipbuilding industry best practices for innovation, design, and production technologies, processes, and infrastructure could be adopted to improve efficiency in the following areas:

(A) Program design, engineering, and production engineering.

(B) Organization and operating systems.

(C) Steelwork production.

(D) Ship construction and outfitting.

(2) **CONTENTS OF ASSESSMENT.**—The assessment under paragraph (1) shall include the following:

(A) An identification of any best practice of the worldwide shipbuilding industry that the United States naval shipbuilding industry has not adopted, the adoption of which would lower construction costs.

(B) The estimated cost of adopting any best practice identified under subparagraph (A) and

any estimated return on an investment made by a shipyard to adopt such a best practice.

(C) Any recommendation of the Secretary to increase the efficiency of the United States naval shipbuilding industry.

(3) **RELATION TO INDEPENDENT NAVY SHIP CONSTRUCTION ASSESSMENT.**—The assessment under paragraph (1) shall occur subsequent to, and take into consideration the results of, the study of the cost effectiveness of the ship construction program of the Navy required by section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2041).

(b) **REPORT.**—Not later than April 1, 2006, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary’s findings and conclusions based on the assessment under subsection (a).

SEC. 255. TECHNOLOGY TRANSITION.

(a) **CLARIFICATION OF DUTIES OF TECHNOLOGY TRANSITION COUNCIL.**—Paragraph (2) of section 2359a(g) of title 10, United States Code, is amended to read as follows:

“(2) The duty of the Council shall be to support the Under Secretary of Defense for Acquisition, Technology, and Logistics in developing policies to facilitate the rapid transition of technologies from science and technology programs into acquisition programs of the Department of Defense.”.

(b) **REPORT ON TECHNOLOGY TRANSITION.**—

(1) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report concerning the challenges associated with technology transition from the science and technology programs of the Department of Defense to the acquisition programs of the Department of Defense. The Secretary shall include in the report a strategy to address those challenges. The Secretary shall prepare the report working through the Technology Transition Council of the Department of Defense established under section 2359a(g) of title 10, United States Code.

(2) **MATTERS TO BE INCLUDED.**—The report shall include the following:

(A) A description of any internal organizational barriers within the Department to technology transition between the technology development, acquisition, and operations components of the Department.

(B) An assessment of the effect of Department acquisition regulations on technology transition.

(C) An assessment of the effects of the requirements validation process and the planning, programming, budgeting, and execution processes of the Department on technology transition.

(D) A description of other challenges associated with technology transition in the Department that are identified by the Secretary.

(E) A Department-wide strategy for pursuing technology transition.

(F) Such recommendations as the Secretary considers appropriate to eliminate internal barriers within the Department to technology transition.

(3) **SUBMITTAL DATE.**—The report under paragraph (1) shall be submitted not later than nine months after the date of the enactment of this Act.

SEC. 256. PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.

(a) **DESIGNATION OF EXECUTIVE AGENT.**—The Secretary of Defense shall designate an executive agent to be responsible for coordinating and managing the medical research efforts and programs of the Department of Defense relating to the prevention, mitigation, and treatment of blast injuries.

(b) **GENERAL RESPONSIBILITIES.**—The executive agent designated under subsection (a) shall be responsible for—

(1) planning for the medical research and development projects, diagnostic and field treat-

ment programs, and patient tracking and monitoring activities within the Department that relate to combat blast injuries;

(2) efficient execution of such projects, programs, and activities;

(3) enabling the sharing of blast injury health hazards and survivability data collected through such projects, programs, and activities with the programs of the Department of Defense;

(4) working with the Director, Defense Research and Engineering and the Secretaries of the military departments to ensure resources are adequate to also meet non-medical requirements related to blast injury prevention, mitigation, and treatment; and

(5) ensuring that a joint combat trauma registry is established and maintained for the purposes of collection and analysis of contemporary combat casualties, including casualties with traumatic brain injury.

(c) **MEDICAL RESEARCH EFFORTS.**—

(1) **IN GENERAL.**—The executive agent designated under subsection (a) shall review and assess the adequacy of medical research efforts of the Department of Defense as of the date of the enactment of this Act relating to the following:

(A) The characterization of blast effects leading to injury, including the injury potential of blasts in various environments.

(B) Medical technologies and protocols to more accurately detect and diagnose blast injuries, including improved discrimination between traumatic brain injuries and mental health disorders.

(C) Enhanced treatment of blast injuries in the field.

(D) Integrated treatment approaches for members of the Armed Forces who have a combination of traumatic brain injuries and mental health disorders or other injuries.

(E) Such other blast injury matters as the executive agent considers appropriate.

(2) **REQUIREMENTS FOR RESEARCH EFFORTS.**—Based on the assessment under paragraph (1), the executive agent shall establish requirements for medical research efforts described in that paragraph in order to enhance and accelerate those research efforts.

(3) **OVERSIGHT OF RESEARCH EFFORTS.**—The executive agent shall establish, coordinate, and oversee Department-wide medical research efforts relating to the prevention, mitigation, and treatment of blast injuries, as necessary, to fulfill requirements established under paragraph (2).

(d) **OTHER RELATED RESEARCH EFFORTS.**—The Director, Defense Research and Engineering, in coordination with the executive agent designated under subsection (a) and the Director of the Joint IED Defeat Task Force, shall—

(1) review and assess the adequacy of current research efforts of the Department on the prevention and mitigation of blast injuries;

(2) based on subsection (c)(1), establish requirements for further research; and

(3) address any deficiencies identified in paragraphs (1) and (2) by establishing, coordinating, and overseeing Department-wide research and development initiatives on the prevention and mitigation of blast injuries, including explosive detection and defeat and personnel and vehicle blast protection.

(e) **STUDIES.**—The executive agent designated under subsection (a) shall conduct studies on the prevention, mitigation, and treatment of blast injuries, including—

(1) studies to improve the clinical evaluation and treatment approach for blast injuries, with an emphasis on traumatic brain injuries and other consequences of blast injury, including acoustic and eye injuries and injuries resulting from over-pressure wave;

(2) studies on the incidence of traumatic brain injuries attributable to blast injury in soldiers returning from combat;

(3) studies to develop protocols for medical tracking of members of the Armed Forces for up to five years following blast injuries; and

(4) studies to refine and improve educational interventions for blast injury survivors and their families.

(f) TRAINING.—The executive agent designated under subsection (a), in coordination with the Director of the Joint IED Defeat Task Force, shall develop training protocols for medical and non-medical personnel on the prevention, mitigation, and treatment of blast injuries. Those protocols shall be intended to improve field and clinical training on early identification of blast injury consequences, both seen and unseen, including traumatic brain injuries, acoustic injuries, and internal injuries.

(g) INFORMATION SHARING.—The executive agent designated under subsection (a) shall make available the results of relevant medical research and development projects and studies to—

(1) Department of Defense programs focused on—

(A) promoting the exchange of blast health hazards data with blast characterization data and blast modeling and simulation tools; and

(B) encouraging the incorporation of blast hazards data into design and operational features of blast detection, mitigation, and defeat capabilities, such as comprehensive armor systems which provide blast, ballistic, and fire protection for the head, neck, ears, eyes, torso, and extremities; and

(2) traumatic brain injury treatment programs to enhance the evaluation and care of members of the Armed Forces with traumatic brain injuries in medical facilities in the United States and in deployed medical facilities, including those outside the Department of Defense.

(h) REPORTS ON BLAST INJURY MATTERS.—

(1) REPORTS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter through 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the efforts and programs of the Department of Defense relating to the prevention, mitigation, and treatment of blast injuries.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities undertaken under this section during the two years preceding the report to improve the prevention, mitigation, and treatment of blast injuries.

(B) A consolidated budget presentation for Department of Defense biomedical research efforts and studies related to blast injury for the two fiscal years following the year of the report.

(C) A description of any gaps in the capabilities of the Department and any plans to address such gaps within biomedical research related to blast injury, blast injury diagnostic and treatment programs, and blast injury tracking and monitoring activities.

(D) A description of collaboration, if any, with other departments and agencies of the Federal Government, and with other countries, during the two years preceding the report in efforts for the prevention, mitigation, and treatment of blast injuries.

(E) A description of any efforts during the two years preceding the report to disseminate findings on the diagnosis and treatment of blast injuries through civilian and military research and medical communities.

(F) A description of the status of efforts during the two years preceding the report to incorporate blast injury effects data into appropriate programs of the Department of Defense and into the development of comprehensive force protection systems that are effective in confronting blast, ballistic, and fire threats.

(i) DEADLINE FOR DESIGNATION OF EXECUTIVE AGENT.—The Secretary shall make the designation required by subsection (a) not later than 90 days after the date of the enactment of this Act.

(j) BLAST INJURIES DEFINED.—In this section, the term “blast injuries” means injuries that occur as the result of the detonation of high ex-

plosives, including vehicle-borne and person-borne explosive devices, rocket-propelled grenades, and improvised explosive devices.

(k) EXECUTIVE AGENT DEFINED.—In this section, the term “executive agent” has the meaning provided such term in Department of Defense Directive 5101.1.

SEC. 257. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORT ON DARPA PROGRAM TO AWARD CASH PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

“(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Director of the Defense Advanced Research Projects Agency during the preceding fiscal year under the authority of this section.

“(2) The report for a fiscal year under this subsection shall include the following:

“(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

“(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

“(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

“(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

“(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

“(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.”.

SEC. 258. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking “Director of Operational Test and Evaluation” and inserting “Secretary of Defense”.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2490) is amended by striking “Director of Operational Test and Evaluation” and inserting “Secretary of Defense”.

SEC. 259. REPORT ON COOPERATION BETWEEN DEPARTMENT OF DEFENSE AND NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space

Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) AREAS COVERED.—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may include the following:

(1) Aeronautics research.

(2) Facilities, personnel, and support infrastructure.

(3) Propulsion and power technologies.

(4) Space access and operations, including responsive launch and small satellite development.

SEC. 260. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.

(a) DELAYED EFFECTIVE DATE.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2281 note) is amended by striking “After September 30, 2005” and inserting “After September 30, 2007”.

(b) RATIFICATION OF ACTIONS.—The amendment made by subsection (a) shall be deemed to have taken effect at the close of September 30, 2005, and any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified with respect to the provision of law specified in subsection (a).

SEC. 261. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems by the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including the Joint Robotics Program and other programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other government and nongovernmental organizations in the development of new capabilities in robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term ability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-38) that, by 2015, one-third of operational ground combat vehicles be unmanned.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

(11) A description of the role and placement of the Joint Robotics Program in the Department.

(12) A description of the mechanisms of the Department for coordinating pre-systems development and demonstration funding for robotics and unmanned ground vehicle systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
Sec. 312. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.

Subtitle C—Workplace and Depot Issues

Sec. 321. Modification of authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities.
Sec. 322. Limitation on transition of funding for east coast shipyards from funding through Navy working capital fund to direct funding.
Sec. 323. Armament Retooling and Manufacturing Support Initiative matters.
Sec. 324. Sense of Congress regarding depot maintenance.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.
Sec. 332. Extension of period for reimbursement for certain protective, safety, or health equipment purchased by or for members of the Armed Forces deployed in contingency operations.

Subtitle E—Outsourcing

Sec. 341. Public-private competition.
Sec. 342. Contracting for procurement of certain supplies and services.
Sec. 343. Performance of certain work by Federal Government employees.
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Subtitle F—Analysis, Strategies, and Reports

Sec. 351. Report on Department of Army programs for repositioning of equipment and other materiel.
Sec. 352. Reports on budget models used for base operations support, sustainment, and facilities recapitalization.
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Sec. 354. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.
Sec. 355. Report regarding management of Army lodging.
Sec. 356. Comptroller General report on corrosion prevention and mitigation programs of the Department of Defense.

Sec. 357. Study on use of biodiesel and ethanol fuel.

Sec. 358. Report on effects of windmill farms on military readiness.

Sec. 359. Report on space-available travel for certain disabled veterans and gray-area retirees.

Sec. 360. Report on joint field training and experimentation on stability, security, transition, and reconstruction operations.

Sec. 361. Reports on budgeting relating to sustainment of key military equipment.

Sec. 362. Repeal of Air Force report on military installation encroachment issues.

Subtitle G—Other Matters

Sec. 371. Supervision and management of Defense Business Transformation Agency.
Sec. 372. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 373. Limitation on purchase of investment items with operation and maintenance funds.
Sec. 374. Operation and use of general gift funds of the Department of Defense and Coast Guard.
Sec. 375. Inclusion of packet based telephony in Department of Defense telecommunications benefit.
Sec. 376. Limitation on financial management improvement and audit initiatives within Department of Defense.
Sec. 377. Provision of welfare of special category residents at Naval Station Guantanamo Bay, Cuba.
Sec. 378. Commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

Subtitle H—Utah Test and Training Range

Sec. 381. Definitions.
Sec. 382. Military operations and overflights, Utah Test and Training Range.
Sec. 383. Analysis of military readiness and operational impacts in planning process for Federal lands in Utah Test and Training Range.
Sec. 384. Designation and management of Cedar Mountain Wilderness, Utah.
Sec. 385. Relation to other lands.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,686,295,000.
- (2) For the Navy, \$30,538,089,000.
- (3) For the Marine Corps, \$3,809,526,000.
- (4) For the Air Force, \$31,117,136,000.
- (5) For Defense-wide activities, \$18,550,169,000.
- (6) For the Army Reserve, \$1,992,542,000.
- (7) For the Navy Reserve, \$1,237,295,000.
- (8) For the Marine Corps Reserve, \$198,034,000.
- (9) For the Air Force Reserve, \$2,487,786,000.
- (10) For the Army National Guard, \$4,478,319,000.
- (11) For the Air National Guard, \$4,701,991,000.
- (12) For the United States Court of Appeals for the Armed Forces, \$11,236,000.
- (13) For Environmental Restoration, Army, \$407,865,000.
- (14) For Environmental Restoration, Navy, \$305,275,000.
- (15) For Environmental Restoration, Air Force, \$406,461,000.
- (16) For Environmental Restoration, Defense-wide, \$28,167,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, \$261,921,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$61,546,000.

(19) For Cooperative Threat Reduction programs, \$415,459,000.

(20) For the Overseas Contingency Operations Transfer Fund, \$20,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Working Capital Funds, \$316,340,000.
- (2) For the National Defense Sealift Fund, \$1,657,717,000.
- (3) For the Defense Working Capital Fund, Defense Commissary, \$1,155,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of \$19,892,594,000, of which—

- (1) \$19,348,119,000 is for Operation and Maintenance;
- (2) \$169,156,000 is for Research, Development, Test, and Evaluation; and
- (3) \$375,319,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,425,827,000, of which—

- (A) \$1,241,514,000 is for Operation and Maintenance;
- (B) \$67,786,000 is for Research, Development, Test, and Evaluation; and
- (C) \$116,527,000 is for Procurement.

(2) USE.—Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of \$901,741,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of \$209,687,000, of which—

- (1) \$208,687,000 is for Operation and Maintenance; and
- (2) \$1,000,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN ITEMS REQUIRED IN THE ANNUAL REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.

Section 2706(b)(2) of title 10, United States Code, is amended—

- (1) by striking subparagraphs (D) and (E);
- (2) by inserting after subparagraph (C) the following new subparagraph:

“(D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during

the fiscal year in which the report is submitted and the four preceding fiscal years, which summary shall include—

“(i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and

“(ii) a list of such fines or penalties that exceeded \$1,000,000 and the provisions of law under which such fines or penalties were imposed or assessed.”; and

(3) by redesignating subparagraph (F) as subparagraph (E) and, in such subparagraph, by striking “and amounts for conferences” and all that follows through “such activities”.

SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) ACTIVITIES AT FORMER DEFENSE PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2701(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “any owner of covenant property,” after “any Indian tribe.”; and

(B) by inserting “owner,” after “, Indian tribe.”;

(2) in paragraph (3), by adding at the end the following new sentence: “An agreement under such paragraph with respect to a site also may not change the cleanup standards selected for the site pursuant to law.”;

(3) in paragraph (4), by adding at the end the following new subparagraph:

“(C) The term ‘owner of covenant property’ means an owner of property subject to a covenant provided by the United States in accordance with the requirements of paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), so long as the covenant property is the site at which the services procured under paragraph (1) are to be performed.”; and

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

“(5) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 120 of CERCLA (42 U.S.C. 9620) to the Department of Defense or the obligations and responsibilities of the Department of Defense under subsection (h) of such section.”.

(b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking “The sole source” and inserting “Except as provided in subsection (h), the sole source”; and

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

“(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant that was required to be provided by paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), the sole source of funds for services procured under subsection 2701(d)(1) of this title shall be the applicable Department of Defense base closure account. The limitation in this subsection shall expire upon the closure of the applicable base closure account.”.

Subtitle C—Workplace and Depot Issues

SEC. 321. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) APPLICABILITY OF SUNSET.—Subsection (j) of section 4544 of title 10, United States Code, is amended by striking “September 30, 2009,” and all that follows through the end and inserting “September 30, 2009.”.

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking “subsection (e)” and inserting “subsection (f)”;

(2) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (f), (g), (h), (i), (j), and (k) respectively;

(3) by inserting after subsection (d) the following new subsection (e):

“(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds received from the sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.”; and

(4) in subsection (g), as redesignated by paragraph (2), by striking “subsection (e)” and inserting “subsection (f)”.

SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR EAST COAST SHIPYARDS FROM FUNDING THROUGH NAVY WORKING CAPITAL FUND TO DIRECT FUNDING.

(a) LIMITATION.—The Secretary of the Navy may not convert funding for the shipyards of the Navy on the east coast of the United States from funding through the working capital fund of the Navy to funding on a direct basis (also known as “mission funding”) before October 1, 2006.

(b) REPORT ON DIRECT FUNDING FOR PUGET SOUND NAVAL SHIPYARD.—

(1) REPORT REQUIRED.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report that contains the assessment of the Secretary on the effects on Puget Sound Naval Shipyard, Washington, of the conversion of that shipyard from funding through the working capital fund of the Navy to funding on a direct basis.

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall address the effect of the conversion of Puget Sound Naval Shipyard to direct funding on each of the following:

(A) The cost visibility of specific work performed.

(B) The total cost of consolidated ship maintenance operations on an ongoing basis.

(C) The ability to distinguish between depot and intermediate work of consolidated ship maintenance activities.

(D) The costs associated with buyout expenses for the transfer of the shipyards of the Navy on the east coast of the United States from funding through the working capital fund of the Navy to funding on a direct basis.

(E) The flexibility of the shipyard to continue routine ship maintenance operations during a potential funding gap at the beginning of a fiscal year or when expected maintenance costs exceed annual appropriations.

(F) Operational and financial flexibility and responsiveness of funding on a direct basis compared to funding through the working capital fund of the Navy.

(G) Long-term funding for the capital improvement programs of the shipyard.

(H) Compliance with section 2460 of title 10, United States Code, which defines the work that is considered to be depot-level maintenance and repair versus work that is considered to be a major modification of a weapons system.

(I) Compliance with section 2466 of title 10, United States Code, which limits the amount of depot-level maintenance and repair workload of the Department of Navy that is performed by non-Federal Government personnel in any fiscal year to not more than 50 percent of the total depot workload reported to the Department in that fiscal year.

(J) Compliance with sections 1115 and 1116 of title 31, United States Code, which require agencies to set annual performance goals, measure performance toward the achievement of those goals, and publicly report on progress.

(K) Compliance with chapter 35 of title 31, United States Code, which requires audited financial statements to include the ability to properly charge and account for reimbursable workload.

(3) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 60 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall submit to the congressional defense committees a re-

view of the report, which shall include the Comptroller General’s assessment of whether the report adequately addresses each of the matters specified under paragraph (2).

(c) REPORT ON PROPOSED CONGRESSIONAL BUDGET EXHIBITS FOR NAVY MISSION-FUNDED SHIPYARDS.—

(1) REPORT REQUIRED.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report that proposes congressional budget exhibits for use in connection with the funding of Navy shipyards on a direct basis.

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall comprehensively address the following:

(A) The establishment of annual categories, metrics, and measurements to objectively compare the performance of each shipyard over time with respect to the following:

(i) Schedule adherence.

(ii) Quality of work.

(iii) Cost management.

(iv) Administrative efficiency.

(v) Number of hulls for which repairs are completed during the fiscal year.

(vi) Number of hulls that are in the process of being repaired at the end of the fiscal year.

(B) Capital replenishment for each shipyard.

(C) Workload indicators to determine whether each shipyard is effectively utilized.

(D) Annual budget management reports to enable effective monitoring of each shipyard with respect to the following:

(i) Obligation authority from Department of the Navy accounts, including operation and maintenance funds for the Atlantic Fleet, the Pacific Fleet, and the Naval Sea Systems Command and procurement funds for the Navy shipbuilding and conversion account and the other procurement accounts.

(ii) Obligation authority provided by reimbursement from non-Department of the Navy sources, including other Department of Defense accounts, foreign military sales accounts, other Federal Government agency accounts, and non-Federal Government sources.

(iii) Costs and expenses of military personnel, civilian personnel, materials, contracts, travel, supplies, overhead, and other costs.

(iv) Capital expenditures.

(v) Military construction.

(vi) Base operating support.

(vii) Facilities sustainment, restoration, and modernization.

(viii) Personnel and labor management, including military end strengths, civilian end strengths, military mandays, and civilian mandays.

(3) CONGRESSIONAL BUDGET OFFICE REVIEW.—Not later than 60 days after the date on which the report required under paragraph (1) is submitted, the Director of the Congressional Budget Office shall submit to the congressional defense committees a review of the report, which shall include the Director’s assessment of whether the report comprehensively addresses each of the matters specified in subparagraphs (A) through (D) of paragraph (2).

SEC. 323. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE MATTERS.

(a) INCLUSION OF ADDITIONAL FACILITIES WITHIN ARMS INITIATIVE.—Section 4551(2) of title 10, United States Code, is amended by inserting “, or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,” after “manufacturing facility”.

(b) ADDITIONAL CONSIDERATION FOR USE OF FACILITIES.—Section 4554(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(D) The demilitarization and storage of conventional ammunition.”.

(c) ADDITIONAL POLICY OBJECTIVES WITH RESPECT TO AMMUNITION FACILITIES AND CAPACITY.—Section 4552 of such title is amended in paragraphs (1) and (8) by inserting “, storage,

maintenance, renovation, and demilitarization” after “manufacturing”.

(d) **BROADENING OF PURPOSE OF ARMS INITIATIVE WITH RESPECT TO WORK FORCE SKILLS.**—Section 4533(b)(3) of such title is amended by striking “in manufacturing processes that are”.

SEC. 324. SENSE OF CONGRESS REGARDING DEPOT MAINTENANCE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements.

(2) Since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the Air Force has made great progress toward modernizing all three of its depots, in order to maintain the status of those depots as “world class” maintenance repair and overhaul operations.

(3) One of the central components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate \$150,000,000 each fiscal year for six years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of the Nation’s three Air Force depots.

(4) The funds expended to date have ensured that transformation projects, such as the initial implementation of “Lean” and “Six Sigma” production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting the capital investment strategy pursuant to the Plan; and

(2) the Air Force should remain committed to the depot maintenance process improvement initiatives and the investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

Subtitle D—Extension of Program Authorities
SEC. 331. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2521; 10 U.S.C. 2302 note) is amended by striking “September 30, 2007” and inserting “September 30, 2010”.

SEC. 332. EXTENSION OF PERIOD FOR REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONTINGENCY OPERATIONS.

(a) **EXTENSION.**—Section 351(a)(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1857) is amended by striking “July 31, 2004” and inserting “April 1, 2006”.

(b) **FUNDING.**—Amounts for reimbursements made under section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 after the date of the enactment of this Act shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2006 for military operations in Iraq and Afghanistan and the Global War on Terrorism, contingent upon such appropriations being enacted.

Subtitle E—Outsourcing

SEC. 341. PUBLIC-PRIVATE COMPETITION.

(a) **PUBLIC-PRIVATE COMPETITION REQUIRED PRIOR TO CONVERSION OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS.**—Subsection (a) of section 2461 of title 10, United States Code, is amended to read as follows:

“(a) **PUBLIC-PRIVATE COMPETITION.**—(1) A function of the Department of Defense performed by 10 or more Department of Defense civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

“(A) formally compares the cost of performance of the function by Department of Defense civilian employees with the cost of performance by a contractor;

“(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003;

“(C) includes the issuance of a solicitation;

“(D) determines whether the submitted offers meet the needs of the Department of Defense with respect to factors other than cost, including quality and reliability;

“(E) examines the cost of performance of the function by Department of Defense civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

“(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

“(ii) the estimated cost to the Government for performance of the function by Department of Defense civilian employees; and

“(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

“(F) requires continued performance of the function by Department of Defense civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by Department of Defense civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

“(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

“(ii) \$10,000,000; and

“(G) examines the effect of performance of the function by a contractor on the military mission associated with the performance of the function.

“(2) A function that is performed by the Department of Defense and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

“(3) In no case may a function being performed by Department of Defense personnel be—

“(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

“(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.”.

(b) **CONGRESSIONAL NOTIFICATION.**—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking “to analyze” and all that follows through “private sector” and inserting “a public-private competition under subsection (a)”;

(B) in subparagraph (A), by striking “to be analyzed for possible change” and inserting “for which such public-private competition is to be conducted”;

(C) in subparagraph (C), by inserting “Department of Defense” before “civilian employee”;

(D) in subparagraph (D), by striking “the analysis” both places it appears and inserting “the public-private competition”; and

(E) in subparagraph (E)—

(i) by striking “commercial or industrial type” before “function”; and

(ii) by striking “persons who are not civilian employees of the Department of Defense” and inserting “a contractor”;

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

“(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

“(A) Department of Defense civilian employees who would be affected by such a conversion in performance; and

“(B) the local community and the Government, if more than 50 Department of Defense civilian employees perform the function.”;

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

(4) in paragraph (3), as so redesignated—

(A) in subparagraph (A)—

(i) by striking “where a commercial” and all that follows through “performance” and inserting “where a public-private competition is conducted”; and

(ii) by striking “the analysis” both places it appears and inserting “the public private competition”; and

(B) in subparagraph (B), by striking “the commercial” and all that follows through “to which objected” and inserting “the function for which the public-private competition was conducted for which the objection was submitted”.

(c) **CONSOLIDATION AND RESTATEMENT OF REPORTING PROVISIONS.**—

(1) **CONSOLIDATION AND RESTATEMENT.**—Section 2462 of such title is amended to read as follows:

“**§2462. Reports on public-private competition**

“(a) **REPORT ON PUBLIC-PRIVATE COMPETITION RESULTS.**—(1) Upon the completion of a public-private competition under section 2461 of this title, the Secretary of Defense shall submit to Congress a report containing the results of the public-private competition required by subsection (a) of such section.

“(2) Each report under this subsection shall include the following:

“(A) The date on which the public-private competition was commenced.

“(B) The number of Department of Defense civilian employees who were performing the function when the public-private competition was commenced and the number of such employees whose employment was or will be terminated or otherwise affected by converting to performance of the function by a contractor or by implementation of the most efficient organization of the function.

“(C) The Secretary’s certification that the Government’s calculation of the cost of performance of the function by Department of Defense civilian employees is based on an estimate of the most cost effective manner for performance of the function by Department of Defense civilian employees that meets the needs of the Department with respect to factors other than cost, including quality and reliability.

“(D) The Secretary’s certification that the public-private competition did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

“(E) The Secretary’s certification that the entire public-private competition is available for examination.

“(F) In the case of a function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, a description of the effect that the manner of performance of the function, and administration of the resulting contract if any, will have on the overhead costs of the center or ammunition plant, as the case may be.

“(G) A schedule for implementing the results of the public-private competition.

“(3)(A) No decision made on the basis of a public-private competition under section 2461 of this title may be implemented until after the submission of a report under paragraph (1).

“(B) Notwithstanding subparagraph (A), in the case of function performed at a Center of Industrial and Technical Excellence designated

under section 2474(a) of this title or an Army ammunition plant, the conversion of the function to performance by a contractor may not begin until at least 60 days after the submission of a report under paragraph (1).

“(b) ANNUAL REPORT.—Not later than June 30 of each year, the Secretary of Defense shall submit to Congress a written report, which shall include the following:

“(1) An estimate of the percentage of functions (other than functions that are inherently governmental) that Department of Defense civilian employees will perform and an estimate of the percentage of such functions that contractors will perform during the fiscal year during which the report is submitted.

“(2) The results of public-private competitions conducted under section 2461 of this title that were completed during the preceding fiscal year, including each of the following:

“(A) The number of such competitions completed during such fiscal year and the number of Department of Defense civilian employees performing functions for which such a competition was conducted.

“(B) The percentage of such competitions that resulted in the continued performance of a function by Department of Defense civilian employees.

“(C) The percentage of such competitions that resulted in the conversion of a function to performance by a contractor.

“(D) The percentage of the Department of Defense civilian employees identified pursuant to subparagraph (A) whose positions will be converted to performance by contractors or eliminated as a result of implementing the results of such competitions.

“(3) The results of monitoring the performance of Department functions under section 2461a of this title, including for each function subject to monitoring, each of the following:

“(A) The cost of the public-private competition conducted under section 2461 of this title.

“(B) The cost of performing the function before such competition compared to the costs incurred after implementing the conversion, reorganization, or reengineering actions recommended pursuant to the competition.

“(C) The actual savings derived from the implementation of the recommendations made pursuant to such competition, if any, compared to the anticipated savings that were to result from the conversion, reorganization, or reengineering actions.”

(2) WAIVER FOR SMALL FUNCTIONS AND CONFORMING AMENDMENTS.—Section 2461 of such title, as amended by subsections (a) and (b), is further amended—

(A) by striking subsections (c), (d), (f) and (g); and

(B) by redesignating subsections (e) and (h) as subsections (c) and (d) respectively.

(3) CORRECTION OF TERMINOLOGY.—The heading for subsection (c) of such section, as redesignated by paragraph (2), is amended by striking “WAIVER” and inserting “EXEMPTION”.

(d) PERFORMANCE MONITORING.—Section 2461a of such title is amended—

(1) by striking subsections (a), (c), and (d);

(2) by redesignating subsections (b) and (e) as subsections (a) and (b) respectively;

(3) in subsection (a), as so redesignated—

(A) in paragraph (1)—

(i) by striking “establish a system for monitoring” and inserting “monitor”; and

(ii) by striking “a workforce review” and inserting “a public-private competition conducted under section 2461 of this title”;

(B) in paragraph (2), by striking all and inserting the following:

“(2) In carrying out paragraph (1), the Secretary shall—

“(A) compare the cost of performing the function before the public-private competition to the cost of performing the function after the implementation of the results of the public-private competition; and

“(B) identify any actual savings of the Department of Defense after the implementation of

the results of the public-private competition and compare such savings to the estimated savings identified pursuant to section 2461(a)(1)(E) of this title for that public-private competition;”;

(C) in paragraph (3), by inserting “pursuant to such a public-private competition” after “re-engineering of the function”; and

(4) in subsection (b), as so redesignated, by striking “workforce reviews” and inserting “public-private competitions conducted under section 2461 of this title”.

(e) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Subsection (a)(1)(E) of section 2461 of title 10, United States Code, as amended by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(f) REPEAL OF REDUNDANT PROVISION.—Section 2463 of such title is repealed.

(g) CLERICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 2461.—Section 2461(c) of such title, as redesignated by subsection (c), is amended by striking “Subsections (a) through (c) and subsection (g)” and inserting “This section”.

(2) HEADINGS.—

(A) 2461.—The heading for section 2461 of such title is amended to read as follows:

“§2461. Public-private competition required before conversion to contractor performance”.

(B) 2461(b).—The heading for subsection (b) of such section is amended to read as follows:

“(b) CONGRESSIONAL NOTIFICATION.—”.

(C) 2461a.—The heading for section 2461a of such title is amended to read as follows:

“§2461a. Development and implementation of system for monitoring cost saving resulting from public-private competitions”.

(3) PUBLIC LAW 108-375.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2461 note) is repealed.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 146 of title 10, United States Code, is amended by striking the items relating to sections 2461 through 2463 and inserting the following new items:

“2461. Public-private competition required before conversion to contractor performance.

“2461a. Development and implementation of system for monitoring cost saving resulting from public-private competitions.

“2462. Reports on public-private competition.”.

SEC. 342. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.

Section 8014(a)(3) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 972) is amended—

(1) in subparagraph (A), by inserting “, payment that could be used in lieu of such a plan, health savings account, or medical savings account” after “health insurance plan”; and

(2) in subparagraph (B), by striking “that requires” and all that follows through the end and inserting “that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.”.

SEC. 343. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees for work that is currently performed or would otherwise be performed under Department of Defense contracts.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis;

or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(c) DEFINITIONS.—In this section:

(1) The term “National Security Personnel System” means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term “inherently governmental function” has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

SEC. 344. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2513) is amended—

(1) by striking “2006” each place it appears and inserting “2007”; and

(2) in paragraph (1), by striking “, except that” and all that follows through the end and inserting a period.

Subtitle F—Analysis, Strategies, and Reports

SEC. 351. REPORT ON DEPARTMENT OF ARMY PROGRAMS FOR PREPOSITIONING OF EQUIPMENT AND OTHER MATERIAL.

(a) SECRETARY OF ARMY ASSESSMENT.—The Secretary of the Army shall conduct an assessment of the programs of the Department of Army for the prepositioning of equipment and other materiel stocks. The assessment shall focus on how such programs are configured to support the evolving goals of the Department of Army and shall include an identification of each of the following:

(1) The key operational capabilities currently available in both the afloat and ashore prepositioned stocks of the Army, organized by geographic region, including inventory levels in brigade sets, operational projects, and sustainment programs.

(2) Any significant shortfalls that exist in such stocks, particularly in combat and support equipment, spare parts, and munitions, and how the Army would mitigate those shortfalls in the event of a new conflict.

(3) The maintenance condition of prepositioned equipment and supplies, especially the key “pacing” items in brigade sets, including the percentage currently maintained at the Technical Manual -10/20 standard required by the Army.

(4) The percentage of required cyclic maintenance performed on all stocks for each of fiscal years 2003, 2004, and 2005, and the quality control procedures used to ensure that such maintenance was completed according to Army standards.

(5) Whether the oversight mechanisms and internal management reports of the Army with respect to such stocks are adequate and ensure an accurate portrayal of the readiness of such stocks.

(6) The funding allocated and expended for prepositioning programs for each fiscal year beginning with fiscal year 2000, organized by region, and an assessment of whether the funding

levels for such programs have been adequate to maintain program readiness.

(7) The facilities used to store and maintain brigade sets, organized by region, and whether those facilities provide adequate (or excess) capacity for the current and future mission.

(8) The current funding for the war reserve, the sufficiency of the war reserve inventory, and the effect of the war reserve on the ability of the Army to conduct operations.

(b) **REPORT.**—Not later than March 1, 2006, the Secretary shall submit to Congress a report on the assessment under subsection (a). The report shall include each of the matters specified in paragraphs (1) through (8) of that subsection.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 120 days after the date of the receipt of the report under subsection (b), the Comptroller General shall submit to Congress a review of the assessment conducted by the Secretary of the Army under subsection (a). The review under this subsection shall include the following:

(1) The Comptroller General's assessment of whether the assessment by the Secretary of the Army under subsection (a) comprehensively addresses each of the matters specified in paragraphs (1) through (8) of that subsection.

(2) The extent to which any shortfall or other issue reported by the Secretary of the Army or identified by the Comptroller General has been addressed and an assessment of any plan to address any remaining such shortfalls in the future.

SEC. 352. REPORTS ON BUDGET MODELS USED FOR BASE OPERATIONS SUPPORT, SUSTAINMENT, AND FACILITIES RECAPITALIZATION.

(a) **REPORTS REQUIRED.**—Not later than March 30 of each of the calendar years 2006 through 2010, the Secretary of Defense shall submit to the congressional defense committees a report describing the models used to prepare the budget requests for base operations support, sustainment, and facilities recapitalization submitted to Congress by the President under section 1105(a) of title 31, United States Code, for the next fiscal year.

(b) **CONTENT OF REPORTS.**—The report for a fiscal year under subsection (a) shall include the following:

(1) An explanation of the methodology used to develop each model and, if there have been any changes to the methodology since the previous report, an explanation of the changes and the reasons therefor.

(2) A description of the items contained in each model.

(3) An explanation of whether the models are being applied to each military department and Defense Agency under common definitions of base operations support, sustainment, and facilities recapitalization and, if common definitions are not being used, an explanation of the differences and the reasons therefor.

(4) A description of the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the report and the funding goals established for base operations support, sustainment, and facilities recapitalization for at least the four succeeding fiscal years.

(5) If the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the report deviate from the goals for that fiscal year contained in the preceding report, or the funding goals established for succeeding fiscal years deviate from the goals for those fiscal years contained in the preceding report, a justification for the funding levels and goals and an explanation of the reasons for the changes from the preceding report.

SEC. 353. ARMY TRAINING STRATEGY FOR BRIGADE-BASED COMBAT TEAMS AND FUNCTIONAL SUPPORTING BRIGADES.

(a) **TRAINING STRATEGY.**—

(1) **STRATEGY REQUIRED.**—The Secretary of the Army shall develop and implement a strategy for

the training of brigade-based combat teams and functional supporting brigades in order to ensure the readiness of such teams and brigades.

(2) **ELEMENTS.**—The training strategy under paragraph (1) shall include the following:

(A) A statement of the purpose of training for brigade-based combat teams and functional supporting brigades.

(B) Performance goals for both active-component and reserve-component brigade-based combat teams and functional supporting brigades, including goals for live, virtual, and constructive training.

(C) Metrics to quantify training performance against the performance goals specified under subparagraph (B).

(D) A process to report the status of collective training to Army leadership for monitoring the training performance of brigade-based combat teams and functional supporting brigades.

(E) A model to quantify, and to forecast, operation and maintenance funding required for each fiscal year to attain the performance goals specified under subparagraph (B).

(3) **TIMING OF IMPLEMENTATION.**—The Secretary of the Army shall develop and implement the training strategy under paragraph (1) as soon as practicable.

(b) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the training strategy developed under subsection (a).

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A discussion of the training strategy developed under subsection (a), including a description of the performance goals and metrics developed under that subsection.

(B) A discussion and description of the training ranges and other essential elements required to support the training strategy.

(C) A list of the funding requirements, shown by fiscal year and set forth in a format consistent with the future-years defense program to accompany the budget of the President under section 221 of title 10, United States Code, necessary to meet the requirements of the training ranges and other essential elements described under subparagraph (B).

(D) A schedule for the implementation of the training strategy.

(c) **COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.**—

(1) **IN GENERAL.**—The Comptroller General shall monitor the implementation of the training strategy developed under subsection (a).

(2) **REPORT.**—Not later than 180 days after the date on which the Secretary of the Army submits the report under subsection (b), the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.

SEC. 354. REPORT REGARDING EFFECT ON MILITARY READINESS OF UNDOCUMENTED IMMIGRANTS TRESPASSING UPON OPERATIONAL RANGES.

(a) **REPORT CONTAINING ASSESSMENT AND RESPONSE PLAN.**—Not later than April 15, 2006, the Secretary of Defense shall submit to Congress a report containing—

(1) an assessment of the impact on military readiness caused by undocumented immigrants whose entry into the United States involves trespassing upon operational ranges of the Department of Defense; and

(2) a plan for the implementation of measures to prevent such trespass.

(b) **PREPARATION AND ELEMENTS OF ASSESSMENT.**—The assessment required by subsection (a)(1) shall be prepared by the Secretary of Defense. The assessment shall include the following:

(1) A listing of the operational ranges adversely affected by the trespass of undocumented immigrants upon operational ranges.

(2) A description of the types of range activities affected by such trespass.

(3) A determination of the amount of time lost for range activities, and the increased costs incurred, as a result of such trespass.

(4) An evaluation of the nature and extent of such trespass and means of travel.

(5) An evaluation of the factors that contribute to the use by undocumented immigrants of operational ranges as a means to enter the United States.

(6) A description of measures currently in place to prevent such trespass, including the use of barriers to vehicles and persons, military patrols, border patrols, and sensors.

(c) **PREPARATION AND ELEMENTS OF PLAN.**—The plan required by subsection (a)(2) shall be prepared jointly by the Secretary of Defense and the Secretary of Homeland Security. The plan shall include the following:

(1) The types of measures to be implemented to improve prevention of trespass of undocumented immigrants upon operational ranges, including the specific physical methods, such as barriers and increased patrols or monitoring, to be implemented and any legal or other policy changes recommended by the Secretaries.

(2) The costs of, and timeline for, implementation of the plan.

(d) **IMPLEMENTATION REPORTS.**—Not later than September 15, 2006, March 15, 2007, September 15, 2007, and March 15, 2008, the Secretary of Defense shall submit to Congress a report detailing the progress made by the Department of Defense, during the period covered by the report, in implementing measures recommended in the plan required by subsection (a)(2) to prevent undocumented immigrants from trespassing upon operational ranges. Each report shall include the number and types of mitigation measures implemented and the success of such measures in preventing such trespass.

(e) **DEFINITIONS.**—In this section, the terms “operational range” and “range activities” have the meaning given those terms in section 101(e) of title 10, United States Code.

SEC. 355. REPORT REGARDING MANAGEMENT OF ARMY LODGING.

(a) **REPORT ON MERITS AND IMPACTS OF PRIVATIZATION.**—The Secretary of the Army shall submit to Congress a report containing the results of a study evaluating the merits of privatization of Army lodging. The study should consider at a minimum the following:

(1) The potential overall costs and benefits of privatization of Army lodging.

(2) Whether current lodging agreements with the Army and Air Force Exchange Service to provide hospitality telecommunication services would be impacted by privatization and whether the proposed change will have an impact on funds contributed to morale, welfare, and recreation accounts.

(3) Whether privatization of Army lodging will result in significant cost increases to members of the Armed Forces or other eligible patrons or the loss of such lodging if it is determined that management of such lodging is not a profitable marketing venture.

(4) Whether privatization of Army lodging will provide ancillary support facilities and services that might impact the Army and Air Force Exchange Service and to what extent such facilities and services may impact the funds contributed to morale, welfare, and recreation accounts.

(5) The number of Army lodging personnel who would be impacted by privatization and the total personnel-related costs that could occur as a result of privatization.

(b) **ARMY AND AIR FORCE EXCHANGE SERVICE PARTICIPATION IN PRIVATIZATION.**—The Army and Air Force Exchange Service shall submit to Congress a report commenting on the feasibility of its participation in privatization of Army lodging. The report should include at a minimum the following:

(1) The potential overall costs and benefits of an Army and Air Force Exchange Service partnership in Army lodging.

(2) Whether the Army and Air Force Exchange Service can adequately participate as a partner in the management of Army lodging, including whether such participation could enhance the quality of lodging and improve access to such lodging when provided through a non-profit organization versus a partnership with a for-profit corporation.

(3) Whether there are certain benefits, including cost benefits, to having the Army and Air Force Exchange Service become the partner with the Army that would not exist were the Army to partner with a private sector entity.

(4) The number of Army lodging personnel who would be impacted by an Army and Air Force Exchange Service partnership and the total personnel related costs that could occur as a result of such partnership.

(c) **LIMITATION PENDING SUBMISSION OF REPORT.**—Until the Secretary of the Army submits the report required by subsection (a) to Congress, the Secretary may not solicit or consider any request for qualifications that would privatize Army lodging beyond the level of privatization identified for inclusion in Group A of the Privatization of Army Lodging Initiative.

SEC. 356. COMPTROLLER GENERAL REPORT ON CORROSION PREVENTION AND MITIGATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **REPORT REQUIRED.**—Not later than April 1, 2007, the Comptroller General shall submit to the congressional defense committees a report on the effectiveness of the corrosion prevention and mitigation programs of the Department of Defense.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the document of the Department of Defense entitled “Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense” and dated November 2004.

(2) An assessment of the adequacy for purposes of the strategy set forth in that document of the funding requested in the budgets of the President for fiscal years 2006 and 2007, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, and the associated Future-Years Defense Program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy and effectiveness of the organizational structure of the Department of Defense in implementing that strategy.

(4) An assessment of the progress made as of the date of the report in establishing throughout the Department common metrics, definitions, and procedures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of the date of the report in establishing a baseline estimate of the scope of the corrosion problems of the Department.

(6) An assessment of the extent to which the strategy of the Department on corrosion prevention and mitigation has been revised to incorporate the recommendations contained in the report of the Defense Science Board on corrosion control issued in October 2004.

(7) An assessment of the implementation of the corrosion prevention and mitigation programs of the Department during fiscal year 2006.

(8) Such recommendations as the Comptroller General considers appropriate for addressing any shortfalls or areas of potential improvement identified in the review for purposes of the report.

SEC. 357. STUDY ON USE OF BIODIESEL AND ETHANOL FUEL.

(a) **IN GENERAL.**—The Secretary of Defense shall conduct a study on the use of biodiesel and ethanol fuel by the Armed Forces and the Defense Agencies and any measures that can be taken to increase such use.

(b) **ELEMENTS.**—The study shall include—

(1) an evaluation of the historical utilization of biodiesel and ethanol fuel by the Armed

Forces and the Defense Agencies, including the quantity of biodiesel and ethanol fuel acquired by the Department of Defense for the Armed Forces and the Defense Agencies during the 5-year period ending on the date of the report under subsection (c);

(2) a review and assessment of potential requirements for increased use of biodiesel and ethanol fuel within the Department of Defense and any research and development efforts required to meet those increased requirements;

(3) based on the review under paragraph (2), a forecast of the requirements of the Armed Forces and the Defense Agencies for biodiesel and ethanol fuels for each of fiscal years 2007 through 2012;

(4) an assessment of the current and future commercial availability of biodiesel and ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

(5) an assessment of the utilization by the Department of Defense of the commercial infrastructure for ethanol fuel as described in paragraph (4);

(6) a review of the actions of the Department of Defense to coordinate with State, local, and private entities to support the expansion and use of alternative fuel refueling stations that are accessible to the public; and

(7) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted for the delivery of biodiesel and ethanol fuel, including—

(A) an assessment of cost of the adaptation or conversion of such infrastructure to the delivery of biodiesel and ethanol fuel; and

(B) an assessment of the feasibility and advisability of that adaptation or conversion.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “ethanol fuel” means fuel that is 85 percent ethyl alcohol.

(2) The term “biodiesel” means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

SEC. 358. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

SEC. 359. REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS AND GRAY-AREA RETIREES.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for—

(1) veterans with a service-connected disability rating of 50 percent or higher;

(2) members and former members of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of title 10, United States Code; and

(3) dependents of persons described in paragraph (1) or (2).

(b) **CONSULTATION.**—The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

SEC. 360. REPORT ON JOINT FIELD TRAINING AND EXPERIMENTATION ON STABILITY, SECURITY, TRANSITION, AND RECONSTRUCTION OPERATIONS.

Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on joint field training and experimentation conducted to address matters relating to stability, security, transition, and reconstruction operations during fiscal years 2005 and 2006. The report shall include—

(1) a description of each such joint field training and experimentation event, including a description of the participation of other Federal departments and agencies and of the participation of allied and coalition partners;

(2) the findings of the Secretary as a result of such joint field training and experimentation; and

(3) such recommendations as the Secretary considers appropriate in light of such joint field training and experimentation, including recommendations with respect to legislative or administrative action and recommendations for any funding required to implement such action.

SEC. 361. REPORTS ON BUDGETING RELATING TO SUSTAINMENT OF KEY MILITARY EQUIPMENT.

(a) **REPORTS REQUIRED.**—In each of 2006, 2007, and 2008, at or about the time that the budget of the President is submitted to Congress that year under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the budgeting of the Department of Defense for the sustainment of key military equipment.

(b) **REPORT ELEMENTS.**—The report required by subsection (a) for a year shall set forth the following:

(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment.

(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1).

(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies.

(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

(c) **KEY MILITARY EQUIPMENT DEFINED.**—In this section, the term “key military equipment”—

(1) means—

(A) major weapons systems that are essential to accomplishing the national defense strategy; and

(B) other military equipment, such as major command, control, communications, computer, intelligence, surveillance, and reconnaissance (C4ISR) equipment, and systems designed to prevent fratricide, that is critical to the readiness of military units; and

(2) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO-06-141.

SEC. 362. REPEAL OF AIR FORCE REPORT ON MILITARY INSTALLATION ENCROACHMENT ISSUES.

Section 315 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1843) is repealed.

Subtitle G—Other Matters

SEC. 371. SUPERVISION AND MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.**—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

“(2) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.”.

SEC. 372. CODIFICATION AND REVISION OF LIMITATION ON MODIFICATION OF MAJOR ITEMS OF EQUIPMENT SCHEDULED FOR RETIREMENT OR DISPOSAL.

(a) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2244 the following new section:

“§2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

“(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

“(b) EXCEPTIONS.—

“(1) EXCEPTION FOR BELOW-THRESHOLD MODIFICATIONS.—The prohibition in subsection (a) does not apply to a modification for which the cost is less than \$100,000.

“(2) EXCEPTION FOR TRANSFER OF REUSABLE ITEMS OF VALUE.—The prohibition in subsection (a) does not apply to a modification in a case in which—

“(A) the reusable items of value, as determined by the Secretary, installed on the item of equipment as part of such modification will, upon the retirement or disposal of the item to be modified, be removed from such item of equipment, refurbished, and installed on another item of equipment; and

“(B) the cost of such modification (including the cost of the removal and refurbishment of reusable items of value under subparagraph (A)) is less than \$1,000,000.

“(3) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

“(c) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2244 the following new item:

“2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.”.

(c) CONFORMING REPEAL.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105-56; 10 U.S.C. 2241 note) is repealed.

SEC. 373. LIMITATION ON PURCHASE OF INVESTMENT ITEMS WITH OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

“§2245a. Use of operation and maintenance funds for purchase of investment items: limitation

“Funds appropriated to the Department of Defense for operation and maintenance may not be used to purchase any item (including any item) that has an investment item unit cost that is greater than \$250,000.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amend-

ed by inserting after the item relating to section 2245 the following new item:

“2245a. Use of operation and maintenance funds for purchase of investment items: limitation.”.

SEC. 374. OPERATION AND USE OF GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE AND COAST GUARD.

Section 2601 of title 10, United States Code, is amended to read as follows:

“§2601. General gift funds

“(a) GENERAL AUTHORITY TO ACCEPT GIFTS.—Subject to subsection (d)(2), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, or money made on the condition that the gift, devise, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance, of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of the Secretary.

“(b) ADDITIONAL AUTHORITY TO ACCEPT GIFTS TO BENEFIT CERTAIN MEMBERS, DEPENDENTS, AND CIVILIAN EMPLOYEES.—(1) Subject to subsection (d)(2), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, money, or services made on the condition that the gift, devise, or bequest be used for the benefit of—

“(A) members of the armed forces, including members performing full-time National Guard duty under section 502(f) of title 32, who incur a wound, injury, or illness while in the line of duty;

“(B) civilian employees of the Department of Defense who incur a wound, injury, or illness while in the line of duty;

“(C) dependents of such members or employees; and

“(D) survivors of such members or employees who are killed.

“(2) The Secretary concerned may not accept a gift of services from a foreign government or international organization under this subsection. A gift of real property, personal property, or money from a foreign government or international organization may be accepted under this subsection only if the gift is not designated for a specific individual.

“(3) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this subsection.

“(4) The authority to accept gifts, devises, or bequests under this subsection expires on December 31, 2007.

“(c) GIFT FUNDS.—Gifts and bequests of money, and the proceeds of the sale of property, received under subsection (a) or (b) shall be deposited in the Treasury in the following accounts:

“(1) The Department of the Army General Gift Fund, in the case of deposits made by the Secretary of the Army.

“(2) The Department of the Navy General Gift Fund, in the case of deposits made by the Secretary of the Navy.

“(3) The Department of the Air Force General Gift Fund, in the case of deposits made by the Secretary of the Air Force.

“(4) The Coast Guard General Gift Fund, in the case of deposits made by the Secretary of Homeland Security.

“(5) The Department of Defense General Gift Fund, in the case of deposits made by the Secretary of Defense.

“(d) USE OF GIFTS; PROHIBITIONS.—(1) Except as provided in paragraph (2), property and money accepted under subsection (a) or (b) may be used by the Secretary concerned, and services accepted under subsection (b) may be performed, without further specific authorization in law.

“(2) Property and money may not be accepted under subsection (a) and property, money, and services may not be accepted under subsection (b)—

“(A) if the use of the property or money or the performance of the services in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

“(B) if the conditions attached to the property, money, or services are inconsistent with applicable law or regulations;

“(C) if the Secretary concerned determines that the use of the property or money or the performance of the services would reflect unfavorably on the ability of the Department of Defense or the Coast Guard, any employee of the Department or Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

“(D) if the Secretary concerned determines that the use of the property or money or the performance of the services would compromise the integrity or appearance of integrity of any program of the Department of Defense or Coast Guard, or any individual involved in such a program.

“(3) The Secretary concerned may disburse funds deposited in a gift fund referred to in subsection (c) for the purposes specified in subsections (a) and (b), subject to the terms of the gift, devise, or bequest.

“(e) PAYMENT OF EXPENSES.—The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest accepted under this section.

“(f) TREATMENT OF GIFTS.—For the purposes of Federal income, estate, and gift taxes, any property or money accepted under subsection (a) and any property, money, or services accepted under subsection (b) shall be considered as a gift, devise, or bequest to or for the use of the United States.

“(g) MANAGEMENT OF FUNDS.—In the case of each gift fund referred to in subsection (c), the Secretary of the Treasury, upon the request of the Secretary concerned, may retain money, securities, and the proceeds of the sale of securities in the gift fund and may invest money and reinvest the proceeds of the sale of securities in the gift fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and profits accruing from those securities shall be deposited to the credit of the gift fund and may be disbursed as provided in subsection (d).

“(h) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall make periodic audits of gifts, devises, and bequests accepted under subsection (a) or (b) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘Secretary concerned’ includes the Secretary of Defense.

“(2) The term ‘services’ includes activities that benefit the morale, welfare, or recreation of members of the armed forces and their dependents or are related or incidental to the conveyance of a gift, devise, or bequest of real property or personal property under subsection (a) or (b).”.

SEC. 375. INCLUSION OF PACKET BASED TELEPHONY IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) INCLUSION IN BENEFIT.—Subsection (a) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1448) is amended by inserting “packet based telephony service,” after “prepaid phone cards.”.

(b) INCLUSION OF INTERNET TELEPHONY IN DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.—Subsection (e) of such section is amended—

(1) by inserting “or Internet service” after “additional telephones”;

(2) by inserting “or packet based telephony” after “to facilitate telephone”; and

(3) by inserting “or Internet access” after “installation of telephones”.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the heading for subsection (a), by striking “PREPAID PHONE CARDS” and inserting “BENEFIT”; and

(2) in the heading for subsection (e), by inserting “OR INTERNET ACCESS” after “TELEPHONE EQUIPMENT”.

SEC. 376. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN DEPARTMENT OF DEFENSE.

(a) LIMITATION.—During fiscal year 2006, the Secretary of Defense may not obligate or expend any funds for the purpose of any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary submits to the congressional defense committees each of the following:

(1) A comprehensive and integrated financial management improvement plan that—

(A) describes specific actions to be taken to correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(B) systematically ties such actions to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(2) A written determination that each financial management improvement activity to be undertaken is—

(A) consistent with the financial management improvement plan submitted pursuant to paragraph (1); and

(B) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to an activity directed exclusively at assessing the adequacy of internal controls and remediating any inadequacy identified pursuant to such an assessment.

SEC. 377. PROVISION OF WELFARE OF SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of the Navy may provide for the general welfare, including subsistence, housing, and health care, of any person at Naval Station Guantanamo Bay, Cuba, who is designated by the Secretary, not later than 90 days after the date of the enactment of this Act, as a “special category resident”.

(b) PROHIBITION ON CONSTRUCTION OF NEW FACILITIES.—The authorization under subsection (a) shall not be construed as an authorization for the construction a new housing facility or medical treatment facility.

(c) PRIOR USE OF FUNDS.—Any obligation or expenditure of funds for the general welfare of any person described in subsection (a) before the date of the enactment of this Act is deemed to be not subject to the provisions of chapter 13 of title 31, United States Code.

SEC. 378. COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—The President may—

(1) designate a day of celebration to honor the soldiers, sailors, airmen, and Marines of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(b) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with a day of celebration designated under subsection (a) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense for fiscal year 2006 may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—

(A) \$20,000,000, minus

(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(c) AWARD OF RECOGNITION ITEMS.—

(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to any individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term “recognition items” means recognition items authorized for presentation under section 2261 of title 10, United States Code (as added by section 589 of this Act).

Subtitle H—Utah Test and Training Range

SEC. 381. DEFINITIONS.

In this subtitle:

(1) The term “covered wilderness” means the wilderness area designated by this subtitle and wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of the Interior.

(2) The term “Utah Test and Training Range” means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

(3) The term “Wilderness Act” means Public Law 88-577, approved September 3, 1964 (16 U.S.C. 1131 et seq.).

SEC. 382. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Cedar Mountain Wilderness Area designated by section 384, as well as several wilderness study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military

test and training missions at the Utah Test and Training Range.

(4) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness in this subtitle, and it is not the intent of Congress that passage of this subtitle shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this subtitle, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness, including military overflights and operations that can be seen or heard within the covered wilderness.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this subtitle shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in wilderness study areas located beneath special use airspace comprising the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of Interior, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems, when considered both individually and collectively, comply with section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in this subtitle or the Wilderness Act shall preclude the continuation of the memorandum of understanding in existence as of the date of the enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) PROHIBITION ON GROUND MILITARY OPERATIONS.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in covered wilderness in the Utah Test and Training Range unless such ground operation is otherwise permissible under Federal law and consistent with the Wilderness Act.

SEC. 383. ANALYSIS OF MILITARY READINESS AND OPERATIONAL IMPACTS IN PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of the Interior.

SEC. 384. DESIGNATION AND MANAGEMENT OF CEDAR MOUNTAIN WILDERNESS, UTAH.

(a) **DESIGNATION.**—Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled “Cedar Mountain Wilderness” and dated March 7, 2004, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

(b) **WITHDRAWAL.**—Subject to valid existing rights, the Federal lands in the Cedar Mountain Wilderness Area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(c) **MAP AND DESCRIPTION.**—

(1) **TRANSMITTAL.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall transmit a map and legal description of the Cedar Mountain Wilderness Area to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **LEGAL EFFECT.**—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(d) **ADMINISTRATION.**—Subject to valid existing rights and this subtitle, the Cedar Mountain Wilderness Area shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(e) **LAND ACQUISITION.**—Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

(f) **FISH AND WILDLIFE MANAGEMENT.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle shall be construed as affecting the jurisdiction of the State of Utah with respect to fish and wildlife on the Federal lands located in that State.

(g) **GRAZING.**—Within the Cedar Mountain Wilderness Area, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101-628 (104 Stat. 4473), and appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(h) **BUFFER ZONES.**—Congress does not intend for the designation of the Cedar Mountain Wilderness Area to lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(i) **RELEASE FROM WILDERNESS STUDY AREA STATUS.**—The lands identified as the Browns Spring Cherrystem on the map entitled “Propo-

posed Browns Spring Cherrystem” and dated May 11, 2004, are released from their status as a wilderness study area, and shall no longer be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation of wilderness.

SEC. 385. RELATION TO OTHER LANDS.

Nothing in this subtitle shall be construed to affect any Federal lands located outside of the covered wilderness or the management of such lands.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Sec. 422. Armed Forces Retirement Home.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2006, as follows:

- (1) The Army, 512,400.
- (2) The Navy, 352,700.
- (3) The Marine Corps, 179,000.
- (4) The Air Force, 357,400.

(b) **LIMITATION.**—

(1) **ARMY.**—The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2006 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 482,400 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

(2) **MARINE CORPS.**—The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2006 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 175,000 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

- “(1) For the Army, 502,400.
- “(2) For the Navy, 352,700.
- “(3) For the Marine Corps, 179,000.
- “(4) For the Air Force, 357,400.”

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2007 THROUGH 2009.

Effective October 1, 2006, the text of section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1863) is amended to read as follows:

“(a) **AUTHORITY.**—

“(1) **ARMY.**—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 20,000.

“(2) **MARINE CORPS.**—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 5,000.

“(3) **PURPOSE OF INCREASES.**—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under paragraphs (1) and (2) are—

“(A) to support operational missions; and

“(B) to achieve transformational reorganization objectives, including objective for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

“(4) **FISCAL-YEAR 2006 BASELINE.**—In this subsection, the term ‘fiscal-year 2006 baseline’, with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 401 of the National Defense Authorization Act for Fiscal Year 2006.

“(5) **ACTIVE-DUTY END STRENGTH.**—In this subsection, the term ‘active-duty end strength’ means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

“(b) **RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.**—Nothing in this section shall be construed to limit the President’s authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

“(c) **RELATIONSHIP TO OTHER VARIANCE AUTHORITY.**—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

“(d) **BUDGET TREATMENT.**—

“(1) **FISCAL YEAR 2007 BUDGET.**—The budget for the Department of Defense for fiscal year 2007 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

“(2) **OTHER INCREASES.**—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a), then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2006 active duty end strength authorized for that service under section 401 of the National Defense Authorization Act for Fiscal Year 2006.”

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2006, as follows:

- (1) The Army National Guard of the United States, 350,000.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 73,100.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,800.
- (6) The Air Force Reserve, 74,000.
- (7) The Coast Guard Reserve, 10,000.

(b) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,396.

(2) The Army Reserve, 15,270.

(3) The Navy Reserve, 13,392.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,123.

(6) The Air Force Reserve, 2,290.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,649.

(2) For the Army National Guard of the United States, 25,563.

(3) For the Air Force Reserve, 9,852.

(4) For the Air National Guard of the United States, 22,971.

SEC. 414. FISCAL YEAR 2006 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2006, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Naval Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations
SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2006 a total of \$108,942,746,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces Retirement Home Trust Fund the sum of \$58,281,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.

Sec. 502. Two-year renewal of temporary authority to reduce minimum length of commissioned service required for voluntary retirement as an officer.

Sec. 503. Exclusion from active-duty general and flag officer distribution and strength limitations of officers on leave pending separation or retirement or between senior positions.

Sec. 504. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.

Sec. 505. Clarification of deadline for receipt by promotion selection boards of certain communications from eligible officers.

Sec. 506. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.

Sec. 507. Applicability of officer distribution and strength limitations to officers serving in intelligence community positions.

Sec. 508. Grades of the Judge Advocates General.

Sec. 509. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.

Sec. 510. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.

Subtitle B—Reserve Component Management

Sec. 511. Separation at age 64 for reserve component senior officers.

Sec. 512. Modification of strength-in-grade limitations applicable to Reserve flag officers in active status.

Sec. 513. Military technicians (dual status) mandatory separation.

Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.

Sec. 515. Redesignation of the Naval Reserve as the Navy Reserve.

Sec. 516. Clarification of certain authorities relating to the Commission on the National Guard and Reserves.

Sec. 517. Report on employment matters for members of the reserve components.

Sec. 518. Defense Science Board study on deployment of members of the National Guard and Reserves in the Global War on Terrorism.

Sec. 519. Sense of Congress on certain matters relating to the National Guard and Reserves.

Sec. 520. Pilot program on enhanced quality of life for members of the Army Reserve and their families.

Subtitle C—Education and Training

PART I—DEPARTMENT OF DEFENSE SCHOOLS
GENERALLY

Sec. 521. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.

Sec. 522. Authority for certain professional military education schools to receive faculty research grants for certain purposes.

PART II—UNITED STATES NAVAL POSTGRADUATE SCHOOL

Sec. 523. Revision to mission of the Naval Postgraduate School.

Sec. 524. Modification of eligibility for position of President of the Naval Postgraduate School.

Sec. 525. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.

Sec. 526. Instruction for enlisted personnel by the Naval Postgraduate School.

PART III—RESERVE OFFICERS' TRAINING CORPS

Sec. 531. Repeal of limitation on amount of financial assistance under ROTC scholarship programs.

Sec. 532. Increase in annual limit on number of ROTC scholarships under Army Reserve and National Guard program.

Sec. 533. Procedures for suspending financial assistance and subsistence allowance for Senior ROTC cadets and midshipmen on the basis of health-related conditions.

Sec. 534. Eligibility of United States nationals for appointment to the Senior Reserve Officers' Training Corps.

Sec. 535. Promotion of foreign language skills among members of the Reserve Officers' Training Corps.

Sec. 536. Designation of Ike Skelton Early Commissioning Program Scholarships.

PART IV—OTHER MATTERS

Sec. 537. Enhancement of educational loan repayment authorities.

Sec. 538. Payment of expenses of members of the Armed Forces to obtain professional credentials.

Sec. 539. Use of Reserve Montgomery GI Bill benefits and benefits for mobilized members of the Selected Reserve and National Guard for payments for licensing or certification tests.

Sec. 540. Modification of educational assistance for reserves supporting contingency and other operations.

Subtitle D—General Service Requirements

Sec. 541. Ground combat and other exclusion policies.

Sec. 542. Uniform citizenship or residency requirements for enlistment in the Armed Forces.

Sec. 543. Increase in maximum age for enlistment.

Sec. 544. Increase in maximum term of original enlistment in regular component.

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- Sec. 561. Authority for members on active duty with disabilities to participate in Paralympic Games.
- Sec. 562. Policy and procedures on casualty assistance to survivors of military decedents.
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Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

- Sec. 571. Expansion of authorized enrollment in Department of Defense dependents schools overseas.
- Sec. 572. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 573. Impact aid for children with severe disabilities.
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- Sec. 576. Eligibility for Operation Enduring Freedom campaign medal.

Subtitle I—Consumer Protection Matters

- Sec. 577. Requirement for regulations on policies and procedures on personal commercial solicitations on Department of Defense installations.
- Sec. 578. Consumer education for members of the Armed Forces and their spouses on insurance and other financial services.
- Sec. 579. Report on predatory lending practices directed at members of the Armed Forces and their dependents.

Subtitle J—Reports and Sense of Congress Statements

- Sec. 581. Report on need for a personnel plan for linguists in the Armed Forces.
- Sec. 582. Sense of Congress that colleges and universities give equal access to military recruiters and ROTC in accordance with the Solomon Amendment and requirement for report to Congress.
- Sec. 583. Sense of Congress concerning study of options for providing homeland defense education.

Sec. 584. Sense of Congress recognizing the diversity of the members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom and honoring their sacrifices and the sacrifices of their families.

Subtitle K—Other Matters

- Sec. 589. Expansion and enhancement of authority to present recognition items for recruitment and retention purposes.
- Sec. 590. Extension of date of submittal of report of Veterans' Disability Benefits Commission.
- Sec. 591. Recruitment and enlistment of home-schooled students in the Armed Forces.
- Sec. 592. Modification of requirement for certain intermediaries under certain authorities relating to adoptions.
- Sec. 593. Adoption leave for members of the Armed Forces adopting children.
- Sec. 594. Addition of information to be covered in mandatory pre-separation counseling.
- Sec. 595. Report on Transition Assistance Programs.
- Sec. 596. Improvement to Department of Defense capacity to respond to sexual assault affecting members of the Armed Forces.
- Sec. 597. Authority for appointment of Coast Guard flag officer as Chief of Staff to the President.
- Sec. 598. Prayer at military service academy activities.
- Sec. 599. Modification of authority to make military working dogs available for adoption.

Subtitle A—Officer Personnel Policy

SEC. 501. TEMPORARY INCREASE IN PERCENTAGE LIMITS ON REDUCTION OF TIME-IN-GRADE REQUIREMENTS FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) Notwithstanding subparagraph (E), during the period ending on December 31, 2007, the number of lieutenant colonels and colonels of the Air Force, and the number of commanders and captains of the Navy, for whom a reduction is made under this section during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade.”.

SEC. 502. TWO-YEAR RENEWAL OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF COMMISSIONED SERVICE REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b) of title 10, United States Code, is amended—

- (1) by inserting “(1)” after “(b)”;
- (2) in paragraph (1), as so designated, by striking “during the period beginning on October 1, 1990, and ending on December 31, 2001” and inserting “during the period specified in paragraph (2).”; and
- (3) by adding at the end the following new paragraph:

“(2) The period specified in this paragraph is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2) of such title is amended—

- (1) by inserting “(A)” after “(2)”;
- (2) in subparagraph (A), as so designated, by striking “during the period beginning on October 1, 1990, and ending on December 31, 2001” and inserting “during the period specified in subparagraph (B).”; and

(3) by adding at the end the following new subparagraph:

“(B) The period specified in this subparagraph is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

(c) AIR FORCE.—Section 8911(b) of such title is amended—

- (1) by inserting “(1)” after “(b)”;
- (2) in paragraph (1), as so designated, by striking “during the period beginning on October 1, 1990, and ending on December 31, 2001” and inserting “during the period specified in paragraph (2).”; and
- (3) by adding at the end the following new paragraph:

“(2) The period specified in this paragraph is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

SEC. 503. EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.

(a) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:

“(1) An officer of that armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

“(2) An officer of that armed force who has been relieved from a position designated under section 601(a) of this title and is under orders to assume another such position, but only during the 60-day period beginning on the date on which those orders are published.”.

(b) ACTIVE-DUTY STRENGTH LIMITATIONS.—

(1) IN GENERAL.—Section 526 of such title is amended by adding at the end the following new subsection:

“(e) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to a general or flag officer who is covered by an exclusion under section 525(e) of this title.”.

(2) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by striking “CERTAIN OFFICERS” and inserting “CERTAIN RESERVE OFFICERS”.

(c) PROHIBITION OF FROCKING TO GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 777(a) of such title is amended by inserting “in a grade below the grade of major general or, in the case of the Navy, rear admiral,” after “An officer” in the first sentence.

SEC. 504. CONSOLIDATION OF GRADE LIMITATIONS ON OFFICER ASSIGNMENT AND INSIGNIA PRACTICE KNOWN AS FROCKING.

Section 777(d) of title 10, United States Code, is amended—

- (1) in paragraph (1)—
- (A) by striking “brigadier generals and Navy rear admirals (lower half)” and inserting “colonels, Navy captains, brigadier generals, and rear admirals (lower half)”; and
- (B) by striking “the grade of” and all that follows through “30” and inserting “the next higher grade may not exceed 85”;
- (2) by striking paragraph (2); and
- (3) by redesignating paragraph (3) as paragraph (2).

SEC. 505. CLARIFICATION OF DEADLINE FOR RECEIPT BY PROMOTION SELECTION BOARDS OF CERTAIN COMMUNICATIONS FROM ELIGIBLE OFFICERS.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 614(b) of title 10, United States Code, is amended

in the first sentence by inserting "the day before" after "not later than".

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is amended in the second sentence by inserting "the day before" after "not later than".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2006, and shall apply with respect to selection boards convened on or after that date.

SEC. 506. FURNISHING TO PROMOTION SELECTION BOARDS OF ADVERSE INFORMATION ON OFFICERS ELIGIBLE FOR PROMOTION TO CERTAIN SENIOR GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) IN GENERAL.—Section 615(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

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

"(3) In the case of an eligible officer considered for promotion to a grade above colonel or, in the case of the Navy, captain, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1)."

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) in paragraph (5), as so redesignated, by striking "and (3)" and inserting ", (3), and (4)";

(C) in paragraph (6), as so redesignated—
(i) in the matter preceding subparagraph (A), by inserting ", or in paragraph (3)," after "paragraph (2)"; and

(ii) in subparagraph (B), by inserting "or (3), as applicable" after "paragraph (2)"; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting "or (3)" after "paragraph (2)(B)".

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Section 14107(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

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

"(3) In the case of an eligible officer considered for promotion to a grade above colonel or, in the case of the Navy, captain, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1)."

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) in paragraph (5), as so redesignated, by striking "and (3)" and inserting ", (3), and (4)";

(C) in paragraph (6), as so redesignated—
(i) in the matter preceding subparagraph (A), by inserting ", or in paragraph (3)," after "paragraph (2)"; and

(ii) in subparagraph (B), by inserting "or (3), as applicable" after "paragraph (2)"; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting "or (3)" after "paragraph (2)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 507. APPLICABILITY OF OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS TO OFFICERS SERVING IN INTELLIGENCE COMMUNITY POSITIONS.

(a) IN GENERAL.—Section 528 of title 10, United States Code, is amended to read as follows:

"§528. Exclusion: officers serving in certain intelligence positions

"(a) EXCLUSION OF OFFICER SERVING IN CERTAIN CIA POSITIONS.—When either of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, one of those officers, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title.

"(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

"(1) Director of the Central Intelligence Agency.

"(2) Deputy Director of the Central Intelligence Agency.

"(c) ASSOCIATE DIRECTOR OF CIA FOR MILITARY SUPPORT.—An officer of the armed forces serving in the position of Associate Director of the Central Intelligence Agency for Military Support, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title.

"(d) OFFICERS SERVING IN OFFICE OF DNI.—A general or flag officer of the armed forces assigned to a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title, except that not more than five such officers may be so excluded at any time."

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 32 of such title is amended to read as follows:

"528. Exclusion: officers serving in certain intelligence positions."

SEC. 508. GRADES OF THE JUDGE ADVOCATES GENERAL.

(a) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: "The Judge Advocate General, while so serving, shall hold a grade not lower than major general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general."

(b) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, shall hold a grade not lower than rear admiral or major general, as appropriate."

(c) JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, shall hold a grade not lower than major general."

SEC. 509. AUTHORITY TO RETAIN PERMANENT PROFESSORS AT THE NAVAL ACADEMY BEYOND 30 YEARS OF ACTIVE COMMISSIONED SERVICE.

(a) WAIVER OF MANDATORY RETIREMENT FOR YEARS OF SERVICE.—

(1) LIEUTENANT COLONELS AND COMMANDERS.—Section 633 of title 10, United States Code, is amended—

(A) by striking "Except an" and all that follows through "except as provided" and inserting "(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided"; and

(B) by adding at the end the following:

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) An officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies.

"(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy."

(2) COLONELS AND NAVY CAPTAINS.—Section 634 of such title is amended—

(A) by striking "Except an" and all that follows through "except as provided" and inserting "(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided"; and

(B) by adding at the end the following:

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) An officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies.

"(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy."

(b) AUTHORITY FOR RETENTION OF PERMANENT PROFESSORS BEYOND 30 YEARS.—

(1) AUTHORITY.—Chapter 603 of such title is amended by inserting after section 6969 the following new section:

"§6970. Permanent professors: retirement for years of service; authority for deferral

"(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is not on a list of officers recommended for promotion to the grade of captain or colonel, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

"(2) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of captain or colonel who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) or brigadier general, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

"(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may have his retirement deferred and be continued on active duty by the Secretary of the Navy.

"(2) Subject to section 1252 of this title, the Secretary of the Navy shall determine the period of any continuation on active duty under this section.

"(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is continued on active duty as a permanent professor under subsection (b) remains eligible for consideration for promotion to the grade of captain or colonel, as the case may be.

"(d) RETIRED GRADE AND RETIRED PAY.—Each officer retired under this section—

"(1) unless otherwise entitled to a higher grade, shall be retired in the grade determined under section 1370 of this title; and

"(2) is entitled to retired pay computed under section 6333 of this title."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6969 the following new item:

"6970. Permanent professors: retirement for years of service; authority for deferral."

(c) MANDATORY RETIREMENT AT AGE 64.—
(1) REORGANIZATION AND STANDARDIZATION.—Chapter 63 of such title is amended by inserting after section 1251 the following new section:

“§ 1252. Age 64: permanent professors at academies”

“(a) **MANDATORY RETIREMENT FOR AGE.**—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

“(b) **COVERED OFFICERS.**—This section applies to the following officers:

“(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

“(2) An officer who is a permanent professor at the United States Naval Academy.

“(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1251 the following new item:

“1252. Age 64: permanent professors at academies.”

(3) **CONFORMING AMENDMENT.**—Section 1251(a) of such title is amended—

(A) in the first sentence, by inserting “, a permanent professor at the United States Naval Academy,” after “Air Force Academy”; and

(B) by striking the second sentence.

(d) **CONFORMING AMENDMENTS RELATING TO COMPUTATION OF RETIRED PAY.**—

(1) **AGE 64 RETIREMENT.**—Chapter 71 of such title is amended—

(A) in the table in section 1401(a), by inserting at the bottom of the column under the heading “For sections”, in the entry for Formula Number 5, the following: “1252”; and

(B) in the table in section 1406(b)(1), by inserting at the bottom of the first column the following: “1252”.

(2) **YEARS-OF-SERVICE RETIREMENT.**—Section 6333(a) of such title is amended—

(A) in the matter preceding the table, by inserting “6970 or” after “section”; and

(B) in the table, by inserting “6970” immediately below “6325(b)” in the column under the heading “For sections”, in the entry for Formula B.

SEC. 510. AUTHORITY FOR DESIGNATION OF A GENERAL/FLAG OFFICER POSITION ON THE JOINT STAFF TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICER ON ACTIVE DUTY.

Section 526(b)(2)(A) of title 10, United States Code, is amended by inserting “, and a general and flag officer position on the Joint Staff,” after “combatant commands”.

Subtitle B—Reserve Component Management

SEC. 511. SEPARATION AT AGE 64 FOR RESERVE COMPONENT SENIOR OFFICERS.

Section 14512(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “Unless retired,”;

(2) by striking “who is Chief” and all that follows through “of a State,” and inserting “who is specified in paragraph (2)”;

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

“(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

“(A) The Chief of the National Guard Bureau.

“(B) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

“(C) An adjutant general.

“(D) If a reserve officer of the Army, the commanding general of the troops of a State.”

SEC. 512. MODIFICATION OF STRENGTH-IN-GRADE LIMITATIONS APPLICABLE TO RESERVE FLAG OFFICERS IN ACTIVE STATUS.

(a) **LINE OFFICERS.**—The table in paragraph (1) of section 12004(c) of title 10, United States

Code, is amended by striking “28” in the item relating to Line officers and inserting “33”.

(b) **MEDICAL DEPARTMENT STAFF CORPS OFFICERS.**—Such table is further amended by striking “9” in the item relating to Medical Department staff corps officers and inserting “5”.

(c) **SUPPLY CORPS OFFICERS.**—Paragraph (2)(A) of such section is amended by striking “seven” and inserting “six”.

(d) **CONFORMING AMENDMENT.**—Paragraph (1) of such section is further amended in the matter preceding the table by striking “39” and inserting “40”.

SEC. 513. MILITARY TECHNICIANS (DUAL STATUS) MANDATORY SEPARATION.

(a) **DEFERRAL OF SEPARATION.**—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **DEFERRAL OF MANDATORY SEPARATION.**—The Secretary of the Army shall implement personnel policies so as to allow a military technician (dual status) who continues to meet the requirements of this section for dual status to continue to serve beyond a mandatory removal date for officers, and any applicable maximum years of service limitation, until the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title).”

(b) **EFFECTIVE DATE.**—The Secretary of the Army shall implement subsection (f) of section 10216 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 514. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) **RETIREMENT CREDIT.**—Service of a member of the Ready Reserve of the Army National Guard or Air National Guard described in subsection (b) shall be deemed to be service creditable under section 12732(a)(2)(A)(i) of title 10, United States Code.

(b) **COVERED SERVICE.**—Service referred to in subsection (a) is full-time State active duty service that a member of the National Guard performed on or after September 11, 2001, and before October 1, 2002, in any of the counties specified in subsection (c) to support a Federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

(c) **COVERED COUNTIES.**—The counties referred to in subsection (b) are the following:

(1) In the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester.

(2) In the State of Virginia: Arlington.

(d) **APPLICABILITY.**—Subsection (a) shall take effect as of September 11, 2001.

SEC. 515. REDESIGNATION OF THE NAVAL RESERVE AS THE NAVY RESERVE.

(a) **REDESIGNATION OF RESERVE COMPONENT.**—

(1) **REDESIGNATION.**—The reserve component of the Armed Forces known as the Naval Reserve is redesignated as the Navy Reserve.

(2) **CONFORMING REPEAL.**—Section 517 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1884; 10 U.S.C. 10101 note) is repealed.

(b) **CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.**—

(1) **TEXT AMENDMENTS.**—Title 10, United States Code, is amended by striking “Naval Reserve” each place it appears in the following provisions and inserting “Navy Reserve”:

(A) Section 513(a).

(B) Section 516.

(C) Section 526(b)(2)(C)(i).

(D) Section 971(a).

(E) Section 5001(a)(1).

(F) Section 5143.

(G) Section 5596(c).

(H) Section 6323(f).

(I) Section 6327.

(J) Section 6330(b).

(K) Section 6331(a)(2).

(L) Section 6336.

(M) Section 6389.

(N) Section 6911(c)(1).

(O) Section 6913(a).

(P) Section 6915.

(Q) Section 6954(b)(3).

(R) Section 6956(a)(2).

(S) Section 6959.

(T) Section 7225.

(U) Section 7226.

(V) Section 7605(1).

(W) Section 7852.

(X) Section 7853.

(Y) Section 7854.

(Z) Section 10101(3).

(AA) Section 10108.

(BB) Section 10172.

(CC) Section 10301(a)(7).

(DD) Section 10303.

(EE) Section 12004(e)(2).

(FF) Section 12005.

(GG) Section 12010.

(HH) Section 12011(a)(2).

(II) Section 12012(a).

(JJ) Section 12103.

(KK) Section 12205.

(LL) Section 12207(b)(2).

(MM) Section 12732.

(NN) Section 12774(b) (other than the first place it appears).

(OO) Section 14002(b).

(PP) Section 14101(a)(1).

(QQ) Section 14107(d).

(RR) Section 14302(a)(1)(A).

(SS) Section 14313(b).

(TT) Section 14501(a).

(UU) Section 14512(b).

(VV) Section 14705(a).

(WW) Section 16201(d)(1)(B)(ii).

(2) **SUBSECTION CAPTION AMENDMENTS.**—Such title is further amended in sections 971(a) and 5143(a) by striking “NAVAL RESERVE” and inserting “NAVY RESERVE”.

(3) **SECTION HEADING AMENDMENTS.**—Such title is further amended as follows:

(A) The heading of section 5143 is amended to read as follows:

“§ 5143. Office of Navy Reserve: appointment of Chief”.

(B) The heading of section 6327 is amended to read as follows:

“§ 6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay”.

(C) The heading of section 6389 is amended to read as follows:

“§ 6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service”.

(D) The heading of section 7225 is amended to read as follows:

“§ 7225. Navy Reserve flag”.

(E) The heading of section 7226 is amended to read as follows:

“§ 7226. Navy Reserve yacht pennant”.

(F) The heading of section 10108 is amended to read as follows:

“§ 10108. Navy Reserve: administration”.

(G) The heading of section 10172 is amended to read as follows:

“§ 10172. Navy Reserve Force”.

(H) The heading of section 10303 is amended to read as follows:

“§ 10303. Navy Reserve Policy Board”.

(I) The heading of section 12010 is amended to read as follows:

“§ 12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result”.

(J) The heading of section 14306 is amended to read as follows:

“§14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system”.

(4) TABLES OF SECTIONS AMENDMENTS.—Such title is further amended as follows:

(A) The item relating to section 5143 in the table of sections at the beginning of chapter 513 is amended to read as follows:

“5143. Office of Navy Reserve: appointment of Chief.”.

(B) The item relating to section 6327 in the table of sections at the beginning of chapter 571 is amended to read as follows:

“6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.”.

(C) The item relating to section 6389 in the table of sections at the beginning of chapter 573 is amended to read as follows:

“6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.”.

(D) The items relating to sections 7225 and 7226 in the table of sections at the beginning of chapter 631 are amended to read as follows:

“7225. Navy Reserve flag.
“7226. Navy Reserve yacht pennant.”.

(E) The item relating to section 10108 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

“10108. Navy Reserve: administration.”.

(F) The item relating to section 10172 in the table of sections at the beginning of chapter 1006 is amended to read as follows:

“10172. Navy Reserve Force.”.

(G) The item relating to section 10303 in the table of sections at the beginning of chapter 1009 is amended to read as follows:

“10303. Navy Reserve Policy Board.”.

(H) The item relating to section 12010 in the table of sections at the beginning of chapter 1201 is amended to read as follows:

“12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result.”.

(I) The item relating to section 14306 in the table of sections at the beginning of chapter 1405 is amended to read as follows:

“14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system.”.

(c) CONFORMING AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 705 of title 14, United States Code, is amended by striking “Naval Reserve” each place it appears and inserting “Navy Reserve”.

(d) CONFORMING AMENDMENTS TO TITLE 37, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 37, United States Code, is amended by striking “Naval Reserve” each place it appears in the following provisions and inserting “Navy Reserve”:

- (A) Section 101(24)(C).
- (B) Section 201(d).
- (C) Section 205(a)(2)(I).
- (D) Section 301c(d).
- (E) Section 319(a).
- (F) Section 905.

(2) SUBSECTION CAPTION AMENDMENT.—Section 301c(d) of such title is further amended by striking “NAVAL RESERVE” and inserting “NAVY RESERVE”.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended by striking “Naval Reserve” each place it appears in the following provisions and inserting “Navy Reserve”:

- (1) Section 101(27)(B).
- (2) Section 3002(6)(C).
- (3) Section 3202(1)(C)(iii).
- (4) Section 3452(a)(3)(C).

(f) CONFORMING AMENDMENTS TO OTHER CODIFIED TITLES.—

(1) TITLE 5, UNITED STATES CODE.—Section 2108(1)(B) of title 5, United States Code, is amended by striking “Naval Reserve” and inserting “Navy Reserve”.

(2) TITLE 18, UNITED STATES CODE.—Section 2387(b) of title 18, United States Code, is amended by striking “Naval Reserve” and inserting “Navy Reserve”.

(3) TITLE 46, UNITED STATES CODE.—Title 46, United States Code, is amended as follows:

(A) Sections 8103(g) and 8302(g) are amended by striking “Naval Reserve” each place it appears and inserting “Navy Reserve”.

(B) The heading of section 8103 is amended to read as follows:

“§8103. Citizenship and Navy Reserve requirements”.

(C) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8103 and inserting the following new item:

“8103. Citizenship and Navy Reserve requirements.”.

(g) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) Section 2301(4)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(4)(C)) is amended by striking “Naval Reserve” and inserting “Navy Reserve”.

(2) The Merchant Marine Act, 1936 is amended—

(A) by striking “Naval Reserve” each place it appears in sections 301(b) (46 U.S.C. App. 1131(b)), 1303 (46 U.S.C. App. 1295b), and 1304 (46 U.S.C. App. 1295c) and inserting “Navy Reserve”; and

(B) by striking “NAVAL RESERVE” in sections 1303(c) and 1304(h) and inserting “NAVY RESERVE”.

(3) The Military Selective Service Act is amended—

(A) in section 6(a)(1) (50 U.S.C. App. 456(a)(1)), by striking “United States Naval Reserves” and inserting “members of the United States Navy Reserve”; and

(B) in section 16(i) (50 U.S.C. App. 466(i)), by striking “Naval Reserve” and inserting “Navy Reserve”.

(h) OTHER REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Naval Reserve, other than a reference to the Naval Reserve regarding the United States Naval Reserve Retired List, shall be considered to be a reference to the Navy Reserve.

SEC. 516. CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) NATURE OF COMMISSION.—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by inserting “in the legislative branch” after “There is established”.

(b) PAY OF MEMBERS.—Subsection (e)(1) of such section is amended by striking “except that” and all that follows through the end and inserting “except that—

“(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, ‘may’ shall be substituted for ‘shall’; and

“(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, ‘level IV of the Executive Schedule’ shall be substituted for ‘level V of the Executive Schedule’.”.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking “section 404(a)(4)” and inserting “section 416(a)(4)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SEC. 517. REPORT ON EMPLOYMENT MATTERS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on problems faced by members of the reserve components with respect to employment as a result of being ordered to perform full-time National Guard duty or being ordered to active duty.

(b) SPECIFIC MATTERS.—In preparing the report under subsection (a), the Comptroller General shall include the following:

(1) TYPE OF EMPLOYERS.—An estimate of the number of employers of members of the reserve components who are private-sector employers and the number who are public-sector employers.

(2) SIZE OF EMPLOYERS.—An estimate of the number of employers of members of the reserve components who employ fewer than 50 full-time employees.

(3) SELF-EMPLOYED.—An estimate of the number of members of the reserve components who are self-employed.

(4) NATURE OF BUSINESS.—A description of the nature of the business of employers of members of the reserve components.

(5) REEMPLOYMENT DIFFICULTIES.—A description of difficulties faced by members of the reserve components in gaining reemployment after having performed full-time National Guard duty or active duty, including difficulties faced by members who are disabled as a result of their service.

SEC. 518. DEFENSE SCIENCE BOARD STUDY ON DEPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE GLOBAL WAR ON TERRORISM.

(a) STUDY REQUIRED.—The Defense Science Board shall conduct a study on the length and frequency of the deployment of members of the National Guard and the Reserves as a result of the global war on terrorism.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An identification of the current range of lengths and frequencies of deployments of members of the National Guard and the Reserves.

(2) An assessment of the consequences for force structure, morale, and mission capability of deployments of members of the National Guard and the Reserves in the course of the global war on terrorism that are lengthy, frequent, or both.

(3) An identification of the optimal length and frequency of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(4) An identification of mechanisms to reduce the length, frequency, or both of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(c) REPORT.—Not later than May 1, 2006, the Defense Science Board shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a). The report shall include the results of the study and such recommendations as the Defense Science Board considers appropriate in light of the study.

SEC. 519. SENSE OF CONGRESS ON CERTAIN MATTERS RELATING TO THE NATIONAL GUARD AND RESERVES.

It is the sense of Congress—

(1) to recognize the important and integral role played by members of the Active Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonuses stemming from reenlistment contracts entered into

between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

SEC. 520. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasibility and advisability of using a coalition of military and civilian community personnel in order to enhance the quality of life for members of the Army Reserve and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program in areas of the United States in which members of the Army Reserve and their families are concentrated. The Secretary shall select one area in two States for purposes of the pilot program.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall include—

(1) military personnel; and

(2) appropriate members of the civilian community, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of using a coalition of military and civilian community personnel in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

**Subtitle C—Education and Training
PART I—DEPARTMENT OF DEFENSE
SCHOOLS GENERALLY**

SEC. 521. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

“§2163. National Defense University: master of science degrees

“(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

“(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

“(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

“(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

“(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

“(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.”

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

“2163. National Defense University: master of science degrees.”

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

SEC. 522. AUTHORITY FOR CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS TO RECEIVE FACULTY RESEARCH GRANTS FOR CERTAIN PURPOSES.

(a) NATIONAL DEFENSE UNIVERSITY.—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) ACCEPTANCE OF FACULTY RESEARCH GRANTS.—(1) The Secretary of Defense may authorize the President of the National Defense University to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of one of the institutions comprising the University for a scientific, literary, or educational purpose.

“(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

“(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(4) The Secretary shall establish an account for administering funds received as research grants under this subsection. The President of the University shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the National Defense University may be used to pay expenses incurred by the University in applying for, and otherwise pursuing, the award of qualifying research grants.

“(6) The Secretary shall prescribe regulations for the administration of this subsection.”

(b) ARMY WAR COLLEGE.—

(1) IN GENERAL.—Chapter 407 of such title is amended by adding at the end the following new section:

“§417. United States Army War College: acceptance of grants for faculty research for scientific, literary, and educational purposes

“(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Army may authorize the Commandant of the United States Army War College to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the College for a scientific, literary, or educational purpose.

“(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

“(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Army War College may be used to pay expenses incurred by the College in applying for, and otherwise pursuing, the award of qualifying research grants.

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“417. United States Army War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.”

(c) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Chapter 605 of such title is amended by adding at the end the following new section:

“§7050. Grants for faculty research for scientific, literary, and educational purposes: acceptance; authorized grantees

“(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Navy may authorize the President of the Naval Postgraduate School to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the School for a scientific, literary, or educational purpose.

“(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

“(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The President of the Naval Postgraduate School shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Naval Postgraduate School may be used to pay expenses incurred by the School in applying for, and otherwise pursuing, the award of qualifying research grants.

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7050. Grants for faculty research for scientific, literary, and educational purposes: acceptance, authorized grantees.”

(d) NAVAL WAR COLLEGE AND MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Chapter 609 of such title is amended by adding at the end the following new sections:

“§7103. Naval War College: acceptance of grants for faculty research for scientific, literary, and educational purposes

“(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Navy may authorize the President of the Naval War College to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the College for a scientific, literary, or educational purpose.

“(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

“(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this

section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The President of the Naval War College shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Naval War College may be used to pay expenses incurred by the College in applying for, and otherwise pursuing, the award of qualifying research grants.

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.

“§7104. Marine Corps University: acceptance of grants for faculty research for scientific, literary, and educational purposes

“(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Navy may authorize the President of the Marine Corps University to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of one of the institutions comprising the University for a scientific, literary, or educational purpose.

“(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

“(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The President of the Marine Corps University shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Marine Corps University may be used to pay expenses incurred by the University in applying for, and otherwise pursuing, the award of qualifying research grants.

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“7103. Naval War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.

“7104. Marine Corps University: acceptance of grants for faculty research for scientific, literary, and educational purposes.”

(e) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314 of such title is amended by adding at the end the following new subsection:

“(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

“(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

“(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

“(6) The Secretary shall prescribe regulations for the administration of this subsection.”

(f) AIR WAR COLLEGE.—

(1) IN GENERAL.—Chapter 907 of such title is amended by adding at the end the following new section:

“§9417. Air War College: acceptance of grants for faculty research for scientific, literary, and educational purposes

“(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Air Force may authorize the Commandant of the Air War College to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the College for a scientific, literary, or educational purpose.

“(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

“(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Air War College may be used to pay expenses incurred by the College in applying for, and otherwise pursuing, the award of qualifying research grants.

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9417. Air War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.”

PART II—UNITED STATES NAVAL POSTGRADUATE SCHOOL

SEC. 523. REVISION TO MISSION OF THE NAVAL POSTGRADUATE SCHOOL.

(a) INCLUSION OF PROFESSIONAL EDUCATION AND RESEARCH OPPORTUNITIES.—The text of section 7041 of title 10, United States Code, is amended to read as follows:

“There is a United States Naval Postgraduate School, the primary function of which is to provide advanced instruction and professional and technical education and research opportunities

for commissioned officers of the naval service in—

“(1) their practical and theoretical duties;

“(2) the science, physics, and systems engineering of current and future naval warfare doctrine, operations, and systems; and

“(3) the integration of naval operations and systems into joint, combined, and multinational operations.”

(b) CONFORMING AMENDMENT.—Section 7042(b)(1) of such title is amended by striking “and technical education of students” and inserting “and professional and technical education of students and the provision of research opportunities for students”.

SEC. 524. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

“(a)(1) The President of the Naval Postgraduate School shall be one of the following:

“(A) An officer of the Navy in a grade not below the grade of captain who is detailed to such position.

“(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is assigned to such position.

“(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

“(3) An individual assigned to the position of President of the Naval Postgraduate School under paragraph (1)(B) shall serve in that position for a term of not more than five years and may be reassigned to that position for an additional term of up to five years.

“(4) The qualifications appropriate for selection for detail or assignment to the position of President of the Naval Postgraduate School include the following:

“(A) A doctorate degree in a field of study relevant to the mission and function of the Naval Postgraduate School, in the case of a civilian, or a doctorate or master's degree in such a field of study, in the case of an officer of the Navy.

“(B) A comprehensive understanding of the Navy, the Department of Defense, and joint and combined operations.

“(C) Leadership experience at the senior level in a large and diverse organization.

“(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

“(E) Other qualifications, as determined by the Secretary of the Navy.”

SEC. 525. INCREASED ENROLLMENT FOR ELIGIBLE DEFENSE INDUSTRY EMPLOYEES IN THE DEFENSE PRODUCT DEVELOPMENT PROGRAM AT NAVAL POSTGRADUATE SCHOOL.

Section 7049(a) of title 10, United States Code, is amended—

(1) by inserting “and systems engineering” after “curriculum related to defense product development”; and

(2) by striking “10” and inserting “25”.

SEC. 526. INSTRUCTION FOR ENLISTED PERSONNEL BY THE NAVAL POSTGRADUATE SCHOOL.

(a) EXPANDED ELIGIBILITY FOR INSTRUCTION.—Section 7045 of title 10, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) The Secretary may permit an eligible enlisted member of the Navy or Marine Corps to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member's duties.”; and

(C) in subparagraph (D), as so redesignated, by striking “(A) and (B)” and inserting “(A), (B), and (C)”; and

(2) in subsection (b)(2), by striking “(a)(2)(C)” and inserting “(a)(2)(D)”.

(b) **LIMITATION ON DEGREE AWARDS.**—Such section is further amended by adding at the end the following new subsection:

“(d) The Secretary may not award a baccalaureate, masters, or doctorate degree to an enlisted member based upon instruction received at the Postgraduate School under subsection (a)(2)(C).”.

(c) **REPORT ON RATIONALE AND PLANS OF THE NAVY TO PROVIDE ENLISTED MEMBERS AN OPPORTUNITY TO OBTAIN GRADUATE DEGREES.**—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans, if any, of the Secretary, and the rationale for those plans, for a program to provide enlisted members of the Navy with opportunities to pursue graduate degree programs either through Navy schools or paid for by the Navy in return for an additional service obligation. The report shall include the following:

(1) The underlying philosophy and objectives supporting a decision to provide opportunities for graduate degrees to enlisted members of the Navy.

(2) An overall description of how the award of a graduate degree to an enlisted member would fit in an integrated, progressive, coordinated, and systematic way into the goals and requirements of the Navy for enlisted career development and for professional education, together with a discussion of a wider requirement, if any, for programs for the award of associate and baccalaureate degrees to enlisted members, particularly in the career fields under consideration for the pilot program referred to in subsection (d).

(3) A discussion of the scope and details of the plan to ensure that Navy enlisted members have the requisite academic baccalaureate degrees as a prerequisite for undertaking graduate-level work.

(4) Identification of the specific enlisted career fields for which the Secretary has determined that a graduate degree should be a requirement, as well as the rationale for that determination.

(5) A description of the concept of the Secretary for the process and mechanism of providing graduate degrees to enlisted members, including, at a minimum, the Secretary’s plan for whether the degree programs would be provided through civilian or military degree-granting institutions and whether through in-resident or distance learning or some combination thereof.

(6) A description of the plan to ensure proper and effective utilization of enlisted members following the award of a graduate degree.

(d) **PLAN FOR PILOT PROGRAM.**—In addition to the report under subsection (c), the Secretary of the Navy may submit a plan for a pilot program to make available opportunities to pursue graduate degree programs to a limited number of Navy enlisted members in a specific, limited set of critical career fields. Such a plan shall include, as a minimum, the following:

(1) The specific objectives of the pilot program.

(2) An identification of the specific enlisted career fields from which candidates for the program would be drawn, the numbers and prerequisite qualifications of initial candidates, and the process for selecting the enlisted members who would initially participate.

(3) The process and mechanism for providing the degrees, described in the same manner as specified under subsection (c)(5), and a general description of course content.

(4) An analysis of the cost effectiveness of using Navy, other service, or civilian degree granting institutions in the program.

(5) The plan for post-graduation utilization of the enlisted members who obtain graduate degrees under the program.

(6) The criteria and plan for assessing whether the objectives of the program are met.

PART III—RESERVE OFFICERS’ TRAINING CORPS

SEC. 531. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER ROTC SCHOLARSHIP PROGRAMS.

(a) **GENERAL ROTC PROGRAM.**—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4); and
(2) in paragraph (5)(B), by striking “, (3), or (4)” and inserting “or (3)”.

(b) **ARMY RESERVE AND ARMY NATIONAL GUARD PROGRAM.**—Section 2107a(c) of such title is amended by striking paragraph (3).

(c) **EFFECTIVE DATE.**—Paragraph (4) of section 2107(c) of title 10, United States Code, and paragraph (3) of section 2107a(c) of such title, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of any individual selected before the date of the enactment of this Act for appointment as a cadet or midshipman under section 2107 or 2107a of such title.

SEC. 532. INCREASE IN ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND NATIONAL GUARD PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking “208” and inserting “416”.

SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL ASSISTANCE AND SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS AND MIDSHIPMEN ON THE BASIS OF HEALTH-RELATED CONDITIONS.

(a) **REQUIREMENTS.**—Section 2107 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) Payment of financial assistance under this section for, and payment of a monthly subsistence allowance under section 209 of title 37 to, a cadet or midshipman appointed under this section may be suspended on the basis of health-related incapacity of the cadet or midshipman only in accordance with regulations prescribed under paragraph (2).

“(2) The Secretary of Defense shall prescribe in regulations the policies and procedures for suspending payments under paragraph (1). The regulations shall apply uniformly to all of the military departments. The regulations shall include the following matters:

“(A) The standards of health-related fitness that are to be applied.

“(B) Requirements for—

“(i) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under subparagraph (A), by a health care professional on the basis of a medical examination of the cadet or midshipman; and
“(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in deciding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition.

“(C) A requirement for the Secretary concerned to transmit to a cadet or midshipman proposed for suspension under this subsection a notification of the proposed suspension together with the determinations made under subparagraph (B)(i) in the case of the proposed suspension.

“(D) A procedure for a cadet or midshipman proposed for suspension under this subsection to submit a written response to the proposal for suspension, including any supporting information.

“(E) Requirements for—

“(i) one or more health-care professionals to review, in the case of such a response of a cadet or midshipman, each health-related condition and prognosis addressed in the response, taking into consideration the matters submitted in such response; and
“(ii) the Secretary concerned to take into consideration the determinations made under clause

(i) with respect to such condition in making a final decision regarding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition, and the conditions under which such suspension may be lifted.”.

(b) **TIME FOR PROMULGATION OF REGULATIONS.**—The Secretary of Defense shall prescribe the regulations required under subsection (j) of section 2107 of title 10, United States Code (as added by subsection (a)), not later than May 1, 2006.

SEC. 534. ELIGIBILITY OF UNITED STATES NATIONALS FOR APPOINTMENT TO THE SENIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) **IN GENERAL.**—Section 2107(b)(1) of title 10, United States Code, is amended by inserting “or national” after “citizen”.

(b) **ARMY RESERVE OFFICERS TRAINING PROGRAMS.**—Section 2107a(b)(1)(A) of such title is amended by inserting “or national” after “citizen”.

(c) **ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED OFFICERS.**—Section 532(f) of such title is amended by inserting “, or for a United States national otherwise eligible for appointment as a cadet or midshipman under section 2107(a) of this title or as a cadet under section 2107a of this title,” after “for permanent residence”.

SEC. 535. PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS’ TRAINING CORPS.

(a) **IN GENERAL.**—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers’ Training Corps, including through the development and implementation of—

(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other “strategic languages”, as defined by the Secretary of Defense in consultation with other relevant agencies; and

(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers’ Training Corps.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to carry out this section.

SEC. 536. DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an ‘Ike Skelton Early Commissioning Program Scholarship’.”.

PART IV—OTHER MATTERS

SEC. 537. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) **ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.**—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”;

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) any loan incurred for educational purposes made by a lender that is—

“(i) an agency or instrumentality of a State;

“(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

“(iii) a pension fund approved by the Secretary for purposes of this section; or

“(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.”.

(b) **ELIGIBILITY OF OFFICERS.**—Paragraph (2) of such section is amended by striking “an enlisted member in a military specialty” and inserting “a member in an officer program or military specialty”.

SEC. 538. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) **IN GENERAL.**—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

“**§2015. Payment of expenses to obtain professional credentials**

“(a) **AUTHORITY.**—The Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may pay for—

“(1) expenses for members of the armed forces to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

“(2) examinations to obtain such credentials.

“(b) **LIMITATION.**—The authority under subsection (a) may not be used to pay the expenses of a member to obtain professional credentials that are a prerequisite for appointment in the armed forces.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2015. Payment of expenses to obtain professional credentials.”.

SEC. 539. USE OF RESERVE MONTGOMERY GI BILL BENEFITS AND BENEFITS FOR MOBILIZED MEMBERS OF THE SELECTED RESERVE AND NATIONAL GUARD FOR PAYMENTS FOR LICENSING OR CERTIFICATION TESTS.

(a) **CHAPTER 1606.**—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of title 38 is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual’s available entitlement under this chapter.”.

(b) **CHAPTER 1607.**—Section 16162 of such title is amended by adding at the end the following new subsection:

“(e) **AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.**—The provisions of section 16131(j) of this title shall apply to the provision of educational assistance under this chapter, except that, in applying such section under this chapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to a licensing or certification test administered on or after the date of the enactment of this Act.

SEC. 540. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVES SUPPORTING CONTINGENCY AND OTHER OPERATIONS.

(a) **OFFICIAL RECEIVING ELECTIONS OF BENEFITS.**—Section 16163(e) of title 10, United States Code, is amended by striking “Secretary concerned” and inserting “Secretary of Veterans Affairs”.

(b) **EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.**—Section 16165 of such title is amended—

(1) by striking “Educational assistance” and inserting “(a) **IN GENERAL.**—Except as provided in subsection (b), educational assistance”; and

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

“(b) **EXCEPTION.**—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.”.

Subtitle D—General Service Requirements
SEC. 541. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) **IN GENERAL.**—

(1) Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

“**§652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned**

“(a) **RULE FOR GROUND COMBAT PERSONNEL POLICY.**—(1) If the Secretary of Defense proposes to make any change described in paragraph (2)(A) or (2)(B) to the ground combat exclusion policy or proposes to make a change described in paragraph (2)(C), the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

“(2) A change referred to in paragraph (1) is a change that—

“(A) closes to female members of the armed forces any category of unit or position that at that time is open to service by such members;

“(B) opens to service by female members of the armed forces any category of unit or position that at that time is closed to service by such members; or

“(C) opens or closes to the assignment of female members of the armed forces any military career designator as described in paragraph (6).

“(3) The Secretary shall include in any report under paragraph (1)—

“(A) a detailed description of, and justification for, the proposed change; and

“(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

“(4) In this subsection, the term ‘ground combat exclusion policy’ means the military personnel policies of the Department of Defense and the military departments, as in effect on October 1, 1994, by which female members of the armed forces are restricted from assignment to units and positions below brigade level whose primary mission is to engage in direct combat on the ground.

“(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.

“(6) For purposes of this subsection, a military career designator is one that is related to military operations on the ground as of May 18, 2005, and applies—

“(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

“(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

“(b) **OTHER PERSONNEL POLICY CHANGES.**—(1) Except in a case covered by section 6035 of this

title or by subsection (a), whenever the Secretary of Defense proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

“(2) Paragraph (1) applies to a proposed military personnel policy change, other than a policy change covered by subsection (a), that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

“(A) Any type of unit not covered by subsection (a).

“(B) Any class of combat vessel.

“(C) Any type of combat platform.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

“652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned.”.

(b) **REPORT ON IMPLEMENTATION OF DEPARTMENT OF DEFENSE POLICIES WITH REGARD TO THE ASSIGNMENT OF WOMEN.**—Not later than March 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report of the Secretary’s review of the current and future implementation of the policy regarding the assignment of women as articulated in the Secretary of Defense memorandum, dated January 13, 1994, and entitled, “Direct Ground Combat Definition and Assignment Rule”. In conducting that review, the Secretary shall closely examine Army unit modularization efforts, and associated personnel assignment policies, to ensure their compliance with the Department of Defense policy articulated in the January 1994 memorandum.

(c) **CONFORMING REPEAL.**—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

SEC. 542. UNIFORM CITIZENSHIP OR RESIDENCY REQUIREMENTS FOR ENLISTMENT IN THE ARMED FORCES.

(a) **UNIFORM REQUIREMENTS.**—Section 504 of title 10, United States Code, is amended—

(1) by inserting “(a) **INSANITY, DESERTION, FELONS, ETC.**—” before “No person”; and

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

“(b) **CITIZENSHIP OR RESIDENCY.**—(1) A person may be enlisted in any armed force only if the person is one of the following:

“(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

“(C) A person described in section 341 of one of the following compacts:

“(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public Law 108–188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

“(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108–188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

“(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99–658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

“(2) Notwithstanding paragraph (1), the Secretary concerned may authorize the enlistment of a person not described in paragraph (1) if the Secretary determines that such enlistment is vital to the national interest.”.

(b) **REPEAL OF SUPERSEDED LIMITATIONS FOR THE ARMY AND AIR FORCE.**—

(1) **REPEAL.**—Sections 3253 and 8253 of such title are repealed.

(2) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3253. The table of sections at the beginning of chapter 833 of such title is amended by striking the item relating to section 8253.

SEC. 543. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking “thirty-five years of age” and inserting “forty-two years of age”.

SEC. 544. INCREASE IN MAXIMUM TERM OF ORIGINAL ENLISTMENT IN REGULAR COMPONENT.

Section 505(c) of title 10, United States Code, is amended by striking “six years” and inserting “eight years”.

SEC. 545. NATIONAL CALL TO SERVICE PROGRAM.

(a) **LIMITATION TO DOMESTIC NATIONAL SERVICE PROGRAMS.**—Subsection (c)(3)(D) of section 510 of title 10, United States Code, is amended by striking “in the Peace Corps, Americorps, or another national service program” and inserting “in Americorps or another domestic national service program”.

(b) **EXTENSION OF QUALIFYING SERVICE FOR INITIAL MILITARY SERVICE UNDER PROGRAM.**—Subsection (d) of such title section is amended by inserting before the period at the end the following: “and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlistment and entry into an agreement under subsection (b) is to enter an officer training program”.

(c) **ADMINISTRATION OF EDUCATION INCENTIVES BY SECRETARY OF VETERANS AFFAIRS.**—Paragraph (2) of subsection (h) of such section is amended to read as follows:

“(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

“(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).”

SEC. 546. REPORTS ON INFORMATION PROVIDED TO POTENTIAL RECRUITS AND TO NEW ENTRANTS INTO THE ARMED FORCES ON “STOP LOSS” AUTHORITIES AND INITIAL PERIOD OF MILITARY SERVICE OBLIGATION.

(a) **REPORT ON INFORMATION PROVIDED TO POTENTIAL RECRUITS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 41.

(2) **ELEMENTS.**—The report under paragraph (1) shall include—

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called “stop loss” authority and the manner in which exercise of such authority could affect the duration of an individual’s service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual’s expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

(b) **REPORT ON INFORMATION PROVIDED TO NEW ENTRANTS AND OTHER SERVICE MEMBERS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions being taken to ensure that each individual covered by section 651(a) of title 10, United States Code, is provided, upon commencing that person’s initial period of service as a member of the Armed Forces and at other points during a military career, precise information regarding the date on which the initial service obligation of that person under such section ends.

(2) **ELEMENTS OF REPORT.**—The report under subsection (a) shall include the following:

(A) a description of how the Department notifies members of the Armed Forces of—

(i) the completion date of their military service obligation upon entry in the Armed Forces;

(ii) the expiration of their military service obligation; and

(iii) before the expiration of a member’s military service obligation, the opportunity, if the member is qualified and serving in the Individual Ready Reserve, to continue voluntarily in the Ready Reserve or to transfer to an active component.

(B) A description of the policy and procedures of the Department of Defense regarding the involuntary recall or mobilization of members serving in the Individual Ready Reserve beyond the date of expiration of their military service obligation.

(C) Such other information as the Secretary considers appropriate.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 551. OFFENSE OF STALKING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) **ESTABLISHMENT OF OFFENSE.**—

(1) **NEW PUNITIVE ARTICLE.**—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 920 (article 120) the following new section:

“§920a. Art. 120a. Stalking

“(a) Any person subject to this section—

“(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;

“(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

“(3) whose acts induce reasonable fear in the specific person of death or bodily harm, includ-

ing sexual assault, to himself or herself or to a member of his or her immediate family; is guilty of stalking and shall be punished as a court-martial may direct.

“(b) In this section:

“(1) The term ‘course of conduct’ means—

“(A) a repeated maintenance of visual or physical proximity to a specific person; or

“(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

“(2) The term ‘repeated’, with respect to conduct, means two or more occasions of such conduct.

“(3) The term ‘immediate family’, in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 920 the following new item:

“920a. 120a. Stalking.”

(b) **APPLICABILITY.**—Section 920a of title 10, United States Code (article 120a of the Uniform Code of Military Justice), as added by subsection (a), applies to offenses committed after the date that is 180 days after the date of the enactment of this Act.

SEC. 552. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER UNIFORM CODE OF MILITARY JUSTICE.

(a) **REVISION TO UCMJ.**—

(1) **IN GENERAL.**—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended to read as follows:

“§920. Art. 120. Rape, sexual assault, and other sexual misconduct

“(a) **RAPE.**—Any person subject to this chapter who causes another person of any age to engage in a sexual act by—

“(1) using force against that other person;

“(2) causing grievous bodily harm to any person;

“(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

“(4) rendering another person unconscious; or

“(5) administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a court-martial may direct.

“(b) **RAPE OF A CHILD.**—Any person subject to this chapter who—

“(1) engages in a sexual act with a child who has not attained the age of 12 years; or

“(2) engages in a sexual act under the circumstances described in subsection (a) with a child who has attained the age of 12 years; is guilty of rape of a child and shall be punished as a court-martial may direct.

“(c) **AGGRAVATED SEXUAL ASSAULT.**—Any person subject to this chapter who—

“(1) causes another person of any age to engage in a sexual act by—

“(A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or

“(B) causing bodily harm; or

“(2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of—

“(A) appraising the nature of the sexual act;

“(B) declining participation in the sexual act;

or

“(C) communicating unwillingness to engage in the sexual act;

is guilty of aggravated sexual assault and shall be punished as a court-martial may direct.

“(d) AGGRAVATED SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who engages in a sexual act with a child who has attained the age of 12 years is guilty of aggravated sexual assault of a child and shall be punished as a court-martial may direct.

“(e) AGGRAVATED SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

“(f) AGGRAVATED SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who engages in a lewd act with a child is guilty of aggravated sexual abuse of a child and shall be punished as a court-martial may direct.

“(g) AGGRAVATED SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (b) (rape of a child) had the sexual contact been a sexual act, is guilty of aggravated sexual contact with a child and shall be punished as a court-martial may direct.

“(h) ABUSIVE SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (c) (aggravated sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

“(i) ABUSIVE SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (d) (aggravated sexual assault of a child) had the sexual contact been a sexual act, is guilty of abusive sexual contact with a child and shall be punished as a court-martial may direct.

“(j) INDECENT LIBERTY WITH A CHILD.—Any person subject to this chapter who engages in indecent liberty in the physical presence of a child—

“(1) with the intent to arouse, appeal to, or gratify the sexual desire of any person; or

“(2) with the intent to abuse, humiliate, or degrade any person;

is guilty of indecent liberty with a child and shall be punished as a court-martial may direct.

“(k) INDECENT ACT.—Any person subject to this chapter who engages in indecent conduct is guilty of an indecent act and shall be punished as a court-martial may direct.

“(l) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with another person to be directed to said person is guilty of forcible pandering and shall be punished as a court-martial may direct.

“(m) WRONGFUL SEXUAL CONTACT.—Any person subject to this chapter who, without legal justification or lawful authorization, engages in sexual contact with another person without that other person's permission is guilty of wrongful sexual contact and shall be punished as a court-martial may direct.

“(n) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, in any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

“(o) AGE OF CHILD.—

“(1) TWELVE YEARS.—In a prosecution under subsection (b) (rape of a child), subsection (g) (aggravated sexual contact with a child), or subsection (j) (indecent liberty with a child), it need not be proven that the accused knew that

the other person engaging in the sexual act, contact, or liberty had not attained the age of 12 years. It is not an affirmative defense that the accused reasonably believed that the child had attained the age of 12 years.

“(2) SIXTEEN YEARS.—In a prosecution under subsection (d) (aggravated sexual assault of a child), subsection (f) (aggravated sexual abuse of a child), subsection (i) (abusive sexual contact with a child), or subsection (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of 16 years. Unlike in paragraph (1), however, it is an affirmative defense that the accused reasonably believed that the child had attained the age of 16 years.

“(p) PROOF OF THREAT.—In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

“(q) MARRIAGE.—

“(1) IN GENERAL.—In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual assault of a child), subsection (f) (aggravated sexual abuse of a child), subsection (i) (abusive sexual contact with a child), subsection (j) (indecent liberty with a child), subsection (m) (wrongful sexual contact), or subsection (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct are married to each other.

“(2) DEFINITION.—For purposes of this subsection, a marriage is a relationship, recognized by the laws of a competent State or foreign jurisdiction, between the accused and the other person as spouses. A marriage exists until it is dissolved in accordance with the laws of a competent State or foreign jurisdiction.

“(3) EXCEPTION.—Paragraph (1) shall not apply if the accused's intent at the time of the sexual conduct is to abuse, humiliate, or degrade any person.

“(r) CONSENT AND MISTAKE OF FACT AS TO CONSENT.—Lack of permission is an element of the offense in subsection (m) (wrongful sexual contact). Consent and mistake of fact as to consent are not an issue, or an affirmative defense, in a prosecution under any other subsection, except they are an affirmative defense for the sexual conduct in issue in a prosecution under subsection (a) (rape), subsection (c) (aggravated sexual assault), subsection (e) (aggravated sexual contact), and subsection (h) (abusive sexual contact).

“(s) OTHER AFFIRMATIVE DEFENSES NOT PRECLUDED.—The enumeration in this section of some affirmative defenses shall not be construed as excluding the existence of others.

“(t) DEFINITIONS.—In this section:

“(1) SEXUAL ACT.—The term ‘sexual act’ means—

“(A) contact between the penis and the vulva, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

“(B) the penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

“(2) SEXUAL CONTACT.—The term ‘sexual contact’ means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.

“(3) GRIEVOUS BODILY HARM.—The term ‘grievous bodily harm’ means serious bodily in-

jury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose. It is the same level of injury as in section 928 (article 128) of this chapter, and a lesser degree of injury than in section 2246(4) of title 18.

“(4) DANGEROUS WEAPON OR OBJECT.—The term ‘dangerous weapon or object’ means—

“(A) any firearm, loaded or not, and whether operable or not;

“(B) any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used, or is intended to be used, is known to be capable of producing death or grievous bodily harm; or

“(C) any object fashioned or utilized in such a manner as to lead the victim under the circumstances to reasonably believe it to be capable of producing death or grievous bodily harm.

“(5) FORCE.—The term ‘force’ means action to compel submission of another or to overcome or prevent another's resistance by—

“(A) the use or display of a dangerous weapon or object;

“(B) the suggestion of possession of a dangerous weapon or object that is used in a manner to cause another to believe it is a dangerous weapon or object; or

“(C) physical violence, strength, power, or restraint applied to another person, sufficient that the other person could not avoid or escape the sexual conduct.

“(6) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—The term ‘threatening or placing that other person in fear’ under paragraph (3) of subsection (a) (rape), or under subsection (e) (aggravated sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to death, grievous bodily harm, or kidnapping.

“(7) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—

“(A) IN GENERAL.—The term ‘threatening or placing that other person in fear’ under paragraph (1)(A) of subsection (c) (aggravated sexual assault), or under subsection (h) (abusive sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another being subjected to a lesser degree of harm than death, grievous bodily harm, or kidnapping.

“(B) INCLUSIONS.—Such lesser degree of harm includes—

“(i) physical injury to another person or to another person's property; or

“(ii) a threat—

“(I) to accuse any person of a crime;

“(II) to expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

“(III) through the use or abuse of military position, rank, or authority, to affect or threaten to affect, either positively or negatively, the military career of some person.

“(8) BODILY HARM.—The term ‘bodily harm’ means any offensive touching of another, however slight.

“(9) CHILD.—The term ‘child’ means any person who has not attained the age of 16 years.

“(10) LEWD ACT.—The term ‘lewd act’ means—

“(A) the intentional touching, not through the clothing, of the genitalia of another person, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

“(B) intentionally causing another person to touch, not through the clothing, the genitalia of any person with an intent to abuse, humiliate or degrade any person, or to arouse or gratify the sexual desire of any person.

“(11) INDECENT LIBERTY.—The term ‘indecent liberty’ means indecent conduct, but physical contact is not required. It includes one who with

the requisite intent exposes one's genitalia, anus, buttocks, or female areola or nipple to a child. An indecent liberty may consist of communication of indecent language as long as the communication is made in the physical presence of the child. If words designed to excite sexual desire are spoken to a child, or a child is exposed to or involved in sexual conduct, it is an indecent liberty; the child's consent is not relevant.

"(12) INDECENT CONDUCT.—The term 'indecent conduct' means that form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations. Indecent conduct includes observing, or making a videotape, photograph, motion picture, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material, without another person's consent, and contrary to that other person's reasonable expectation of privacy, of—

"(A) that other person's genitalia, anus, or buttocks, or (if that other person is female) that person's areola or nipple; or

"(B) that other person while that other person is engaged in a sexual act, sodomy (under section 925 (article 125)), or sexual contact.

"(13) ACT OF PROSTITUTION.—The term 'act of prostitution' means a sexual act, sexual contact, or lewd act for the purpose of receiving money or other compensation.

"(14) CONSENT.—The term 'consent' means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. A person cannot consent to sexual activity if—

"(A) under 16 years of age; or

"(B) substantially incapable of—

"(i) appraising the nature of the sexual conduct at issue due to—

"(I) mental impairment or unconsciousness resulting from consumption of alcohol, drugs, a similar substance, or otherwise; or

"(II) mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue;

"(ii) physically declining participation in the sexual conduct at issue; or

"(iii) physically communicating unwillingness to engage in the sexual conduct at issue.

"(15) MISTAKE OF FACT AS TO CONSENT.—The term 'mistake of fact as to consent' means the accused held, as a result of ignorance or mistake, an incorrect belief that the other person engaging in the sexual conduct consented. The ignorance or mistake must have existed in the mind of the accused and must have been reasonable under all the circumstances. To be reasonable the ignorance or mistake must have been based on information, or lack of it, which would indicate to a reasonable person that the other person consented. Additionally, the ignorance or mistake cannot be based on the negligent failure to discover the true facts. Negligence is the absence of due care. Due care is what a reasonably careful person would do under the same or similar circumstances. The accused's state of intoxication, if any, at the time of the offense is not relevant to mistake of fact. A mistaken belief that the other person consented must be that which a reasonably careful, ordinary, prudent, sober adult would have had under the circumstances at the time of the offense.

"(16) AFFIRMATIVE DEFENSE.—The term 'affirmative defense' means any special defense which, although not denying that the accused committed the objective acts constituting the offense charged, denies, wholly, or partially,

criminal responsibility for those acts. The accused has the burden of proving the affirmative defense by a preponderance of evidence. After the defense meets this burden, the prosecution shall have the burden of proving beyond a reasonable doubt that the affirmative defense did not exist."

(2) CLERICAL AMENDMENT.—The item relating to section 920 (article 120) in the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

"920. 120. Rape, sexual assault, and other sexual misconduct."

(b) INTERIM MAXIMUM PUNISHMENTS.—Until the President otherwise provides pursuant to section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), the punishment which a court-martial may direct for an offense under section 920 of such title (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), may not exceed the following limits:

(1) SUBSECTIONS (a) AND (b).—For an offense under subsection (a) (rape) or subsection (b) (rape of a child), death or such other punishment as a court-martial may direct.

(2) SUBSECTION (c).—For an offense under subsection (c) (aggravated sexual assault), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

(3) SUBSECTIONS (d) AND (e).—For an offense under subsection (d) (aggravated sexual assault of a child) or subsection (e) (aggravated sexual contact), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) SUBSECTIONS (f) AND (g).—For an offense under subsection (f) (aggravated sexual abuse of a child) or subsection (g) (aggravated sexual contact with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(5) SUBSECTIONS (h) THROUGH (j).—For an offense under subsection (h) (abusive sexual contact), subsection (i) (abusive sexual contact with a child), or subsection (j) (indecent liberty with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(6) SUBSECTIONS (k) AND (l).—For an offense under subsection (k) (indecent act) or subsection (l) (forcible pandering), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(7) SUBSECTIONS (m) AND (n).—For an offense under subsection (m) (wrongful sexual contact) or subsection (n) (indecent exposure), dishonorable discharge, forfeiture of all pay and allowances, and confinement for one year.

(c) APPLICABILITY.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to offenses committed on or after the effective date specified in subsection (f).

(d) AGGRAVATING FACTORS FOR OFFENSE OF MURDER.—Section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), is amended in paragraph (4) by striking "rape," and inserting "rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child,".

(e) STATUTE OF LIMITATIONS.—Section 843(a) of title 10, United States Code (article 843(a) of the Uniform Code of Military Justice), as amended by section 553(a), is amended by striking "or rape," and inserting "rape, or rape of a child,".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR MURDER, RAPE, AND CHILD ABUSE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) NO LIMITATION FOR MURDER OR RAPE.—Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking "or with any offense punishable by death" and inserting "with murder or rape, or with any other offense punishable by death."

(b) SPECIAL RULES FOR CHILD ABUSE OFFENSES.—Subsection (b)(2) of such section (article) is amended—

(1) in subparagraph (A), by striking "before the child attains the age of 25 years" and inserting "during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "sexual or physical";

(B) in clause (i), by striking "Rape or carnal knowledge" and inserting "Any offense"; and

(C) in clause (v), by striking "Indecent assault," and inserting "Kidnaping; indecent assault,;" and

(3) by adding at the end the following new subparagraph:

"(C) In subparagraph (A), the term 'child abuse offense' includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117, or under section 1591, of title 18."

SEC. 554. REPORTS BY OFFICERS AND SENIOR ENLISTED MEMBERS OF CONVICTION OF CRIMINAL LAW.

(a) REQUIREMENT FOR REPORTS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report of any conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not the member is on active duty at the time of the conduct that provides the basis for the conviction. The regulations shall apply uniformly throughout the military departments.

(2) COVERED MEMBERS.—In this section, the term "covered member of the Armed Forces" means a member of the Army, Navy, Air Force, or Marine Corps who is on the active-duty list or the reserve active-status list and who is—

(A) an officer; or

(B) an enlisted member in a pay grade above pay grade E-6.

(b) LAW ENFORCEMENT AUTHORITY OF THE UNITED STATES.—For purposes of this section, a law enforcement authority of the United States includes—

(1) a military or other Federal law enforcement authority;

(2) a State or local law enforcement authority; and

(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(c) CRIMINAL LAW OF THE UNITED STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—

(A) any military or other Federal criminal law;

(B) any State, county, municipal, or local criminal law or ordinance; and

(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(2) EXCEPTION.—For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor

traffic offense (as determined by the Secretary for purposes of such regulations).

(d) **TIMELINESS OF REPORTS.**—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

(e) **FORWARDING OF INFORMATION.**—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to a conviction for which a report is required by this section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

(f) **CONVICTIONS.**—In this section, the term “conviction” includes any plea of guilty or nolo contendere.

(g) **DEADLINE FOR REGULATIONS.**—The regulations required by subsection (a), including the requirement in subsection (e), shall go into effect not later than the end of the 180-day period beginning on the date of the enactment of this Act.

(h) **APPLICABILITY OF REQUIREMENT.**—The requirement under the regulations required by subsection (a) that a covered member of the Armed Forces submit notice of a conviction shall apply only to a conviction that becomes final after the date of the enactment of this Act.

SEC. 555. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT REGARD TO LICENSING REQUIREMENTS.

Section 1044 of title 10, United States Code, is amended—

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

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

“(d)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

“(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

“(3) In this subsection, the term ‘military legal assistance’ includes—

“(A) legal assistance provided under this section; and

“(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.”.

SEC. 556. USE OF TELECONFERENCING IN ADMINISTRATIVE SESSIONS OF COURTS-MARTIAL.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by designating the matter following paragraph (4) of subsection (a) as subsection (b); and

(3) in subsection (b), as so redesignated—

(A) by striking “These proceedings shall be conducted” and inserting “Proceedings under subsection (a) shall be conducted”; and

(B) by adding at the end the following new sentence: “If authorized by regulations of the Secretary concerned, and if at least one defense counsel is physically in the presence of the accused, the presence required by this subsection may otherwise be established by audiovisual technology (such as videoteleconferencing technology).”.

SEC. 557. SENSE OF CONGRESS ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON ACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of Congress that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while such members are serving overseas under inactive-duty training orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to such members.

Subtitle F—Matters Relating to Casualties

SEC. 561. AUTHORITY FOR MEMBERS ON ACTIVE DUTY WITH DISABILITIES TO PARTICIPATE IN PARALYMPIC GAMES.

Section 717(a) of title 10, United States Code, is amended by striking “participate in—” and all that follows through “(2) any other” and inserting “participate in any of the following sports competitions:

“(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

“(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

“(3) Any other”.

SEC. 562. POLICY AND PROCEDURES ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.

(a) **COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.**—

(1) **POLICY REQUIRED.**—Not later than August 1, 2006, the Secretary of Defense shall prescribe a comprehensive policy for the Department of Defense on the provision of casualty assistance to survivors and next of kin of members of the Armed Forces who die during military service (in this section referred to as “military decedents”).

(2) **CONSULTATION.**—The Secretary shall develop the policy under paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Homeland Security with respect to the Coast Guard.

(3) **INCORPORATION OF PAST EXPERIENCE AND PRACTICE.**—The policy developed under paragraph (1) shall be based on—

(A) the experience and best practices of the military departments;

(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of survivors of military decedents; and

(C) such other matters as the Secretary of Defense considers appropriate.

(4) **PROCEDURES.**—The policy shall include procedures to be followed by the military departments in the provision of casualty assistance to survivors and next of kin of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(b) **ELEMENTS OF POLICY.**—The comprehensive policy developed under subsection (a) shall address the following matters:

(1) The initial notification of primary and secondary next of kin of the deaths of military decedents and any subsequent notifications of next of kin warranted by circumstances.

(2) The transportation and disposition of remains of military decedents, including notification of survivors of the performance of autopsies.

(3) The qualifications, assignment, training, duties, supervision, and accountability for the performance of casualty assistance responsibilities.

(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

(5) Centralized, short-term and long-term case-management procedures for casualty assistance by each military department, including rapid access by survivors of military decedents and casualty assistance officers to expert case managers and counselors.

(6) The provision, through a computer accessible Internet website and other means and at no cost to survivors of military decedents, of personalized, integrated information on the benefits and financial assistance available to such survivors from the Federal Government.

(7) The provision, at no cost to survivors of military decedents, of legal assistance by military attorneys on matters arising from the deaths of such decedents, including tax matters, on an expedited, prioritized basis.

(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.

(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

(10) Liaison with the Department of Veterans Affairs and the Social Security Administration in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for survivors of military decedents.

(11) Data collection regarding the incidence and quality of casualty assistance provided to survivors of military decedents, including surveys of such survivors and military and civilian members assigned casualty assistance duties.

(c) **ADOPTION BY MILITARY DEPARTMENTS.**—Not later than November 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of casualty assistance to survivors and next of kin of military decedents in order to conform such policies and procedures to the policy developed under subsection (a).

(d) **REPORT ON IMPROVEMENT OF CASUALTY ASSISTANCE PROGRAMS.**—Not later than December 1, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that includes—

(1) the assessment of the Secretary of the adequacy and sufficiency of the current casualty assistance programs of the military departments;

(2) a plan for a system for the uniform provision to survivors of military decedents of personalized, accurate, and integrated information on the benefits and financial assistance available to such survivors through the casualty assistance programs of the military departments under subsection (c); and

(3) such recommendations for other legislative or administrative action as the Secretary considers appropriate to enhance and improve such programs to achieve their intended purposes.

(e) **GAO REPORT.**—

(1) **REPORT REQUIRED.**—Not later than July 1, 2006, the Comptroller General shall submit to the committees specified in subsection (d) a report on the evaluation by the Comptroller General of the casualty assistance programs of the Department of Defense and of such other departments and agencies of the Federal Government as provide casualty assistance to survivors and next of kin of military decedents.

(2) **ASSESSMENT.**—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.

SEC. 563. POLICY AND PROCEDURES ON ASSISTANCE TO SEVERELY WOUNDED OR INJURED SERVICE MEMBERS.

(a) **COMPREHENSIVE POLICY.**—

(1) **POLICY REQUIRED.**—Not later than June 1, 2006, the Secretary of Defense shall prescribe a comprehensive policy for the Department of Defense on the provision of assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty (in this section referred to as “severely wounded or injured servicemembers”).

(2) **CONSULTATION.**—The Secretary shall develop the policy required by paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Labor.

(3) **INCORPORATION OF PAST EXPERIENCE AND PRACTICE.**—The policy required by paragraph (1) shall be based on—

(A) the experience and best practices of the military departments, including the Army Wounded Warrior Program, the Marine Corps Marine for Life Injured Support Program, the Air Force Palace HART program, and the Navy Wounded Marines and Sailors Initiative;

(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of severely wounded or injured servicemembers; and

(C) such other matters as the Secretary of Defense considers appropriate.

(4) **PROCEDURES AND STANDARDS.**—The policy shall include guidelines to be followed by the military departments in the provision of assistance to severely wounded or injured servicemembers. The procedures and standards shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department. The procedures and standards shall establish a minimum level of support and shall specify the duration of programs.

(b) **ELEMENTS OF POLICY.**—The comprehensive policy developed under subsection (a) shall address the following matters:

(1) Coordination with the Severely Injured Joint Support Operations Center of the Department of Defense.

(2) Promotion of a seamless transition to civilian life for severely wounded or injured servicemembers who are or are likely to be separated on account of their wound or injury.

(3) Identification and resolution of special problems or issues related to the transition to civilian life of severely wounded or injured servicemembers who are members of the reserve components.

(4) The qualifications, assignment, training, duties, supervision, and accountability for the performance of responsibilities for the personnel providing assistance to severely wounded or injured servicemembers.

(5) Centralized, short-term and long-term case-management procedures for assistance to severely wounded or injured servicemembers by each military department, including rapid access for severely wounded or injured servicemembers to case managers and counselors.

(6) The provision, through a computer accessible Internet website and other means and at no cost to severely wounded or injured servicemembers, of personalized, integrated information on the benefits and financial assistance available to such members from the Federal Government.

(7) The provision of information to severely wounded or injured servicemembers on mechanisms for registering complaints about, or requests for, additional assistance.

(8) Participation of family members.

(9) Liaison with the Department of Veterans Affairs and the Department of Labor in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for severely wounded or injured servicemembers.

(10) Data collection regarding the incidence and quality of assistance provided to severely wounded or injured servicemembers, including surveys of such servicemembers and military and civilian personnel whose assigned duties in-

clude assistance to severely wounded or injured servicemembers.

(c) **ADOPTION BY MILITARY DEPARTMENTS.**—Not later than September 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of assistance to severely wounded or injured servicemembers in order to conform such policies and procedures to the policy prescribed under subsection (a).

SEC. 564. DESIGNATION BY MEMBERS OF THE ARMED FORCES OF PERSONS AUTHORIZED TO DIRECT THE DISPOSITION OF MEMBER REMAINS.

(a) **IN GENERAL.**—Not later than June 1, 2006, the Secretary of Defense shall complete, and the Secretaries of the military departments shall implement, Department of Defense Instruction 1300.18, including interim policy guidance, regarding the requirement to have service members designate a person authorized to direct disposition of their remains should they become a casualty.

(b) **REPORT.**—Not later than July 1, 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken by the Secretary, and by the Secretaries of the military departments, to carry out the requirement in subsection (a).

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

SEC. 571. EXPANSION OF AUTHORIZED ENROLLMENT IN DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS OVERSEAS.

The Defense Dependents’ Education Act of 1978 (20 U.S.C. 931 et seq.) is amended by inserting after section 1404 the following new section: “ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON TUITION-FREE BASIS

“SEC. 1404A. (a) **ENROLLMENT AUTHORIZED.**—Under regulations to be prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in schools of the defense dependents’ education system on a tuition-free basis of the children of full-time, locally-hired employees of the Department of Defense in an overseas area if such employees are citizens or nationals of the United States.

“(b) **FUNDING.**—The Secretary may use funds available for the defense dependents’ education system to provide for the education of children enrolled in the defense dependents’ education system under subsection (a).”.

SEC. 572. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—

(1) **ASSISTANCE AUTHORIZED.**—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of the local educational agency during the preceding school year were military dependent students counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(b) **ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.**—

(1) **ASSISTANCE AUTHORIZED.**—To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency is eligible for assistance under this subsection for a fiscal year if—

(A) the local educational agency is eligible for assistance under subsection (a) for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

(i) The global rebasing plan of the Department of Defense.

(ii) The official creation or activation of one or more new military units.

(iii) The realignment of forces as a result of the base closure process.

(iv) A change in the number of housing units on a military installation.

(3) **CALCULATION OF AMOUNT OF ASSISTANCE.**—

(A) **PRO RATA DISTRIBUTION.**—The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

(B) **PER-STUDENT RATE.**—For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible local educational agencies for that fiscal year under this subsection.

(C) **MAXIMUM AMOUNT OF ASSISTANCE.**—A local educational agency may not receive more than \$1,000,000 in assistance under this subsection for any fiscal year.

(4) **DURATION.**—Assistance may not be provided under this subsection after September 30, 2010.

(c) **NOTIFICATION.**—Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

(d) **DISBURSEMENT OF FUNDS.**—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later

than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(e) **FINDING FOR FISCAL YEAR 2006.**—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a); and

(2) \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b).

(f) **DEFINITIONS.**—In this section:

(1) The term “base closure process” means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term “military dependent students” refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term “State” means each of the 50 States and the District of Columbia.

(g) **REPEAL OF FORMER AUTHORITY.**—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is repealed.

SEC. 573. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 574. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) **SPECIAL RULE.**—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for school year 2005–2006, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (20 U.S.C. 7713(5))), is not eligible to be so counted.

(b) **TERMINATION.**—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational agency they attended before their change in eligibility status.

Subtitle H—Decorations and Awards

SEC. 576. ELIGIBILITY FOR OPERATION ENDURING FREEDOM CAMPAIGN MEDAL.

For purposes of eligibility for the campaign medal for Operation Enduring Freedom estab-

lished pursuant to Public Law 108–234 (10 U.S.C. 1121 note), the beginning date of Operation Enduring Freedom is September 11, 2001.

Subtitle I—Consumer Protection Matters

SEC. 577. REQUIREMENT FOR REGULATIONS ON POLICIES AND PROCEDURES ON PERSONAL COMMERCIAL SOLICITATIONS ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **REQUIREMENT.**—As soon as practicable after the date of the enactment of this Act, and not later than March 31, 2006, the Secretary of Defense shall prescribe regulations, or modify existing regulations, on the policies and procedures relating to personal commercial solicitations, including the sale of life insurance and securities, on Department of Defense installations.

(b) **REPEAL OF SUPERSEDED LIMITATIONS.**—The following provisions of law are repealed:

(1) Section 586 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1493).

(2) Section 8133 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1002).

SEC. 578. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) **EDUCATION AND COUNSELING REQUIREMENTS.**—

(1) **IN GENERAL.**—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

“§992. Consumer education: financial services

“(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

“(A) financial services that are available under law to members;

“(B) financial services that are routinely offered by private sector sources to members;

“(C) practices relating to the marketing of private sector financial services to members;

“(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

“(E) such other financial practices as the Secretary considers appropriate.

“(2) Training under this subsection shall be provided to members as—

“(A) a component of members initial entry orientation training; and

“(B) a component of periodically recurring required training that is provided for the members at military installations.

“(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

“(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member’s spouse, under the jurisdiction of the Secretary.

“(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

“(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

“(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

“(1) Through members of the armed forces in pay grade E–7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

“(II) By contract, including contract for services by telephone and by the Internet.

“(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

“(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

“(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

“(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section, and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

“(c) **LIFE INSURANCE.**—In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers’ Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

“(d) **FINANCIAL SERVICES DEFINED.**—In this section, the term ‘financial services’ includes the following:

“(1) Life insurance, casualty insurance, and other insurance.

“(2) Investments in securities or financial instruments.

“(3) Banking, credit, loans, deferred payment plans, and mortgages.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“992. Consumer education: financial services.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 579. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families. The report shall be prepared in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) A description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families.

(2) An assessment of the effects of predatory lending practices on members of the Armed Forces and their families.

(3) A description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices.

(4) A description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(A) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(B) the negative effect of such practices on members of the Armed Forces and their families.

(5) Recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Financial Services of the House of Representatives.

(2) The term “predatory lending practice” means an unfair or abusive loan or credit sale transaction or collection practice.

Subtitle J—Reports and Sense of Congress Statements

SEC. 581. REPORT ON NEED FOR A PERSONNEL PLAN FOR LINGUISTS IN THE ARMED FORCES.

(a) NEED ASSESSMENT.—The Secretary of Defense shall review the career tracks of members of the Armed Forces who are linguists in an effort to improve the management of linguists (in enlisted grades or officer grades, or both) and to assist them in reaching their full linguistic and analytical potential over a 20-year career. As part of such review, the Secretary shall assess the need for a comprehensive plan to better manage the careers of military linguists (in enlisted grades or officer grades, or both) and to ensure that such linguists have an opportunity to progress in grade and are provided opportunities to enhance their language and cultural skills. As part of the review, the Secretary shall consider personnel management methods such as enhanced bonuses, immersion opportunities, specialized career fields, establishment of a dedicated career path for linguists, and career monitoring to ensure career progress for linguists serving in duty assignments that are not linguist related.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review and assessment conducted under subsection (a). The report shall include the findings, results, and conclusions of the Secretary’s review and assessment of the careers of officer and enlisted linguists in the Armed Forces and the need for a comprehensive plan to ensure effective career management of linguists.

SEC. 582. SENSE OF CONGRESS THAT COLLEGES AND UNIVERSITIES GIVE EQUAL ACCESS TO MILITARY RECRUITERS AND ROTC IN ACCORDANCE WITH THE SOLOMON AMENDMENT AND REQUIREMENT FOR REPORT TO CONGRESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any college or university that discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs; and

(2) universities and colleges that receive Federal funds should provide military recruiters access to college campuses and to college students

equal in quality and scope to that provided all other employers.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the colleges and universities that are denying equal access to military recruiters and ROTC programs.

SEC. 583. SENSE OF CONGRESS CONCERNING STUDY OF OPTIONS FOR PROVIDING HOMETOWN DEFENSE EDUCATION.

It is the sense of Congress that—

(1) the Secretary of Defense, in consultation with the Secretary of Homeland Security, should study the options among public and private educational institutions and facilities (including an option of using the National Defense University) for providing strategic-level homeland defense education and related research opportunities to civilian and military leaders from all agencies of government in order to contribute to the development of a common understanding of core homeland defense principles and of effective interagency homeland defense strategies, policies, doctrines, and processes; and

(2) the results of such consultation and study should be reported to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, together with such recommendations as the Secretary considers appropriate, including a request for any implementing legislation that would contribute to the development of strategic-level homeland defense education.

SEC. 584. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES SERVING IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND HONORING THEIR SACRIFICES AND THE SACRIFICES OF THEIR FAMILIES.

(a) FINDINGS.—Congress finds the following:

(1) Thousands of members of the United States Armed Forces who come from a variety of ethnic and racial backgrounds have served, and are serving, in Operation Iraqi Freedom and Operation Enduring Freedom to defend the cause of freedom, democracy, and liberty. Many have been killed, wounded, or seriously injured.

(2) Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic and racial backgrounds share the goal of defending the cause of freedom, democracy, and liberty.

(3) The Armed Forces are representative of the diverse culture and backgrounds that make the United States a great nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) recognize and celebrate the diversity of the members of the Armed Forces; and

(2) recognize and honor the sacrifices being made by the members of the Armed Forces and their families in the global war on terrorism.

Subtitle K—Other Matters

SEC. 589. EXPANSION AND ENHANCEMENT OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

(a) IN GENERAL.—

(1) AUTHORITY.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

“§2261. Presentation of recognition items for recruitment and retention purposes

“(a) EXPENDITURES FOR RECOGNITION ITEMS.—Under regulations prescribed by the Secretary of Defense, appropriated funds may be expended—

“(1) to procure recognition items of nominal or modest value for recruitment or retention purposes; and

“(2) to present such items—

“(A) to members of the armed forces; and

“(B) to members of the families of members of the armed forces, and other individuals, recognized as providing support that substantially facilitates service in the armed forces.

“(b) PROVISION OF MEALS AND REFRESHMENTS.—For purposes of section 520c of this title and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions, and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

“(c) RECOGNITION ITEMS OF NOMINAL OR MODEST VALUE.—In this section, the term ‘recognition item of nominal or modest value’ means a commemorative coin, medal, trophy, badge, flag, poster, painting, or other similar item that is valued at less than \$50 per item and is designed to recognize or commemorate service in the armed forces.

“(d) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2007.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

“2261. Presentation of recognition items for recruitment and retention purposes.”

(b) REPEAL OF SUPERSEDED AUTHORITIES.—

(1) ARMY RESERVE.—Section 18506 of title 10, United States Code, is repealed. The table of sections at the beginning of chapter 1805 of such title is amended by striking the item relating to such section.

(2) NATIONAL GUARD.—Section 717 of title 32, United States Code, is repealed. The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to such section.

SEC. 590. EXTENSION OF DATE OF SUBMITTAL OF REPORT OF VETERANS’ DISABILITY BENEFITS COMMISSION.

Section 1503 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1678; 38 U.S.C. 1101 note) is amended by striking “Not later than 15 months after the date on which the commission first meets,” and inserting “Not later than October 1, 2007.”

SEC. 591. RECRUITMENT AND ENLISTMENT OF HOME-SCHOOLED STUDENTS IN THE ARMED FORCES.

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home-schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

(b) ELEMENTS.—The policy under subsection (a) shall include the following:

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) A communication plan to ensure that the policy described in subsection (c) is understood by recruiting officials of all the Armed Forces, to include field recruiters at the lowest level of command.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy under subsection (a), the Secretary of Defense shall prescribe a single set of criteria to be used by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” has the

meaning given such term in section 101(a)(9) of title 10, United States Code.

SEC. 592. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting “or other source authorized to place children for adoption under State or local law” after “qualified adoption agency”.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting “, or by any other source authorized by State or local law to provide adoption placement,” after “(recognized by the Secretary of Defense)”.

SEC. 593. ADOPTION LEAVE FOR MEMBERS OF THE ARMED FORCES ADOPTING CHILDREN.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces adopting a child in a qualifying child adoption is allowed up to 21 days of leave in a calendar year to be used in connection with the adoption.

“(2) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

“(3) In the event that two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one such member shall be allowed leave under this subsection.

“(4) Leave under paragraph (1) is in addition to other leave provided under other provisions of this section.”.

(b) EFFECTIVE DATE.—Subsection (i) of section 701 of title 10, United States Code (as added by subsection (a)), shall take effect on January 1, 2006, and shall apply only with respect to adoptions completed on or after that date.

SEC. 594. ADDITION OF INFORMATION TO BE COVERED IN MANDATORY PRESEPARATION COUNSELING.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (4), by striking “(4) Information concerning” and inserting the following:

“(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

“(A) certification and licensure requirements that are applicable to civilian occupations;

“(B) civilian occupations that correspond to military occupational specialties; and

“(C)”;

(2) by adding at the end the following:

“(11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces.

“(12) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

“(13) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

“(14) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

“(15) Information concerning veterans preference in federal employment and federal procurement opportunities.

“(16) Contact information for housing counseling assistance.

“(17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.”.

SEC. 595. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall submit to Congress a report on the actions taken, including those actions taken pursuant to the recommendations in the May 2005 report of the Comptroller General submitted to Congress pursuant to section 598 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1939), to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces. The report under this section shall be prepared in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

SEC. 596. IMPROVEMENT TO DEPARTMENT OF DEFENSE CAPACITY TO RESPOND TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) PLAN FOR SYSTEM TO TRACK CASES IN WHICH CARE OR PROSECUTION HINDERED BY LACK OF AVAILABILITY.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a system to track cases under the jurisdiction of the Department of Defense in which care to a victim of rape or sexual assault, or the investigation or prosecution of an alleged perpetrator of rape or sexual assault, is hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

(2) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit the plan developed under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 120 days after the date of the enactment of this Act.

(b) ACCESSIBILITY PLAN FOR DEPLOYED UNITS.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a plan for ensuring accessibility and availability of supplies, trained personnel, and transportation resources for responding to sexual assaults occurring in deployed units. The plan shall include the following:

(A) A plan for the training of personnel who are considered to be “first responders” to sexual assaults (including criminal investigators, medical personnel responsible for rape kit evidence collection, and victims advocates), such training to include current techniques on the processing of evidence, including rape kits, and on conducting investigations.

(B) A plan for ensuring the availability at military hospitals of supplies needed for the treatment of victims of sexual assault who present at a military hospital, including rape

kits, equipment for processing rape kits, and supplies for testing and treatment for sexually transmitted infections and diseases, including HIV, and for testing for pregnancy.

(2) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit the plan developed under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 120 days after the date of the enactment of this Act.

(c) ADDITIONAL MATTERS FOR ANNUAL REPORT ON SEXUAL ASSAULTS.—Section 577(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927; 10 U.S.C. 113 note) is amended—

(1) by redesignating subparagraph (D) as subparagraph (G); and

(2) by inserting after subparagraph (C) the following new subparagraphs:

“(D) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006, including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

“(E) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of the National Defense Authorization Act for Fiscal Year 2006, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

“(F) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.”.

SEC. 597. AUTHORITY FOR APPOINTMENT OF COAST GUARD FLAG OFFICER AS CHIEF OF STAFF TO THE PRESIDENT.

(a) AUTHORITY.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

“§54. Chief of staff to President: appointment

“The President, by and with the advice and consent of the Senate, may appoint a flag officer of the Coast Guard as the Chief of Staff to the President.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“54. Chief of Staff to President: appointment.”.

SEC. 598. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, non-denominational prayer at an otherwise authorized activity of the academy, subject to the United States Constitution and such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term “service academy” means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 599. MODIFICATION OF AUTHORITY TO MAKE MILITARY WORKING DOGS AVAILABLE FOR ADOPTION.

(a) ADMINISTRATION OF AUTHORITY BY SECRETARIES OF MILITARY DEPARTMENTS.—Subsection (a) of section 2583 of title 10, United States Code, is amended—

(1) by striking “Secretary of Defense may” and inserting “Secretary of the military department concerned may”; and

(2) by striking “the Department of Defense” and inserting “such military department”.

(b) **AUTHORITY TO MAKE DOGS AVAILABLE FOR ADOPTION BEFORE END OF USEFUL WORKING LIFE.**—Such subsection is further amended by striking “at the end” and all that follows and inserting “, unless the dog has been determined to be unsuitable for adoption under subsection (b), under circumstances as follows:

“(1) At the end of the dog’s useful working life.

“(2) Before the end of the dog’s useful working life, if such Secretary, in such Secretary’s discretion, determines that unusual or extraordinary circumstances justify making the dog available for adoption before that time.

“(3) When the dog is otherwise excess to the needs of such military department.”.

(c) **CLARIFICATION OF REPORTING REQUIREMENT.**—Subsection (f) of such section is amended by inserting “of Defense” after “Secretary”.

(d) **CONFORMING AND CLERICAL AMENDMENTS.**—The heading of such section, and the item relating to such section in the table of sections at the beginning of chapter 153 of such title, are each amended by striking the last six words.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2006.
- Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.
- Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.
- Sec. 604. Clarification of restriction on compensation for correspondence courses.
- Sec. 605. Enhanced authority for agency contributions for members of the Armed Forces participating in the Thrift Savings Plan.
- Sec. 606. Pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army.
- Sec. 607. Prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
- Sec. 608. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
- Sec. 609. Increase in basic allowance for housing and extension of temporary lodging expenses authority for areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.
- Sec. 610. Basic allowance for housing for reserve component members.
- Sec. 611. Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.
- Sec. 612. Overseas cost of living allowance.
- Sec. 613. Allowance to cover portion of monthly deduction from basic pay for Servicemembers’ Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.
- Sec. 614. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 621. Extension or resumption of certain bonus and special pay authorities for reserve forces.
- Sec. 622. Extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 623. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 624. Extension of other bonus and special pay authorities.
- Sec. 625. Eligibility of oral and maxillofacial surgeons for incentive special pay.
- Sec. 626. Eligibility of dental officers for additional special pay.
- Sec. 627. Increase in maximum monthly rate authorized for hardship duty pay.
- Sec. 628. Flexible payment of assignment incentive pay.
- Sec. 629. Active-duty reenlistment bonus.
- Sec. 630. Reenlistment bonus for members of the Selected Reserve.
- Sec. 631. Consolidation and modification of bonuses for affiliation or enlistment in the Selected Reserve.
- Sec. 632. Expansion and enhancement of special pay for enlisted members of the Selected Reserve assigned to certain high priority units.
- Sec. 633. Eligibility requirements for prior service enlistment bonus.
- Sec. 634. Increase and enhancement of affiliation bonus for officers of the Selected Reserve.
- Sec. 635. Increase in authorized maximum amount of enlistment bonus.
- Sec. 636. Discretion of Secretary of Defense to authorize retroactive hostile fire and imminent danger pay.
- Sec. 637. Increase in maximum bonus amount for nuclear-qualified officers extending period of active duty.
- Sec. 638. Increase in maximum amount of nuclear career annual incentive bonus for nuclear-qualified officers trained while serving as enlisted members.
- Sec. 639. Uniform payment of foreign language proficiency pay to eligible reserve component members and regular component members.
- Sec. 640. Retention bonus for members qualified in certain critical skills or assigned to high priority units.
- Sec. 641. Incentive bonus for transfer between Armed Forces.
- Sec. 642. Availability of special pay for members during rehabilitation from wounds, injuries, and illnesses incurred in a combat operation or combat zone.
- Sec. 643. Pay and benefits to facilitate voluntary separation of targeted members of the Armed Forces.
- Sec. 644. Ratification of payment of critical-skills accession bonus for persons enrolled in Senior Reserve Officers’ Training Corps obtaining nursing degrees.
- Sec. 645. Temporary authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.

Subtitle C—Travel and Transportation Allowances

- Sec. 651. Authorized absences of members for which lodging expenses at temporary duty location may be paid.
- Sec. 652. Extended period for selection of home for travel and transportation allowances for dependents of deceased members.
- Sec. 653. Transportation of family members in connection with the repatriation of members held captive.
- Sec. 654. Increased weight allowances for shipment of household goods of senior noncommissioned officers.

Sec. 655. Permanent authority to provide travel and transportation allowances for family members to visit hospitalized members of the Armed Forces injured in combat operation or combat zone.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 661. Monthly disbursement to States of State income tax withheld from retired or retainer pay.
- Sec. 662. Denial of certain burial-related benefits for individuals who committed a capital offense.
- Sec. 663. Concurrent receipt of veterans’ disability compensation and military retired pay.
- Sec. 664. Additional amounts of death gratuity for survivors of certain members of the Armed Forces dying on active duty.
- Sec. 665. Child support for certain minor children of retirement-eligible members convicted of domestic violence resulting in death of child’s other parent.
- Sec. 666. Comptroller General report on actuarial soundness of the Survivor Benefit Plan.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

- Sec. 671. Increase in authorized level of supplies and services procurement from overseas exchange stores.
- Sec. 672. Requirements for private operation of commissary store functions.
- Sec. 673. Provision of and payment for overseas transportation services for commissary and exchange supplies and products.
- Sec. 674. Compensatory time off for certain nonappropriated fund employees.
- Sec. 675. Rest and recuperation leave programs.

Subtitle F—Other Matters

- Sec. 681. Temporary Army authority to provide additional recruitment incentives.
- Sec. 682. Clarification of leave accrual for members assigned to a deployable ship or mobile unit or other duty.
- Sec. 683. Expansion of authority to remit or cancel indebtedness of members of the Armed Forces incurred on active duty.
- Sec. 684. Loan repayment program for chaplains in the Selected Reserve.
- Sec. 685. Inclusion of Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff among senior enlisted members of the Armed Forces.
- Sec. 686. Special and incentive pays considered for saved pay upon appointment of members as officers.
- Sec. 687. Repayment of unearned portion of bonuses, special pays, and educational benefits.
- Sec. 688. Rights of members of the Armed Forces and their dependents under Housing and Urban Development Act of 1968.
- Sec. 689. Extension of eligibility for SSI for certain individuals in families that include members of the Reserve and National Guard.
- Sec. 690. Information for members of the Armed Forces and their dependents on rights and protections of the Servicemembers Civil Relief Act.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2006.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2006 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2006, the rates of monthly basic pay for

members of the uniformed services are increased by 3.1 percent.

SEC. 602. ADDITIONAL PAY FOR PERMANENT MILITARY PROFESSORS AT UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is amended by inserting after "Military Academy" the following: ", the United States Naval Academy,".

SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT MEMBERS SELECTED TO ATTEND MILITARY SERVICE ACADEMY PREPARATORY SCHOOLS.

Section 206(e)(2) of title 37, United States Code, is amended—

(1) by striking "on active duty for a period of more than 30 days shall continue to receive" and inserting "shall receive"; and

(2) by inserting before the period at the end the following: "or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater".

SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d)(1) of title 37, United States Code, is amended by inserting after "reserve component" the following: "or by a member of the National Guard while not in Federal service".

SEC. 605. ENHANCED AUTHORITY FOR AGENCY CONTRIBUTIONS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN.

(a) **AUTHORITY TO MAKE CONTRIBUTIONS FOR CERTAIN FIRST-TIME ENLISTEES.**—Subsection (d) of section 211 of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "(i)" after "(A)";

(B) by redesignating subparagraph (B) as clause (ii) of subparagraph (A) and, in such clause, by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph (B):

"(B) is enlisting in the armed forces for the first time and the period of the member's enlistment is not less than two years.";

(2) in paragraph (2), by striking "paragraph (1)" the first place it appears and inserting "paragraph (1)(A)";

(3) by designating the second sentence of paragraph (2) as paragraph (4) and, in such paragraph, by striking "this paragraph" and inserting "this subsection"; and

(4) by inserting before such paragraph (4) the following new paragraph:

"(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof)."

(b) **CLERICAL AMENDMENT.**—Such subsection is further amended by inserting "AND FIRST-TIME ENLISTEES" after "SPECIALTIES".

SEC. 606. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY.

(a) **PILOT PROGRAM REQUIRED.**—During fiscal year 2006, the Secretary of the Army shall use the authority provided by section 211(d)(1)(B) of title 10, United States Code, as amended by section 605, to carry out within the Army a pilot program in order to assess the extent to which contributions by the Secretary to the Thrift Savings Fund on behalf of members of the Army described in subsection (b) would—

(1) assist the Army in recruiting efforts; and

(2) assist such members in establishing habits of financial responsibility during their initial enlistment in the Armed Forces.

(b) **COVERED MEMBERS.**—To be eligible to participate in the pilot program under subsection

(a), a member of the Army must be serving under an initial enlistment for a period of not less than two years.

(c) **CONTRIBUTIONS TO THRIFT SAVINGS FUND.**—

(1) **IN GENERAL.**—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

(2) **LIMITATIONS.**—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the provisions of section 8432(c) of title 5, United States Code.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program under subsection (a).

(2) **ELEMENTS.**—The report shall include the following:

(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistment in the Armed Forces.

SEC. 607. PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) **TEMPORARY PROHIBITION.**—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) **NO PAYMENT FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES.**—(1) A member of the armed forces who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease described in paragraph (2) shall not be required to pay any charge for meals provided to the member by the military treatment facility during any month covered by paragraph (3) in which the member is entitled to a basic allowance for subsistence under this section.

"(2) Paragraph (1) applies with respect to an injury, illness, or disease incurred or aggravated by a member while the member was serving on active duty—

"(A) in support of Operation Iraqi Freedom or Operation Enduring Freedom; or

"(B) in any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.

"(3) This subsection shall apply to months beginning during the period beginning on October 1, 2005, and ending on December 31, 2006."

(b) **REPEAL OF TEMPORARY AUTHORITY.**—Section 1023 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13), is repealed.

SEC. 608. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) **REPEAL OF TERMINATION PROVISION.**—Section 402a of title 37, United States Code, is amended by striking subsection (i).

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

(1) in the first sentence, by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security, with respect to the Coast Guard"; and

(2) by striking the second sentence.

SEC. 609. INCREASE IN BASIC ALLOWANCE FOR HOUSING AND EXTENSION OF TEMPORARY LODGING EXPENSES AUTHORITY FOR AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) **TEMPORARY BASIC ALLOWANCE FOR HOUSING INCREASE AUTHORIZED.**—Section 403(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(7)(A) Under the authority of this paragraph, the Secretary of Defense may prescribe a temporary increase in the rates of basic allowance for housing otherwise prescribed for a military housing area or a portion of a military housing area if the military housing area or portion thereof—

"(i) is located in an area covered by a declaration by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) that a major disaster exists; or

"(ii) contains one or more military installations that are experiencing a sudden increase in the number of members of the armed forces assigned to the installation.

"(B) The Secretary of Defense shall base the amount of the increase to be made in the rates of basic allowance for housing for an area on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster or the influx of military personnel, except that the increase may not exceed the amount equal to 20 percent of the rate of basic allowance for housing otherwise prescribed for the area.

"(C) A member may be paid a basic allowance for housing at a rate increased under this paragraph only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area by reason of the disaster or the influx of military personnel.

"(D) Subject to subparagraph (E), an increase in the rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under this subsection that occurs after the date of the increase under this paragraph.

"(E) An increase in the rates of basic allowance for housing for an area may not be prescribed under this paragraph or continue after December 31, 2008."

(b) **TEMPORARY EXTENSION OF TEMPORARY LODGING EXPENSES AUTHORITY.**—Section 404a(c) of such title is amended by adding at the end the following new paragraph:

"(3) Whenever the conditions described in clause (i) or (ii) of subparagraph (A) of section 403(b)(7) of this title exist for a military housing area or portion thereof, the Secretary concerned may increase the period for which subsistence expenses are to be paid or reimbursed under this section in the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2) in the same military housing area or portion thereof to a maximum of 20 days."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to months beginning on or after September 1, 2005.

SEC. 610. BASIC ALLOWANCE FOR HOUSING FOR RESERVE COMPONENT MEMBERS.

(a) **EQUAL TREATMENT OF RESERVE MEMBERS.**—Subsection (g) of section 403 of title 37, United States Code, is amended—

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

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

“(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

“(A) A member who is called or ordered to active duty for a period of more than 30 days.

“(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.”; and

(3) in paragraph (4), as so redesignated, by striking “less than 140 days” and inserting “30 days or less”.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting “or for a period of more than 30 days” after “in support of a contingency operation” both places it appears.

SEC. 611. PERMANENT INCREASE IN LENGTH OF TIME DEPENDENTS OF CERTAIN DECEASED MEMBERS MAY CONTINUE TO OCCUPY MILITARY FAMILY HOUSING OR RECEIVE BASIC ALLOWANCE FOR HOUSING.

Effective immediately after the termination, pursuant to subsection (b) of section 1022 of Public Law 109-13 (119 Stat. 251) and section 124 of Public Law 109-77 (119 Stat. 2041), of the amendments made by subsection (a) of such section 1022, section 403(l) of title 37, United States Code, is amended by striking “180 days” each place it appears and inserting “365 days”.

SEC. 612. OVERSEAS COST OF LIVING ALLOWANCE.

(a) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member’s dependents and in the best interest of the United States.”.

(b) CLARIFICATION OF EXPENSES ELIGIBLE FOR LUMP-SUM REIMBURSEMENT.—Subsection (d) of such section is amended—

(1) in the subsection heading, by striking “NONRECURRING” and inserting “UNUSUAL OR EXTRAORDINARY”;

(2) by inserting “or (e)” after “subsection (a)” each place it appears; and

(3) in paragraph (1)—

(A) by striking “a nonrecurring” and inserting “an unusual or extraordinary” in the matter preceding subparagraph (A); and

(B) in subparagraph (A), by inserting “or the location of the member’s dependents” before the semicolon.

SEC. 613. ALLOWANCE TO COVER PORTION OF MONTHLY DEDUCTION FROM BASIC PAY FOR SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE FOR MEMBERS SERVING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ALLOWANCE TO COVER SGLI DEDUCTIONS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

“§437. Allowance to cover portion of monthly premium for Servicemembers’ Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom

“(a) REQUIRED REIMBURSEMENT FOR PREMIUM DEDUCTION.—(1) In the case of a member of the armed forces who has insurance coverage for the member under the Servicemembers’ Group Life Insurance program under subchapter III of

chapter 19 of title 38 and who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom at any time during a month, the Secretary concerned shall pay the member an allowance under this section for that month in an amount equal to the amount of the deduction made under subsection (a)(1) of section 1969 of such title for the first \$150,000 of Servicemembers’ Group Life Insurance coverage held by the member under section 1967 of such title.

“(2) If a member described in paragraph (1) elected to be insured in an amount less than the coverage amount specified in paragraph (1) or in effect pursuant to subsection (b), the amount of the allowance under this section for a month shall be equal to the amount of the deduction made for that month under subsection (a)(1) of section 1969 of title 38 from the basic pay of the member for the amount of Servicemembers’ Group Life Insurance coverage actually held by the member under section 1967 of such title.

“(b) AUTHORITY TO INCREASE MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (a), the Secretary of Defense is authorized to increase the coverage amount specified in paragraph (1) of such subsection to permit the reimbursement of all or an additional amount of the deduction made under section 1969(a)(1) of title 38 for levels of coverage in excess of \$150,000 for members under the Servicemembers’ Group Life Insurance program.

“(c) NOTICE OF AVAILABILITY OF ALLOWANCE.—To the maximum extent practicable, in advance of the deployment of a member to a theater of operations referred to in subsection (a), the Secretary concerned shall give the member information regarding the following:

“(1) The availability of the allowance under this section for members insured under the Servicemembers’ Group Life Insurance program.

“(2) The ability of members who elected not to be insured under Servicemembers’ Group Life Insurance, or elected less than the coverage amount specified in subsection (a)(1) or in effect pursuant to subsection (b), to obtain insurance, or to obtain additional coverage, as the case may be, under the authority provided in section 1967(c) of title 38.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by adding at the end the following new item:

“437. Allowance to cover portion of monthly premium for Servicemembers’ Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.”.

(c) EFFECTIVE DATE; NOTIFICATION.—Section 437 of title 37, United States Code, as added by subsection (a), shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after the date of the enactment of this Act. In the case of members who are serving in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom as of such date, the Secretary of Defense shall provide such members, as soon as practicable, the information specified in subsection (c) of that section.

SEC. 614. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

“§910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

“(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount

equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

“(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

“(1) completes 18 continuous months of service on active duty under such an order;

“(2) completes 24 months on active duty during the previous 60 months under such an order; or

“(3) is involuntarily mobilized for service on active duty for a period of 180 days or more within six months or less following the member’s separation from a previous period of involuntary active duty for a period of 180 days or more.

“(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than \$50.

“(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed \$3,000.

“(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

“(1) the average monthly civilian income of the member; and

“(2) the member’s total monthly military compensation.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘average monthly civilian income’, with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member’s mobilization or the 12 months covered by the member’s most recent Federal income tax filing, divided by 12.

“(2) The term ‘total monthly military compensation’ means the amount, computed on a monthly basis, of the sum of—

“(A) the amount of the regular military compensation (RMC) of the member; and

“(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.

“(f) REGULATIONS.—This section shall be administered under regulations to be prescribed by the Secretary of Defense.

“(g) TERMINATION OF AUTHORITY.—No payment shall be made under this section after December 31, 2008.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.”.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), may apply only with respect to months beginning after the end of the 180-day period beginning on the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 621. EXTENSION OR RESUMPTION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) **READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.**—Section 308g(h) of such title is amended by striking “an enlistment after September 30, 1992” and inserting “an enlistment—

“(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or

“(2) after December 31, 2006.”.

(d) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308h(g) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) **SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 622. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of such title is amended by striking “January 1, 2006” and inserting “January 1, 2007”.

(c) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(d) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) **SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(f) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(f) **ACCESSION BONUS FOR DENTAL OFFICERS.**—Section 302h(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(g) **ACCESSION BONUS FOR PHARMACY OFFICERS.**—Section 302j(a) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 623. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(e) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(c) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 624. EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) **AVIATION OFFICER RETENTION BONUS.**—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) **ASSIGNMENT INCENTIVE PAY.**—Section 307a(f) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(c) **REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 308(g) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(d) **ENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 309(e) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) **RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.**—Section 323(i) of

such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(f) **ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.**—Section 324(g) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 625. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SURGEONS FOR INCENTIVE SPECIAL PAY.

(a) **ELIGIBILITY.**—Subsection (a) of section 302b of title 37, United States Code, is amended—

(1) in the subsection heading, by striking “AND BOARD CERTIFICATION” and inserting “BOARD CERTIFICATION, AND INCENTIVE”; and

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

“(6) An officer described in paragraph (1) who is an oral or maxillofacial surgeon may be paid incentive special pay at the same rates, and subject to the same terms and conditions, as incentive special pay available for medical officers under section 302(b) of this title.”.

(b) **CONFORMING AMENDMENTS.**—Such section is further amended in subsections (b) and (d) by striking “subsection (a)(4)” each place it appears and inserting “paragraph (4) or (6) of subsection (a)”.

SEC. 626. ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

Section 302b(a)(4) of title 37, United States Code, is amended in the first sentence—

(1) by inserting “also” before “is entitled”; and

(2) by inserting “initial” before “residency”.

SEC. 627. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR HARDSHIP DUTY PAY.

Section 305(a) of title 37, United States Code, is amended by striking “\$300” and inserting “\$750”.

SEC. 628. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE PAY.

(a) **AUTHORITY TO PROVIDE LUMP SUM OR INSTALLMENT PAYMENTS.**—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “monthly”; and

(B) by adding at the end the following new sentence: “Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.”; and

(2) in subsection (b)—

(A) by inserting “(1)” before “The Secretary concerned”; and

(B) in paragraph (1), as so designated, by striking “incentive pay” in the first sentence and inserting “the payment of incentive pay on a monthly basis”; and

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

“(2) The Secretary concerned shall require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a lump sum or installment basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the amount of the lump sum, or each installment, of the incentive pay.”.

(b) **MAXIMUM RATE OR AMOUNT.**—Subsection (c) of such section is amended to read as follows:

“(c) **MAXIMUM RATE OR AMOUNT.**—(1) The maximum monthly rate of incentive pay payable to a member on a monthly basis under this section is \$3,000.

“(2) The amount of the lump sum payment of incentive pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

“(A) the maximum monthly rate authorized under paragraph (1) at the time of the written agreement of the member under subsection (b)(2); and

“(B) the number of months in the period for which incentive pay will be paid pursuant to the agreement.”.

“(3) The amount of each installment payment of incentive pay payable to a member on an installment basis under this section shall be the amount equal to—

“(A) the product of (i) a monthly rate specified in the written agreement of the member under subsection (b)(2) (which monthly rate may not exceed the maximum monthly rate authorized under paragraph (1) at the time of the written agreement), and (ii) the number of months in the period for which incentive pay will be paid; divided by

“(B) the number of installments over such period.”.

“(4) If a member extends an assignment specified in an agreement with the Secretary under subsection (b), incentive pay for the period of the extension may be paid under this section on a monthly basis, in a lump sum, or in installments in accordance with this section.”.

(c) **REPAYMENT.**—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c), as amended by subsection (b) of this section, the following new subsection (d):

“(d) **REPAYMENT OF INCENTIVE PAY.**—(1) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum or installment payment of incentive pay under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily or because of misconduct, shall refund to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired portion of the service divided by the total period of service. The Secretary concerned may waive repayment of an amount of incentive pay under this section, in whole or in part, if the Secretary determines that conditions and circumstances warrant.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).”.

SEC. 629. ACTIVE-DUTY REENLISTMENT BONUS.

(a) **ELIGIBILITY OF SENIOR ENLISTED MEMBERS.**—Subsection (a) of section 308 of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking “16 years of active duty” and inserting “20 years of active duty”; and

(2) in paragraph (3), by striking “18 years” and inserting “24 years”.

(b) **INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF BONUS.**—Paragraph (2)(B) of such subsection is amended by striking “\$60,000” and inserting “\$90,000”.

(c) **REPEAL OF REFERENCE TO OBSOLETE SPECIAL PAY.**—Paragraph (1) of such subsection is amended—

(1) by inserting “and” at the end of subparagraph (B);

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

(d) **REPEAL OF OBSOLETE SPECIAL PAY.**—

(1) **REPEAL.**—Section 312a of title 37, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 312a.

SEC. 630. REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) **ELIGIBILITY OF SENIOR ENLISTED MEMBERS.**—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking “16 years of total military service” and inserting “20 years of total military service”.

(b) **COMPUTATION OF BONUS AMOUNT.**—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing the total bonus amount under paragraph (1).”

SEC. 631. CONSOLIDATION AND MODIFICATION OF BONUSES FOR AFFILIATION OR ENLISTMENT IN THE SELECTED RESERVE.

(a) CONSOLIDATION AND MODIFICATION OF BONUSES.—Section 308c of title 37, United States Code, is amended to read as follows:

“§308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve

“(a) AFFILIATION BONUS AUTHORIZED.—The Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

“(1) has completed fewer than 20 years of military service; and

“(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

“(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned. The Secretary concerned shall establish other requirements to ensure that members accepted for affiliation meet required performance and discipline standards.

“(c) ACCESSION BONUS AUTHORIZED.—The Secretary concerned may pay an accession bonus to a person who—

“(1) has not previously served in the armed forces; and

“(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

“(d) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (c) may not exceed \$20,000.

“(e) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

“(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

“(g) REPAYMENT.—(1) A person who enters into an agreement under subsection (a) or (c) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall repay to the United States the amount of the bonus so paid, except as otherwise prescribed under paragraph (2).

“(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

“(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes

a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

“(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2006.”

(b) REPEAL OF SUPERSEDED AFFILIATION BONUS AUTHORITY.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

“308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve”.

; and

(2) by striking the item relating to section 308e.

SEC. 632. EXPANSION AND ENHANCEMENT OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.

(a) ELIGIBILITY FOR PAY.—Subsection (a) of section 308d of title 37, United States Code, is amended by striking “an enlisted member” and inserting “a member”.

(b) AMOUNT OF PAY.—Such subsection is further amended by striking “\$10” and inserting “\$50”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

“§308d. Special pay: members of the Selected Reserve assigned to certain high priority units”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 308d and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high priority units.”.

SEC. 633. ELIGIBILITY REQUIREMENTS FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(a)(2) of title 37, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.”; and

(2) by striking subparagraph (D).

SEC. 634. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding “and” at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking “\$6,000” and inserting “\$10,000”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

“§308j. Special pay: affiliation bonus for officers in the Selected Reserve”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 308j and inserting the following new item:

“308j. Special pay: affiliation bonus for officers in the Selected Reserve.”.

SEC. 635. INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF ENLISTMENT BONUS.

Section 309(a) of title 37, United States Code, is amended by striking “\$20,000” and inserting “\$40,000”.

SEC. 636. DISCRETION OF SECRETARY OF DEFENSE TO AUTHORIZE RETROACTIVE HOSTILE FIRE AND IMMINENT DANGER PAY.

Section 310(c) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

“(1) In the case of an area described in subparagraph (B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary makes the designation shall be subject to the availability of appropriated funds for that purpose.”.

SEC. 637. INCREASE IN MAXIMUM BONUS AMOUNT FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

Section 312(a) of title 37, United States Code, is amended by striking “\$25,000” and inserting “\$30,000”.

SEC. 638. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS FOR NUCLEAR-QUALIFIED OFFICERS TRAINED WHILE SERVING AS ENLISTED MEMBERS.

Section 312c(b)(1) of title 37, United States Code, is amended by striking “\$10,000” and inserting “\$14,000”.

SEC. 639. UNIFORM PAYMENT OF FOREIGN LANGUAGE PROFICIENCY PAY TO ELIGIBLE RESERVE COMPONENT MEMBERS AND REGULAR COMPONENT MEMBERS.

(a) AVAILABILITY OF BONUS IN LIEU OF MONTHLY SPECIAL PAY.—Subsection (a) of section 316 of title 37, United States Code, is amended—

(1) by striking “SPECIAL PAY” and inserting “BONUS”;

(2) by striking “monthly special pay” and inserting “a bonus”; and

(3) by striking “is entitled to basic pay under section 204 of this title and who”.

(b) PAYMENT OF BONUS.—Such section is further amended—

(1) by striking subsections (b), (d), (e), and (g);

(2) by redesignating subsections (f) and (h) as subsections (d) and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed \$12,000 per one-year certification period under subsection (c). The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance

payable to a member under any other provision of law.”

(c) REPAYMENT.—Such section is further amended by inserting after subsection (d), as redesignated by subsection (b)(2) of this section, the following new subsection (e):

“(e) REPAYMENT.—(1) A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall repay to the United States the amount of the bonus so paid, except as otherwise prescribed under paragraph (2).

“(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

“(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes in bankruptcy under title 11 that is entered less than five years after the date on which the member received the bonus does not discharge the member from a debt arising under paragraph (1).”

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking “special pay or” both places it appears; and

(B) by striking “or (b)”;

(2) in subsection (d), as redesignated by subsection (b)(2) of this section—

(A) in paragraph (1)—

(i) by striking “monthly special pay or” in the matter preceding subparagraph (A); and

(ii) in subparagraph (C), by striking “for receipt” and all that follows through the period at the end and inserting “under subsection (a).”;

(B) in paragraph (2), by striking “For purposes” and all that follows through “the Secretary concerned” and inserting “The Secretary concerned”;

(C) in paragraph (3)—

(i) by striking “special pay or” both places it appears; and

(ii) by striking “subsection (h)” and inserting “subsection (f)”;

(D) in paragraph (4), by striking “subsection (g)” and inserting “section 303a(e) of this title”.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§316. Special pay: bonus for members with foreign language proficiency.”

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316 and inserting the following new item:

“316. Special pay: bonus for members with foreign language proficiency.”

SEC. 640. RETENTION BONUS FOR MEMBERS QUALIFIED IN CERTAIN CRITICAL SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.

(a) AVAILABILITY OF BONUS FOR RESERVE COMPONENT MEMBERS.—Section 323 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “who is serving on active duty and” and inserting “who is serving on active duty in a regular component or in an active status in a reserve component and who”;

(B) in paragraph (1), by inserting “or to remain in an active status in a reserve component for at least one year” before the semicolon; and

(C) in paragraph (3), by inserting “or to remain in an active status in a reserve component for a period of at least one year” before the period; and

(2) in subsection (e)(1), by inserting “or service in an active status in a reserve component” after “active duty” each place it appears.

(b) ADDITIONAL CRITERIA FOR BONUS.—Such section is further amended—

(1) in subsection (a), by striking “designated critical military skill” and inserting “critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection”;

(2) in subsection (b)—

(A) by striking “DESIGNATION OF CRITICAL SKILLS.—” and inserting “ELIGIBILITY CRITERIA.—(1)”;

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

“(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may designate a unit as a high priority unit regarding which a retention bonus will be provided to a member of the armed forces who agrees to accept an assignment to the unit under subsection (a).”;

(3) in subsection (h)(1), by striking “members qualified in the critical military skills for which the bonuses were offered” and inserting “members of the armed forces who were offered a bonus under this section”.

(c) MAXIMUM AMOUNT OF BONUS FOR RESERVE COMPONENT MEMBERS.—Subsection (d)(1) of such section is amended by inserting after “\$200,000” the following: “(or \$100,000 in the case of a reserve component member)”.

(d) EXTENDED ELIGIBILITY PERIOD FOR CERTAIN MEMBERS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

“(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

“(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

“(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.”.

(e) REPAYMENT REQUIREMENTS.—Subsection (g)(1) of such section is amended by striking “If” and all that follows through “under this section,” and inserting “If a member paid a bonus under this section fails, during the period of service covered by the member’s agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid,”.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 323 of such title is amended to read as follows:

“§323. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 323 and inserting the following new item:

“323. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.”.

SEC. 641. INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§327. Incentive bonus: transfer between armed forces

“(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve com-

ponent of an armed force who executes a written agreement—

“(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

“(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

“(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

“(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

“(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

“(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

“(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

“(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed \$2,500.

“(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

“(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

“(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

“(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

“(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

“(f) REPAYMENT.—(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).

“(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

“(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

“327. Incentive bonus: transfer between armed forces.”.

SEC. 642. AVAILABILITY OF SPECIAL PAY FOR MEMBERS DURING REHABILITATION FROM WOUNDS, INJURIES, AND ILLNESSES INCURRED IN A COMBAT OPERATION OR COMBAT ZONE.

(a) **SPECIAL PAY AUTHORIZED.**—Chapter 5 of title 37, United States Code, is amended by inserting after section 327, as added by section 641, the following new section:

“§328. Combat-related injury rehabilitation pay

(a) **SPECIAL PAY AUTHORIZED.**—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

(b) **COMMENCEMENT OF PAYMENT.**—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

(c) **TERMINATION OF PAYMENTS.**—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

“(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers’ Group Life Insurance Program issued under section 1980A of title 38.

“(2) The member receives notification of the eligibility of the member for a benefit under such traumatic injury protection rider and a period of 30 days expires after the date of such notification.

“(3) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

(d) **AMOUNT OF SPECIAL PAY.**—The monthly amount of special pay paid to a member under this section shall be equal to \$430, less any payment received by the member for the same month under section 310(b) of this title.

(e) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.”

(b) **CONTINUATION OF HOSTILE FIRE AND IMMEDIATE DANGER PAY DURING HOSPITALIZATION.**—Section 310(b) of such title is amended—

(1) by striking “A member covered by subsection (a)(2)(C)” and all that follows through “the injury or wound” and inserting “(1) A member described in paragraph (2)”;

(2) by striking “so hospitalized” and inserting “hospitalized as described in such paragraph”;

and

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

“(2) Paragraph (1) applies with respect to a member who—

“(A) is injured or wounded under the circumstances described in subsection (a)(2)(C) and is hospitalized for the treatment of the injury or wound; or

“(B) while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is hospitalized outside of the theater of the combat operation or the combat zone for the treatment of the wound, injury, or illness.”

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 327, as added by section 641, the following new item:

“328. Combat-related injury rehabilitation pay.”

(d) **EFFECTIVE DATE.**—The Secretary of a military department may provide special pay under

section 328 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act. A member of the Armed Forces who incurred a wound, injury, or illness under the circumstances described in subsection (a) of such section before the date of the enactment of this Act may receive such pay for such wound, injury, or illness for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.

SEC. 643. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) **PAY AND BENEFITS AUTHORIZED.**—

(1) **IN GENERAL.**—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

“§1175a. Voluntary separation pay and benefits

“(a) **IN GENERAL.**—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

(b) **ELIGIBLE MEMBERS.**—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

“(A) has served on active duty for more than 6 years but not more than 20 years;

“(B) has served at least 5 years of continuous active duty immediately preceding the date of the member’s separation from active duty;

“(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

“(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

“(i) years of service, skill, rating, military specialty, or competitive category;

“(ii) grade or rank;

“(iii) remaining period of obligated service; or

“(iv) any combination of these factors; and

“(E) requests separation from active duty.

(2) The following members are not eligible for voluntary separation pay and benefits under this section:

“(A) Members discharged with disability severance pay under section 1212 of this title.

“(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

“(C) Members being evaluated for disability retirement under chapter 61 of this title.

“(D) Members who have been previously discharged with voluntary separation pay.

“(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

(c) **SEPARATION.**—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

(d) **ADDITIONAL SERVICE IN READY RESERVE.**—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

(e) **SEPARATION PAY AND BENEFITS.**—(1) A member of the armed forces who is separated

from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

“(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

“(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

“(B) sections 404 and 406 of title 37.

(f) **COMPUTATION OF VOLUNTARY SEPARATION PAY.**—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than two times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

(g) **PAYMENT OF VOLUNTARY SEPARATION PAY.**—(1) Voluntary separation pay under this section may be paid in a single lump sum.

(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

“(A) a single lump sum;

“(B) installments over a period not to exceed 10 years; or

“(C) a combination of lump sum and such installments.

(h) **COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.**—

(1) A member who is paid voluntary separation pay under this section and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member’s receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid, less the amount of Federal income tax withheld from such pay (such withholding being at the flat withholding rate for Federal income tax withholding, as in effect pursuant to regulations prescribed under chapter 24 of the Internal Revenue Code of 1986).

(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the

member applied and was accepted for voluntary separation pay and benefits under this section.

“(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(i) RETIREMENT DEFINED.—In this section, the term ‘retirement’ includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

“(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

“(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

“(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

“(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

“(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

“(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

“1175a. Voluntary separation pay and benefits.”.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

SEC. 644. RATIFICATION OF PAYMENT OF CRITICAL-SKILLS ACCESSION BONUS FOR PERSONS ENROLLED IN SENIOR RESERVE OFFICERS' TRAINING CORPS OBTAINING NURSING DEGREES.

(a) ACCESSION BONUS AUTHORIZED.—In the case of an agreement executed under section 324 of title 37, United States Code, from October 5, 2004, through December 31, 2005, between the Secretary of the Army and a person who completed the second year of an accredited baccalaureate degree program in nursing to serve in the Army Nurse Corps, the payment of an accession bonus to the person under such section is authorized even though the person did not possess a skill designated as critical and, at the time of the agreement, was enrolled in the Senior Reserve Officers' Training Corps program of the Army for advanced training under chapter 103 of title 10, United States Code, including a person receiving financial assistance under section 2107 of such title.

(b) LIMITATION ON AMOUNT OF BONUS.—The amount of the accession bonus referred to in subsection (a) may not exceed \$5,000.

SEC. 645. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed \$1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

Subtitle C—Travel and Transportation Allowances

SEC. 651. AUTHORIZED ABSENCES OF MEMBERS FOR WHICH LODGING EXPENSES AT TEMPORARY DUTY LOCATION MAY BE PAID.

(a) ABSENCES COVERED BY ALLOWANCE.—Section 404b of title 37, United States Code, is amended—

(1) in subsection (a), by striking “while the member is in an authorized leave status” and inserting “during an authorized absence of the member from the temporary duty location”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “taking the authorized leave” and inserting “the authorized absence”; and

(B) in paragraph (3), by striking “immediately after completing the authorized leave” and inserting “before the end of the authorized absence”;

(3) in subsection (c), by striking “while the member was in an authorized leave status” and

inserting “during the authorized absence of the member”; and

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

“(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term ‘authorized absence’, with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized under regulations prescribed by the Secretary concerned.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 404b and inserting the following new item:

“404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.”.

SEC. 652. EXTENDED PERIOD FOR SELECTION OF HOME FOR TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF DECEASED MEMBERS.

(a) DEATH OF MEMBERS ENTITLED TO BASIC PAY.—Subsection (f) section 406 of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(f)”;

(2) by striking “he” and inserting “the member”; and

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

“(2) The Secretary concerned shall give the dependents of a member described in paragraph (1) a period of not less than three years, beginning on the date of the death of the member, during which to select a home for the purposes of the travel and transportation allowances authorized by this section.”.

(b) CERTAIN OTHER DECEASED MEMBERS.—Subsection (g)(3) of such section is amended in the first sentence—

(1) by striking “he exercises it” and inserting “the member exercises the right or entitlement”;

(2) by striking “his surviving dependents or, if” and inserting “the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or entitlement. If”;

(3) by striking “his baggage and household effects” and inserting “the baggage and household effects of the deceased member”.

SEC. 653. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF MEMBERS HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

“§411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive

“(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than three family members of a member described in subsection (b).

“(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

“(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

“(B) no other family member who is eligible for travel and transportation under paragraph

(1) is able to serve as an attendant for the family member.

“(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

“(4) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

“(b) COVERED MEMBERS.—A member described in this subsection is a member of the uniformed services who—

“(1) is serving on active duty;

“(2) was held captive, as determined by the Secretary concerned; and

“(3) is repatriated to a site inside or outside the United States.

“(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term ‘family member’ has the meaning given the term in section 411h(b) of this title.

“(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

“(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

“(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

“(4) An allowance under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured round-trip air travel.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

“411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.”.

SEC. 654. INCREASED WEIGHT ALLOWANCES FOR SHIPMENT OF HOUSEHOLD GOODS OF SENIOR NONCOMMISSIONED OFFICERS.

(a) INCREASE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E-7 through E-9 and inserting the following new items:

“E-9	13,000	15,000
E-8	12,000	14,000
E-7	11,000	13,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

SEC. 655. PERMANENT AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO VISIT HOSPITALIZED MEMBERS OF THE ARMED FORCES INJURED IN COMBAT OPERATION OR COMBAT ZONE.

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 254), is amended by striking subsections (d) and (e).

(b) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of section 411h of title 37, United States Code, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, is amended by striking “under section 1967(e)(1)(A) of title 38”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the following:

- (1) The date of the enactment of this Act.
- (2) The date specified in section 106(3) of Public Law 109-77 (119 Stat. 2039).

Subtitle D—Retired Pay and Survivor Benefits

SEC. 661. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended in the third sentence—

- (1) by striking “quarter” the first place it appears and inserting “month”; and
- (2) by striking “during the month following that calendar quarter” and inserting “during the following calendar month”.

SEC. 662. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.

(a) PROHIBITION OF INTERMENT IN NATIONAL CEMETERIES.—Section 2411 of title 38, United States Code, is amended—

- (1) in subsection (b)—
 - (A) in paragraph (1), by striking “for which the person was sentenced to death or life imprisonment” and inserting “and whose conviction is final (other than a person whose sentence was commuted by the President)”; and
 - (B) in paragraph (2), by striking “for which the person was sentenced to death or life imprisonment without parole” and inserting “and

whose conviction is final (other than a person whose sentence was commuted by the Governor of a State)”; and

- (2) in subsection (d)—
 - (A) in paragraph (1), by striking “the death penalty or life imprisonment may be imposed” and inserting “a sentence of imprisonment for life or the death penalty may be imposed”; and
 - (B) in paragraph (2), by striking “the death penalty or life imprisonment without parole may be imposed” and inserting “a sentence of imprisonment for life or the death penalty may be imposed”.

(b) PROHIBITION OF CERTAIN DEPARTMENT OF DEFENSE BENEFITS.—

(1) ADDITIONAL CIRCUMSTANCES FOR PROHIBITION OF PERFORMANCE OF MILITARY HONORS.—Subsection (a) of section 985 of title 10, United States Code, is amended—

- (A) by inserting “(under section 1491 of this title or any other authority)” after “military honors”; and
- (B) by striking “a person who” and all that follows and inserting the following: “any of the following persons:

“(1) A person described in section 2411(b) of title 38.

“(2) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person’s death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person’s service (or former service).”.

(2) ADDITIONAL CIRCUMSTANCES FOR PROHIBITION OF INTERMENT IN MILITARY CEMETERY.—Subsection (b) of such section is amended by striking “convicted of a capital offense under Federal law” and inserting “who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38”.

(3) CONFORMING AMENDMENT.—Subsection (c) such section is amended to read as follows:

“(c) DEFINITION.—In this section, the term ‘burial’ includes inurnment.”.

(4) PROHIBITION OF FUNERAL HONORS.—Section 1491(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except when military honors are prohibited under section 985(a) of this title”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 985 of such title is amended to read as follows:

“§985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits”.

(2) TABLE OF SECTIONS.—The item relating to section 985 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

“985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.”.

(d) RULEMAKING.—

(1) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary of a military department or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act.

SEC. 663. CONCURRENT RECEIPT OF VETERANS’ DISABILITY COMPENSATION AND MILITARY RETIRED PAY.

Section 1414(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: “, and in the case of a qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on September 30, 2009”.

SEC. 664. ADDITIONAL AMOUNTS OF DEATH GRATUITY FOR SURVIVORS OF CERTAIN MEMBERS OF THE ARMED FORCES DYING ON ACTIVE DUTY.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Subsection (a) of section 1478 of title 10, United States Code, is amended by striking “\$12,000” and inserting “\$100,000”.

(2) AMENDMENTS.—Such section is further amended—

(A) in the first sentence of subsection (a), by striking “(as)” and all that follows in that sentence and inserting a period; and

(B) by striking subsection (c).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of October 7, 2001, and shall apply to deaths occurring on or after the date of the enactment of this Act and, subject to subsection (c), to deaths occurring during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act.

(b) RETROACTIVE PAYMENT OF ADDITIONAL DEATH GRATUITY FOR CERTAIN MEMBERS NOT PREVIOUSLY COVERED.—Such section is further amended by adding at the end the following new subsection:

“(d)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable, subject to section 664(c) of the National Defense Authorization Act for Fiscal Year 2006, for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (a).

“(2) This subsection applies in the case of a person who died during the period beginning on October 7, 2001, and ending on May 11, 2005, while a member of the armed forces on active duty and whose death did not establish eligibility for an additional death gratuity under the prior subsection (e) of this section (as added by section 1013(b) of Public Law 109–13; 119 Stat. 247), because the person was not described in paragraph (2) of that prior subsection.

“(3) The amount of additional death gratuity payable under this subsection shall be \$150,000.

“(4) A payment pursuant to this subsection shall be paid in the same manner as provided under paragraph (4) of the prior subsection (e) of this section (as added by section 1013(b) of Public Law 109–13; 119 Stat. 247), for payments pursuant to paragraph (3)(A) of that prior subsection.”

(c) FUNDING.—Amounts for payments after the date of the enactment of this Act by reason of the amendments made by subsection (a) with respect to deaths before the date of the date of the enactment of this Act, and amounts for payments under subsection (d) of section 1478 of title 10, United States Code, as added by subsection (b), shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2006 for military operations in Iraq and Afghanistan and the Global War on Terrorism, contingent upon such appropriations being enacted.

(d) COORDINATION OF AMENDMENTS.—If the date of the enactment of this Act occurs before the date specified in section 106(3) of Public Law 109–77—

(1) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by section 1013 of Public Law 109–13 are repealed; and

(2) effective immediately before the execution of the amendments made by this section, the provisions of section 1478 of title 10, United States Code, as in effect on the day before the date of the enactment of Public Law 109–13, are revived.

SEC. 665. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN OF RETIREMENT-ELIGIBLE MEMBERS CONVICTED OF DOMESTIC VIOLENCE RESULTING IN DEATH OF CHILD'S OTHER PARENT.

(a) AUTHORITY FOR COURT-ORDERED PAYMENTS.—Section 1408(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by adding at the end of such paragraph the following:

“(B) If, in the case of a member or former member of the armed forces referred to in para-

graph (2)(A), a court order provides for the payment as child support of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible dependent child of the member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such dependent child.”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “, or a dependent child,” after “former spouse”;

(B) in subparagraph (B)—

(i) by inserting “in the case of eligibility of a spouse or former spouse under paragraph (1)(A),” after “(B)”; and

(ii) by striking the period at the end and inserting “; and”; and

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

“(C) in the case of eligibility of a dependent child under paragraph (1)(B), the other parent of the child died as a result of the misconduct that resulted in the termination of retired pay.”;

(3) in paragraph (4), by inserting “, or an eligible dependent child,” after “former spouse”;

(4) in paragraph (5), by inserting “, or the dependent child,” after “former spouse”; and

(5) in paragraph (6), by inserting “, or to a dependent child,” after “former spouse”.

(b) EFFECTIVE DATE.—A court order authorized by the amendments made by this section may not provide for a payment attributable to any period before the date of the enactment of this Act, or the date of the court order, whichever is later.

SEC. 666. COMPTROLLER GENERAL REPORT ON ACTUARIAL SOUNDNESS OF THE SURVIVOR BENEFIT PLAN.

(a) REPORT.—Not later than July 31, 2006, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actuarial soundness of the Survivor Benefit Plan program under subchapter II of chapter 73 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the implications for the actuarial soundness of the Survivor Benefit Plan program of recent improvements to that program, including the implications of such improvements for the actuarial soundness of that program with respect to various categories of participants in the program and with respect to the program as a whole.

(2) An assessment of the implications for Government contributions and payments to the Survivor Benefit Plan program of the improvements to that program covered by paragraph (1), including the implications of such improvements on such contributions and payments with respect to various categories of participants in the program and with respect to the program as a whole.

(3) An assessment of the implications for the actuarial soundness of the Survivor Benefit Plan program, and for Government contributions and payments to that program, of—

(A) enactment of a law permitting participants in that program to designate an insurable interest beneficiary if a previously designated beneficiary dies; and

(B) enactment of a law repealing the provisions of sections 1450(c) and 1451(c)(2) of title 10, United States Code, that require the reduction of an annuity paid to a beneficiary under that program by the amount of dependency and indemnity compensation paid to the same beneficiary under section 1311(a) of title 38, United States Code.

(c) GOVERNMENT CONTRIBUTIONS.—In making the assessments under paragraphs (2) and (3) of subsection (b), the Comptroller General, in considering the Government contributions to the Survivor Benefit Plan program, shall consider both the Government's normal cost contributions under the program and the Government's pay-

ments to amortize unfunded liability under the program.

Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits

SEC. 671. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES AND SERVICES PROCUREMENT FROM OVERSEAS EXCHANGE STORES.

Section 2424(b) of title 10, United States Code, is amended by striking “\$50,000” and inserting “\$100,000”.

SEC. 672. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: “Until December 31, 2008, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A–76 relating to the possible contracting out of commissary store functions.”.

SEC. 673. PROVISION OF AND PAYMENT FOR OVERSEAS TRANSPORTATION SERVICES FOR COMMISSARY AND EXCHANGE SUPPLIES AND PRODUCTS.

Section 2643 of title 10, United States Code, is amended—

(1) by inserting “(a) TRANSPORTATION OPERATIONS.—” before “The Secretary”;

(2) in the first sentence, by striking “by sea without relying on the Military Sealift Command” and inserting “to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command,”;

(3) in the second sentence, by striking “transportation contracts” and inserting “contracts for sea-borne transportation”; and

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

“(b) PAYMENT OF TRANSPORTATION COSTS.—Section 2483(b)(5) of this title, regarding the use of appropriated funds to cover the expenses of operating commissary stores, shall apply to the transportation of commissary supplies and products. Appropriated funds for the Department of Defense shall also be used to cover the expenses of transporting exchange supplies and products to destinations outside the continental United States.”.

SEC. 674. COMPENSATORY TIME OFF FOR CERTAIN NONAPPROPRIATED FUND EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The appropriate Secretary may, on request of an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c), grant such employee compensatory time off from duty instead of overtime pay for overtime work.

“(2) For purposes of this subsection, the term ‘appropriate Secretary’ means—

“(A) with respect to an employee of a non-appropriated fund instrumentality of the Department of Defense, the Secretary of Defense; and

“(B) with respect to an employee of a non-appropriated fund instrumentality of the Coast Guard, the Secretary of the Executive department in which it is operating.”.

SEC. 675. REST AND RECUPERATION LEAVE PROGRAMS.

(a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$7,000,000 may be available for the reimbursement of expenses of the Armed Forces Recreation Centers related to the utilization of the facilities of the Armed Forces Recreation Centers under official Rest and Recuperation Leave Programs authorized by the military departments or combatant commanders.

(b) **UTILIZATION OF REIMBURSEMENTS.**—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such Centers for facility maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground maintenance.

(c) **REGULATIONS.**—The utilization of facilities of the Armed Forces Recreation Centers under Rest and Recuperation Leave Programs, and reimbursement for expenses related to such utilization of such facilities, shall be subject to regulations prescribed by the Secretary of Defense.

Subtitle F—Other Matters

SEC. 681. TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) **AUTHORITY TO DEVELOP AND PROVIDE RECRUITMENT INCENTIVES.**—The Secretary of the Army may develop and provide incentives not otherwise authorized by law to encourage individuals to accept commissions as officers or to enlist in the Army.

(b) **RELATION TO OTHER PERSONNEL AUTHORITIES.**—A recruitment incentive developed under subsection (a) may be provided—

(1) without regard to the lack of specific authority for the incentive under title 10 or 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for, and the compensation of, members of the Army who are assigned duty as military recruiters; or

(B) providing incentives to individuals to accept commissions or enlist in the Army, including the provision of group or individual bonuses, pay, or other incentives.

(c) **WAIVER OF OTHERWISE APPLICABLE LAWS.**—A provision of title 10 or 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, the provision of a recruitment incentive developed under subsection (a) without the approval of the Secretary of Defense.

(d) **NOTICE AND WAIT REQUIREMENT.**—A recruitment incentive developed under subsection (a) may not be provided to individuals until—

(1) the Secretary of the Army submits to Congress, the appropriate elements of the Department of Defense, and the Comptroller General a plan that includes—

(A) a description of the incentive, including the purpose of the incentive and the potential recruits to be addressed by the incentive;

(B) a description of the provisions of titles 10 and 37, United States Code, from which the incentive would require a waiver and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of providing the incentive; and

(D) the method to be used to evaluate the effectiveness of the incentive; and

(2) a 45-day period beginning on the date on which the plan was received by Congress expires.

(e) **LIMITATION ON NUMBER OF INCENTIVES.**—Not more than four recruitment incentives may be provided under the authority of this section.

(f) **LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING INCENTIVES.**—The number of individuals who receive one or more of the recruitment incentives provided under subsection (a) during a fiscal year may not exceed the number of individuals equal to 20 percent of the accession mission of the Army for that fiscal year.

(g) **DURATION OF DEVELOPED INCENTIVE.**—A recruitment incentive developed under subsection (a) may be provided for not longer than a three-year period beginning on the date on which the incentive is first provided, except that the Secretary of the Army may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the incentive.

(h) **REPORTING REQUIREMENTS.**—

(1) **SECRETARY OF THE ARMY REPORT.**—The Secretary of the Army shall submit to Congress

an annual report on the recruitment incentives provided under subsection (a) during the preceding year, including—

(A) a description of the incentives provided under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the incentives on the recruitment of individuals as officers or enlisted members.

(2) **COMPTROLLER GENERAL REPORT.**—As soon as practicable after receipt of each plan under subsection (d), the Comptroller General shall submit to Congress a report evaluating the expected outcomes of the recruitment incentive covered by the plan in terms of cost effectiveness and mission achievement.

(i) **TERMINATION OF AUTHORITY TO PROVIDE INCENTIVES.**—Notwithstanding subsection (g), the authority to provide recruitment incentives under this section expires on December 31, 2009.

SEC. 682. CLARIFICATION OF LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A DEPLOYABLE SHIP OR MOBILE UNIT OR OTHER DUTY.

Subparagraph (B) of section 701(f)(1) of title 10, United States Code, is amended to read as follows:

“(B) This subsection applies to a member who—

“(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37;

“(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

“(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.”.

SEC. 683. EXPANSION OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES INCURRED ON ACTIVE DUTY.

(a) **INDEBTEDNESS OF MEMBERS OF THE ARMY.**—

(1) **AUTHORITY.**—Section 4837 of title 10, United States Code, is amended to read as follows:

“§4837. Settlement of accounts: remission or cancellation of indebtedness of members

“(a) **IN GENERAL.**—If the Secretary considers it to be in the best interest of the United States, the Secretary may have remitted or cancelled any part of the indebtedness of a member of the Army on active duty, or a member of a reserve component of the Army in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty.

“(b) **PERIOD OF EXERCISE OF AUTHORITY.**—The Secretary may exercise the authority in subsection (a) with respect to a member—

“(1) while the member is on active duty or in active status, as the case may be;

“(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

“(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.

“(c) **RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.**—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

“(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense.”.

(2) **CLERICAL AMENDMENT.**—The item relating to that section in the table of sections at the beginning of chapter 453 of such title is amended by striking the penultimate word.

(3) **TERMINATION.**—The amendments made by this subsection shall terminate on December 31, 2007. Effective on that date, section 4873 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act shall be revived.

(b) **INDEBTEDNESS OF MEMBERS OF THE NAVY.**—

(1) **AUTHORITY.**—Section 6161 of title 10, United States Code, is amended to read as follows:

“§6161. Settlement of accounts: remission or cancellation of indebtedness of members

“(a) **IN GENERAL.**—If the Secretary of the Navy considers it to be in the best interest of the United States, the Secretary may have remitted or cancelled any part of the indebtedness of a member of the Navy on active duty, or a member of a reserve component of the Navy in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty.

“(b) **PERIOD OF EXERCISE OF AUTHORITY.**—The Secretary of the Navy may exercise the authority in subsection (a) with respect to a member—

“(1) while the member is on active duty or in active status, as the case may be;

“(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

“(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.

“(c) **RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.**—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

“(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense.”.

(2) **CLERICAL AMENDMENT.**—The item relating to that section in the table of sections at the beginning of chapter 561 of such title is amended by striking the penultimate word.

(3) **TERMINATION.**—The amendments made by this subsection shall terminate on December 31, 2007. Effective on that date, section 6161 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act shall be revived.

(c) **INDEBTEDNESS OF MEMBERS OF THE AIR FORCE.**—

(1) **AUTHORITY.**—Section 9837 of title 10, United States Code, is amended to read as follows:

“§9837. Settlement of accounts: remission or cancellation of indebtedness of members

“(a) **IN GENERAL.**—If the Secretary considers it to be in the best interest of the United States, the Secretary may have remitted or cancelled any part of the indebtedness of a member of the Air Force on active duty, or a member of a reserve component of the Air Force in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty.

“(b) **PERIOD OF EXERCISE OF AUTHORITY.**—The Secretary may exercise the authority in subsection (a) with respect to a member—

“(1) while the member is on active duty or in active status, as the case may be;

“(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

“(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.

“(c) **RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.**—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

“(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense.”.

(2) **CLERICAL AMENDMENT.**—The item relating to that section in the table of sections at the beginning of chapter 953 of such title is amended by striking the penultimate word.

(3) **TERMINATION.**—The amendments made by this subsection shall terminate on December 31, 2007. Effective on that date, section 9873 of title

10, United States Code, as in effect on the day before the date of the enactment of this Act shall be revived.

SEC. 684. LOAN REPAYMENT PROGRAM FOR CHAPLAINS IN THE SELECTED RESERVE.

(a) LOAN REPAYMENT PROGRAM AUTHORIZED.—Chapter 1609 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 16303. Loan repayment program: chaplains serving in the Selected Reserve

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For purposes of maintaining adequate numbers of chaplains in the Selected Reserve, the Secretary concerned may repay a loan that was obtained by a person who—

“(1) satisfies the requirements for accessioning and commissioning of chaplains, as prescribed in regulations;

“(2) holds, or is fully qualified for, an appointment as a chaplain in a reserve component of an armed force; and

“(3) signs a written agreement with the Secretary concerned to serve not less than three years in the Selected Reserve.

“(b) EXCEPTION FOR CHAPLAIN CANDIDATE PROGRAM.—A person accessioned into the Chaplain Candidate Program is not eligible for the repayment of a loan under subsection (a).

“(c) LOAN REPAYMENT PROCESS; MAXIMUM AMOUNT.—(1) Subject to paragraph (2), the repayment of a loan under subsection (a) may consist of the payment of the principal, interest, and related expenses of the loan.

“(2) The amount of any repayment of a loan made under subsection (a) on behalf of a person may not exceed \$20,000 for each three year period of obligated service that the person agrees to serve in an agreement described in subsection (a)(3). Of such amount, not more than an amount equal to 50 percent of such amount may be paid before the completion by the person of the first year of obligated service pursuant to the agreement. The balance of such amount shall be payable at such time or times as are prescribed in regulations.

“(d) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—If a person on whose behalf a loan is repaid under subsection (a) fails to commence or complete the period of obligated service specified in the agreement described in subsection (a)(3), the Secretary concerned may require the person to pay the United States an amount equal to the amount of the loan repayments made on behalf of the person in connection with the agreement.

“(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by adding at the end the following new item:

“16303. Loan repayment program: chaplains serving in the Selected Reserve.”

SEC. 685. INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) BASIC PAY RATE.—

(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E-9 while serving as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply beginning on the date on which an enlisted member of the Armed Forces is first appointed to serve as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.

(b) PAY DURING TERMINAL LEAVE OR WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.”

(c) PERSONAL MONEY ALLOWANCE.—Section 414(c) of such title is amended—

(1) by striking “or” after “Sergeant Major of the Marine Corps.”; and

(2) by inserting before the period at the end the following: “, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff”.

(d) RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(vi) Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.”

SEC. 686. SPECIAL AND INCENTIVE PAYS CONSIDERED FOR SAVED PAY UPON APPOINTMENT OF MEMBERS AS OFFICERS.

(a) INCLUSION AND EXCLUSION OF CERTAIN PAY TYPES.—Subsection (d) of section 907 of title 37, United States Code, is amended to read as follows:

“(d)(1) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade:

“(A) Incentive pay for hazardous duty under section 301 of this title.

“(B) Submarine duty incentive pay under section 301c of this title.

“(C) Special pay for diving duty under section 304 of this title.

“(D) Hardship duty pay under section 305 of this title.

“(E) Career sea pay under section 305a of this title.

“(F) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b of this title.

“(G) Assignment incentive pay under section 307a of this title.

“(H) Special pay for duty subject to hostile fire or imminent danger under section 310 of this title.

“(I) Special pay or bonus for an extension of duty at a designated overseas location under section 314 of this title.

“(J) Foreign language proficiency pay under section 316 of this title.

“(K) Critical skill retention bonus under section 323 of this title.

“(2) The following special and incentive pays are dependent on a member being in an enlisted status and may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer:

“(A) Special duty assignment pay under section 307 of this title.

“(B) Reenlistment bonus under section 308 of this title.

“(C) Enlistment bonus under section 309 of this title.

“(D) Career enlisted flyer incentive pay under section 320 of this title.”

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsections (a) and (b)—

(A) by striking “he” each place it appears and inserting “the officer”; and

(B) by striking “his appointment” each place it appears and inserting “the appointment”; and

(2) in subsection (c)(2), by striking “he” and inserting “the officer”.

(c) EFFECTIVE DATE.—Subsection (d) of section 907 of title 37, United States Code, as amended by subsection (a), shall apply with respect to any acceptance by an enlisted member of the Armed Forces of an appointment as an officer made on or after the date of the enactment of this Act.

SEC. 687. REPAYMENT OF UNEARNED PORTION OF BONUSES, SPECIAL PAYS, AND EDUCATIONAL BENEFITS.

(a) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS.—

(1) UNIFORM REPAYMENT PROVISION.—Section 303a of title 37, United States Code, is amended by adding at the end the following new subsection:

“(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET.—(1) A member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the requirements, except in certain circumstances authorized by the Secretary concerned.

“(2) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satisfies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

“(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

“(A) the date of the termination of the agreement or contract on which the debt is based; or

“(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

“(4) In this subsection:

“(A) The term ‘bonus or similar benefit’ means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this subsection.

“(B) The term ‘service’, as used in paragraph (3)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit offered by the Secretary of Defense or the Secretary concerned—

“(i) to remain on active duty or in an active status in a reserve component;

“(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

“(iii) to perform duty at a specified location; or

“(iv) to perform duty for a specified period of time.”

(2) APPLICABILITY TO TITLE 11 CASES.—In the case of a provision of law amended by subsection (b), (c), or (d) of this section, paragraph (3) of subsection (a) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11, United States Code, after March 30, 2006.

(b) CONFORMING AMENDMENTS TO TITLE 37.—(1) AVIATION CAREER OFFICER RETENTION BONUS.—Subsection (g) of section 301b of title 37, United States Code, is amended to read as follows:

“(g) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”

(2) MEDICAL OFFICER MULTIYEAR RETENTION BONUS.—Subsection (c) of section 301d of such title is amended to read as follows:

“(c) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(3) DENTAL OFFICER MULTIYEAR RETENTION BONUS.—Subsection (d) of section 301e of such title is amended to read as follows:

“(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(4) MEDICAL OFFICER SPECIAL PAY.—Section 302 of such title is amended—

(A) in subsection (c)(2), by striking the second sentence and inserting the following new sentence: “If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.”; and

(B) by striking subsection (f) and inserting the following new subsection:

“(f) REPAYMENT.—An officer who does not complete the period for which the payment was made under subsection (a)(4) or subsection (b)(1) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(5) OPTOMETRIST RETENTION SPECIAL PAY.—Paragraph (4) of section 302a(b) of such title is amended to read as follows:

“(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). An officer who does not complete the period for which the payment was made under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(6) DENTAL OFFICER SPECIAL PAY.—Section 302b of such title is amended—

(A) in subsection (b)(2), by striking the second sentence and inserting the following new sentence: “If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.”; and

(B) by striking subsection (e) and inserting the following new subsection (e):

“(e) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement referred to in subsection (b) shall be subject to the repayment provisions of section 303a(e) of this title.”;

(C) by striking subsection (f); and

(D) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(7) ACCESSION BONUS FOR REGISTERED NURSES.—Subsection (d) of section 302d of such title is amended to read as follows:

“(d) REPAYMENT.—An officer who does not become and remain licensed as a registered nurse during the period for which the payment is made, or who does not complete the period of active duty specified in the agreement entered into under subsection (a), shall be subject to the repayment provisions of section 303a(e) of this title.”.

(8) NURSE ANESTHETIST SPECIAL PAY.—Section 302e of such title is amended—

(A) in subsection (c), by striking the last sentence and inserting the following new sentence: “If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.”; and

(B) by striking subsection (e) and inserting the following new subsection:

“(e) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(9) RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS SPECIAL PAY.—Section 302f(c) of such title is amended by striking “refund” and inserting “repay in the manner provided in section 303a(e) of this title.”.

(10) SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES SPECIAL PAY.—Section 302g of such title is amended—

(A) by striking subsections (d) and (e);

(B) by inserting after subsection (c) the following new subsection (d):

“(d) REPAYMENT.—An officer who does not complete the period of service in the Selected Reserve specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”; and

(C) by redesignating subsection (f), as amended by section 622(e), as subsection (e).

(11) ACCESSION BONUS FOR DENTAL OFFICERS.—Subsection (d) of section 302h of such title is amended to read as follows:

“(d) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a dentist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”.

(12) ACCESSION BONUS FOR PHARMACY OFFICERS.—Subsection (e) of section 302j of such title is amended to read as follows:

“(e) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become and remain certified or licensed as a pharmacist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”.

(13) ASSIGNMENT INCENTIVE PAY.—Subsection (d) of section 307a of such title, as added by section 628(c), is amended to read as follows:

“(d) REPAYMENT.—A member who enters into an agreement under this section and receives incentive pay under the agreement in a lump sum or installments, but who fails to complete the period of service covered by the payment, whether voluntarily or because of misconduct, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(14) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Subsection (d) of section 308 of such title is amended to read as follows:

“(d) A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(15) REENLISTMENT BONUS FOR SELECTED RESERVE.—Subsection (d) of section 308b of such title is amended to read as follows:

“(d) REPAYMENT.—A member who does not complete the term of enlistment in the element of the Selected Reserve for which the bonus was paid to the member under this section shall be subject to the repayment provisions of section 303a(e) of this title.”.

(16) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c of such title, as amended by section 631, is further amended by striking subsection (g) and inserting the following new subsection:

“(g) REPAYMENT.—A person who enters into an agreement under subsection (a) or (c) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(17) READY RESERVE ENLISTMENT BONUS.—Section 308g of such title is amended—

(A) by striking subsection (d) and inserting the following new subsection:

“(d) A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.”;

(B) by striking subsections (e) and (f); and

(C) by redesignating subsections (g) and (h), as amended by section 621(c), as subsections (e) and (f), respectively.

(18) READY RESERVE REENLISTMENT, ENLISTMENT, AND VOLUNTARY EXTENSION OF ENLISTMENT BONUS.—Section 308h of such title is amended—

(A) by striking subsection (c) and inserting the following new subsection:

“(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.”;

(B) by striking subsections (d) and (e); and

(C) by redesignating subsections (f) and (g), as amended by section 621(d), as subsections (d) and (e), respectively.

(19) PRIOR SERVICE ENLISTMENT BONUS.—Subsection (d) of section 308i of such title is amended to read as follows:

“(d) REPAYMENT.—A person who receives a bonus payment under this section and who, during the period for which the bonus was paid, does not serve satisfactorily in the element of the Selected Reserve with respect to which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.”.

(20) ENLISTMENT BONUS.—Subsection (b) of section 309 of such title is amended to read as follows:

“(b) REPAYMENT.—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(21) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Subsection (b) of section 312 of such title is amended to read as follows:

“(b) An officer who does not complete the period of active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants that the officer agreed to serve, and for which a payment was made under subsection (a) or subsection (d)(1), shall be subject to the repayment provisions of section 303a(e) of this title.”.

(22) NUCLEAR CAREER ACCESSION BONUS.—Paragraph (2) of section 312b(a) of such title is amended to read as follows:

“(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.”.

(23) ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.—Subsection (d) of section 314 of such title is amended to read as follows:

“(d) REPAYMENT.—A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.”.

(24) ENGINEERING AND SCIENTIFIC CAREER CONTINUATION PAY.—Subsection (c) of section 315 of such title is amended to read as follows:

“(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”.

(25) FOREIGN LANGUAGE PROFICIENCY PAY.—Subsection (e) of section 316 of such title, as added by section 639(c), is amended to read as follows:

“(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(26) **CRITICAL ACQUISITION POSITIONS.**—Subsection (f) of section 317 of such title is amended to read as follows:

“(f) **REPAYMENT.**—An officer who, having entered into a written agreement under subsection (a) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”

(27) **SPECIAL WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.**—Subsection (h) of section 318 of such title is amended to read as follows:

“(h) **REPAYMENT.**—An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty in special warfare service as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”

(28) **SURFACE WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.**—Subsection (f) of section 319 of such title is amended to read as follows:

“(f) **REPAYMENT.**—An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel as specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.”

(29) **JUDGE ADVOCATE CONTINUATION PAY.**—Subsection (f) of section 321 of such title is amended to read as follows:

“(f) **REPAYMENT.**—An officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.”

(30) **15-YEAR CAREER STATUS BONUS.**—Subsection (f) of section 322 of such title is amended to read as follows:

“(f) **REPAYMENT.**—If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of this title.”

(31) **CRITICAL MILITARY SKILLS RETENTION BONUS.**—Subsection (g) of section 323 of such title, as amended by section 640(e), is amended to read as follows:

“(g) **REPAYMENT.**—A member paid a bonus under this section who fails, during the period of service covered by the member’s agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.”

(32) **ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.**—Subsection (f) of section 324 of such title is amended to read as follows:

“(f) **REPAYMENT.**—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.”

(33) **SAVINGS PLAN FOR EDUCATION EXPENSES AND OTHER CONTINGENCIES.**—Subsection (g) of section 325 of such title is amended to read as follows:

“(g) **REPAYMENT.**—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the

person shall be subject to the repayment provisions of section 303a(e) of this title.”

(34) **INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY.**—Subsection (e) of section 326 of such title is amended to read as follows:

“(e) **REPAYMENT.**—A member who does not convert to and complete the period of service in the military occupational specialty specified in the agreement executed under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.”

(35) **TRANSFER BETWEEN ARMED FORCES INCENTIVE BONUS.**—Section 327 of such title, as added by section 641, is amended by striking subsection (f) and inserting the following new subsection:

“(f) **REPAYMENT.**—A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall be subject to the repayment provisions of section 303a(e) of this title.”

(c) **CONFORMING AMENDMENTS TO TITLE 10.**

(1) **ENLISTMENT INCENTIVES FOR PURSUIT OF SKILLS TO FACILITATE NATIONAL SERVICE.**—Subsection (i) of section 510 of title 10, United States Code, is amended to read as follows:

“(i) **REPAYMENT.**—If a National Call to Service participant who has entered into an agreement under subsection (b) and received or benefitted from an incentive under paragraph (1) or (2) of subsection (e) fails to complete the total period of service specified in the agreement, the National Call to Service participant shall be subject to the repayment provisions of section 303a(e) of title 37.”

(2) **ADVANCED EDUCATION ASSISTANCE.**—Section 2005 of such title is amended—

(A) in subsection (a), by striking paragraph (3) and inserting the following new paragraph:

“(3) that if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed pursuant to paragraph (4), such person shall be subject to the repayment provisions of section 303a(e) of title 37; and”;

(B) by striking subsections (c), (d), (f), (g) and (h);

(C) by redesignating subsection (e) as subsection (d); and

(D) by inserting after subsection (b), the following new subsection:

“(C) as a condition of the Secretary concerned providing financial assistance under section 2107 or 2107a of this title to any person, the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraphs (1) through (4) of such subsection, the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107(f) and 2107a(f) of this title.”

(3) **TUITION FOR OFF-DUTY TRAINING OR EDUCATION.**—Section 2007 of such title is amended by adding at the end the following new subsection:

“(f) If an officer who enters into an agreement under subsection (b) does not complete the period of active duty specified in the agreement, the officer shall be subject to the repayment provisions of section 303a(e) of title 37.”

(4) **FAILURE TO COMPLETE ADVANCED TRAINING OR TO ACCEPT COMMISSION.**—Section 2105 of such title is amended by adding at the end the following new sentence: “If the member does not complete the period of active duty prescribed by the Secretary concerned, the member shall be subject to the repayment provisions of section 303a(e) of title 37.”

(5) **HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.**—Section 2123(e)(1)(C) of such title is

amended by striking “equal to” and all that follows through the period at the end and inserting “pursuant to the repayment provisions of section 303a(e) of title 37.”

(6) **FINANCIAL ASSISTANCE FOR NURSE OFFICER CANDIDATES.**—Subsection (d) of section 2130a of such title is amended to read as follows:

“(d) **REPAYMENT.**—A person who does not complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under subsection (a), or having completed the nursing degree program, does not become an officer in the Nurse Corps of the Army or the Navy or an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service or does not complete the period of obligated active service required under the agreement, shall be subject to the repayment provisions of section 303a(e) of title 37.”

(7) **EDUCATION LOAN REPAYMENT PROGRAM.**—Subsection (g) of section 2173 of such title is amended—

(A) by inserting “(1)” before “A commissioned officer”; and

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

“(2) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions of section 303a(e) of title 37.”

(8) **SCHOLARSHIP PROGRAM FOR DEGREE PROGRAM FOR DEGREE OR CERTIFICATION IN INFORMATION ASSURANCE.**—Section 2200a of such title is amended—

(A) by striking subsection (e) and inserting the following new subsection:

“(e) **REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.**—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under section (b) shall be subject to the repayment provisions of section 303a(e) of title 37.

“(2) A civilian employee of the Department of Defense who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) of title 37 in the same manner and to the same extent as if the civilian employee were a member of the armed forces.”

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(9) **ARMY CADET AGREEMENT TO SERVE AS OFFICER.**—Section 4348 of such title is amended by adding at the end the following new subsection:

“(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”

(10) **MIDSHIPMEN AGREEMENT FOR LENGTH OF SERVICE.**—Section 6959 of such title is amended by adding at the end the following new subsection:

“(f) A midshipman or former midshipman who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”

(11) **AIR FORCE CADET AGREEMENT TO SERVE AS OFFICER.**—Section 9348 of such title is amended by adding at the end the following new subsection:

“(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”

(12) **EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.**—Section 16135 of such title is amended to read as follows:

“§ 16135. Failure to participate satisfactorily; penalties

“(a) PENALTIES.—At the option of the Secretary concerned, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter, and during which the member has received such assistance, may—

“(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 16132 of this title, whichever is less; or

“(2) be subject to the repayment provisions under section 303a(e) of title 37.

“(b) EFFECT OF REPAYMENT.—Any repayment under section 303a(e) of title 37 shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.”.

(13) HEALTH PROFESSIONS STIPEND PROGRAM PENALTIES AND LIMITATIONS.—Subparagraph (B) of section 16203(a)(1) of such title is amended to read as follows:

“(B) to comply with the repayment provisions of section 303a(e) of title 37.”.

(14) LOAN REPAYMENT PROGRAM FOR CHAPLAINS SERVING IN SELECTED RESERVE.—Section 16303 of such title, as added by section 684, is amended by striking subsection (d) and inserting the following new subsection:

“(d) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A person on whose behalf a loan is repaid under subsection (a) who fails to commence or complete the period of obligated service specified in the agreement described in subsection (a)(3) shall be subject to the repayment provisions of section 303a(e) of title 37.”.

(15) COLLEGE TUITION ASSISTANCE PROGRAM FOR MARINE CORPS PLATOON LEADERS CLASS.—Subsection (f) of section 16401 of such title is amended—

(A) in paragraph (1), by striking “may be required to repay the full amount of financial assistance” and inserting “shall be subject to the repayment provisions of section 303a(e) of title 37”; and

(B) in paragraph (2), by inserting before “The Secretary of the Navy” the following new sentence: “Any requirement to repay any portion of financial assistance received under this section shall be administered under the regulations issued under section 303a(e) of title 37.”.

(d) CONFORMING AMENDMENT TO TITLE 14.—Section 182 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (b), or the alternative obligation imposed under subsection (c), shall be subject to the repayment provisions of section 303a(e) of title 37.”.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 303a of title 37, United States Code, is amended to read as follows:

“§ 303a. Special pay: general provisions”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 303a and inserting the following new item: “303a. Special pay: general provisions.”.

(f) CONTINUED APPLICATION OF CURRENT LAW TO EXISTING BONUSES.—In the case of any bonus, incentive pay, special pay, or similar payment, such as education assistance or a stipend, which the United States became obligated to pay before April 1, 2006, under a provision of law amended by subsection (b), (c), or (d) of this section, such provision of law, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the payment, or any repayment, of the bonus, incentive pay, special pay, or similar payment under such provision of law.

SEC. 688. RIGHTS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS UNDER HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) WRITTEN NOTICE OF RIGHTS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking “and” at the end;

(2) in subclause (III), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subclause:

“(IV) notify the homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.”.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of subclause (IV) of section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968, as added by subsection (a).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of the enactment of this Act.

SEC. 689. EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting “(or 24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)” after “for a period of 12 consecutive months”.

SEC. 690. INFORMATION FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON RIGHTS AND PROTECTIONS OF THE SERVICEMEMBERS CIVIL RELIEF ACT.

(a) OUTREACH TO MEMBERS.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to members and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(b) TIME OF PROVISION.—The information required to be provided under subsection (a) to a member shall be provided at the following times:

(1) During the initial orientation training of the member.

(2) In the case of a member of a reserve component, during the initial orientation training of the member and when the member is mobilized or otherwise individually called or ordered to active duty for a period of more than one year.

(3) At such other times as the Secretary concerned considers appropriate.

(c) OUTREACH TO DEPENDENTS.—The Secretary concerned may provide to the adult dependents of members under the jurisdiction of the Secretary pertinent information on the rights and protections available to members and their dependents under the Servicemembers Civil Relief Act.

(d) DEFINITIONS.—In this section, the terms “dependent” and “Secretary concerned” have the meanings given such terms in section 101 of

the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits for Reserves

Sec. 701. Enhancement of TRICARE Reserve Select program.

Sec. 702. Expanded eligibility of members of the Selected Reserve under the TRICARE program.

Subtitle B—TRICARE Program Improvements

Sec. 711. Additional information required by surveys on TRICARE Standard.

Sec. 712. Availability of chiropractic health care services.

Sec. 713. Surviving-dependent eligibility under TRICARE dental plan for surviving spouses who were on active duty at time of death of military spouse.

Sec. 714. Exceptional eligibility for TRICARE Prime Remote.

Sec. 715. Increased period of continued TRICARE Prime coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

Sec. 716. TRICARE Standard in TRICARE Regional Offices.

Sec. 717. Qualifications for individuals serving as TRICARE Regional Directors.

Subtitle C—Mental Health-Related Provisions

Sec. 721. Program for mental health awareness for dependents and pilot project on post traumatic stress disorder.

Sec. 722. Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

Sec. 723. Department of Defense task force on mental health.

Subtitle D—Studies and Reports

Sec. 731. Study relating to predeployment and postdeployment medical exams of certain members of the Armed Forces.

Sec. 732. Requirements for physical examinations and medical and dental readiness for members of the Selected Reserve not on active duty.

Sec. 733. Report on delivery of health care benefits through the military health care system.

Sec. 734. Comptroller General studies and report on differential payments to children's hospitals for health care for children dependents and maximum allowable charge for obstetrical care services under TRICARE.

Sec. 735. Report on the Department of Defense AHLTA global electronic health record system.

Sec. 736. Comptroller General study and report on Vaccine Healthcare Centers.

Sec. 737. Report on adverse health events associated with use of anti-malarial drugs.

Sec. 738. Report on Reserve dental insurance program.

Sec. 739. Demonstration project study on Medicare Advantage regional preferred provider organization option for TRICARE-medicare dual-eligible beneficiaries.

Sec. 740. Pilot projects on pediatric early literacy among children of members of the Armed Forces.

Subtitle E—Other Matters

Sec. 741. Authority to relocate patient safety center; renaming MedTeams Program.

Sec. 742. Modification of health care quality information and technology enhancement reporting requirement.

- Sec. 743. Correction to eligibility of certain Reserve officers for military health care pending active duty following commissioning.
- Sec. 744. Prohibition on conversions of military medical and dental positions to civilian medical positions until submission of certification.
- Sec. 745. Clarification of inclusion of dental care in medical readiness tracking and health surveillance program.
- Sec. 746. Cooperative outreach to members and former members of the naval service exposed to environmental factors related to sarcoidosis.
- Sec. 747. Repeal of requirement for Comptroller General reviews of certain Department of Defense-Department of Veterans Affairs projects on sharing of health care resources.
- Sec. 748. Pandemic avian flu preparedness.
- Sec. 749. Follow up assistance for members of the Armed Forces after prepreparation physical examinations.
- Sec. 750. Policy on role of military medical and behavioral science personnel in interrogation of detainees.

Subtitle A—Improvements to Health Benefits for Reservists

SEC. 701. ENHANCEMENT OF TRICARE RESERVE SELECT PROGRAM.

(a) EXTENSION OF COVERAGE FOR MEMBERS RECALLED TO ACTIVE DUTY.—Section 1076d of title 10, United States Code, is amended—

(1) in subsection (b), by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph (3):

“(3) In the case of a member recalled to active duty before the period of coverage for which the member is eligible under subsection (a) terminates, the period of coverage of the member—

“(A) resumes after the member completes the subsequent active duty service (subject to any additional entitlement to care and benefits under section 1145(a) of this title that is based on the same subsequent active duty service); and

“(B) increases by any additional period of coverage for which the member is eligible under subsection (a) based on the subsequent active duty service.”;

(2) in subsection (b)(2), by striking “Unless earlier terminated under paragraph (3)” and inserting “Subject to paragraph (3) and unless earlier terminated under paragraph (4)”;

(3) in subsection (f), by adding at the end the following new paragraph:

“(3) The term ‘member recalled to active duty’ means, with respect to a member who is eligible for coverage under this section based on a period of active duty service, a member who is called or ordered to active duty for an additional period of active duty subsequent to the period of active duty on which that eligibility is based.”.

(b) SPECIAL RULE FOR MOBILIZED MEMBERS OF INDIVIDUAL READY RESERVE FINDING NO POSITION IN SELECTED RESERVE.—Section 1076d of such title is amended by adding at the end of subsection (b) (as amended by this section) the following new paragraph:

“(5) In the case of a member of the Individual Ready Reserve who is unable to find a position in the Selected Reserve and who meets the requirements for eligibility for health benefits under TRICARE Standard under subsection (a) except for membership in the Selected Reserve, the period of coverage under this section may begin not later than one year after coverage would otherwise begin under this section had the member been a member of the Selected Reserve, if the member finds a position in the Selected Reserve during that one-year period.”.

(c) ELIGIBILITY OF FAMILY MEMBERS FOR 6 MONTHS FOLLOWING DEATH OF MEMBER.—Section 1076d(c) of such title is amended by adding

at the end the following: “If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage shall continue for six months beyond the date of death of the member.”.

(d) EXTENSION OF TIME FOR ENTERING INTO AGREEMENT.—Section 1076d(a)(2) of such title is amended by striking “on or before the date of the release” and inserting “not later than 90 days after release”.

(e) REVISION OF TRICARE STANDARD DEFINITION.—Subsection (f)(2) of section 1076d of such title is amended to read as follows:

“(2) The term ‘TRICARE Standard’ means—
“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(f) REVISION OF SECTION HEADING.—

(1) AMENDMENT.—The heading for section 1076d of such title is amended to read as follows:

“§1076d. TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty in support of a contingency operation”.

(2) CLERICAL AMENDMENT.—The item relating to section 1076d in the table of sections relating to chapter 55 of such title is amended to read as follows:

“1076d. TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty in support of a contingency operation.”.

SEC. 702. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.

(a) EXPANDED ELIGIBILITY.—

(1) IN GENERAL.—Section 1076b of title 10, United States Code, is amended to read as follows:

“§1076b. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve

“(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve who is committed to serving in the Selected Reserve as described in subsection (c)(3) is eligible, subject to subsection (h), to enroll in TRICARE Standard and receive benefits under such enrollment for any period that the member—

“(1) is an eligible unemployment compensation recipient;

“(2) subject to subsection (i), is not eligible for health care benefits under an employer-sponsored health benefits plan; or

“(3) is not eligible under paragraph (1) or (2) and is not eligible under section 1076d of this title.

“(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

“(A) Self alone coverage.

“(B) Self and family coverage.

“(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

“(c) ENROLLMENT.—(1) The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period or at such other time as the Secretary considers appropriate, a member eligible under subsection (a) may enroll in TRICARE Standard or change or terminate an enrollment in TRICARE Standard.

“(2) An enrollment in TRICARE Standard of a member eligible under subsection (a) shall be effective for one year only, and may be renewed by the member during the open enrollment pe-

riod provided under paragraph (1) or at such other time as the Secretary considers appropriate.

“(3) A member eligible under subsection (a) may not enroll or renew an enrollment in TRICARE Standard under this section unless the member is committed to a period of obligated service in the Selected Reserve that extends through the enrollment period.

“(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in TRICARE Standard under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively, is entitled to under TRICARE Standard.

“(2) Section 1074(c) of this title shall apply with respect to a member enrolled in TRICARE Standard under this section.

“(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE Standard program options a premium for self alone coverage and a premium for self and family coverage.

“(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be as follows:

“(A) For members eligible under paragraph (1) or (2) of subsection (a), the amount equal to 50 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

“(B) For members eligible under paragraph (3) of subsection (a), the amount equal to 85 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

“(3) In determining the amount of a premium under paragraph (2), the Secretary shall use the same actuarial basis as used under section 1076d of this title for determining the amount of premiums under that section.

“(4) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in TRICARE Standard under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under TRICARE Standard to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

“(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in TRICARE Standard under this section may terminate the enrollment only during an open enrollment period provided under subsection (c).

“(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

“(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

“(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—A member is not eligible for TRICARE Standard under this section while entitled to transitional health care under subsection (a) of

section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

“(i) **NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.**—(1) For purposes of subsection (a)(2), a person shall be considered to be not eligible for health care benefits under an employer-sponsored health benefits plan only if the person—

“(A) is employed by an employer that does not offer a health benefits plan to anyone working for the employer;

“(B) is in a category of employees to which the person’s employer does not offer a health benefits plan, if such category is designated by the employer based on hours, duties, employment agreement, or such other characteristic, other than membership in the Selected Reserve, as the regulations administering this section prescribe (such as part-time employees); or

“(C) is self-employed.

“(2) The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member’s assertion that the member is not eligible for health care benefits under an employer-sponsored health benefits plan.

“(j) **ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.**—In this section, the term ‘eligible unemployment compensation recipient’ means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

“(k) **TRICARE STANDARD DEFINED.**—In this section, the term ‘TRICARE Standard’ has the meaning provided by section 1076d(f) of this title.

“(l) **REGULATIONS.**—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1076b and inserting the following:

“1076b. **TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.**”

(b) **EFFECTIVE DATE.**—The Secretary of Defense shall ensure that health care under TRICARE Standard is provided under section 1076b of title 10, United States Code, as amended by this section, beginning not later than October 1, 2006.

Subtitle B—TRICARE Program Improvements

SEC. 711. ADDITIONAL INFORMATION REQUIRED BY SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1532; 10 U.S.C. 1073 note) is amended by adding at the end the following new paragraph:

“(4) Surveys required by paragraph (1) shall include questions seeking to determine from health care providers the following:

“(A) Whether the provider is aware of the TRICARE program.

“(B) What percentage of the provider’s current patient population uses any form of TRICARE.

“(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care services.

“(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider’s current patient population.”

SEC. 712. AVAILABILITY OF CHIROPRACTIC HEALTH CARE SERVICES.

(a) **AVAILABILITY OF CHIROPRACTIC HEALTH CARE SERVICES.**—The Secretary of the Air Force

shall ensure that chiropractic health care services are available at all medical treatment facilities listed in table 5 of the report to Congress dated August 16, 2001, titled “Chiropractic Health Care Implementation Plan”. If the Secretary determines that it is not necessary or feasible to provide chiropractic health care services at any such facility, the Secretary shall provide such services at an alternative site for each such facility.

(b) **IMPLEMENTATION AND REPORT.**—Not later than September 30, 2006, the Secretary of the Air Force shall—

(1) implement subsection (a); and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the availability of chiropractic health care services as required under subsection (a), including information on alternative sites at which such services have been made available.

SEC. 713. SURVIVING-DEPENDENT ELIGIBILITY UNDER TRICARE DENTAL PLAN FOR SURVIVING SPOUSES WHO WERE ON ACTIVE DUTY AT TIME OF DEATH OF MILITARY SPOUSE.

Section 1076a(k) of title 10, United States Code, is amended to read as follows:

“(k) **ELIGIBLE DEPENDENT DEFINED.**—(1) In this section, the term ‘eligible dependent’ means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

“(2) Such term includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if, on the date of the death of the member, the dependent—

“(A) is enrolled in a dental benefits plan established under subsection (a); or

“(B) if not enrolled in such a plan on such date—

“(i) is not enrolled by reason of a discontinuance of a former enrollment under subsection (f); or

“(ii) is not qualified for such enrollment because—

“(I) the dependent is a child under the minimum age for such enrollment; or

“(II) the dependent is a spouse who is a member of the armed forces on active duty for a period of more than 30 days.

“(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member’s death.”

SEC. 714. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME REMOTE.

Section 1079(p) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

“(4) The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.”

SEC. 715. INCREASED PERIOD OF CONTINUED TRICARE PRIME COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) **PERIOD OF ELIGIBILITY.**—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(g)”;

(2) by striking the second sentence; and

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

“(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member’s dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits under TRICARE Prime during the three-year period beginning on the date of the member’s death, except that, in the case of such

a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

“(A) Three years.

“(B) The period ending on the date on which such dependent attains 21 years of age.

“(C) In the case of such a dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member’s death, in fact dependent on the member for over one-half of such dependent’s support, the period ending on the earlier of the following dates:

“(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

“(ii) The date on which such dependent attains 23 years of age.

“(3) For the purposes of paragraph (2)(C), a dependent shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the dependent’s completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

“(4) The terms and conditions under which health benefits are provided under this chapter to a dependent of a deceased member under paragraph (2) shall be the same as those that would apply to the dependent under this chapter if the member were living and serving on active duty for a period of more than 30 days.

“(5) In this subsection, the term ‘TRICARE Prime’ means the managed care option of the TRICARE program.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

SEC. 716. TRICARE STANDARD IN TRICARE REGIONAL OFFICES.

(a) **RESPONSIBILITIES OF TRICARE REGIONAL OFFICE.**—The responsibilities of each TRICARE Regional Office shall include the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned, including—

(1) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;

(2) communicating with beneficiaries who receive the TRICARE Standard option;

(3) outreach to community health care providers to encourage their participation in the TRICARE program; and

(4) publication of information that identifies health care providers in the TRICARE region concerned who provide the TRICARE Standard option.

(b) **ANNUAL REPORT.**—The Secretary of Defense shall submit an annual report to the Committees on Armed Services of the Senate and the House of Representatives on the monitoring, oversight, and improvement of TRICARE Standard activities of each TRICARE Regional Office. The report shall include—

(1) a description of the activities of the TRICARE Regional Office to monitor, oversee, and improve the TRICARE Standard option;

(2) an assessment of the participation of eligible health care providers in TRICARE Standard in each TRICARE region; and

(3) a description of any problems or challenges that have been identified by both providers and beneficiaries with respect to use of the TRICARE Standard option and the actions undertaken to address such problems or challenges.

(c) **DEFINITION.**—In this section, the term “TRICARE Standard” or “TRICARE standard

option" means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.

SEC. 717. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) **QUALIFICATIONS.**—Effective as of the date of the enactment of this Act, no individual may be selected to serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—
(A) an officer of the Armed Forces in a general or flag officer grade;

(B) a civilian employee of the Department of Defense in the Senior Executive Service; or

(C) a civilian employee of the Federal Government in a department or agency other than the Department of Defense, or a civilian working in the private sector, who has experience in a position comparable to an officer described in subparagraph (A) or a civilian employee described in subparagraph (B); and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) **TRICARE PROGRAM DEFINED.**—In this section, the term "TRICARE program" has the meaning given such term in section 1072(7) of title 10, United States Code.

Subtitle C—Mental Health-Related Provisions

SEC. 721. PROGRAM FOR MENTAL HEALTH AWARENESS FOR DEPENDENTS AND PILOT PROJECT ON POST TRAUMATIC STRESS DISORDER.

(a) **PROGRAM ON MENTAL HEALTH AWARENESS.**—

(1) **REQUIREMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(2) **MATTERS COVERED.**—The program developed under paragraph (1) shall be designed to—

(A) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(B) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(C) increase awareness of mental health issues that may arise in dependents referred to in subparagraphs (A) and (B) whose sponsor is deployed to a combat theater.

(3) **COORDINATION.**—The Secretary may permit the Department of Defense to coordinate the program developed under paragraph (1) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(4) **AVAILABILITY IN OTHER LANGUAGES.**—The Secretary shall evaluate whether the effectiveness of the program developed under paragraph (1) would be improved by providing materials in languages other than English and take action accordingly.

(5) **REPORT.**—Not later than one year after implementation of the program developed under paragraph (1), the Secretary shall submit to Congress a report on the effectiveness of the program, including the extent to which the program is used by low-English-proficient individuals.

(b) **PILOT PROJECT ON POST TRAUMATIC STRESS DISORDER.**—

(1) **REQUIREMENT.**—The Secretary of Defense shall carry out a pilot project to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder (PTSD) and other mental health conditions.

(2) **INTERNET-BASED DIAGNOSIS AND TREATMENT.**—The pilot project shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of post traumatic stress disorder, and for tracking patients who suffer from post traumatic stress disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of post traumatic stress disorder.

(3) **REPORT.**—Not later than June 1, 2006, the Secretary shall submit to the congressional defense committees a report on the pilot project. The report shall include a description of the pilot project, including the location of the pilot project and the scope and objectives of the pilot project.

SEC. 722. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) **PILOT PROJECTS REQUIRED.**—The Secretary of Defense may carry out pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder (PTSD) and other mental health conditions.

(b) **PILOT PROJECT REQUIREMENTS.**—

(1) **MOBILIZATION-DEMobilIZATION FACILITY.**—

(A) **IN GENERAL.**—A pilot project under subsection (a) may be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) **ELEMENTS.**—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat post traumatic stress disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) **NATIONAL GUARD OR RESERVE FACILITY.**—

(A) **IN GENERAL.**—A pilot project under subsection (a) may be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) **ELEMENTS.**—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on post traumatic stress disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from post traumatic stress disorder in order to encourage and facilitate early reporting and referral for treatment.

(c) **REPORT.**—Not later than September 1, 2006, the Secretary shall submit to the congressional defense committees a report on the progress toward identifying pilot projects to be carried out under this section. To the extent possible the report shall include a description of each such pilot project, including the location of the pilot projects under paragraphs (1) and (2) of subsection (b), and the scope and objectives of each such pilot project.

SEC. 723. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.

(a) **REQUIREMENT TO ESTABLISH.**—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) **COMPOSITION.**—

(1) **MEMBERS.**—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) **RANGE OF MEMBERS.**—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps;

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force;

(C) persons who have experience in—

(i) national mental health policy;

(ii) military personnel policy;

(iii) research in the field of mental health;

(iv) clinical care in mental health; or

(v) military chaplain or pastoral care; and

(D) at least one family member of a member of the Armed Forces who has experience working with military families.

(3) **INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.**—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) **INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.**—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and local governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs; and

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(5) **DEADLINE FOR APPOINTMENT.**—All appointments of individuals to the task force shall be made not later than 90 days after the date of the enactment of this Act.

(6) **CO-CHAIRS OF TASK FORCE.**—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) **ASSESSMENT AND RECOMMENDATIONS ON MENTAL HEALTH SERVICES.**—

(1) **IN GENERAL.**—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a report containing an assessment of, and recommendations for improving, the efficacy of mental health services provided to members of the Armed Forces by the Department of Defense.

(2) **UTILIZATION OF OTHER EFFORTS.**—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense and the Department of Veterans Affairs to improve the efficacy of mental health care provided to members of the Armed Forces by the Departments.

(3) **ELEMENTS.**—The assessment and recommendations (including recommendations for legislative or administrative action) shall include measures to improve the following:

(A) The awareness of the potential for mental health conditions among members of the Armed Forces.

(B) The access to and efficacy of existing programs in primary care and mental health care to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) Identification and means to evaluate the effectiveness of pilot projects authorized by section 722 with the objective of improving early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

(D) The access to and programs for family members of members of the Armed Forces, including family members overseas.

(E) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(F) The awareness of mental health services available to dependents of members of the Armed Forces whose sponsors have been activated or deployed to a combat theater.

(G) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(H) The early identification and treatment of mental health and substance abuse problems through the use of internal mass media communications (including radio and television) and other education tools to change attitudes within the Armed Forces regarding mental health and substance abuse treatment.

(I) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(J) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(K) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(L) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(M) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(N) The efficiency of pre- and post-deployment mental health screening, including mental health screenings for members of the Armed Forces who have experienced multiple deployments.

(O) The effectiveness of mental health programs provided in languages other than English.

(P) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) **COMPENSATION.**—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) **OVERSIGHT.**—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) **ADMINISTRATIVE SUPPORT.**—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) **ACCESS TO FACILITIES.**—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and

facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) **IN GENERAL.**—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the assessment and recommendations required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) **PLAN REQUIRED.**—Not later than 6 months after receipt of the report from the task force under subsection (e)(1), the Secretary of Defense shall develop a plan based on the recommendations of the task force and submit the plan to the congressional defense committees.

(g) **TERMINATION.**—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

Subtitle D—Studies and Reports

SEC. 731. STUDY RELATING TO PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMS OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) **STUDY.**—The Secretary of Defense shall conduct a study of the effectiveness of self-administered surveys included in predeployment and postdeployment medical exams, including the mental health portion of the surveys, of members of the Armed Forces that are carried out as part of the medical tracking system required under section 1074f of title 10, United States Code.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

SEC. 732. REQUIREMENTS FOR PHYSICAL EXAMINATIONS AND MEDICAL AND DENTAL READINESS FOR MEMBERS OF THE SELECTED RESERVE NOT ON ACTIVE DUTY.

(a) **IN GENERAL.**—Subsection (a) of section 10206 of title 10, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

“(1) have a comprehensive medical readiness health and dental assessment on an annual basis, including routine annual preventive health care screening and periodic comprehensive physical examinations in accordance with regulations prescribed by the Secretary of Defense that reflect morbidity and mortality risks associated with the military service, age, and gender of the member; and” ; and

(2) in paragraph (2), by striking “annually to the Secretary concerned” and all that follows and inserting “to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties.”.

(b) **CONFORMING AMENDMENT.**—The heading of such section is amended by striking “**periodic**”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1007 of such title is amended in the item relating to section 10206 by striking “periodic”.

SEC. 733. REPORT ON DELIVERY OF HEALTH CARE BENEFITS THROUGH THE MILITARY HEALTH CARE SYSTEM.

(a) **REPORT REQUIRED.**—Not later than February 1, 2007, the Secretary of Defense shall

submit to the congressional defense committees a report on the delivery of health care benefits through the military health care system.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) An analysis of the organization and costs of delivering health care benefits to current and retired members of the Armed Forces and their families.

(2) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(3) An assessment of the role of health benefits in the recruitment and retention of members of the Armed Forces, whether in the regular components or the reserve components of the Armed Forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military and civilian medical and dental personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian medical manpower requirements.

(5) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(c) **RECOMMENDATIONS.**—In addition to the matters specified in subsection (b), the report under subsection (a) shall also include such recommendations for legislative or administrative action as the Secretary considers necessary to improve efficiency and quality in the provision of health care benefits through the military health care system, including recommendations on—

(1) the organization and delivery of health care benefits;

(2) mechanisms required to measure costs more accurately;

(3) mechanisms required to measure quality of care, and access to care, more accurately;

(4) Department of Defense participation in the Medicare Advantage Program, formerly Medicare plus Choice;

(5) the use of flexible spending accounts and health savings accounts for military retirees under the age of 65;

(6) incentives for eligible beneficiaries of the military health care system to retain private employer-provided health care insurance;

(7) means of improving integrated systems of disease management, including chronic illness management;

(8) means of improving the safety and efficiency of pharmacy benefits management;

(9) the management of enrollment options for categories of eligible beneficiaries in the military health care system;

(10) reform of the provider payment system, including the potential for use of a pay-for-performance system in order to reward quality and efficiency in the TRICARE system;

(11) means of improving efficiency in the administration of the TRICARE program, to include the reduction of headquarters and redundant management layers, and maximizing efficiency in the claims processing system;

(12) other improvements in the efficiency of the military health care system; and

(13) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

SEC. 734. COMPTROLLER GENERAL STUDIES AND REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS FOR HEALTH CARE FOR CHILDREN DEPENDENTS AND MAXIMUM ALLOWABLE CHARGE FOR OBSTETRICAL CARE SERVICES UNDER TRICARE.

(a) **STUDIES REQUIRED.**—The Comptroller General of the United States shall conduct the following studies:

(1) A study of the effectiveness of the current system of differential payments to children's hospitals for health care services for dependent

children of members of the uniformed services under the TRICARE program in achieving the objective of securing adequate health care services for such dependent children under that program.

(2) A study of the effectiveness of the TRICARE program in achieving the objective of adequate access to high quality obstetrical care services for family members of members of the uniformed services.

(b) ELEMENTS OF CHILDREN'S HOSPITALS STUDY.—The study required by subsection (a)(1) shall include the following:

(1) A description of the current participation of children's hospitals in the TRICARE program.

(2) An assessment of the current system of payments to children's hospitals under the TRICARE program, including differential payments to such hospitals for health care services described in subsection (a)(1), including an assessment of—

(A) the extent to which the calculation of such differential payments takes into account the complexity and extraordinary resources required for the provision of such health care services;

(B) the extent to which TRICARE payment rates, including the children's hospital differential, have kept pace with inflation in health care costs for children's hospitals since the establishment of the differential in 1988;

(C) the extent to which such differential payments provide appropriate compensation to such hospitals for the provision of such services; and

(D) any obstacles or challenges to the development of future modifications to the system of differential payments.

(3) An assessment of the adequacy of, including any barrier to, the access of dependent children described in subsection (a)(1) to specialized hospital services for their illnesses under the TRICARE program.

(c) ELEMENTS OF OBSTETRICAL CARE SERVICES STUDY.—The study required by subsection (a)(2) shall include the following:

(1) A description of the current participation of civilian providers of obstetrical care services in the TRICARE program.

(2) An assessment of the current system of payments for obstetrical care services, including an assessment of—

(A) the extent to which the calculation of such payments takes into account the complexity and resources required;

(B) the extent to which TRICARE payment rates have kept pace with inflation in health care costs;

(C) the extent to which such payments provide appropriate compensation to providers of such services; and

(D) obstacles or challenges to the development of future improvements to access to high quality obstetrical services, including referral patterns and inclusion of all necessary services within the maximum allowable charge.

(3) An assessment of the adequacy of the access of military family members to needed obstetrical care services.

(d) REPORT.—Not later than May 1, 2006, the Comptroller General shall submit to the Secretary of Defense and the congressional defense committees a report on the studies required by subsection (a), together with such recommendations, if any, as the Comptroller General considers appropriate for modifications of the current system of differential payments to children's hospitals and payments for obstetrical care services in order to achieve the objectives described in that subsection.

(e) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than November 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees the report submitted by the Comptroller General to the Secretary under subsection (d).

(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recommendations of the Comptroller General for

modifications of the current system of differential payments to children's hospitals or of payments for obstetrical care services, the Secretary shall transmit with the report—

(A) a proposal for such legislative or administrative action as may be required to implement such modifications; and

(B) an assessment and estimate of the costs associated with the implementation of such modifications.

(f) DEFINITIONS.—In this section:

(1) DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS.—The term “differential payments to children's hospitals” means the additional amounts paid to children's hospitals under the TRICARE program for health care procedures for severely ill children in order to take into account the additional costs associated with such procedures for such children when compared with the costs associated with such procedures for adults and other children.

(2) PAYMENTS FOR OBSTETRICAL CARE.—The term “payments for obstetrical care services” means the maximum allowable payment rates established by the Department of Defense under the TRICARE program for routine obstetrical care, including prenatal care, laboratory tests in accordance with accepted obstetrical practices standards, specialty care if needed, delivery, and post-partum maternal care.

(3) TRICARE PROGRAM.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 735. REPORT ON THE DEPARTMENT OF DEFENSE AHLTA GLOBAL ELECTRONIC HEALTH RECORD SYSTEM.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense AHLTA global electronic health record system.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A chronology and description of previous efforts undertaken to develop an electronic medical records system capable of maintaining a two-way exchange of data between the Department of Defense and the Department of Veterans Affairs.

(2) The plans as of the date of the report, including any projected commencement dates, for the implementation of the AHLTA global electronic health record system.

(3) A description of the software and hardware being considered as of the date of the report for use in the AHLTA global electronic health record system.

(4) A description of the management structure used in the development of the AHLTA global electronic health record system.

(5) A description of the accountability measures utilized during the development of the AHLTA global electronic health record system in order to evaluate progress made in the development of that system.

(6) The schedule for the remaining development of the AHLTA global electronic health record system.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Health, Education, Labor, and Pensions of the Senate; and

(2) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Energy and Commerce of the House of Representatives.

SEC. 736. COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the Vaccine Healthcare Centers operated by the Department of Defense in support of medical needs arising from mandatory military vaccinations.

(b) ELEMENTS.—In conducting the study under subsection (a), the Comptroller General shall examine the following:

(1) The mission of each Center.

(2) The adequacy of resources available to support the mission of each Center and the source of those resources from within the Department of Defense.

(3) The extent of participation and support of the Centers by each of the Armed Forces.

(4) The effectiveness of the Centers in supporting the medical needs of members of the Armed Forces arising from mandatory military vaccinations.

(5) The effectiveness of the Centers in providing assistance to military and civilian healthcare providers based on outreach to and response to inquiries from providers.

(6) The extent to which the Centers are conducting evaluations to identify and treat potential and actual health effects from vaccines.

(7) The extent to which the Centers take advantage of and are linked to vaccine health resources outside the Department of Defense.

(8) The extent to which the Centers are involved in outreach to military and civilian healthcare providers relating to vaccine safety, efficiency, and acceptability.

(9) The extent to which similar activities conducted by the Centers are conducted in governmental or nongovernmental agencies outside the Department of Defense.

(c) RECOMMENDATIONS.—The Comptroller General shall submit to Congress a report containing findings and recommendations not later than May 30, 2006, including recommendations on ways to improve the ability of the Department of Defense to understand and support medical needs arising from mandatory military vaccinations and the extent to which the Department of Defense requires the Vaccine Healthcare Centers to continue in their current configuration.

SEC. 737. REPORT ON ADVERSE HEALTH EVENTS ASSOCIATED WITH USE OF ANTI-MALARIAL DRUGS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of adverse health events that may be associated with use of anti-malarial drugs, including mefloquine.

(b) MATTERS COVERED.—The study required by subsection (a) shall include a comparison of adverse health (including mental health) events that may be associated with different anti-malarial drugs, including mefloquine.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a).

SEC. 738. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve dental insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve dental insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve dental insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve dental insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative

action regarding the Reserve dental insurance program as the Secretary considers appropriate in light of the study.

(d) **RESERVE DENTAL INSURANCE PROGRAM DEFINED.**—In this section, the term “Reserve dental insurance program” includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SEC. 739. DEMONSTRATION PROJECT STUDY ON MEDICARE ADVANTAGE REGIONAL PREFERRED PROVIDER ORGANIZATION OPTION FOR TRICARE-MEDICARE DUAL-ELIGIBLE BENEFICIARIES.

(a) **STUDY ON DEMONSTRATION PROJECT.**—

(1) **REQUIREMENT.**—The Secretary of Defense shall conduct a study to evaluate the feasibility and cost effectiveness of conducting a demonstration project under section 1092 of title 10, United States Code, to implement the provisions of section 1097(d) of such title. The purpose of such a demonstration project would be to evaluate whether applying the managed care methods under the Medicare Advantage program under part C of title XVIII of the Social Security Act would improve the quality of care, realize cost savings to the Department of Defense, and improve beneficiary satisfaction for Department of Defense beneficiaries who also are entitled to health care under medicare.

(2) **ELEMENTS OF STUDY.**—The study required by paragraph (1) shall include an analysis of the following:

(A) The impact of the Medicare Advantage Regional Preferred Provider Organization model on medical utilization, pharmacy usage, and Department of Defense health care costs.

(B) The full costs of the demonstration project.

(C) The implementation and use of quality improvement and chronic care improvement programs for Department of Defense beneficiaries.

(D) Beneficiary satisfaction.

(E) The near term and long term effect on all existing Department of Defense contracts for health care support, including TRICARE managed care contracts, claims processing contracts, and pharmacy contracts.

(F) A comparison of the costs and benefits of using existing Department of Defense contractors or new Department of Defense contractors who are qualified as the vehicle for conducting the demonstration.

(b) **PLAN.**—

(1) **REQUIREMENT.**—If the Secretary of Defense determines under subsection (a) that the demonstration project is feasible, cost effective, and in the best interests of the Department of Defense and eligible beneficiaries, the Secretary, in coordination with other administering Secretaries, shall develop a plan to carry out the demonstration project.

(2) **ELEMENTS OF PLAN.**—

(A) **HEALTH CARE BENEFITS.**—In the plan, the Secretary of Defense shall prescribe the minimum health care benefits to be provided under the plan to eligible beneficiaries enrolled in the plan. Those benefits shall include at least all health care services covered under part A and part B of medicare and TRICARE for Life.

(B) **DEMONSTRATION SERVICE AREA.**—In the plan, the Secretary shall provide for conducting the demonstration in at least two demonstration service areas.

(C) **ELIGIBILITY.**—In the plan, the Secretary shall provide that any eligible beneficiary who meets the eligibility requirements for participation in the Medicare Advantage Regional Preferred Provider Organization plan who resides in the demonstration service area is eligible to enroll in the demonstration on a voluntary basis.

(D) **DURATION.**—In the plan, the Secretary shall provide for conducting the demonstration for a period of time consistent with decisions

made by the Department of Defense to exercise remaining option periods on the managed care support contract covering the area where the demonstration occurs.

(E) **EVALUATION OF THE DEMONSTRATION PROJECT.**—The plan shall include a plan to evaluate the costs and benefits of all elements of the demonstration project, including the elements described in subsection (a)(2) and, in addition, the financial mechanisms used in carrying out the demonstration project.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE BENEFICIARY.**—The term “eligible beneficiary” means a person who is eligible for both TRICARE and medicare under section 1086(d)(2) of title 10, United States Code.

(2) **MEDICARE.**—The term “medicare” means title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) **ADMINISTERING SECRETARIES.**—The term “administering Secretaries” has the meaning provided by section 1072(3) of title 10, United States Code.

(d) **REPORT.**—Not later than April 1, 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a), along with the plan under subsection (b) if applicable.

SEC. 740. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) **PILOT PROJECTS AUTHORIZED.**—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces.

(b) **LOCATIONS.**—

(1) **IN GENERAL.**—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) **CO-LOCATION WITH CERTAIN INSTALLATIONS.**—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) **ACTIVITIES.**—Activities under the pilot projects conducted under subsection (a) shall the following:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children’s books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the pilot projects conducted under this section.

(2) **ELEMENTS.**—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces.

Subtitle E—Other Matters

SEC. 741. AUTHORITY TO RELOCATE PATIENT SAFETY CENTER; RENAMING MEDTEAMS PROGRAM.

(a) **REPEAL OF REQUIREMENT TO LOCATE THE DEPARTMENT OF DEFENSE PATIENT SAFETY CEN-**

TER WITHIN THE ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654-196) is amended by striking “within the Armed Forces Institute of Pathology”.

(b) **RENAMING MEDTEAMS PROGRAM.**—Subsection (d) of such section is amended by striking “MedTeams” in the heading and inserting “Medical Team Training”.

SEC. 742. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORTING REQUIREMENT.

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 697) is amended by striking paragraphs (1) through (4) and inserting the following:

“(1) Measures of the quality of health care furnished, including timeliness and accessibility of care.

“(2) Population health.

“(3) Patient safety.

“(4) Patient satisfaction.

“(5) The extent of use of evidence-based health care practices.

“(6) The effectiveness of biosurveillance in detecting an emerging epidemic.”.

SEC. 743. CORRECTION TO ELIGIBILITY OF CERTAIN RESERVE OFFICERS FOR MILITARY HEALTH CARE PENDING ACTIVE DUTY FOLLOWING COMMISSIONING.

(a) **CORRECTION.**—Clause (iii) of section 1074(a)(2)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: “or the orders have been issued but the member has not entered active duty”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as of November 24, 2003, and as if included in the enactment of paragraph (2) of section 1074(a) of title 10, United States Code, by section 708 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1530).

SEC. 744. PROHIBITION ON CONVERSIONS OF MILITARY MEDICAL AND DENTAL POSITIONS UNTIL SUBMISSION OF CERTIFICATION.

(a) **PROHIBITION ON CONVERSIONS.**—

(1) **SUBMISSION OF CERTIFICATION.**—A Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the conversions within that department will not increase cost or decrease quality of care or access to care. Such a certification may not be submitted before June 1, 2006.

(2) **REPORT WITH CERTIFICATION.**—A Secretary submitting such a certification shall include with the certification a written report that includes—

(A) the methodology used by the Secretary in making the determinations necessary for the certification, including the extent to which the Secretary took into consideration the findings of the Comptroller General in the report under subsection (b)(3);

(B) the results of a market survey in each affected area of the availability of civilian medical and dental care providers in such area in order to determine whether the civilian medical and dental care providers available in such area are adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area; and

(C) any action taken by the Secretary in response to recommendations in the Comptroller General report under subsection (b)(3).

(b) **REQUIREMENT FOR STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study on the effect of conversions of military medical and dental positions to

civilian medical or dental positions on the defense health program.

(2) **MATTERS COVERED.**—The study shall include the following:

(A) The number of military medical and dental positions, by grade and specialty, planned for conversion to civilian medical or dental positions.

(B) The number of military medical and dental positions, by grade and specialty, converted to civilian medical or dental positions since October 1, 2004.

(C) The ability of the military health care system to fill the civilian medical and dental positions required, by specialty.

(D) The degree to which access to health care is affected in both the direct and purchased care system, including an assessment of the effects of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of lack of direct care providers.

(E) The degree to which changes in military manpower requirements affect recruiting and retention of uniformed medical and dental personnel.

(F) The degree to which conversion of the military positions meets the joint medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(G) The effect of the conversions of military medical positions to civilian medical and dental positions on the defense health program, including costs associated with the conversions, with a comparison of the estimated costs versus the actual costs incurred by the number of conversions since October 1, 2004.

(H) The effectiveness of the conversions in enhancing medical and dental readiness, health care efficiency, productivity, quality, and customer satisfaction.

(3) **REPORT ON STUDY.**—Not later than May 1, 2006, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under this section.

(c) **DEFINITIONS.**—In this section:

(1) The term “military medical or dental position” means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term “civilian medical or dental position” means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term “affected area” means an area in which military medical or dental positions were converted to civilian medical or dental positions before October 1, 2004, or in which such conversions are scheduled to occur in the future.

(4) The term “uniformed services” has the meaning given that term in section 1072(1) of title 10, United States Code.

SEC. 745. CLARIFICATION OF INCLUSION OF DENTAL CARE IN MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM.

(a) **INCLUSION OF DENTAL CARE.**—Subtitle D of title VII of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 1074 note) is amended by adding at the end the following new section:

“SEC. 740. INCLUSION OF DENTAL CARE.

“For purposes of the plan, this subtitle, and the amendments made by this subtitle, references to medical readiness, health status, and health care shall be considered to include dental readiness, dental status, and dental care.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of title VII of such Act and in section 2(b) of such Act are each amended by inserting after the item relating to section 739 the following:

“Sec. 740. Inclusion of dental care.”

SEC. 746. COOPERATIVE OUTREACH TO MEMBERS AND FORMER MEMBERS OF THE NAVAL SERVICE EXPOSED TO ENVIRONMENTAL FACTORS RELATED TO SARCOIDOSIS.

(a) **OUTREACH PROGRAM REQUIRED.**—The Secretary of the Navy, in coordination with the Secretary of Veterans Affairs, shall conduct an outreach program intended to contact as many members and former members of the naval service as possible who, in connection with service aboard Navy ships, may have been exposed to aerosolized particles resulting from the removal of nonskid coating used on those ships.

(b) **PURPOSES OF OUTREACH PROGRAM.**—The purposes of the outreach program are as follows:

(1) To develop additional data for use in subsequent studies aimed at determining a causative link between sarcoidosis and military service.

(2) To inform members and former members identified in subsection (a) of the findings of Navy studies identifying an association between service aboard certain naval ships and sarcoidosis.

(3) To provide information to assist members and former members identified in subsection (a) in getting medical evaluations to help clarify linkages between their disease and their service aboard Navy ships.

(4) To provide the Department of Veterans Affairs with data and information for the effective evaluation of veterans who may seek care for sarcoidosis.

(c) **IMPLEMENTATION AND REPORT.**—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall begin the outreach program. Not later than one year after beginning the program, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives and the Committees on Veterans Affairs of the Senate and House of Representatives a report on the results of the outreach program.

SEC. 747. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEWS OF CERTAIN DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS PROJECTS ON SHARING OF HEALTH CARE RESOURCES.

(a) **JOINT INCENTIVES PROGRAM.**—Section 811(d) of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

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

(b) **HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.**—Section 722 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2595; 38 U.S.C. 8111 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in paragraph (2) of subsection (h), as so redesignated, by striking “based on recommendations” and all that follows and inserting “as determined by the Secretaries based on information available to the Secretaries to warrant such action.”

SEC. 748. PANDEMIC AVIAN FLU PREPAREDNESS.

(a) **REPORT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts within the Department of Defense to prepare for pandemic influenza, including pandemic avian influenza. The Secretary shall address the following, with respect to military personnel, dependents of military personnel on military installations, and civilian personnel within the Department of Defense:

(1) The procurement of vaccines, antivirals, and other medicines, and medical supplies, including personal protective equipment, particularly those that must be imported.

(2) Protocols for the allocation and distribution of vaccines and medicines among high priority personnel.

(3) Public health protection and containment measures that may be implemented on military

bases and other facilities, including risk communication, quarantine, travel restrictions, and other isolation precautions.

(4) Communication with Department of Defense-affiliated health providers about pandemic preparedness and response.

(5) Surge capacity for the provision of medical care during pandemics.

(6) The availability and delivery of food and basic supplies and services.

(7) Surveillance efforts domestically and internationally, including those using the Global Emerging Infections Systems (GEIS), and how such efforts are integrated with other ongoing surveillance systems.

(8) The integration of pandemic and response planning in the Department of Defense with the planning of other Federal departments, including the Department of Health and Human Services, the Department of Homeland Security, the Department of Veterans Affairs, the Department of State, and USAID.

(9) Collaboration (as appropriate) with international entities engaged in pandemic preparedness and response.

(10) Acceleration of medical research and development related to pandemic influenza.

(b) **SUBMISSION OF REPORT.**—The report required under subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 749. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

“(B) Assistance provided to a member under paragraph (1) shall include the following:

“(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

“(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

“(II) any other care, treatment, and services.

“(ii) Information on the private sector sources of treatment that are available to the member in the member’s community.

“(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.”

SEC. 750. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINEES.

(a) **POLICY REQUIRED.**—The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) **REPORT.**—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

- Sec. 801. Requirement for certification before major defense acquisition program may proceed to Milestone B.
- Sec. 802. Requirements applicable to major defense acquisition programs exceeding baseline costs.
- Sec. 803. Requirement for determination by Secretary of Defense and notification to Congress before procurement of major weapon systems as commercial items.
- Sec. 804. Reports on significant increases in program acquisition unit costs or procurement unit costs of major defense acquisition programs.
- Sec. 805. Report on use of lead system integrators in the acquisition of major systems.
- Sec. 806. Congressional notification of cancellation of major automated information systems.

Subtitle B—Acquisition Policy and Management

- Sec. 811. Internal controls for procurements on behalf of the Department of Defense.
- Sec. 812. Management structure for the procurement of contract services.
- Sec. 813. Report on service surcharges for purchases made for military departments through other Department of Defense agencies.
- Sec. 814. Review of defense acquisition structures and capabilities.
- Sec. 815. Modification of requirements applicable to contracts authorized by law for certain military materiel.
- Sec. 816. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.
- Sec. 817. Joint policy on contingency contracting.
- Sec. 818. Acquisition strategy for commercial satellite communication services.
- Sec. 819. Authorization of evaluation factor for defense contractors employing or subcontracting with members of the Selected Reserve of the reserve components of the Armed Forces.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Participation by Department of Defense in acquisition workforce training fund.
- Sec. 822. Increase in cost accounting standard threshold.
- Sec. 823. Modification of authority to carry out certain prototype projects.
- Sec. 824. Increased limit applicable to assistance provided under certain procurement technical assistance programs.

Subtitle D—United States Defense Industrial Base Provisions

- Sec. 831. Clarification of exception from Buy American requirements for procurement of perishable food for establishments outside the United States.
- Sec. 832. Training for defense acquisition workforce on the requirements of the Berry Amendment.
- Sec. 833. Amendments to domestic source requirements relating to clothing materials and components covered.

Subtitle E—Other Matters

- Sec. 841. Review and report on Department of Defense efforts to identify contract fraud, waste, and abuse.
- Sec. 842. Extension of contract goal for small disadvantaged businesses and certain institutions of higher education.

Sec. 843. Extension of deadline for report of advisory panel on laws and regulations on acquisition practices.

Sec. 844. Exclusion of certain security expenses from consideration for purpose of small business size standards.

Sec. 845. Disaster relief for small business concerns damaged by drought.

Sec. 846. Extension of limited acquisition authority for the commander of the United States Joint Forces Command.

Sec. 847. Civilian Board of Contract Appeals.

Sec. 848. Statement of policy and report relating to contracting with employers of persons with disabilities.

Sec. 849. Study on Department of Defense contracting with small business concerns owned and controlled by service-disabled veterans.

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENT FOR CERTIFICATION BEFORE MAJOR DEFENSE ACQUISITION PROGRAM MAY PROCEED TO MILESTONE B.

(a) **CERTIFICATION REQUIREMENT.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366 the following new section:

“§2366a. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval

“(a) **CERTIFICATION.**—A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the milestone decision authority certifies that—

“(1) the technology in the program has been demonstrated in a relevant environment;

“(2) the program demonstrates a high likelihood of accomplishing its intended mission;

“(3) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

“(4) the Department of Defense has completed an analysis of alternatives with respect to the program;

“(5) the program is affordable when considering the ability of the Department of Defense to accomplish the program’s mission using alternative systems;

“(6) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; and

“(7) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

“(b) **SUBMISSION TO CONGRESS.**—The certification required under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

“(c) **WAIVER FOR NATIONAL SECURITY.**—The milestone decision authority may waive the applicability to a major defense acquisition program of one or more components (as specified in paragraph (1), (2), (3), (4), (5), or (6) of subsection (a)) of the certification requirement if the milestone decision authority determines that, but for such a waiver, the Department would be unable to meet critical national security objectives. Whenever the milestone decision authority makes such a determination and authorizes such a waiver, the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized.

“(d) **NONDELEGATION.**—The milestone decision authority may not delegate the certification re-

quirement under subsection (a) or the authority to waive any component of such requirement under subsection (c).

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

“(2) The term ‘milestone decision authority’, with respect to a major defense acquisition program, means the individual within the Department of Defense designated with overall responsibility for the program.

“(3) The term ‘Milestone B approval’ has the meaning provided that term in section 2366(e)(7) of this title.

“(4) The term ‘Key Decision Point B’ means the official program initiation of a National Security Space program of the Department of Defense, which triggers a formal review to determine maturity of technology and the program’s readiness to begin the preliminary system design.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366 the following new item:

“2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.”

SEC. 802. REQUIREMENTS APPLICABLE TO MAJOR DEFENSE ACQUISITION PROGRAMS EXCEEDING BASELINE COSTS.

(a) **SPECIFICATION OF SIGNIFICANT COST GROWTH THRESHOLD AND CRITICAL COST GROWTH THRESHOLD.**—Subsection (a) of section 2433 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(4) The term ‘significant cost growth threshold’ means the following:

“(A) In the case of a major defense acquisition program, a percentage increase in the program acquisition unit cost for the program of—

“(i) at least 15 percent over the program acquisition unit cost for the program as shown in the current Baseline Estimate for the program; or

“(ii) at least 30 percent over the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program.

“(B) In the case of a major defense acquisition program that is a procurement program, a percentage increase in the procurement unit cost for the program of—

“(i) at least 15 percent over the procurement unit cost for the program as shown in the current Baseline Estimate for the program; or

“(ii) at least 30 percent over the procurement unit cost for the program as shown in the original Baseline Estimate for the program.

“(5) The term ‘critical cost growth threshold’ means the following:

“(A) In the case of a major defense acquisition program, a percentage increase in the program acquisition unit cost for the program of—

“(i) at least 25 percent over the program acquisition unit cost for the program as shown in the current Baseline Estimate for the program; or

“(ii) at least 50 percent over the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program.

“(B) In the case of a major defense acquisition program that is a procurement program, a percentage increase in the procurement unit cost for the program of—

“(i) at least 25 percent over the procurement unit cost for the program as shown in the current Baseline Estimate for the program; or

“(ii) at least 50 percent over the procurement unit cost for the program as shown in the original Baseline Estimate for the program.”

(b) **INCORPORATION OF THRESHOLDS INTO UNIT COST REPORT AND RELATED REQUIREMENTS.**—

(1) **UNIT COST REPORT REQUIREMENTS.**—Subsection (c) of such section is amended by striking “cause to believe—” and all that follows

through “reflected in the Baseline Estimate,” and inserting “cause to believe that the program acquisition unit cost for the program or the procurement unit cost for the program, as applicable, has increased by a percentage equal to or greater than the significant cost growth threshold for the program.”.

(2) DETERMINATIONS OF SERVICE ACQUISITION EXECUTIVES.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking “by at least 15 percent, or by at least 25 percent, over the program acquisition unit cost for the program as shown in the Baseline Estimate” and inserting “by a percentage equal to or greater than the significant cost growth threshold, or the critical cost growth threshold, for the program”;

(B) in paragraph (2), by striking “by at least 15 percent, or by at least 25 percent, over the procurement unit cost for the program as reflected in the Baseline Estimate” and inserting “by a percentage equal to or greater than the significant cost growth threshold, or the critical cost growth threshold, for the program”; and

(C) in paragraph (3)—

(i) by striking “by at least 15 percent, or by at least 25 percent, as determined under paragraph (1)” and inserting “by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold”; and

(ii) by striking “by at least 15 percent, or by at least 25 percent, as determined under paragraph (2)” and inserting “by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold”.

(3) SERVICE ACQUISITION REPORTS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A), by striking “by at least 15 percent” and inserting “by a percentage equal to or greater than the significant cost growth threshold for the program”;

(B) in paragraph (2)—

(i) by striking “percentage increase in the”; and

(ii) by striking “exceeds 25 percent” and inserting “increases by a percentage equal to or greater than the critical cost growth threshold for the program”; and

(C) in paragraph (3)—

(i) by striking “of at least 15 percent” both places it appears and inserting “by a percentage equal to or greater than the significant cost growth threshold”; and

(ii) by striking “of at least 25 percent” both places it appears and inserting “by a percentage equal to or greater than the critical cost growth threshold”.

(C) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN UNIT COST INCREASES.—Paragraph (2) of subsection (e) of such section is further amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by striking “the Secretary of Defense” and all that follows through “a written certification, stating that—” and inserting “the Secretary of Defense shall—

“(A) carry out an assessment of—

“(i) the projected cost of completing the program if current requirements are not modified;

“(ii) the projected cost of completing the program based on reasonable modification of such requirements; and

“(iii) the rough order of magnitude of the costs of any reasonable alternative system or capability;

“(B) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification (with a supporting explanation) stating that—”.

(d) ORIGINAL BASELINE ESTIMATE.—

(1) IN GENERAL.—Section 2435 of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) ORIGINAL BASELINE ESTIMATE.—(1) In this chapter, the term ‘original Baseline Estimate’, with respect to a major defense acquisition program, means the baseline description established with respect to the program under subsection (a), without adjustment or revision (except as provided in paragraph (2)).

“(2) An adjustment or revision of the original baseline description of a major defense acquisition program may be treated as the original Baseline Estimate for the program for purposes of this chapter only if the percentage increase in the program acquisition unit cost or procurement unit cost under such adjustment or revision exceeds the critical cost growth threshold for the program under section 2433 of this title, as determined by the Secretary of the military department concerned under subsection (d) of such section.

“(3) In the event of an adjustment or revision of the original baseline description of a major defense acquisition program, the Secretary of Defense shall include in the next Selected Acquisition Report to be submitted under section 2432 of this title after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.”.

(2) CONFORMING AMENDMENT.—Section 2433(a) of such title, as amended by subsection (a) of this section, is further amended by adding at the end the following new paragraph:

“(6) The term ‘original Baseline Estimate’ has the same meaning as provided in section 2435(d) of this title.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to any major defense acquisition program for which an original Baseline Estimate is first established before, on, or after that date.

(2) APPLICABILITY TO CURRENT MAJOR DEFENSE ACQUISITION PROGRAMS.—In the case of a major defense acquisition program for which the program acquisition unit cost or procurement unit cost, as applicable, exceeds the original Baseline Estimate for the program by more than 50 percent on the date of the enactment of this Act—

(A) the current Baseline Estimate for the program as of such date of enactment is deemed to be the original Baseline Estimate for the program for purposes of section 2433 of title 10, United States Code (as amended by this section); and

(B) each Selected Acquisition Report submitted on the program after the date of the enactment of this Act shall reflect each of the following:

(i) The original Baseline Estimate, as first established for the program, without adjustment or revision.

(ii) The Baseline Estimate for the program that is deemed to be the original Baseline Estimate for the program under subparagraph (A).

(iii) The current original Baseline Estimate for the program as adjusted or revised, if at all, in accordance with subsection (d)(2) of section 2435 of title 10, United States Code (as added by subsection (d) of this section).

SEC. 803. REQUIREMENT FOR DETERMINATION BY SECRETARY OF DEFENSE AND NOTIFICATION TO CONGRESS BEFORE PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.

(a) REQUIREMENT FOR DETERMINATION AND NOTIFICATION.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

“§2379. Requirement for determination by Secretary of Defense and notification to Congress before procurement of major weapon systems as commercial items

“(a) REQUIREMENT FOR DETERMINATION AND NOTIFICATION.—A major weapon system of the

Department of Defense may be treated as a commercial item, or purchased under procedures established for the procurement of commercial items, only if—

“(1) the Secretary of Defense determines that—

“(A) the major weapon system is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

“(B) such treatment is necessary to meet national security objectives; and

“(2) the congressional defense committees are notified at least 30 days before such treatment or purchase occurs.

(b) TREATMENT OF SUBSYSTEMS AND COMPONENTS AS COMMERCIAL ITEMS.—A subsystem or component of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items if such subsystem or component otherwise meets the requirements (other than requirements under subsection (a)) for treatment as a commercial item.

(c) DELEGATION.—The authority of the Secretary of Defense to make a determination under subsection (a) may be delegated only to the Deputy Secretary of Defense, without further redelegation.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ‘major weapon system’ means a weapon system acquired pursuant to a major defense acquisition program (as that term is defined in section 2430 of this title).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by adding at the end the following new item:

“2379. Requirement for determination by Secretary of Defense and notification to Congress before procurement of major weapon systems as commercial items.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after such date.

SEC. 804. REPORTS ON SIGNIFICANT INCREASES IN PROGRAM ACQUISITION UNIT COSTS OR PROCUREMENT UNIT COSTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) INITIAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition status of each major defense acquisition program whose program acquisition unit cost or procurement unit cost, as of the date of the enactment of this Act, has exceeded by more than 50 percent the original baseline projection for such unit cost. The report shall include the information specified in subsection (b).

(b) INFORMATION.—The information specified in this subsection with respect to a major defense acquisition program is the following:

(1) An assessment of the costs to be incurred to complete the program if the program is not modified.

(2) An explanation of why the costs of the program have increased.

(3) A justification for the continuation of the program notwithstanding the increase in costs.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major defense acquisition program’ has the meaning given that term in section 2430 of title 10, United States Code.

SEC. 805. REPORT ON USE OF LEAD SYSTEM INTEGRATORS IN THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORT REQUIRED.—Not later than September 30, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the use of lead system integrators for the acquisition by the Department of Defense of major systems.

(b) CONTENTS.—The report required by subsection (a) shall include a detailed description of the actions taken, or to be taken (including a specific timetable), and the current regulations and guidelines regarding—

(1) the definition of the respective rights of the Department of Defense, lead system integrators, and other contractors that participate in the development or production of any individual element of a major weapon system (including subcontractors under lead system integrators) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(A) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2320 of title 10, United States Code; and

(B) lead system integrators obtain access to technical data developed by the other participating contractors only to the extent necessary to execute their contractual obligations as lead systems integrators;

(2) the prevention or mitigation of organizational conflicts of interest on the part of lead system integrators;

(3) minimization of the performance by lead system integrators of functions closely associated with inherently governmental functions;

(4) the appropriate use of competitive procedures in the award of subcontracts with lead system integrators with system responsibility;

(5) the prevention of organizational conflicts of interest arising out of any financial interest of lead system integrators without system responsibility in the development or production of individual elements of a major weapon system; and

(6) the prevention of pass-through charges by lead system integrators with system responsibility on systems or subsystems developed or produced under subcontracts where such lead system integrators do not provide significant value added with regard to such systems or subsystems.

(c) DEFINITIONS.—In this section:

(1) The term “lead system integrator” includes lead system integrators with system responsibility and lead system integrators without system responsibility.

(2) The term “lead system integrator with system responsibility” means a prime contractor for the development or production of a major system if the prime contractor is not expected at the time of award, as determined by the Secretary of Defense for purposes of this section, to perform a substantial portion of the work on the system and the major subsystems.

(3) The term “lead system integrator without system responsibility” means a contractor under a contract for the procurement of services whose primary purpose is to perform acquisition functions closely associated with inherently governmental functions with regard to the development or production of a major system.

(4) The term “major system” has the meaning given such term in section 2302d of title 10, United States Code.

(5) The term “pass-through charge” means a charge for overhead or profit on work performed by a lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs) that does not, as determined by the Secretary for purposes of this section, promote significant value added with regard to such work.

(6) The term “functions closely associated with inherently governmental functions” has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

SEC. 806. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program

that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(b) CONTENT.—Each notification submitted under subsection (a) with respect to a proposed cancellation or change shall include—

(1) the specific justification for the proposed cancellation or change;

(2) a description of the impact of the proposed cancellation or change on the ability of the Department to achieve the objectives of the program proposed for cancellation or change;

(3) a description of the steps that the Department plans to take to achieve those objectives; and

(4) other information relevant to the change in acquisition strategy.

(c) DEFINITIONS.—In this section:

(1) The term “major automated information system” has the meaning given that term in Department of Defense directive 5000.1.

(2) The term “approved to be fielded” means having received Milestone C approval.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2006, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements; or

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2007, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2006; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the In-

spector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2006, and before June 16, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of \$100,000 through a covered non-defense agency for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of \$100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of \$100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the

purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) DEFINITIONS.—In this section:

(1) The term “covered non-defense agency” means each of the following:

(A) The Department of the Treasury.

(B) The Department of the Interior.

(C) The National Aeronautics and Space Administration.

(2) The term “governmentwide acquisition contract”, with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for 1 or more other departments or agencies of the Federal Government.

SEC. 812. MANAGEMENT STRUCTURE FOR THE PROCUREMENT OF CONTRACT SERVICES.

(a) MANAGEMENT STRUCTURE.—

(1) IN GENERAL.—Section 2330 of title 10, United States Code, is amended to read as follows:

“§2330. Procurement of contract services: management structure

“(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—The Secretary of Defense shall establish and implement a management structure for the procurement of contract services for the Department of Defense. The management structure shall provide, at a minimum, for the following:

“(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

“(A) develop and maintain (in consultation with the service acquisition executives) policies, procedures, and best practices guidelines addressing the procurement of contract services, including policies, procedures, and best practices guidelines for—

“(i) acquisition planning;

“(ii) solicitation and contract award;

“(iii) requirements development and management;

“(iv) contract tracking and oversight;

“(v) performance evaluation; and

“(vi) risk management;

“(B) work with the service acquisition executives and other appropriate officials of the Department of Defense—

“(i) to identify the critical skills and competencies needed to carry out the procurement of contract services on behalf of the Department of Defense;

“(ii) to develop a comprehensive strategy for recruiting, training, and deploying employees to meet the requirements for such skills and competencies; and

“(iii) to ensure that the military departments and Defense Agencies have staff and administrative support that are adequate to effectively perform their duties under this section;

“(C) establish contract services acquisition categories, based on dollar thresholds, for the purpose of establishing the level of review, decision authority, and applicable procedures in such categories; and

“(D) oversee the implementation of the requirements of this section and the policies, procedures, and best practices guidelines established pursuant to subparagraph (A).

“(2) The service acquisition executive of each military department shall be the senior official responsible for the management of acquisition of contract services for or on behalf of the military department.

“(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be the senior official responsible for the management of acquisition of contract services for or on behalf of the Defense Agencies and other components of the Department of Defense outside the military departments.

“(b) DUTIES AND RESPONSIBILITIES OF SENIOR OFFICIALS RESPONSIBLE FOR THE MANAGEMENT OF ACQUISITION OF CONTRACT SERVICES.—(1) Except as provided in paragraph (2), the senior officials responsible for the management of acquisition of contract services shall assign responsibility for the review and approval of procurements in each contract services acquisition category established under subsection (a)(1)(C) to specific Department of Defense officials, subject to the direction, supervision, and oversight of such senior officials.

“(2) With respect to the acquisition of contract services by a component or command of the Department of Defense the primary mission of which is the acquisition of products and services, such acquisition shall be conducted in accordance with policies, procedures, and best practices guidelines developed and maintained by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to subsection (a)(1), subject to oversight by the senior officials referred to in paragraph (1).

“(3) In carrying out paragraph (1), each senior official responsible for the management of acquisition of contract services shall—

“(A) implement the requirements of this section and the policies, procedures, and best practices guidelines developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to subsection (a)(1)(A);

“(B) authorize the procurement of contract services through contracts entered into by agencies outside the Department of Defense in appropriate circumstances, in accordance with the requirements of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 2304 note), section 814 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (31 U.S.C. 1535 note), and the regulations implementing such sections;

“(C) dedicate full-time commodity managers to coordinate the procurement of key categories of services;

“(D) ensure that contract services are procured by means of procurement actions that are in the best interests of the Department of Defense and are entered into and managed in compliance with applicable laws, regulations, directives, and requirements;

“(E) ensure that competitive procedures and performance-based contracting are used to the maximum extent practicable for the procurement of contract services; and

“(F) monitor data collection under section 2330a of this title, and periodically conduct spending analyses, to ensure that funds expended for the procurement of contract services are being expended in the most rational and economical manner practicable.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘procurement action’ includes the following actions:

“(A) Entry into a contract or any other form of agreement.

“(B) Issuance of a task order, delivery order, or military interdepartmental purchase request.

“(2) The term ‘contract services’ includes all services acquired from private sector entities by or for the Department of Defense, other than services relating to research and development or military construction.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2330 and inserting the following new item:

“2330. Procurement of contract services: management structure.”

(b) PHASED IMPLEMENTATION.—The requirements of section 2330 of title 10, United States Code (as added by subsection (a)), shall be implemented as follows:

(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) establish an initial set of contract services acquisition categories, based on dollar thresholds, by not later than June 1, 2006; and

(B) issue an initial set of policies, procedures, and best practices guidelines in accordance with section 2330(a)(1)(A) by not later than October 1, 2006.

(2) The contract services acquisition categories established by the Under Secretary shall include—

(A) one or more categories for acquisitions with an estimated value of \$250,000,000 or more;

(B) one or more categories for acquisitions with an estimated value of at least \$10,000,000 but less than \$250,000,000; and

(C) one or more categories for acquisitions with an estimated value greater than the simplified acquisition threshold but less than \$10,000,000.

(3) The senior officials responsible for the management of acquisition of contract services shall assign responsibility to specific individuals in the Department of Defense for the review and approval of procurements in the contract services acquisition categories established by the Under Secretary, as follows:

(A) Not later than October 1, 2006, for all categories established pursuant to paragraph (2)(A).

(B) Not later than October 1, 2007, for all categories established pursuant to paragraph (2)(B).

(C) Not later than October 1, 2009, for all categories established pursuant to paragraph (2)(C).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the implementation of section 2330 of title 10, United States Code, as added by this section.

SEC. 813. REPORT ON SERVICE SURCHARGES FOR PURCHASES MADE FOR MILITARY DEPARTMENTS THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES.

(a) REPORTS BY MILITARY DEPARTMENTS.—For each of fiscal years 2005 and 2006, the Secretary of each military department shall, not later than 180 days after the last day of that fiscal year, submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the service charges imposed on such military department for purchases in amounts greater than the simplified acquisition threshold that were made for that military department during such fiscal year through a contract entered into by an agency of the Department of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided in exchange for such charges.

(b) ANALYSIS OF MILITARY DEPARTMENT REPORT.—Not later than 90 days after receiving a report of the Secretary of a military department for a fiscal year under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the service charges delineated in such report for the acquisitions covered by the report and the services provided in exchange for such charges and shall compare those charges with the costs of alternative means for making such acquisitions. The analysis shall include the Under Secretary’s determinations of whether the imposition and amounts of the service charges were reasonable.

(c) REPORTS TO CONGRESS.—Not later than October 1, 2006 (for reports for fiscal year 2005 under subsection (a)), and not later than October 1, 2007 (for reports for fiscal year 2006 under subsection (a)), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the reports submitted by the Secretaries of the military departments under subsection (a), together with the Under Secretary’s determinations under subsection (b) with regard to the matters set forth in those reports.

(d) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term “simplified acquisition threshold” has the meaning given such

term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SEC. 814. REVIEW OF DEFENSE ACQUISITION STRUCTURES AND CAPABILITIES.

(a) **REVIEW BY DEFENSE ACQUISITION UNIVERSITY.**—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the acquisition structures and capabilities of the Department of Defense, including the acquisition structures and capabilities of the following:

- (1) Each military department.
- (2) Each defense agency.

(3) Any other element of the Department of Defense that has an acquisition function.

(b) **ELEMENTS OF REVIEW.**—

(1) **IN GENERAL.**—In reviewing the acquisition structures and capabilities of an organization under subsection (a), the Defense Acquisition University shall—

(A) determine the current structure of the organization;

(B) review the evolution of the current structure of the organization, including the reasons for each reorganization of the structure;

(C) identify the capabilities needed by the organization to fulfill its function and assess the capacity of the organization, as currently structured, to provide such capabilities;

(D) identify any gaps, shortfalls, or inadequacies relating to acquisitions in the current structures and capabilities of the organization;

(E) identify any recruiting, retention, training, or professional development steps that may be needed to address any such gaps, shortfalls, or inadequacies; and

(F) make such recommendations as the review team determines to be appropriate.

(2) **EMPHASIS IN REVIEW.**—In conducting the review of acquisition structures and capabilities under subsection (a), the University shall place special emphasis on consideration of—

(A) structures, capabilities, and processes for joint acquisition, including actions that may be needed to improve such structures, capabilities, and processes; and

(B) actions that may be needed to improve acquisition outcomes.

(c) **FUNDING.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the Defense Acquisition University the funds required to conduct the review under subsection (a).

(d) **REPORT ON REVIEW.**—

(1) **IN GENERAL.**—Not later than 180 days after the completion of the review required by subsection (a), the University shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the review.

(2) **ANNEX.**—The report shall include a separate annex on the acquisition structures and capabilities on each organization covered by the review. The annex—

(A) shall address the matters specified under subsection (b) with respect to such organization; and

(B) may include such recommendations with respect to such organization as the University considers appropriate.

(3) **TRANSMITTAL OF FINAL REPORT.**—Not later than 90 days after the receipt of the report under paragraph (1), the Under Secretary shall transmit to the congressional defense committees a copy of the report, together with the comments of the Under Secretary on the report.

(e) **DEFENSE ACQUISITION UNIVERSITY DEFINED.**—In this section, the term “Defense Acquisition University” means the Defense Acquisition University established pursuant to section 1746 of title 10, United States Code.

SEC. 815. MODIFICATION OF REQUIREMENTS APPLICABLE TO CONTRACTS AUTHORIZED BY LAW FOR CERTAIN MILITARY MATERIEL.

(a) **INCLUSION OF COMBAT VEHICLES UNDER REQUIREMENTS.**—Section 2401 of title 10, United States Code, is amended—

(1) by striking “vessel or aircraft” each place it appears and inserting “vessel, aircraft, or combat vehicle”;

(2) in subsection (c), by striking “aircraft or naval vessel” each place it appears and inserting “aircraft, naval vessel, or combat vehicle”;

(3) in subsection (e), by striking “aircraft or naval vessels” each place it appears and inserting “aircraft, naval vessels, or combat vehicles”;

and

(4) in subsection (f)—

(A) by striking “aircraft and naval vessels” and inserting “aircraft, naval vessels, and combat vehicles”;

(B) by striking “such aircraft and vessels” and inserting “such aircraft, vessels, and combat vehicles”.

(b) **ADDITIONAL INFORMATION FOR CONGRESS.**—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

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

“(D) the Secretary has certified to those committees—

“(i) that entering into the proposed contract as a means of obtaining the vessel, aircraft, or combat vehicle is the most cost-effective means of obtaining such vessel, aircraft, or combat vehicle; and

“(ii) that the Secretary has determined that the lease complies with all applicable laws, Office of Management and Budget circulars, and Department of Defense regulations.”;

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

“(3) Upon receipt of a notice under paragraph (1)(C), a committee identified in paragraph (1)(B) may request the Inspector General of the Department of Defense or the Comptroller General of the United States to conduct a review of the proposed contract to determine whether or not such contract meets the requirements of this section.

“(4) If a review is requested under paragraph (3), the Inspector General of the Department of Defense or the Comptroller General of the United States, as the case may be, shall submit to the Secretary and the congressional defense committees a report on such review before the expiration of the period specified in paragraph (1)(C).”

(c) **APPLICABILITY OF ACQUISITION REGULATIONS.**—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f)(1) If a lease or charter covered by this section is a capital lease or a lease-purchase—

“(A) the lease or charter shall be treated as an acquisition and shall be subject to all applicable statutory and regulatory requirements for the acquisition of aircraft, naval vessels, or combat vehicles; and

“(B) funds appropriated to the Department of Defense for operation and maintenance may not be obligated or expended for the lease or charter.

“(2) In this subsection, the terms ‘capital lease’ and ‘lease-purchase’ have the meanings given those terms in Appendix B to Office of Management and Budget Circular A-11, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006.”

(d) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 141 of such title is

amended by striking the item relating to section 2401 and inserting the following new item:

“2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.”

SEC. 816. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) **GUIDANCE REQUIRED.**—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts.

(b) **ELEMENTS.**—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

SEC. 817. JOINT POLICY ON CONTINGENCY CONTRACTING.

(a) **JOINT POLICY.**—

(1) **REQUIREMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop a joint policy for contingency contracting during combat operations and post-conflict operations.

(2) **MATTERS COVERED.**—The joint policy for contingency contracting required by paragraph (1) shall, at a minimum, provide for—

(A) the designation of a senior commissioned officer in each military department with the responsibility for administering the policy;

(B) the assignment of a senior commissioned officer with appropriate acquisition experience and qualifications to act as head of contingency contracting during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur;

(C) an organizational approach to contingency contracting that is designed to ensure that each military department is prepared to conduct contingency contracting during combat operations and post-conflict operations;

(D) a requirement to provide training (including training under a program to be created by the Defense Acquisition University) to contingency contracting personnel in—

(i) the use of law, regulations, policies, and directives related to contingency contracting operations;

(ii) the appropriate use of rapid acquisition methods, including the use of exceptions to competition requirements under section 2304 of title 10, United States Code, sealed bidding, letter contracts, indefinite delivery indefinite quantity task orders, set asides under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), undefinitized contract actions, and other tools available to expedite the delivery of goods and services during combat operations or post-conflict operations;

(iii) the appropriate use of rapid acquisition authority, commanders’ emergency response program funds, and other tools unique to contingency contracting; and

(iv) instruction on the necessity for the prompt transition from the use of rapid acquisition authority to the use of full and open competition and other methods of contracting that

maximize transparency in the acquisition process;

(E) appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation; and

(F) such steps as may be needed to ensure jointness and cross-service coordination in the area of contingency contracting.

(b) REPORTS.—

(1) INTERIM REPORT.—

(A) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on contingency contracting.

(B) MATTERS COVERED.—The report shall include discussions of the following:

(i) Progress in the development of the joint policy under subsection (a).

(ii) The ability of the Armed Forces to support contingency contracting.

(iii) The ability of commanders of combatant commands to request contingency contracting support and the ability of the military departments and the acquisition support agencies to respond to such requests and provide such support, including the availability of rapid acquisition personnel for such support.

(iv) The ability of the current civilian and military acquisition workforce to deploy to combat theaters of operations and to conduct contracting activities during combat and during post-conflict, reconstruction, or other contingency operations.

(v) The effect of different periods of deployment on continuity in the acquisition process.

(2) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees listed in paragraph (1)(A) a final report on contingency contracting, containing a discussion of the implementation of the joint policy developed under subsection (a), including updated discussions of the matters covered in the interim report.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY CONTRACTING PERSONNEL.—The term “contingency contracting personnel” means members of the Armed Forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide support to contingency operations (whether deployed or not).

(2) CONTINGENCY CONTRACTING.—The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

(3) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning provided in section 101(13) of title 10, United States Code.

(4) ACQUISITION SUPPORT AGENCIES.—The term “acquisition support agencies” means Defense Agencies and Department of Defense Field Activities that carry out and provide support for acquisition-related activities.

SEC. 818. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the acquisitions by the Department of commercial satellite communication services for the period from fiscal year 2000 through fiscal year 2005. That analysis shall, at a minimum, include a determination of the following:

(1) Total acquisition costs in aggregate, by fiscal year, for items and services purchased.

(2) Total quantity of items and services purchased.

(3) Quantity and cost of items and services purchased by each entity from each supplier and who used the items and services purchased.

(4) Purchasing patterns that may lead to recommendations in which the Department of Defense may centralize operations, consolidate requirements, or leverage purchasing power.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than five months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which—

(i) shall be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) shall take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

SEC. 819. AUTHORIZATION OF EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE ARMED FORCES.

(a) DEFENSE CONTRACTS.—In awarding any contract for the procurement of goods or services to an entity, the Secretary of Defense is authorized to use as an evaluation factor whether the entity intends to carry out the contract using employees or individual subcontractors who are members of the Selected Reserve of the reserve components of the Armed Forces.

(b) DOCUMENTATION OF SELECTED RESERVE-RELATED EVALUATION FACTOR.—Any entity claiming intent to carry out a contract using employees or individual subcontractors who are members of the Selected Reserve of the reserve components of the Armed Forces shall submit proof of the use of such employees or subcontractors for the Department of Defense to consider in carrying out subsection (a) with respect to that contract.

(c) REGULATIONS.—The Federal Acquisition Regulation shall be revised as necessary to implement this section.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. PARTICIPATION BY DEPARTMENT OF DEFENSE IN ACQUISITION WORKFORCE TRAINING FUND.

(a) REQUIRED CONTRIBUTIONS TO ACQUISITION WORKFORCE TRAINING FUND BY DEPARTMENT OF DEFENSE.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(1) in subparagraph (A), by striking “other than the Department of Defense” and inserting “, except as provided in subparagraph (D)” ; and

(2) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively, and inserting after subparagraph (C) the following new subparagraph (D):

“(D) The Administrator of General Services shall transfer to the Secretary of Defense fees

collected from the Department of Defense pursuant to subparagraph (B), to be used by the Defense Acquisition University for purposes of acquisition workforce training.”.

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 37(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(a)) is amended by striking “This section” and inserting “Except as provided in subsection (h)(3), this section”.

(2) PUBLIC LAW 108-136.—Section 1412 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1664) is amended by striking subsection (c).

(c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—Amounts transferred under section 37(h)(3)(D) of the Office of Federal Procurement Policy Act (as amended by subsection (a)) for use by the Defense Acquisition University shall be in addition to other amounts authorized for the University.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees collected under contracts described in section 37(h)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)(B)) after the date of the enactment of this Act.

SEC. 822. INCREASE IN COST ACCOUNTING STANDARD THRESHOLD.

Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(A)) is amended by striking “\$500,000” and inserting “the amount set forth in section 2306a(a)(1)(A)(i) of title 10, United States Code, as such amount is adjusted in accordance with applicable requirements of law”.

SEC. 823. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)—

(A) by striking “The Director” and inserting “(1) Subject to paragraph (2), the Director” ; and

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

“(2) The authority of this section—

“(A) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of \$20,000,000 but not in excess of \$100,000,000 only upon a written determination by the senior procurement executive for the agency (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) that—

“(i) the requirements of subsection (d) will be met; and

“(ii) the use of the authority of this section is essential to promoting the success of the prototype project; and

“(B) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of \$100,000,000 only if—

“(i) the Under Secretary of Defense for Acquisition, Technology, and Logistics determines in writing that—

“(1) the requirements of subsection (d) will be met; and

“(11) the use of the authority of this section is essential to meet critical national security objectives; and

“(ii) the congressional defense committees are notified in writing at least 30 days before such authority is exercised.

“(3) The authority of a senior procurement executive under paragraph (2)(A), and the authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)(B), may not be delegated.”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into

under the authority of this section shall be treated as a Federal agency procurement for the purposes of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).”

SEC. 824. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking “\$150,000” and inserting “\$300,000”.

Subtitle D—United States Defense Industrial Base Provisions

SEC. 831. CLARIFICATION OF EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF PERISHABLE FOOD FOR ESTABLISHMENTS OUTSIDE THE UNITED STATES.

Section 2533a(d)(3) of title 10, United States Code, is amended by inserting “, or for,” after “perishable foods by”.

SEC. 832. TRAINING FOR DEFENSE ACQUISITION WORKFORCE ON THE REQUIREMENTS OF THE BERRY AMENDMENT.

(a) TRAINING DURING FISCAL YEAR 2006.—The Secretary of Defense shall ensure that each member of the defense acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2006 on the requirements of section 2533a of title 10, United States Code (commonly referred to as the “Berry Amendment”), and the regulations implementing that section.

(b) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program developed or implemented after the date of the enactment of this Act for members of the defense acquisition workforce who participate personally and substantially in the acquisition of textiles on a regular basis includes comprehensive information on the requirements described in subsection (a).

SEC. 833. AMENDMENTS TO DOMESTIC SOURCE REQUIREMENTS RELATING TO CLOTHING MATERIALS AND COMPONENTS COVERED.

(a) NOTICE.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subparagraph (B), (C), (D), or (E) of subsection (b)(1), if the Secretary of Defense or of the military department concerned applies an exception set forth in subsection (c) or (e) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).”

(b) CLOTHING MATERIALS AND COMPONENTS COVERED.—Subsection (b) of section 2533a of title 10, United States Code, is amended in paragraph (1)(B) by inserting before the semicolon the following: “and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof)”.

Subtitle E—Other Matters

SEC. 841. REVIEW AND REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO IDENTIFY CONTRACT FRAUD, WASTE, AND ABUSE.

(a) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall conduct a review of efforts by the Department of Defense to identify and assess the areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse.

(b) MATTERS COVERED.—

(1) IN GENERAL.—In conducting the review, the Comptroller General shall summarize the ongoing efforts of the Department of Defense, in-

cluding the reviews described in paragraph (2), and make recommendations about areas not addressed or items that need further investigation.

(2) DEPARTMENT OF DEFENSE REVIEWS.—The reviews by the Department of Defense referred to in paragraph (1) are the following:

(A) A report by a task force of the Defense Science Board dated March 2005 and titled “Management Oversight in Acquisition Organizations”.

(B) An audit by the Inspector General of the Department of Defense titled “Service Acquisition Executives Management Oversight and Procurement Authority”.

(C) A task force to address contract fraud, waste, and abuse designated by the Deputy Secretary of Defense.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review, including the Comptroller General’s findings and recommendations.

SEC. 842. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 2323(k) of title 10, United States Code, is amended by striking “2006” both places it appears and inserting “2009”.

SEC. 843. EXTENSION OF DEADLINE FOR REPORT OF ADVISORY PANEL ON LAWS AND REGULATIONS ON ACQUISITION PRACTICES.

Section 1423(d) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended by striking “one year” and inserting “18 months”.

SEC. 844. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

“(4) EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.—

“(A) DETERMINATION REQUIRED.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

“(B) ACTION REQUIRED.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

“(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

“(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

“(C) QUALIFIED AREAS.—In this paragraph, the term ‘qualified area’ means—

“(i) Iraq,

“(ii) Afghanistan, and

“(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.”.

SEC. 845. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “(1)” after “(k)”; and

(B) by adding at the end the following:

“(2) For purposes of section 7(b)(2), the term ‘disaster’ includes—

“(A) drought; and

“(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.”.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting “(including drought), with respect to both farm-related and nonfarm-related small business concerns,” before “if the Administration”; and

(B) in subparagraph (B), by striking “the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)” and inserting the following: “section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph”.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than \$9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking “Upon receipt of such certification, the Administration may” and inserting “Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may”.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

SEC. 846. EXTENSION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 167a of title 10, United States Code, is amended—

(1) by striking “through 2006” and inserting “through 2008”; and

(2) by striking “September 30, 2006” and inserting “September 30, 2008”.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of section 167a of title 10, United States Code.

SEC. 847. CIVILIAN BOARD OF CONTRACT APPEALS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

“SEC. 42. CIVILIAN BOARD OF CONTRACT APPEALS.

“(a) BOARD ESTABLISHED.—There is established in the General Services Administration a board of contract appeals to be known as the Civilian Board of Contract Appeals (in this section referred to as the ‘Civilian Board’).

“(b) MEMBERSHIP.—

“(1) APPOINTMENT.—(A) The Civilian Board shall consist of members appointed by the Administrator of General Services (in consultation

with the Administrator for Federal Procurement Policy) from a register of applicants maintained by the Administrator of General Services, in accordance with rules issued by the Administrator of General Services (in consultation with the Administrator for Federal Procurement Policy) for establishing and maintaining a register of eligible applicants and selecting Civilian Board members. The Administrator of General Services shall appoint a member without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Civilian Board member.

“(B) The members of the Civilian Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years of experience in public contract law.

“(C) Notwithstanding subparagraph (B) and subject to paragraph (2), the following persons shall serve as Civilian Board members: any full-time member of any agency board of contract appeals other than the Armed Services Board of Contract Appeals, the Postal Service Board of Contract Appeals, and the board of contract appeals of the Tennessee Valley Authority serving as such on the day before the effective date of this section.

“(2) REMOVAL.—Members of the Civilian Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

“(3) COMPENSATION.—Compensation for members of the Civilian Board shall be determined under section 5372a of title 5, United States Code.

“(c) FUNCTIONS.—

“(1) IN GENERAL.—The Civilian Board shall have jurisdiction as provided by section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(b)).

“(2) ADDITIONAL JURISDICTION.—The Civilian Board may, with the concurrence of the Federal agency or agencies affected—

“(A) assume jurisdiction over any additional category of laws or disputes over which an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act exercised jurisdiction before the effective date of this section; and

“(B) assume any other functions performed by such a board before such effective date on behalf of such agencies.”.

(b) TRANSFERS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the agency boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in subsection (g)) other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals shall be transferred to the Civilian Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(c) TERMINATION OF BOARDS OF CONTRACT APPEALS.—

(1) TERMINATION.—Effective on the effective date described in subsection (g), the agency boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before such effective date), other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals, shall terminate.

(2) SAVINGS PROVISION.—(A) This section and the amendments made by this section shall not

affect any proceedings pending on the effective date described in subsection (g) before any agency board of contract appeals terminated by paragraph (1).

(B) In the case of any such proceedings pending before an agency board of contract appeals other than the Armed Services Board of Contract Appeals or the board of contract appeals of the Tennessee Valley Authority, the proceedings shall be continued by the Civilian Board of Contract Appeals, and orders which were issued in any such proceeding by the agency board shall continue in effect until modified, terminated, superseded, or revoked by the Civilian Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

(d) AMENDMENTS TO CONTRACTS DISPUTES ACT.—

(1) AMENDMENTS TO DEFINITIONS.—Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended—

(A) in paragraph (2), by striking “, the United States Postal Service, and the Postal Rate Commission”;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by amending paragraph (6) to read as follows:

“(6) the terms ‘agency board’ or ‘agency board of contract appeals’ mean—

“(A) the Armed Services Board of Contract Appeals established under section 8(a)(1) of this Act;

“(B) the Civilian Board of Contract Appeals established under section 42 of the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.);

“(C) the board of contract appeals of the Tennessee Valley Authority; or

“(D) the Postal Service Board of Contract Appeals established under section 8(c) of this Act.”; and

(D) by inserting after paragraph (6) the following new paragraphs:

“(7) the term ‘Armed Services Board’ means the Armed Services Board of Contract Appeals established under section 8(a)(1) of this Act;

“(8) the term ‘Civilian Board’ means the Civilian Board of Contract Appeals established under section 42 of the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.); and”.

(2) AMENDMENTS RELATING TO JURISDICTION.—Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended—

(A) in subsection (d)—

(i) by striking the first sentence and inserting the following: “The Armed Services Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration relative to a contract made by that department or agency. The Civilian Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, or the Tennessee Valley Authority) relative to a contract made by that agency. Each other agency board shall have jurisdiction to decide any appeal from a decision of a contracting officer relative to a contract made by its agency.”; and

(ii) in the second sentence, by striking “Claims Court” and inserting “Court of Federal Claims”;

(B) by striking subsection (c) and inserting the following:

“(c) There is established an agency board of contract appeals to be known as the ‘Postal Service Board of Contract Appeals’. Such board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the United States Postal Service or the Postal Rate

Commission relative to a contract made by either agency. Such board shall consist of judges appointed by the Postmaster General who shall meet the qualifications of and serve in the same manner as members of the Civilian Board of Contract Appeals. This Act shall apply to contract disputes before the Postal Service Board of Contract Appeals in the same manner as they apply to contract disputes before the Civilian Board.”.

(3) CONFORMING AMENDMENTS.—Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is further amended—

(A) in subsection (a)(1)—

(i) by striking “Except as provided in paragraph (2) an agency board of contract appeals” and inserting “An Armed Services Board of Contract Appeals”; and

(ii) by striking “an executive agency when the agency head” and inserting “the Department of Defense when the Secretary of Defense”; and

(B) in subsection (b)(1)—

(i) by striking “Except as provided in paragraph (2), the members of agency boards” and inserting “The members of the Armed Services Board of Contract Appeals”;

(ii) in the second sentence, by striking “agency boards” and inserting “such Board”;

(iii) in the third sentence, by striking “each board” and inserting “such Board” and by striking “the agency head” and inserting “the Secretary of Defense”; and

(iv) in the fourth sentence, by striking “an agency board” and inserting “such Board”.

(4) REPEAL OF OBSOLETE PROVISIONS.—Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is further amended by striking subsections (h) and (i).

(e) REFERENCES.—Any reference to an agency board of contract appeals other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, or the Postal Service Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Civilian Board of Contract Appeals established under section 42 of the Office of Federal Procurement Policy Act.

(f) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 5372a(a)(1) of title 5, United States Code, is amended by inserting after “of 1978” the following: “or a member of the Civilian Board of Contract Appeals appointed under section 42 of the Office of Federal Procurement Policy Act”.

(2) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following new item:

“42. Civilian Board of Contract Appeals.”.

(g) EFFECTIVE DATE.—Section 42 of the Office of Federal Procurement Policy Act, as added by this section, and the amendments and repeals made by this section, shall take effect 1 year after the date of the enactment of this Act.

SEC. 848. STATEMENT OF POLICY AND REPORT RELATING TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) EXTENSIONS OF INAPPLICABILITY OF CERTAIN ACTS.—Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2021) is amended in subsections (a)(2)(A) and (b)(2)(A) by striking “2005” and inserting “2006”.

(b) STATEMENT OF POLICY.—The Secretary of Defense, the Secretary of Education, and the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled shall jointly issue a statement of policy relative to the implementation of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O’Day Act (41 U.S.C. 48) within the Department of Defense and the Department of Education. The joint statement of policy shall specifically address the application of those Acts to both operation and management of all or any part of a

military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces, and shall take into account and address, to the extent practicable, the positions acceptable to persons representing programs implemented under each Act.

(c) REPORT.—Not later than April 1, 2006, the Secretary of Defense, the Secretary of Education, and the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report describing the joint statement of policy issued under subsection (b), with such findings and recommendations as the Secretaries consider appropriate.

SEC. 849. STUDY ON DEPARTMENT OF DEFENSE CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on Department of Defense procurement contracts with small business concerns owned and controlled by service-disabled veterans.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following determinations:

(1) Any steps taken by the Department of Defense to meet the Government-wide goal of participation by small business concerns owned and controlled by service-disabled veterans in at least 3 percent of the total value of all prime contract and subcontract awards, as required under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) If the Department of Defense has failed to meet such goal, an explanation of the reasons for such failure.

(3) Any steps taken within the Department of Defense to make contracting officers aware of the 3 percent goal and to ensure that procurement officers are working actively to achieve such goal.

(4) An estimate of the number of appropriately qualified small business concerns owned and controlled by service-disabled veterans which submitted responsive offers on contracts with the Department of Defense during the preceding fiscal year.

(5) Any outreach efforts made by the Department to enter into contracts with small business concerns owned and controlled by service-disabled veterans.

(6) Any additional outreach efforts the Department should make.

(7) The appropriate role of prime contractors in achieving goals established for small business concerns owned and controlled by service-disabled veterans under section 36 of the Small Business Act (15 U.S.C. 657f).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study conducted under this section.

(d) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—In this section, the term “small business concern owned and controlled by service-disabled veterans” has the meaning given that term in section 3(q) of the Small Business Act (15 U.S.C. 632(q)).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Department of Defense Management Matters

Sec. 901. Parity in pay levels among Under Secretary positions.

Sec. 902. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.

Sec. 903. Standardization of authority for acceptance of gifts and donations for Department of Defense regional centers for security studies.

Sec. 904. Directors of Small Business Programs in Department of Defense and military departments.

Sec. 905. Plan to defend the homeland against cruise missiles and other low-altitude aircraft.

Sec. 906. Provision of audiovisual support services by White House Communications Agency on nonreimbursable basis.

Sec. 907. Report on establishment of a Deputy Secretary of Defense for Management.

Sec. 908. Responsibility of the Joint Chiefs of Staff as military advisers to the Homeland Security Council.

Sec. 909. Improvement in health care services for residents of Armed Forces Retirement Home.

Subtitle B—Space Activities

Sec. 911. Space Situational Awareness Strategy and space control mission review.

Sec. 912. Military satellite communications.

Sec. 913. Operationally responsive space.

Sec. 914. Report on use of Space Radar for topographical mapping for scientific and civil purposes.

Sec. 915. Sense of Congress regarding national security aspect of United States preeminence in human spaceflight.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.

Sec. 922. Chemical demilitarization facilities.

Subtitle D—Intelligence-Related Matters

Sec. 931. Department of Defense Strategy for Open-Source Intelligence.

Sec. 932. Comprehensive inventory of Department of Defense Intelligence and Intelligence-related programs and projects.

Sec. 933. Operational files of the Defense Intelligence Agency.

Subtitle A—General Department of Defense Management Matters

SEC. 901. PARITY IN PAY LEVELS AMONG UNDER SECRETARY POSITIONS.

(a) POSITIONS OF UNDER SECRETARIES OF MILITARY DEPARTMENTS RAISED TO LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after “Under Secretary of Defense for Intelligence” the following:

“Under Secretary of the Air Force.

“Under Secretary of the Army.

“Under Secretary of the Navy.”.

(b) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking the following:

“Under Secretary of the Air Force.

“Under Secretary of the Army.

“Under Secretary of the Navy.”.

SEC. 902. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

(a) DIRECTOR OF CENTER.—Paragraph (1) of section 196(b) of title 10, United States Code, is amended by striking “commissioned officers” and all that follows through the end of the sentence and inserting “individuals who have substantial experience in the field of test and evaluation.”.

(b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2) of such section is amended by striking “senior civilian officers and employees of the Department of Defense” and inserting “individuals”.

SEC. 903. STANDARDIZATION OF AUTHORITY FOR ACCEPTANCE OF GIFTS AND DONATIONS FOR DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

“§2611. Regional centers for security studies: acceptance of gifts and donations

“(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—(1) Subject to subsection (c), the Secretary of Defense may, on behalf of any Department of Defense regional center for security studies, any combination of such centers, or such centers generally, accept from any source specified in subsection (b) any gift or donation for purposes of defraying the costs or enhancing the operation of such a center, combination of centers, or centers generally, as the case may be.

“(2) For purposes of this section, the Department of Defense regional centers for security studies are the following:

“(A) The George C. Marshall European Center for Security Studies.

“(B) The Asia-Pacific Center for Security Studies.

“(C) The Center for Hemispheric Defense Studies.

“(D) The Africa Center for Strategic Studies.

“(E) The Near East South Asia Center for Strategic Studies.

“(b) SOURCES.—The sources from which gifts and donations may be accepted under subsection (a) are the following:

“(1) The government of a State or a political subdivision of a State.

“(2) The government of a foreign country.

“(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

“(4) Any source in the private sector of the United States or a foreign country.

“(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

“(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

“(2) the integrity of any program of the Department, or of any person involved in such a program.

“(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in subsection (c).

“(e) CREDITING OF FUNDS.—Funds accepted by the Secretary under section (a) shall be credited to appropriations available to the Department of Defense for the regional center, combination of centers, or centers generally for which accepted. Funds so credited shall be merged with the appropriations to which credited and shall be available for the regional center, combination of centers, or centers generally, as the case may be, for the same purposes as the appropriations with which merged. Any funds accepted under this section shall remain available until expended.

“(f) GIFT OR DONATION DEFINED.—In this section, the term ‘gift or donation’ means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).”.

(2) CLERICAL AMENDMENT.—The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

“2611. Regional centers for security studies: acceptance of gifts and donations.”.

(b) ANNUAL REPORT ON GIFT ACCEPTANCE.—Section 184(b)(4) of title 10, United States Code, is amended by striking “under any of the” and all that follows and inserting “under section 2611 of this title.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2892) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by striking “(1)” the first place it appears;

(D) by redesignating paragraph (2) as subsection (b);

(E) by inserting “SOURCE OF FUNDS.—” before “Costs for”; and

(F) by striking “paragraph (1)” and insertion “subsection (a)”.

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113 note) is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 904. DIRECTORS OF SMALL BUSINESS PROGRAMS IN DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS.

(a) REDESIGNATION OF EXISTING POSITIONS AND OFFICES.—

(1) POSITIONS REDESIGNATED.—The following positions within the Department of Defense are redesignated as follows:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense is redesignated as the Director of Small Business Programs of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army is redesignated as the Director of Small Business Programs of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy is redesignated as the Director of Small Business Programs of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force is redesignated as the Director of Small Business Programs of the Department of the Air Force.

(2) OFFICES REDESIGNATED.—The following offices within the Department of Defense are redesignated as follows:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense is redesignated as the Office of Small Business Programs of the Department of Defense.

(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army is redesignated as the Office of Small Business Programs of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy is redesignated as the Office of Small Business Programs of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force is redesignated as the Office of Small Business Programs of the Department of the Air Force.

(3) REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE.—

(1) OSD POSITION AND OFFICE.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

“§144. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the

Department of Defense is the office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“144. Director of Small Business Programs.”.

(c) DEPARTMENT OF THE ARMY.—

(1) POSITION AND OFFICE.—Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

“§3024. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3024. Director of Small Business Programs.”.

(d) DEPARTMENT OF THE NAVY.—

(1) POSITION AND OFFICE.—Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

“§5028. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“5028. Director of Small Business Programs.”.

(e) DEPARTMENT OF THE AIR FORCE.—

(1) POSITION AND OFFICE.—Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

“§8024. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8024. Director of Small Business Programs.”.

SEC. 905. PLAN TO DEFEND THE HOMELAND AGAINST CRUISE MISSILES AND OTHER LOW-ALTITUDE AIRCRAFT.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the defense of the United States homeland against cruise missiles, unmanned aerial vehicles, and other low-altitude aircraft that may be launched in an attack against the United States homeland.

(b) FOCUS OF PLAN.—In developing the plan, the Secretary shall focus on the role of Department of Defense components in the defense of the homeland against an attack described in subsection (a), but shall also address the role, if any, of other departments and agencies of the United States Government in that defense.

(c) ELEMENTS OF PLAN.—The plan shall include the following:

(1) The identification of an official or office within the Department of Defense to be responsible for coordinating the implementation of the plan described in subsection (a) from both an operational and acquisition perspective.

(2) Identification of (A) the capabilities required by the Department of Defense in order to fulfill the mission of the Department to defend the homeland against attack by cruise missiles, unmanned aerial vehicles, and other low-altitude aircraft, and (B) any current shortfall in those capabilities.

(3) Identification of each element of the Department of Defense that will be responsible under the plan for acquisition in order to achieve one or more of the capabilities identified pursuant to paragraph (2).

(4) A schedule for implementing the plan.

(5) A statement of the funding required to implement the Department of Defense portion of the plan.

(6) An identification of the roles and missions, if any, of other departments and agencies of the United States Government in contributing to the defense of the homeland against attack described in paragraph (2).

(d) SCOPE OF PLAN.—The plan shall be coordinated with plans of the Department of Defense for defending the United States homeland against attack by short-range to medium-range ballistic missiles.

SEC. 906. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY WHITE HOUSE COMMUNICATIONS AGENCY ON NON-REIMBURSABLE BASIS.

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “AND AUDIOVISUAL SUPPORT SERVICES” after “TELECOMMUNICATIONS SUPPORT”; and

(B) by inserting “and audiovisual support services” after “provision of telecommunications support”; and

(2) in subsection (b), by inserting “and audiovisual” after “other than telecommunications”.

(b) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d), (e), and (f).

SEC. 907. REPORT ON ESTABLISHMENT OF A DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) STUDY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, as determined by the Secretary, select one or two Federally Funded Research and Development Centers to conduct a study of the feasibility and advisability of establishing a Deputy Secretary of Defense for Management. The Secretary shall provide for each Center conducting a study under this section to submit a report on such study to the Secretary and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than December 1, 2006.

(b) CONTENT OF STUDY.—Each study under this section shall address—

(1) the extent to which the establishment of a Deputy Secretary of Defense for Management would—

(A) improve the management of the Department of Defense;

(B) expedite the process of management reform in the Department; and

(C) enhance the implementation of business systems modernization in the Department;

(2) the appropriate relationship of the Deputy Secretary of Defense for Management to other Department of Defense officials;

(3) the appropriate term of service for a Deputy Secretary of Defense for Management; and

(4) the experience of any other Federal agencies that have instituted similar management positions.

(c) DEPUTY SECRETARY FOR MANAGEMENT POSITION DESCRIBED.—For the purposes of this section, a Deputy Secretary of Defense for Management is an official who—

(1) serves as the Chief Management Officer of the Department of Defense;

(2) is the principal advisor to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure Department-wide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

(3) takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

SEC. 908. RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF AS MILITARY ADVISERS TO THE HOMELAND SECURITY COUNCIL.

(a) RESPONSIBILITY AS MILITARY ADVISERS.—

(1) IN GENERAL.—Subsection (b) of section 151 of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting “the Homeland Security Council,” after “the National Security Council,”; and

(B) in paragraph (2), by inserting “the Homeland Security Council,” after “the National Security Council,”.

(2) CONSULTATION BY CHAIRMAN.—Subsection (c)(2) of such section is amended by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears.

(3) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears; and

(B) in paragraph (2), by inserting “the Homeland Security Council,” after “the National Security Council,”.

(4) ADVICE ON REQUEST.—Subsection (e) of such section is amended by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears.

(b) ATTENDANCE AT MEETING OF HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended—

(1) by inserting “(a) MEMBERS—” before “The members”; and

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

“(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF STAFF AT MEETINGS.—The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Council and subject to the direction of the President, attend and participate in meetings of the Council.”.

SEC. 909. IMPROVEMENT IN HEALTH CARE SERVICES FOR RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) AVAILABILITY OF PHYSICIANS AND DENTISTS; MEDICAL CARE TRANSPORTATION.—Section 1513 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b), (c), and (d)”;

(2) in the third sentence of subsection (b), by striking “The” and inserting “Except as provided in subsection (d), the”;

(3) by adding at the end the following new subsections:

“(c) AVAILABILITY OF PHYSICIANS AND DENTISTS.—(1) In providing for the health care needs of residents at a facility of the Retirement Home under subsection (b), the Retirement Home shall have a physician and a dentist—

“(A) available at the facility during the daily business hours of the facility; and

“(B) available on an on-call basis at other times.

“(2) The physicians and dentists required by this subsection shall have the skills and experience suited to residents of the facility served by the physicians and dentists.

“(3) To ensure the availability of health care services for residents of a facility of the Retirement Home, the Chief Operating Officer, in consultation with the Medical Director, shall establish uniform standards, appropriate to the medical needs of the residents, for access to health care services during and after the daily business hours of the facility.

“(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—(1) With respect to each facility of the Retirement Home, the Retirement Home shall provide daily scheduled transportation to nearby medical facilities used by residents of the facility. The Retirement Home may provide, based on a determination of medical need, unscheduled transportation for a resident of the facility to any medical facility located not more than 30 miles from the facility for the provision of necessary and urgent medical care for the resident.

“(2) The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.”.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing—

(1) an assessment of the regulatory oversight and monitoring of health care and nursing home care services provided by the Armed Forces Retirement Home; and

(2) such recommendations as the Comptroller General considers appropriate in light of the results of the assessment.

Subtitle B—Space Activities

SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY AND SPACE CONTROL MISSION REVIEW.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Defense has the responsibility, within the executive branch, for devel-

oping the strategy and the systems of the United States for ensuring freedom to operate United States space assets affecting national security; and

(2) the foundation of any credible strategy for ensuring freedom to operate United States space assets is a comprehensive system for space situational awareness.

(b) SPACE SITUATIONAL AWARENESS STRATEGY.—

(1) REQUIREMENT.—The Secretary of Defense shall develop a strategy, to be known as the “Space Situational Awareness Strategy”, for ensuring freedom to operate United States space assets affecting national security. The Secretary shall submit the Space Situational Awareness Strategy to Congress not later than April 15, 2006. The Secretary shall submit to Congress an updated, current version of the strategy not later than April 15 of every odd-numbered year thereafter.

(2) TIME PERIODS.—The Space Situational Awareness Strategy shall cover—

(A) the 20-year period from 2006 through 2025; and

(B) three separate successive periods, the first beginning with 2006, designed to align with the next three periods for the Future-Years Defense Plan.

(3) MATTERS TO BE INCLUDED.—The Space Situational Awareness Strategy shall include the following for each period specified in paragraph (2):

(A) A threat assessment describing the perceived threats to United States space assets affecting national security.

(B) A list of the desired effects and required space situational awareness capabilities required for national security.

(C) Details for a coherent and comprehensive strategy for the United States for space situational awareness, together with a description of the systems architecture to implement that strategy in light of the threat assessment and the desired effects and required capabilities identified under subparagraphs (A) and (B).

(D) The space situational awareness capabilities roadmap required by subsection (c).

(c) SPACE SITUATIONAL AWARENESS CAPABILITIES ROADMAP.—The Space Situational Awareness Strategy shall include a roadmap, to be known as the “space situational awareness capabilities roadmap”, which shall include the following:

(1) A description of each of the individual program concepts that will make up the systems architecture described pursuant to subsection (b)(3)(C).

(2) For each such program concept, a description of the specific capabilities to be achieved and the threats to be abated.

(d) SPACE SITUATIONAL AWARENESS IMPLEMENTATION PLAN.—

(1) REQUIREMENT.—The Secretary of the Air Force shall develop a plan, to be known as the “space situational awareness implementation plan”, for the development of the systems architecture described pursuant to subsection (b)(3)(C).

(2) MATTERS TO BE INCLUDED.—The space situational awareness implementation plan shall include a description of the following:

(A) The capabilities of all systems deployed as of mid-2005 or planned for modernization or acquisition from 2006 to 2015.

(B) Recommended solutions for inadequacies in the architecture to address threats and the desired effects and required capabilities identified under subparagraphs (A) and (B) of subsection (b)(3).

(e) SPACE CONTROL MISSION REVIEW AND ASSESSMENT.—

(1) REQUIREMENT.—The Secretary of Defense shall provide for a review and assessment of the requirements of the Department of Defense for the space control mission. The review and assessment shall be conducted by an entity of the Department of Defense outside of the Department of the Air Force.

(2) **MATTERS TO BE INCLUDED.**—The review and assessment under paragraph (1) shall consider the following:

(A) Whether current activities of the Department of Defense match current requirements of the Department for the current space control mission.

(B) Whether there exists proper allocation of appropriate resources to fulfill the current space control mission.

(C) The plans of the Department of Defense for the future space control mission.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review and assessment under paragraph (1). The report shall include the following:

(A) The findings and conclusions of the entity conducting the review and assessment on (A) requirements of the Department of Defense for the space control mission, and (B) the efforts of the Department to meet those requirements.

(B) Recommendations regarding the best means by which the Department may meet those requirements.

(4) **SPACE CONTROL MISSION DEFINED.**—In this subsection, the term “space control mission” means the mission of the Department of Defense involving the following:

(A) Space situational awareness.

(B) Defensive counterspace operations.

(C) Offensive counterspace operations.

SEC. 912. MILITARY SATELLITE COMMUNICATIONS.

(a) **FINDINGS.**—Congress finds the following:

(1) Military requirements for satellite communications exceed the capability of on-orbit assets as of mid-2005.

(2) To meet future military requirements for satellite communications, the Secretary of the Air Force has initiated a highly complex and revolutionary program called the Transformational Satellite Communications System (TSAT).

(3) If the program referred to in paragraph (2) experiences setbacks that prolong the development and deployment of the capability to be provided by that program, the Secretary of the Air Force must be prepared to implement contingency programs to achieve interim improvements in the capabilities of satellite communications to meet military requirements through upgrades to current systems.

(b) **DEVELOPMENT OF OPTIONS.**—In order to prepare for the contingency referred to in subsection (a)(3), the Director of the National Security Space Office of the Department of Defense shall provide for an assessment, to be conducted by an entity outside the Department of Defense, to develop and compare options for the individual acquisition of additional Advanced Extremely High Frequency space vehicles, in conjunction with modifications to future acquisitions under the Wideband Gapfiller System program, that will accomplish the following:

(1) Minimize nonrecurring costs.

(2) Improve communications-on-the-move capabilities.

(3) Increase net centrality for communications.

(4) Increase satellite throughput.

(5) Increase user connectivity.

(6) Improve airborne communications support.

(7) Minimize effects of a break in production.

(8) Minimize risk associated with gaps in functional availability of on-orbit assets.

(c) **ANALYSIS OF ALTERNATIVES REPORT.**—Not later than April 15, 2006, the Director of the National Security Space Office shall submit to Congress a report providing an analysis of alternatives with respect to the options developed pursuant to subsection (b). The analysis of alternatives shall be prepared taking into consideration the findings and recommendations of the independent assessment conducted under subsection (b).

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) **JOINT OPERATIONALLY RESPONSIVE SPACE PAYLOAD TECHNOLOGY ORGANIZATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish or designate an organization in the Department of Defense to coordinate joint operationally responsive space payload technology.

(2) **MASTER PLAN.**—The organization established or designated under paragraph (1) shall produce an annual master plan for coordination of operationally responsive space payload technology and shall coordinate resources provided to stimulate technical development of small satellite payloads. The annual master plan shall describe focus areas for development of operationally responsive space payload technology, including—

(A) miniaturization technology for satellite payloads;

(B) increased sensor acuity;

(C) concept of operations exploration;

(D) increased processor capability; and

(E) such additional matters as the head of that organization determines appropriate.

(3) **REQUESTS FOR PROPOSALS.**—The Secretary of Defense, acting through the Director of the Office of Force Transformation, shall award contracts, from amounts available for that purpose for any fiscal year, for technology projects that support the focus areas set out in the master plan for development of operationally responsive space payload technology.

(4) **ASSESSMENT FACTORS.**—In assessing any proposal submitted for a contract under paragraph (3), the Secretary shall consider—

(A) how the proposal correlates to the goals articulated in the master plan under paragraph (2) and to the National Security Space Architecture; and

(B) the probability, for the project for which the proposal is submitted, of eventual transition either to a laboratory of one of the military departments for continued development or to a joint program office for operational deployment.

(b) **REPORT ON JOINT PROGRAM OFFICE FOR TACSAT.**—Not later than February 28, 2006, the Secretary of Defense shall submit to the congressional defense committees a report providing a plan for the creation of a joint program office for the Tactical Satellite program and for transition of that program out of the Office of Force Transformation and to the administration of the joint program office. The report shall be prepared in conjunction with the Department of Defense executive agent for space.

(c) **JOINT REPORT ON CERTAIN SPACE AND MISSILE DEFENSE ACTIVITIES.**—Not later than February 28, 2006, the Department of Defense executive agent for space and the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the value of each of the following:

(1) Increased use of the Rocket Systems Launch Program for the respective missions of the Department of the Air Force and the Missile Defense Agency.

(2) An agreement between the Director of the Missile Defense Agency and the Secretary of the Air Force for eventual transition of operational control of small satellite demonstrations from the Missile Defense Agency to the Department of the Air Force.

(3) A partnership between the Missile Defense Agency and the Department of the Air Force in the development of common high-altitude and near-space assets for the respective missions of the Missile Defense Agency and the Department of the Air Force.

SEC. 914. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) **REPORT REQUIRED.**—Not later than October 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of using systems developed within the Space Radar program of the Department of Defense for purposes of providing coastal zone and other topographical mapping information, and related information,

to the scientific community and other elements of the private sector for scientific and civil purposes.

(b) **REPORT ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description and evaluation of any use of Space Radar systems for scientific or civil purposes that is identified by the Secretary for purposes of the report.

(2) A description and evaluation of any addition or modification to Space Radar systems that is identified by the Secretary for purposes of the report that would increase the utility of those systems to the scientific community or other elements of the private sector for scientific or civil purposes, including the use of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description and evaluation of the effects, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of systems developed within the Space Radar program for scientific or civil purposes.

(4) A description of the costs of any addition or modification identified pursuant to paragraph (2).

(5) A description of the process for developing and validating requirements for the Space Radar, including the involvement of the Civil Applications Committee or other organizations outside the Department of Defense.

(6) A description and evaluation of the processes that would be used to modify Space Radar systems in order to meet the needs of the scientific community, or other elements of the private sector with respect to the use of those systems for scientific or civil purposes, and for meeting the costs of such modifications.

SEC. 915. SENSE OF CONGRESS REGARDING NATIONAL SECURITY ASPECT OF UNITED STATES PREMINENCE IN HUMAN SPACEFLIGHT.

(a) **FINDINGS.**—The Congress finds that the following:

(1) Preeminence by the United States in human spaceflight allows the United States to project leadership around the world and forms an important component of United States national security.

(2) Continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture.

(3) Human spaceflight enables continued stewardship of the region between the Earth and the Moon—an area that is critical and of growing national and international security relevance.

(4) Human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geo-political objectives.

(5) An increasing number of nations are pursuing human spaceflight and space-related capabilities, including China and India.

(6) Past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security.

(7) The industrial base and capabilities represented by the Space Transportation System (popularly referred to as the “space shuttle”) provide a critical launch capability for the Nation.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that it is in the national security interest of the United States to maintain preeminence in human spaceflight.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) AGREEMENTS WITH FEDERALLY RECOGNIZED INDIAN TRIBAL ORGANIZATIONS.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

- (1) by inserting “(A)” after “(4)”;
- (2) in the first sentence—

(A) by inserting “and to tribal organizations” after “to State and local governments”; and
(B) by inserting “and tribal organizations” after “assist those governments”

(3) by designating the text beginning “Additionally, the Secretary ” as subparagraph (B);

(4) in the first sentence of subparagraph (B), as designated by paragraph (3), by inserting “, and with tribal organizations,” after “with State and local governments”; and

- (5) by adding at the end the following:

“(C) In this paragraph, the term ‘tribal organization’ has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

- (1) take effect as of December 5, 1991; and
- (2) apply with respect to any cooperative agreement entered into on or after that date.

SEC. 922. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

- (1) Pueblo Army Depot, Colorado.
- (2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed \$51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to the congressional defense committees notice of the Secretary’s intent to carry out such project and confirms his intent to seek funding for these projects beginning in fiscal year 2007 through the military construction appropriations accounts.

Subtitle D—Intelligence-Related Matters

SEC. 931. DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.

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

(1) Open-source intelligence (OSINT) is intelligence that is produced from publicly available information and is collected, exploited, and disseminated in a timely manner to an appropriate audience for the purpose of addressing a specific intelligence requirement.

(2) With the Information Revolution, the amount, significance, and accessibility of open-

source information has expanded significantly, but the intelligence community has not expanded its exploitation efforts and systems to produce open-source intelligence.

(3) The production of open-source intelligence is a valuable intelligence discipline that must be integrated into intelligence tasking, collection, processing, exploitation, and dissemination to ensure that United States policymakers are fully and completely informed.

(4) The dissemination and use of validated open-source intelligence inherently enables information sharing since open-source intelligence is produced without the use of sensitive sources and methods. Open-source intelligence products can be shared with the American public and foreign allies because of the unclassified nature of open-source intelligence.

(5) The National Commission on Terrorist Attacks Upon the United States (popularly referred to as the “9/11 Commission”), in its final report released on July 22, 2004, identified shortfalls in the ability of the United States to use all-source intelligence, a large component of which is open-source intelligence.

(6) In the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), Congress calls for coordination of the collection, analysis, production, and dissemination of open-source intelligence.

(7) The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in its report to the President released on March 31, 2005, found that “the need for exploiting open-source material is greater now than ever before,” but that “the Intelligence Community’s open source programs have not expanded commensurate with either the increase in available information or with the growing importance of open source data to today’s problems”.

(b) DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

(1) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the purpose of integrating open-source intelligence into the Defense intelligence process. The strategy shall be known as the “Defense Strategy for Open-Source Intelligence”. The strategy shall be incorporated within the larger Defense intelligence strategy.

(2) SUBMISSION.—The Secretary shall submit to Congress a report setting forth the strategy developed under paragraph (1). The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(c) MATTERS TO BE INCLUDED.—The strategy under subsection (b) shall include the following

(1) A plan for providing funds over the period of the future-years defense program for the development of a robust open-source intelligence capability for the Department of Defense, with particular emphasis on exploitation and dissemination.

(2) A description of how management of the collection of open-source intelligence is currently conducted within the Department of Defense and how that management can be improved.

(3) A description of the tools, systems, centers, organizational entities, and procedures to be used within the Department of Defense to perform open-source intelligence tasking, collection, processing, exploitation, and dissemination.

(4) A description of proven tradecraft for effective exploitation of open-source intelligence, to include consideration of operational security.

(5) A detailed description on how open-source intelligence will be fused with all other intelligence sources across the Department of Defense.

(6) A description of—

(A) a training plan for Department of Defense intelligence personnel with respect to open-source intelligence; and

(B) open-source intelligence guidance for Department of Defense intelligence personnel.

(7) A plan to incorporate the function of oversight of open-source intelligence—

(A) into the Office of the Undersecretary of Defense for Intelligence; and

(B) into service intelligence organizations.

(8) A plan to incorporate and identify an open-source intelligence specialty into personnel systems of the Department of Defense, including military personnel systems.

(9) A plan for the use of intelligence personnel of the reserve components to augment and support the open-source intelligence mission.

(10) A plan for the use of the Open-Source Information System for the purpose of exploitation and dissemination of open-source intelligence.

SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT OF DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED PROGRAMS AND PROJECTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees specified in subsection (b) a report providing a comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects. The Secretary shall prepare the inventory in consultation with the Director of National Intelligence, as appropriate.

(b) COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 933. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.

(a) PROTECTION OF OPERATIONAL FILES OF DEFENSE INTELLIGENCE AGENCY.—

(1) PROTECTION OF FILES.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY

“SEC. 705. (a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, may exempt operational files of the Defense Intelligence Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

“(b) OPERATIONAL FILES DEFINED.—(1) In this section, the term ‘operational files’ means—

“(A) files of the Directorate of Human Intelligence of the Defense Intelligence Agency (and any successor organization of that directorate) that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; and

“(B) files of the Directorate of Technology of the Defense Intelligence Agency (and any successor organization of that directorate) that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

“(2) Files that are the sole repository of disseminated intelligence are not operational files.

“(c) SEARCH AND REVIEW FOR INFORMATION.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct of an intelligence activity:

“(A) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(B) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of General Counsel of the Department of Defense or of the Defense Intelligence Agency.

“(F) The Office of Inspector General of the Department of Defense or of the Defense Intelligence Agency.

“(G) The Office of the Director of the Defense Intelligence Agency.

“(d) INFORMATION DERIVED OR DISSEMINATED FROM EXEMPTED OPERATIONAL FILES.—(1) Files that are not exempted under subsection (a) that contain information derived or disseminated from exempted operational files shall be subject to search and review.

“(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) shall not affect the exemption under subsection (a) of the originating operational files from search, review, publication, or disclosure.

“(3) The declassification of some of the information contained in an exempted operational file shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

“(4) Records from exempted operational files that have been disseminated to and referenced in files that are not exempted under subsection (a) and that have been returned to exempted operational files for sole retention shall be subject to search and review.

“(e) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Defense Intelligence Agency has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Defense Intelligence Agency, such information shall be examined *ex parte*, *in camera* by the court.

“(B) The court shall determine, to the fullest extent practicable, issues of fact based on sworn written submissions of the parties.

“(C) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

“(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Defense Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in subsection (b).

“(ii) The court may not order the Defense Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Defense Intelligence Agency’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

“(F) If the court finds under this subsection that the Defense Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Defense Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section (other than subsection (f)).

“(G) If at any time following the filing of a complaint pursuant to this paragraph the Defense Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

“(H) Any information filed with, or produced for the court pursuant to subparagraphs (A) and (D) shall be coordinated with the Director of National Intelligence before submission to the court.

“(f) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from a category of exempted files or any portion thereof. The Director of National Intelligence must approve any determinations to remove such exemptions.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Defense Intelligence Agency has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court’s review shall be limited to determining the following:

“(A) Whether the Defense Intelligence Agency has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Defense Intelligence Agency, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(g) TERMINATION.—This section shall cease to be effective on December 31, 2007.”

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 704 the following new item:

“Sec. 705. Operational files of the Defense Intelligence Agency.”

(b) SEARCH AND REVIEW OF CERTAIN OTHER OPERATIONAL FILES.—The National Security Act of 1947 is further amended—

(1) in section 702(a)(3)(C) (50 U.S.C. 432(a)(3)(C)), by adding at the end the following new clause:

“(vi) The Office of the Inspector General of the National Geospatial-Intelligence Agency.”;

(2) in section 703(a)(3)(C) (50 U.S.C. 432a(a)(3)(C)), by adding at the end the following new clause:

“(vii) The Office of the Inspector General of the NRO.”; and

(3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)), by adding at the end the following new subparagraph:

“(H) The Office of the Inspector General of the National Security Agency.”.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. Authorization of emergency supplemental appropriations for fiscal years 2005 and 2006.
- Sec. 1003. Increase in fiscal year 2005 general transfer authority.
- Sec. 1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.
- Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2006.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.
- Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.
- Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
- Sec. 1014. Transfer of battleships U.S.S. WISCONSIN and U.S.S. IOWA.
- Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
- Sec. 1016. Report on leasing of vessels to meet national defense sealift requirements.
- Sec. 1017. Establishment of the USS Oklahoma Memorial and other memorials at Pearl Harbor.
- Sec. 1018. Authority to use National Defense Sealift Fund to purchase certain maritime prepositioning ships currently under charter to the Navy.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1022. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.
- Sec. 1023. Sense of Congress regarding drug trafficking deterrence.

Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
- Sec. 1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
- Sec. 1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
- Sec. 1034. Repeal of Department of Defense emergency response assistance program.
- Sec. 1035. Report on use of Department of Defense aerial reconnaissance assets to support Homeland Security border security missions.

Subtitle E—Reports and Studies

- Sec. 1041. Review of Defense Base Act insurance.
- Sec. 1042. Report on Department of Defense response to findings and recommendations of Defense Science Board Task Force on High Performance Microchip Supply.

Subtitle F—Other Matters

- Sec. 1051. Commission on the Implementation of the New Strategic Posture of the United States.
- Sec. 1052. Reestablishment of EMP Commission.

- Sec. 1053. Modernization of authority relating to security of defense property and facilities.
- Sec. 1054. Revision of Department of Defense counterintelligence polygraph program.
- Sec. 1055. Preservation of records pertaining to radioactive fallout from nuclear weapons testing.
- Sec. 1056. Technical and clerical amendments.
- Sec. 1057. Deletion of obsolete definitions in titles 10 and 32, United States Code.
- Sec. 1058. Support for youth organizations.
- Sec. 1059. Special immigrant status for persons serving as translators with United States Armed Forces.
- Sec. 1060. Expansion of emergency services under reciprocal agreements.
- Sec. 1061. Renewal of moratorium on return of veterans memorial objects to foreign nations without specific authorization in law.
- Sec. 1062. Sense of Congress on national security interest of maintaining aeronautics research and development.
- Sec. 1063. Airport certification.
- Subtitle G—Military Mail Matters
- Sec. 1071. Safe delivery of mail in military mail system.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2005 AND 2006.

(a) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005.—Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I and chapter 2 of title IV of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13).

(b) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61).

(c) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

(d) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU PREPAREDNESS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the President relating to avian flu preparedness that was submitted to Congress on November 1, 2006.

(e) AMOUNTS REALLOCATED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(f) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated as emergency supplemental appropriations for the Department of Defense for fiscal year 2006, \$40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster, and civic aid for the purpose of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(g) REPORTS ON USE OF CERTAIN FUNDS.—

(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a), (b), and (c) as authorized by such subsections. The report shall set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal

Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a), (b), or (c) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (d) and any funds reallocated to the Department as specified in subsection (e). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(h) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2034) is amended by striking “\$3,500,000,000” and inserting “\$6,185,000,000”.

SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY OF CAPITAL BUDGETING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CAPITAL BUDGETING DEFINED.—For the purposes of this section, the term “capital budgeting” means a budget process that—

(1) identifies large capital outlays that are expected to be made in future years, together with identification of the proposed means to finance those outlays and the expected benefits of those outlays;

(2) separately identifies revenues and outlays for capital assets from revenues and outlays for an operating budget;

(3) allows for the issue of long-term debt to finance capital investments; and

(4) provides the budget authority for acquiring a capital asset over several fiscal years (rather than in a single fiscal year at the beginning of such acquisition).

(b) REPORTS REQUIRED.—Not later than July 1, 2006, the Secretary of Defense and the Secretary of each military department shall each submit to Congress a report analyzing the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs. Each such report shall address the following matters:

(1) The potential long-term effect on the defense industrial base of the United States of continuing with the current full up-front funding system for major defense acquisition programs.

(2) Whether use of a capital budgeting system could create a more effective decisionmaking process for long-term investments in major defense acquisition programs.

(3) The manner in which a capital budgeting system for major defense acquisition programs would affect the budget planning and formulation process of the military departments.

(4) The types of financial mechanisms that would be needed to provide funds for such a capital budgeting system.

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2006.

(a) FISCAL YEAR 2006 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2006 for the common-funded budgets of NATO may be any amount up to, but not

in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) **TOTAL AMOUNT.**—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2005, of funds appropriated for fiscal years before fiscal year 2006 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) **AUTHORIZED AMOUNTS.**—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), \$763,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), \$289,447,000 for the Military Budget.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **COMMON-FUNDED BUDGETS OF NATO.**—The term “common-funded budgets of NATO” means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) **FISCAL YEAR 1998 BASELINE LIMITATION.**—The term “fiscal year 1998 baseline limitation” means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASHINGTON.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy is authorized to convey the yard floating drydock YFD-70, located in Seattle, Washington, to Todd Pacific Shipyards Corporation, that company being the current user of the drydock.

(b) **CONDITION OF CONVEYANCE.**—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Todd Pacific Shipyards Corporation until at least September 30, 2010.

(c) **CONSIDERATION.**—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary.

(d) **TRANSFER AT NO COST TO UNITED STATES.**—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy is authorized to convey the medium auxiliary floating drydock SUSTAIN (AFDM-7), located in Duval County, Florida, to Atlantic Marine Property Holding Company, that company being the current user of the drydock.

(b) **CONDITION OF CONVEYANCE.**—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock

remain at the facilities of Atlantic Marine Property Holding Company until at least September 30, 2010.

(c) **CONSIDERATION.**—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary.

(d) **TRANSFER AT NO COST TO UNITED STATES.**—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy is authorized to convey to the port authority of the city of Port Arthur, Texas, the inactive medium auxiliary floating drydock designated as AFDM-2, currently administered through the National Defense Reserve Fleet.

(b) **CONDITION OF CONVEYANCE.**—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of the port authority named in subsection (a).

(c) **CONSIDERATION.**—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary.

(d) **TRANSFER AT NO COST TO UNITED STATES.**—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1014. TRANSFER OF BATTLESHIPS U.S.S. WISCONSIN AND U.S.S. IOWA.

(a) **TRANSFER OF BATTLESHIP WISCONSIN.**—The Secretary of the Navy is authorized—

(1) to strike the battleship U.S.S. WISCONSIN (BB-64) from the Naval Vessel Register; and

(2) to transfer that vessel, by gift or otherwise, in accordance with section 7306 of title 10, United States Code, except that the Secretary shall require, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) **TRANSFER OF BATTLESHIP IOWA.**—The Secretary of the Navy is authorized—

(1) to strike the battleship U.S.S. IOWA (BB-61) from the Naval Vessel Register; and

(2) to transfer that vessel, by gift or otherwise, in accordance with section 7306 of title 10, United States Code, except that the Secretary shall require, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) **INAPPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT.**—Section 7306(d) of title 10, United States Code, does not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) **AUTHORITY FOR REVERSION IN EVENT OF NATIONAL EMERGENCY.**—The Secretary of the Navy shall require that the terms of the transfer of a vessel under this section include a requirement that, in the event the President declares a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), the transferee of the vessel shall, upon request of the Secretary of Defense, return the vessel to the United States and that, in such a case, unless the transferee is otherwise notified by the Sec-

retary, title to the vessel shall revert immediately to the United States.

(e) **REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.**—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2118) is repealed.

SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.

(a) **TRANSFER.**—The Secretary of the Navy may transfer the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD-931) to the USS Forrest Sherman DD-931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland, subject to the submission of a donation application for that vessel that is satisfactory to the Secretary.

(b) **APPLICABLE LAW.**—The transfer under this section is subject to subsections (b) and (c) of section 7306 of title 10, United States Code. Subsection (d) of that section is hereby waived with respect to such transfer.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

(d) **EXPIRATION OF AUTHORITY.**—The authority granted by subsection (a) shall expire at the end of the five-year period beginning on the date of the enactment of this Act.

SEC. 1016. REPORT ON LEASING OF VESSELS TO MEET NATIONAL DEFENSE SEALIFT REQUIREMENTS.

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate by no later than March 1, 2006, a report on leasing (including chartering) of vessels by the Department of Defense to meet national defense sealift requirements, including leasing under sections 2401 and 2401a of title 10, United States Code.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) A description of—

(A) the portion of national defense sealift requirements that, during the 3-year period preceding the date of the enactment of this Act, was met through leasing of vessels;

(B) the portion of such requirements that was met during that period through use of vessels owned by the United States; and

(C) for each of the portions described under subparagraph (A) and (B), a description of the number of each type of vessel used to meet such requirements, including roll-on/roll-off vessels, dry bulk carriers, oilers, and other vessel types.

(2) With respect to vessels that were leased in the 3-year period preceding the date of the enactment of this Act—

(A) a listing of such vessels;

(B) identification of the country in which each vessel was constructed or reconstructed;

(C) identification of the country under the laws of which each vessel is documented;

(D) with respect to periods during which each vessel was operated under lease to the Department of Defense, identification of the routes on which each vessel operated and the ports at which each vessel called;

(E) the terms of the lease for each vessel that govern—

(i) amounts required to be paid by the United States;

(ii) the length of the lease term;

(iii) maintenance, repair, and alteration, including provisions regarding—

(I) alterations required under the lease; and

(II) qualified maintenance or repair of the vessel in a foreign shipyard or foreign ship repair facility; and

(iv) where alterations or qualified maintenance or repair may be performed; and

(F) a description of qualified maintenance or repair that was performed on each vessel in the 3-year period preceding the date of the enactment of this Act, including—

(i) the amounts paid by the lessor for such work; and

(ii) identification of whether such work was performed in the United States or in a foreign country.

(3) Estimation of any increase in total costs that would have been incurred by the United States if qualified maintenance or repair that was performed on leased vessels in the 3-year period preceding the date of the enactment of this Act were required to be performed in the United States.

(4) Other impacts to the economy of the United States if qualified maintenance or repair that was performed on leased vessels in the 3-year period preceding the date of the enactment of this Act were required to be performed in the United States.

(c) **QUALIFIED MAINTENANCE OR REPAIR DEFINED.**—In this section the term “qualified maintenance or repair”—

(1) except as provided in paragraph (2), means—

(A) any inspection of a vessel that is—

(i) required under chapter 33 of title 46, United States Code; and

(ii) performed in a period in which the vessel is under lease by the Department of Defense;

(B) any maintenance or repair of a vessel that is determined, in the course of an inspection referred to in subparagraph (A), to be necessary to comply with the laws of the United States; and

(C) any routine maintenance or repair; and

(2) does not include any emergency work that is necessary to enable a vessel to return to a port in the United States.

SEC. 1017. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL AND OTHER MEMORIALS AT PEARL HARBOR.

(a) **ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for a memorial for the U.S.S. Oklahoma (BB-37). The Secretary of the Interior shall establish the memorial at the identified site by authorizing the USS Oklahoma Memorial Foundation to construct a memorial. The Secretary shall certify that—

(1) the USS Oklahoma Memorial Foundation has sufficient funding to complete construction of the memorial; and

(2) the memorial meets the requirements of subsection (c).

(b) **ADMINISTRATION OF THE MEMORIAL.**—Once established, the Secretary of the Interior shall administer the USS Oklahoma Memorial as a part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any agreement between the Secretary of the Interior and the Secretary of the Navy. The Secretary of the Navy shall retain administrative jurisdiction over the land where the USS Oklahoma Memorial is established.

(c) **REQUIREMENTS FOR PEARL HARBOR MEMORIALS.**—The site selection, design, and construction of the USS Oklahoma Memorial and any memorials established after the date of the enactment of this Act that are associated with the attack at Pearl Harbor on December 7, 1941, shall be consistent with the requirements in the document titled “Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials”, dated April 2005.

(d) **ESTABLISHMENT AND OPERATION OF TRANSPORTATION SYSTEM.**—The Secretary of the Interior may establish and operate a transportation system over roads linking the USS Arizona Memorial Visitor Center with one or more of the existing and future historic sites and historic visitor attractions within the Pearl Harbor Naval Complex, including Ford Island. Transportation

on this system may be provided with or without charge, directly or through a contract or concessioner, and without regard to whether service is provided to sites or attractions that are under the jurisdiction of or administered by the National Park Service.

SEC. 1018. AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO PURCHASE CERTAIN MARITIME PREPOSITIONING SHIPS CURRENTLY UNDER CHARTER TO THE NAVY.

(a) **FISCAL YEAR 2006 LIMITATION.**—The authority provided by subsection (c)(1) of section 2218 of title 10, United States Code, may not be used for the purchase of more than six vessels described in subsection (c) using funds appropriated to the National Defense Sealift Fund for fiscal year 2006.

(b) **AUTHORITY.**—The Secretary of Defense may purchase any vessel described in subsection (c) through the use of the authority in subsection (c)(1) of section 2218 of title 10, United States Code, without regard to the limitation in subsection (f)(1) of that section.

(c) **COVERED VESSELS.**—Subsections (a) and (b) apply with respect to any vessel that as of the date of the enactment of this Act—

(1) is chartered by the Department of Defense under a 25-year lease; and

(2) is used by the Navy as a maritime prepositioning ship.

(d) **TECHNICAL AMENDMENTS TO UPDATE STATUTE.**—Section 2218(f)(1) of title 10, United States Code, is amended—

(1) by striking “Not more than a total of five vessels built in foreign ship yards may be” and inserting “A vessel built in a foreign ship yard may not be”; and

(2) by inserting before the period at the end the following: “, unless specifically authorized by law”.

Subtitle C—Counter-Drug Activities

SEC. 1021. RESUMPTION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) **ADDITIONAL REPORT REQUIRED.**—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1215), is further amended by striking “January 1, 2001, and April 15, 2002,” and inserting “April 15, 2006.”.

(b) **ADDITIONAL INFORMATION REQUIRED.**—Such section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) A description of each base of operation or training facility established, constructed, or operated using the assistance, including any minor construction projects carried out using such assistance, and the amount of assistance expended on base of operations and training facilities.”.

SEC. 1022. CLARIFICATION OF AUTHORITY FOR JOINT TASK FORCES TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1594) is amended—

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

(2) by inserting after subsection (a) the following new subsections:

“(b) **AVAILABILITY OF FUNDS.**—During fiscal years 2006 and 2007, funds available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism support authorized by subsection (a).

“(c) **REPORT REQUIRED.**—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report evaluating the effect

on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counter-terrorism support authorized by subsection (a).”.

SEC. 1023. SENSE OF CONGRESS REGARDING DRUG TRAFFICKING DETERRENCE.

(a) **FINDINGS.**—Congress finds the following:

(1) According to the Department of State, drug trafficking organizations shipped approximately nine tons of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico, contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat’s range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) **SENSE OF CONGRESS.**—Given the findings contained in subsection (a), it is the sense of Congress that—

(1) Congress and the Department of Defense should fund the Counter-Drug Tethered Aerostat program; and

(2) the Department of Defense should install maritime radar on the Lajas, Puerto Rico, aerostat.

Subtitle D—Matters Related to Homeland Security

SEC. 1031. RESPONSIBILITIES OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE RELATING TO NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

Subsection (a) of section 1413 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2313) is amended to read as follows:

“(a) **DEPARTMENT OF DEFENSE.**—The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.”.

SEC. 1032. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, BIOLOGICAL, AND HIGH-YIELD EXPLOSIVES WEAPONS.

(a) **SECRETARY OF HOMELAND SECURITY FUNCTIONS.**—Subsection (a) of section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) is amended—

(1) in the subsection heading, by striking “CHEMICAL OR” and inserting “NUCLEAR, RADIOLOGICAL, CHEMICAL, OR”;

(2) in paragraph (1)—

(A) by striking “Secretary of Defense” and inserting “Secretary of Homeland Security”; and

(B) by striking “biological weapons and related materials and emergencies involving” and inserting “nuclear, radiological, biological, and”;

(3) in paragraph (2), by striking “during each of fiscal years 1997 through 2013” and inserting “in accordance with sections 102(c) and 430(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(c), 238(c)(1))”; and

(4) in paragraph (3)—

(A) by inserting “the Secretary of Defense,” before “the Director of the Federal Bureau of Investigation”; and

(B) by striking “the Director of the Federal Emergency Management Agency”.

(b) REPEAL OF SECRETARY OF ENERGY FUNCTIONS.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—Subsection (c) of such section—

(1) is redesignated as subsection (b); and

(2) is amended—

(A) in the first sentence, by striking “The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program” and inserting “The Secretary of Homeland Security shall revise the program developed under subsection (a)”;

(B) in the second sentence, by striking “the official” and inserting “the Secretary”.

(d) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d) and (e).

SEC. 1033. DEPARTMENT OF DEFENSE CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAMS.

Section 1414 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2314) is amended as follows:

(1) The heading of such section is amended to read as follows:

“SEC. 1414. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAM.”

(2) Subsection (a) of such section is amended by striking “or related materials” and inserting “radiological, nuclear, and high-yield explosives”.

(3) Subsection (b) of such section is amended—

(A) in the subsection heading, by striking “PLAN” and inserting “PLANS”;

(B) in the first sentence, by striking “Not later than” and all that follows through “response plans and” and inserting “The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), other existing Federal emergency response plans, and”;

(C) in the second sentence—

(i) by striking “Director” and inserting “Secretary of Homeland Security”; and

(ii) by striking “consultation” and inserting “coordination”.

SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMERGENCY RESPONSE ASSISTANCE PROGRAM.

Section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312) is repealed.

SEC. 1035. REPORT ON USE OF DEPARTMENT OF DEFENSE AERIAL RECONNAISSANCE ASSETS TO SUPPORT HOMELAND SECURITY BORDER SECURITY MISSIONS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of a study regarding the use of aerial reconnaissance equipment of the Department of Defense in missions in which the Armed Forces support the Department of Homeland Security in performing its international border security mission. The Secretary of Defense shall conduct the study and prepare the report in coordination with the Secretary of Homeland Security.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) A description of the current use of aerial reconnaissance equipment of the Department of Defense to conduct aerial reconnaissance over the international land and maritime borders of the United States in missions in which the

Armed Forces support the Department of Homeland Security in performing its international border security mission.

(2) A statement of the costs of such missions and the source of funds for such missions.

(3) The conclusions derived from a study of how the Department of Defense leverages dual-use aerial reconnaissance assets and technology, such as unmanned aerial vehicles and tethered aerostat radars, for both homeland defense and homeland security purposes.

Subtitle E—Reports and Studies

SEC. 1041. REVIEW OF DEFENSE BASE ACT INSURANCE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review current and future needs, options, and risks associated with Defense Base Act insurance. The review shall be conducted in coordination with the Director of the Office of Management and Budget and appropriate officials of the Department of Labor, the Department of State, and the United States Agency for International Development.

(b) MATTERS TO BE ADDRESSED.—The review under subsection (a) shall address the following matters:

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collection efforts among agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved communication and coordination within and among agencies on the implementation of Defense Base Act insurance.

(4) Actions to be taken to address difficulties in the administration of Defense Base Act insurance, including on matters relating to cost, data, enforcement, and claims processing.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review under subsection (a). The report shall set forth the findings of the Secretary as a result of the review and such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of the review.

(d) DEFENSE BASE ACT INSURANCE DEFINED.—In this section, the term “Defense Base Act insurance” means workers’ compensation insurance provided to contractor employees pursuant to the Defense Base Act (42 U.S.C. 1651 et seq.).

SEC. 1042. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than July 1, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised by the Task Force.

Subtitle F—Other Matters

SEC. 1051. COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on the Implementation of the New Strategic Posture of the United States”. The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide for the organization, management, and support of the Commission. Such contract shall be entered into in consultation with the Secretary of Energy. The selection of the federally funded research and development center shall be made in consultation with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(2) COMPOSITION.—

(A) MEMBERSHIP.—The Commission shall be composed of 12 members who shall be appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF IMPLEMENTATION OF NUCLEAR POSTURE REVIEW.—The Commission shall examine programmatic requirements to achieve the goals set forth in the report of the Secretary of Defense submitted to Congress on December 31, 2001, providing the results of the Nuclear Posture Review conducted pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654, 1654A-262) and results of periodic assessments of the Nuclear Posture Review. Matters examined by the Commission shall include the following:

(A) The process of establishing requirements for strategic forces and how that process accommodates employment of nonnuclear strike platforms and munitions in a strategic role.

(B) How strategic intelligence, reconnaissance, and surveillance requirements differ from nuclear intelligence, reconnaissance, and surveillance requirements.

(C) The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.

(D) The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.

(E) An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2008.

(2) RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:

(A) Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.

(B) Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2008.

(C) Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear complex while reducing the cost of a Cold War strategic infrastructure.

(D) Identify shortfalls in the strategic modernization programs of the United States that would undermine the ability of the United States to develop new nonnuclear strategic strike capabilities.

(3) COOPERATION FROM GOVERNMENT.—

(A) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) LIAISON WITH DOE & DOD.—The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—Not later than June 30, 2007, the Commission shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions.

(2) SECRETARY OF DEFENSE RESPONSE.—

(A) IN GENERAL.—The Secretary of Defense may submit to the Commission a response to the report of the Commission under paragraph (1). If the Secretary elects to submit to the Commission a response to the report of the Commission, the Secretary shall also submit such response to the committees specified in paragraph (1).

(B) MATTERS TO BE INCLUDED.—The response, if any, of the Secretary to the report of the Commission shall include—

(i) comments on the findings and conclusions of the Commission; and

(ii) an explanation of what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, up to three employees of such department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate on July 30, 2007.

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later than 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1052. REESTABLISHMENT OF EMP COMMISSION.

(a) REESTABLISHMENT.—The commission established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-345), known as the Commission to Assess the Threat to the United

States from Electromagnetic Pulse Attack, is hereby reestablished.

(b) MEMBERSHIP.—The Commission as reestablished shall have the same membership as the Commission had as of the date of the submission of the report of the Commission pursuant to section 1403(a) of such Act, as in effect before the date of the enactment of this Act. Service on the Commission is voluntary, and Commissioners may elect to terminate their service on the Commission.

(c) COMMISSION CHARTER DEFINED.—In this section, the term "Commission charter" means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-345 et seq.).

(d) ESTABLISHMENT AND PURPOSE.—Section 1401 of the Commission charter (114 Stat. 1654A-345) is amended—

(1) by striking subsections (e) and (g);

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) PURPOSE.—The purpose of the Commission is to monitor, investigate, make recommendations, and report to Congress on the evolving threat to the United States from electromagnetic pulse (hereinafter in this title referred to as "EMP") attack resulting from the detonation of a nuclear weapon or weapons at high altitude."

(4) in subsection (c), as redesignated by paragraph (2), by striking the second and third sentences and inserting "In the event of a vacancy in the membership of the Commission, the Secretary of Defense shall appoint a new member."; and

(5) in subsection (d), as redesignated by paragraph (2), by striking "pulse (hereafter)" and all that follows and inserting "pulse effects referred to in subsection (b).".

(e) DUTIES OF COMMISSION.—Section 1402 of the Commission charter (114 Stat. 1654A-346) is amended to read as follows:

"SEC. 1402. DUTIES OF COMMISSION.

"The Commission shall assess the following:

"(1) The vulnerability of electric-dependent military systems and other electric-dependent systems in the United States to an EMP attack, giving special attention to the progress, or lack of progress, by the Department of Defense, other Government departments and agencies of the United States, and entities of the private sector in taking steps to protect such systems from such an attack.

"(2) The report of the Secretary of Defense submitted to Congress under section 1403(b) of this Act as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2006."

(f) REPORT.—Section 1403 of the Commission charter (114 Stat. 1654A-345) is amended to read as follows:

"SEC. 1403. REPORTS.

"(a) FINAL REPORT.—Not later than June 30, 2007, the Commission shall submit to Congress a report providing the Commission's assessment of the matters specified in section 1402. That report shall include recommendations for any steps the Commission believes should be taken by the United States to better protect systems referred to in section 1402(1) from an EMP attack.

"(b) INTERIM REPORTS.—Before the submission of its report under subsection (a), the Commission may submit to Congress interim reports at such times as the Commission considers appropriate."

(g) CLERICAL AMENDMENT.—The heading for subsection (c) of section 1405 of the Commission charter (114 Stat. 1654A-347) is amended by striking "COMMISSION" and inserting "PANELS".

(h) COMMISSION PERSONNEL MATTERS.—Section 1406(c)(2) of the Commission charter (114 Stat. 1654A-347) is amended by striking "for grade GS-15 of the General Schedule" and inserting "for senior level and scientific or professional positions".

(i) FUNDING.—Section 1408 of the Commission charter (114 Stat. 1654A-348) is amended—

(1) by inserting "for any fiscal year" after "activities of the Commission"; and

(2) by striking "for fiscal year 2001" and inserting "for that fiscal year".

(j) TERMINATION.—Section 1049 of the Commission charter (114 Stat. 1654A-348) is amended by striking "60 days" and inserting "30 days".

SEC. 1053. MODERNIZATION OF AUTHORITY RELATING TO SECURITY OF DEFENSE PROPERTY AND FACILITIES.

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) is amended to read as follows:

"PENALTY FOR VIOLATION OF SECURITY REGULATIONS AND ORDERS

"SEC. 21. (a) MISDEMEANOR VIOLATION OF DEFENSE PROPERTY SECURITY REGULATIONS.—

"(1) MISDEMEANOR.—Whoever willfully violates any defense property security regulation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both.

"(2) DEFENSE PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (1), a defense property security regulation is a property security regulation that, pursuant to lawful authority—

"(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Department of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property; or

"(B) shall be or has been promulgated or approved by the Administrator of the National Aeronautics and Space Administration for the protection or security of NASA property.

"(3) PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (2), a property security regulation, with respect to any property, is a regulation—

"(A) relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions on such property, or the ingress thereto or egress or removal of persons therefrom; or

"(B) otherwise providing for safeguarding such property against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions.

"(4) DEFINITIONS.—In this subsection:

"(A) DEPARTMENT OF DEFENSE PROPERTY.—The term 'Department of Defense property' means covered property subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which that Department consists, or any officer or employee of that Department or agency.

"(B) NASA PROPERTY.—The term 'NASA property' means covered property subject to the jurisdiction, administration, or in the custody of the National Aeronautics and Space Administration or any officer or employee thereof.

"(C) COVERED PROPERTY.—The term 'covered property' means aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places.

"(D) REGULATION AS INCLUDING ORDER.—The term 'regulation' includes an order.

"(b) POSTING.—Any regulation or order covered by subsection (a) shall be posted in conspicuous and appropriate places."

SEC. 1054. REVISION OF DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) IN GENERAL.—Section 1564a of title 10, United States Code, is amended to read as follows:

"§1564a. Counterintelligence polygraph program

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for

the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be conducted in accordance with the standards specified in subsection (e).

“(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons, if their duties are described in subsection (c), are subject to this section:

“(1) Military and civilian personnel of the Department of Defense.

“(2) Personnel of defense contractors.

“(3) A person assigned or detailed to the Department of Defense.

“(4) An applicant for a position in the Department of Defense.

“(c) COVERED TYPES OF DUTIES.—The Secretary of Defense may provide, under standards established by the Secretary, that a person described in subsection (b) is subject to this section if that person’s duties involve—

“(1) access to information that—

“(A) has been classified at the level of top secret; or

“(B) is designated as being within a special access program under section 4.4(a) of Executive Order No. 12958 (or a successor Executive order); or

“(2) assistance in an intelligence or military mission in a case in which the unauthorized disclosure or manipulation of information, as determined under standards established by the Secretary of Defense, could reasonably be expected to—

“(A) jeopardize human life or safety;

“(B) result in the loss of unique or uniquely productive intelligence sources or methods vital to United States security; or

“(C) compromise technologies, operational plans, or security procedures vital to the strategic advantage of the United States and its allies.

“(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:

“(1) A person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency.

“(2) A person who is—

“(A) employed by or assigned or detailed to the National Security Agency;

“(B) an expert or consultant under contract to the National Security Agency;

“(C) an employee of a contractor of the National Security Agency; or

“(D) a person applying for a position in the National Security Agency.

“(3) A person assigned to a space where sensitive cryptographic information is produced, processed, or stored.

“(4) A person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

“(e) STANDARDS.—(1) Polygraph examinations conducted under this section shall comply with all applicable laws and regulations.

“(2) Such examinations may be authorized for any of the following purposes:

“(A) To assist in determining the initial eligibility for duties described in subsection (c) of, and aperiodically thereafter, on a random basis, to assist in determining the continued eligibility of, persons described in subsections (b) and (c).

“(B) With the consent of, or upon the request of, the examinee, to—

“(i) resolve serious credible derogatory information developed in connection with a personnel security investigation; or

“(ii) exculpate him- or herself of allegations or evidence arising in the course of a counterintelligence or personnel security investigation.

“(C) To assist, in a limited number of cases when operational exigencies require the immediate use of a person’s services before the completion of a personnel security investigation, in

determining the interim eligibility for duties described in subsection (c) of the person.

“(3) Polygraph examinations conducted under this section shall provide adequate safeguards, prescribed by the Secretary of Defense, for the protection of the rights and privacy of persons subject to this section under subsection (b) who are considered for or administered polygraph examinations under this section. Such safeguards shall include the following:

“(A) The examinee shall receive timely notification of the examination and its intended purpose and may only be given the examination with the consent of the examinee.

“(B) The examinee shall be advised of the examinee’s right to consult with legal counsel.

“(C) All questions asked concerning the matter at issue, other than technical questions necessary to the polygraph technique, must have a relevance to the subject of the inquiry.

“(f) OVERSIGHT.—(1) The Secretary shall establish a process to monitor responsible and effective application of polygraph examinations within the Department of Defense.

“(2) The Secretary shall make information on the use of polygraphs within the Department of Defense available to the congressional defense committees.

“(g) POLYGRAPH RESEARCH PROGRAM.—The Secretary shall carry out a continuing research program to support the polygraph examination activities of the Department of Defense. The program shall include the following:

“(1) An on-going evaluation of the validity of polygraph techniques used by the Department.

“(2) Research on polygraph countermeasures and anti-countermeasures.

“(3) Developmental research on polygraph techniques, instrumentation, and analytic methods.”.

(b) EFFECTIVE DATE; IMPLEMENTATION.—The amendment made by subsection (a) shall apply with respect to polygraph examinations administered beginning on the date of the enactment of this Act.

SEC. 1055. PRESERVATION OF RECORDS PERTAINING TO RADIOACTIVE FALLOUT FROM NUCLEAR WEAPONS TESTING.

(a) PROHIBITION OF DESTRUCTION OF CERTAIN RECORDS.—The Secretary of Defense may not destroy any official record in the custody or control of the Department of Defense that contains information relating to radioactive fallout from nuclear weapons testing.

(b) PRESERVATION AND PUBLICATION OF INFORMATION.—The Secretary of Defense shall identify, preserve, and make available any unclassified information contained in official records referred to in subsection (a).

SEC. 1056. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF BASE CLOSURE LAWS.—

(1) Section 2694a(i) of title 10, United States Code, is amended by striking paragraph (2).

(2) Paragraph (1) of section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2701 note) is amended to read as follows:

“(1) BASE CLOSURE LAW.—The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10, United States Code.”.

(3) Subsection (b) of section 2814 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 10 U.S.C. 2687 note) is amended to read as follows:

“(b) BASE CLOSURE LAW DEFINED.—In this section, the term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10, United States Code.”.

(4) Subsection (c) of section 3341 of title 5, United States Code, is amended to read as follows:

“(c) For purposes of this section, the term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10.”.

(5) Chapter 5 of title 40, United States Code, is amended—

(A) in section 554(a)(1), by striking “means” and all that follows and inserting “has the meaning given that term in section 101(a)(17) of title 10.”; and

(B) in section 572(b)(1)(B), by striking “section 2667(h)(2) of title 10” and inserting “section 101(a)(17) of title 10”.

(6) The Act of November 13, 2000, entitled “An Act to amend the Organic Act of Guam, and for other purposes” (Public Law 106-504; 114 Stat. 2309) is amended by striking paragraph (2) of section 1(c) and inserting the following new paragraph (2):

“(2) The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10, United States Code.”.

(b) DEFINITION OF STATE FOR PURPOSES OF SECTION 2694A.—Subsection (i) of section 2694a of title 10, United States Code, as amended by subsection (a)(1), is further amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in paragraph (3), as so redesignated, by striking “and the territories and possessions of the United States” and inserting “Guam, the Virgin Islands, and American Samoa”.

(c) OTHER MISCELLANEOUS CORRECTIONS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 101(e)(4)(B)(ii) is amended by striking the comma after “bulk explosives”.

(2) Section 127b(d)(1) is amended by striking “policies” in the second sentence and inserting “policies”.

(3) Section 1732 is amended—

(A) in subsection (c)—

(i) by striking “(b)(2)(A) and (b)(2)(B)” in paragraphs (1) and (2) and inserting “(b)(1)(A) and (b)(1)(B)”;

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking “(b)(2)(A)(ii)” and inserting “(b)(1)(A)(ii)”.

(4) Section 2410n(b) is amended by striking “competitor” in the second sentence and inserting “competition”.

(5) Section 2507(d) is amended by striking “section (a)” and inserting “subsection (a)”.

(6) Section 2665(a) is amended by striking “under section 2664 of this title”.

(7) Section 2703(b) is amended by striking “For purposes of the preceding sentence, the terms ‘unexploded ordnance’, ‘discarded military munitions’, and” and inserting “In this subsection, the terms ‘discarded military munitions’ and”.

(8) Section 2773a(a) is amended by inserting “by” after “incorrect payment made” in the first sentence.

(9) Section 2801(d) is amended by striking “sections 2830 and 2835” and inserting “sections 2830, 2835, and 2836 of this chapter”.

(10) Section 2881a(f) is amended by striking “Notwithstanding section 2885 of this title, the” and inserting “The”.

(11) Section 3084 is amended by striking the semicolon in the section heading and inserting a colon.

(d) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 1105(h) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2075) is amended by striking “(21 U.S.C.” and inserting “(20 U.S.C.”.

(e) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended as follows:

(1) Section 314 (116 Stat. 2508) is amended—

(A) in subsection (d), by striking “(40 U.S.C.” and inserting “(42 U.S.C.”; and

(B) in subsection (e)(2), by striking “(40 U.S.C.” and inserting “(42 U.S.C.”.

(2) Section 635(a) (116 Stat. 2574) is amended by inserting “the first place it appears” after “by striking ‘a claim’”.

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1605(a)(4) of the

National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking "Logistics" in the first sentence and inserting "Logistics".

(g) TITLE 38, UNITED STATES CODE.—Section 8111(b)(1) of title 38, United States Code, is amended by inserting "of 1993" after "the Government Performance and Results Act".

SEC. 1057. DELETION OF OBSOLETE DEFINITIONS IN TITLES 10 AND 32, UNITED STATES CODE.

(a) DELETING OBSOLETE DEFINITION OF "TERRITORY" IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(a) is amended by striking paragraph (2).

(2) The following sections are amended by striking the terms "Territory or", "or Territory", "a Territorial Department,", "or a Territory", "Territory and", "its Territories,", and "and Territories" each place they appear: sections 101(a)(3), 332, 822, 1072, 1103, 2671, 3037, 5148, 8037, 8074, 12204, and 12642.

(3) The following sections are amended by striking the terms "Territory," and "Territories," each place they appear: sections 849, 858, 888, 2668, 2669, 7545, and 9773.

(4) Section 808 is amended by striking "Territory, Commonwealth, or possession," and inserting "Commonwealth, possession,".

(5) The following sections are amended by striking "Territories, Commonwealths, or possessions" each place it appears and inserting "Commonwealths or possessions": sections 847, 2734, 4778, 5986, 7652, 7653, and 12406.

(6) The following sections are amended by striking "Territories, Commonwealths, and possessions" each place it appears and inserting "Commonwealths and possessions": sections 846, 3062, 3074, 4747, 4778, 8062, and 9778.

(7) Section 312 is amended by striking "States and Territories, and Puerto Rico" and inserting "States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands".

(8) Section 335 is amended by striking "the unincorporated territories of".

(9) Sections 4301 and 9301 are amended by striking "State or Territory, Puerto Rico, or the District of Columbia" each place it appears and inserting "State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands".

(10) Sections 4685 and 9685 are amended by striking "State or Territory concerned" each place it appears and inserting "State concerned or Guam or the Virgin Islands" and by striking "State and Territorial" each place it appears and inserting "State, Guam, and the Virgin Islands".

(11) Section 7851 is amended by striking "States, the Territories, and the District of Columbia" and inserting "States, the District of Columbia, Guam, and the Virgin Islands".

(12) Section 7854 is amended by striking "any State, any Territory, or the District of Columbia" and inserting "any State, the District of Columbia, Guam, or the Virgin Islands".

(b) DELETING OBSOLETE DEFINITION OF "TERRITORY" IN TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

"(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the term 'Territory' includes Guam and the Virgin Islands."

(2) Sections 103, 104(c), 314, 315, 708(d), and 711 are amended by striking "State and Territory, Puerto Rico, and the District of Columbia" and "State or Territory, Puerto Rico, and the District of Columbia" each place they appear and inserting "State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands".

(3) Sections 104(d), 107, 109, 503, 703, 704, 710, and 712 are amended by striking "State or Territory, Puerto Rico, or the District of Columbia" and "State or Territory, Puerto Rico, the Virgin

Islands or the District of Columbia" each place they appear and inserting "State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands".

(4) Sections 104(a), 505, 702(a), and 708(a) are amended by striking "State or Territory and Puerto Rico", "State or Territory or Puerto Rico", and "State or Territory, Puerto Rico" each place they appear and inserting "State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands".

(5) Section 324 is amended by striking "State or Territory of whose National Guard he is a member, or by the laws of Puerto Rico, or the District of Columbia, if he is a member of its National Guard" and inserting "State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, whose National Guard he is a member".

(6) Section 325 is amended by striking "State or Territory, or of Puerto Rico" and "State or Territory or Puerto Rico" each place they appear and inserting "State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands".

(7) Sections 326, 327, and 501 are amended by striking "States and Territories, Puerto Rico, and the District of Columbia" each place it appears and inserting "States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands".

SEC. 1058. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) YOUTH ORGANIZATION DEFINED.—In this section, the term "youth organization" means—

(1) the Boy Scouts of America;

(2) the Girl Scouts of the United States of America;

(3) the Boys Clubs of America;

(4) the Girls Clubs of America;

(5) the Young Men's Christian Association;

(6) the Young Women's Christian Association;

(7) the Civil Air Patrol;

(8) the United States Olympic Committee;

(9) the Special Olympics;

(10) Campfire USA;

(11) the Young Marines;

(12) the Naval Sea Cadets Corps;

(13) 4-H Clubs;

(14) the Police Athletic League;

(15) Big Brothers—Big Sisters of America;

(16) National Guard Challenge Program; and

(17) any other organization designated by the President as an organization that is primarily intended to—

(A) serve individuals under the age of 21 years;

(B) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(C) promote the development of character and ethical and moral values.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) CONTINUATION OF SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year to that youth organization. This paragraph shall be subject to the availability of appropriations.

(2) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Paragraph (1) shall not apply to any youth organization that ceases to exist.

(3) WAIVERS.—The head of a Federal agency may waive the application of paragraph (1) to a youth organization with respect to each conviction or investigation described under subparagraph (A) or (B) for a period of not more than two fiscal years if—

(A) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(B) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(4) TYPES OF SUPPORT.—Support described in paragraph (1) includes—

(A) authorizing a youth organization to hold meetings, camping events, or other activities on Federal property;

(B) hosting any official event of a youth organization;

(C) loaning equipment for the use of a youth organization; and

(D) providing personnel services and logistical support for a youth organization.

(c) CONTINUATION OF DEPARTMENT OF DEFENSE OF SUPPORT FOR SCOUT JAMBOREES.—Section 2554 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

"(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

"(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

"(B) submits to Congress a report containing such determination in a timely manner, and before the waiver takes effect."

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b), by inserting "or (e)" after "subsection (a)"; and

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

"(e) EQUAL ACCESS.—

"(1) DEFINITION.—In this subsection, the term 'youth organization' means an organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

"(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this title shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum."

SEC. 1059. SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS TRANSLATORS WITH UNITED STATES ARMED FORCES.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq or Afghanistan;

(B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;

(C) obtained a favorable written recommendation from a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

(D) before filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section during any fiscal year shall not exceed 50.

(2) COUNTING AGAINST SPECIAL IMMIGRANT CAP.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

(d) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.

SEC. 1060. EXPANSION OF EMERGENCY SERVICES UNDER RECIPROCAL AGREEMENTS.

Subsection (b) of the first section of the Act of May 27, 1955 (42 U.S.C. 1856(b)), is amended by striking “and fire fighting” and inserting “, fire fighting, and emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions”.

SEC. 1061. RENEWAL OF MORATORIUM ON RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

Section 1051(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is amended—

(1) by striking “the date of the enactment of this Act” and inserting “October 5, 1999,”; and

(2) by inserting before the period at the end the following: “, and during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on September 30, 2010”.

SEC. 1062. SENSE OF CONGRESS ON NATIONAL SECURITY INTEREST OF MAINTAINING AERONAUTICS RESEARCH AND DEVELOPMENT.

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

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled longstanding military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense that funding of research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific

merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interest of the United States to maintain a strong aeronautics research and development program within the Department of Defense and the National Aeronautics and Space Administration.

SEC. 1063. AIRPORT CERTIFICATION.

For the airport referred to in paragraph (1) to be eligible to receive approval of an airport layout plan by the Federal Aviation Administration, such airport shall ensure and provide documentation that—

(1) the governing body of an airport built after the date of enactment of this Act at site number 04506.3*A and under number 17–0027 of the National Plan of Integrated Airport Systems is composed of a majority of local residents who live in the county in which such airport is located; and

(2) the airport complies with sections 303, 303A, and 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253–253b) as implemented by the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) regarding land procurement and developer selection.

Subtitle G—Military Mail Matters

SEC. 1071. SAFE DELIVERY OF MAIL IN MILITARY MAIL SYSTEM.

(a) PLAN FOR SAFE DELIVERY OF MILITARY MAIL.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement a plan to ensure that the mail within the military mail system is safe for delivery. The plan shall provide for the screening of all mail within the military mail system in order to detect the presence of biological, chemical, or radiological weapons, agents, or pathogens or explosive devices before mail within the military mail system is delivered to its intended recipients.

(2) FUNDING.—The budget justification materials submitted to Congress with the budget of the President for fiscal year 2007 and each fiscal year thereafter shall include a description of the amounts required in such fiscal year to carry out the plan.

(b) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the safety of mail within the military mail system for delivery.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within the military mail system is safe for delivery.

(B) The plan required by subsection (a).

(C) An estimate of the time and resources required to implement the plan.

(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to the military mail system to ensure that mail within the military mail system is safe for delivery.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

(1) IN GENERAL.—In this section, the term “mail within the military mail system” means—

(A) any mail that is posted through the Military Post Offices (including Army Post Offices

(APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

(B) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces.

(2) INCLUSIONS AND EXCEPTION.—The term includes any official mail posted by the Department of Defense. The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before such posting.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Extensions of Authorities

Sec. 1101. Extension of eligibility to continue Federal employee health benefits.

Sec. 1102. Extension of Department of Defense voluntary reduction in force authority.

Sec. 1103. Extension of authority to make lump sum severance payments.

Sec. 1104. Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.

Sec. 1105. Authority to waive annual limitation on total compensation paid to Federal civilian employees.

Subtitle B—Veterans Preference Matters

Sec. 1111. Veterans' preference status for certain veterans who served on active duty during the period beginning on September 11, 2001, and ending as of the close of Operation Iraqi Freedom.

Sec. 1112. Veterans' preference eligibility for military reservists.

Subtitle C—Other Matters

Sec. 1121. Transportation of family members in connection with the repatriation of Federal employees held captive.

Sec. 1122. Strategic human capital plan for civilian employees of the Department of Defense.

Sec. 1123. Independent study on features of successful personnel management systems of highly technical and scientific workforces.

Sec. 1124. Support by Department of Defense of pilot project for Civilian Linguist Reserve Corps.

Sec. 1125. Increase in authorized number of positions in Defense Intelligence Senior Executive Service.

Subtitle A—Extensions of Authorities

SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking “October 1, 2006” and inserting “October 1, 2010”; and

(2) in clause (ii)—

(A) by striking “February 1, 2007” and inserting “February 1, 2011”; and

(B) by striking “October 1, 2006” and inserting “October 1, 2010”.

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30, 2005” and inserting “September 30, 2010”.

SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking “October 1, 2006” and inserting “October 1, 2010”.

SEC. 1104. PERMANENT EXTENSION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT EXTENSION.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law

108-375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) by striking “pilot” each place it appears in the section and subsection headings and the text;

(2) in subsection (a)—

(A) by striking “(1)”;

(B) by striking paragraph (2);

(3) in subsection (b)—

(A) by striking “(b)” and all that follows through “a scholarship” and inserting “(b) FINANCIAL ASSISTANCE.—(1) Under the program under this section, the Secretary of Defense may award a scholarship or fellowship”;

(B) in paragraph (1)(B)—

(i) by striking “undergraduate” and inserting “associates degree, undergraduate degree.”; and

(ii) by inserting “accredited” before “institution of higher education”;

(C) in paragraph (2)—

(i) by inserting “or fellowship” after “scholarship”;

(ii) by inserting “equipment expenses,” after “laboratory expenses.”; and

(iii) by striking the second sentence; and

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

“(3) Financial assistance provided under a scholarship or fellowship awarded under this section may be paid directly to the recipient of such scholarship or fellowship or to an administering entity for disbursement of the funds.”; and

(4) in subsection (c)—

(A) in the heading, by inserting “FINANCIAL” before “ASSISTANCE”

(B) in paragraph (2)—

(i) by striking “a scholarship” and inserting “financial assistance”;

(ii) by striking “the financial assistance provided under the scholarship” and inserting “such financial assistance”;

(iii) by striking the second sentence and inserting the following: “Except as provided in subsection (d), the period of service required of a recipient may not be less than the total period of pursuit of a degree that is covered by such financial assistance.”

(b) EMPLOYMENT OF PROGRAM PARTICIPANTS.—Such section is further amended—

(1) by striking subsection (g);

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

“(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—(1) The Secretary of Defense may—

“(A) appoint or retain a person participating in the program under this section in a position on an interim basis during the period of such person’s pursuit of a degree under the program and for a period not to exceed 2 years after completion of the degree, but only if, in the case of the period after completion of the degree—

“(i) there is no readily available appropriate permanent position for such person; and

“(ii) there is an active and ongoing effort to identify and assign such person to an appropriate permanent position as soon as practicable; and

“(B) if there is no appropriate permanent position available after the end of the periods described in subparagraph (A), separate such person from employment with the Department without regard to any other provision of law, in which event the service agreement of such person under subsection (c) shall terminate.

“(2) The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (c).”

(c) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended to read as follows:

“(1)(A) A participant in the program under this section who is not an employee of the Department of Defense and who voluntarily fails to complete the educational program for which financial assistance has been provided under this section, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary of Defense, shall refund to the United States an appropriate amount, as determined by the Secretary.

“(B) A participant in the program under this section who is an employee of the Department of Defense and who—

“(i) voluntarily fails to complete the educational program for which financial assistance has been provided, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary; or

“(ii) before completion of the period of obligated service required of such participant—

“(I) voluntarily terminates such participant’s employment with the Department; or

“(II) is removed from such participant’s employment with the Department on the basis of misconduct, shall refund the United States an appropriate amount, as determined by the Secretary.”

(d) CODIFICATION.—

(1) AMENDMENT TO TITLE 10.—Chapter 111 of title 10, United States Code, is amended—

(A) by inserting after section 2192 the following:

“**§2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Education Program**”;

and

(B) by transferring and inserting the text of section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2074; 10 U.S.C. 2192 note), as amended by subsections (a), (b), and (c), so as to appear below the section heading for section 2192a, as added by subparagraph (A).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192 the following new item:

“2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.”

(e) CONFORMING AMENDMENTS.—

(1) Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2074; 10 U.S.C. 2192 note) is repealed.

(2) Section 3304(a)(3)(B)(ii) of title 5, United States Code, is amended—

(A) by striking “Scholarship Pilot Program” and inserting “Defense Education Program”; and

(B) by striking “section 1105” and all that follows through the period and inserting “section 2192a of title 10, United States Code.”

(f) EFFECT ON CURRENT PARTICIPANTS IN SMART PILOT PROGRAM.—Participation in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1105 of Public Law 108-375 by an individual who has entered into an agreement under that pilot program before the date of the enactment of this Act shall be governed by the terms of such agreement without regard to the amendments made by this section.

SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES.

(a) WAIVER AUTHORITY.—During 2006 and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive, subject to subsection (b), the limitation established in that section for total compensation (including limitations on the aggregate of basic pay and premium pay payable in

a calendar year) of an employee who performs work while in an overseas location that is in the area of responsibility of the commander of the United States Central Command, in direct support of or directly related to a military operation (including a contingency operation as defined in section 101(13) of title 10, United States Code).

(b) \$200,000 MAXIMUM TOTAL COMPENSATION.—The total compensation of an employee whose pay is covered by a waiver under subsection (a) may not exceed \$200,000 in a calendar year.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay—

(1) shall not be considered to be basic pay for any purpose; and

(2) shall not be used in computing a lump sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

Subtitle B—Veterans Preference Matters

SEC. 1111. VETERANS’ PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) DEFINITION OF VETERAN.—Section 2108(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by adding “or” after the semicolon; and

(3) by inserting after subparagraph (C) the following:

“(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”

(b) CONFORMING AMENDMENT.—Section 2108(3)(B) of such title is amended by striking “paragraph (1)(B) or (C)” and inserting “paragraph (1)(B), (C), or (D)”

SEC. 1112. VETERANS’ PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) VETERANS’ PREFERENCE ELIGIBILITY.—Section 2108(1) of title 5, United States Code, is amended by striking “separated from” and inserting “discharged or released from active duty in”

(b) SAVINGS PROVISION.—Nothing in the amendment made by subsection (a) may be construed to affect a determination made before the date of enactment of this Act that an individual is a preference eligible (as defined in section 2108(3) of title 5, United States Code).

Subtitle C—Other Matters

SEC. 1121. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF FEDERAL EMPLOYEES HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

“**§5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive**

“(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

“(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation

described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

“(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

“(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

“(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

“(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

“(1) was held captive, as determined by the head of an agency concerned; and

“(2) is repatriated to a site inside or outside the United States.

“(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term ‘family member’ has the meaning given the term in section 411h(b) of title 37.

“(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.

“(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of title 37.

“(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of title 37.

“(4) An allowance under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

“5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.”

SEC. 1122. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the Committees on Armed Services of the Senate and House of Representatives a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the “strategic human capital plan”.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that

should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2010, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(d) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2010, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (c); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(e) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan.

SEC. 1123. INDEPENDENT STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) INDEPENDENT STUDY.—The Secretary of Defense shall commission an independent study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the personnel management authorities under statute or regulation currently being used, or available for use, at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) A list of personnel management authorities and practices critical to successful mission execution, obtained through interviews with selected, premier government and private sector laboratory directors.

(3) A comparative assessment of the effectiveness of the Department of Defense technical workforce management authorities and practices with that of other similar entities.

(4) Such recommendations as are considered appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense.

SEC. 1124. SUPPORT BY DEPARTMENT OF DEFENSE OF PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

Subject to the availability of appropriated funds, the Secretary of Defense may support implementation of the Civilian Linguist Reserve Corps pilot project authorized by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487; 118 Stat. 3959; 50 U.S.C. 403-1b note).

SEC. 1125. INCREASE IN AUTHORIZED NUMBER OF POSITIONS IN DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking “544” and inserting “594”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of humanitarian and civic assistance provided to host nations in conjunction with military operations.

Sec. 1202. Commanders’ Emergency Response Program.

Sec. 1203. Modification of geographic restriction under bilateral and regional cooperation programs for payment of certain expenses of defense personnel of developing countries.

Sec. 1204. Authority for Department of Defense to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.

Sec. 1205. Two-year extension of authority for payment of certain administrative services and support for coalition liaison officers.

Sec. 1206. Authority to build the capacity of foreign military forces.

Sec. 1207. Security and stabilization assistance.

Sec. 1208. Reimbursement of certain coalition nations for support provided to United States military operations.

Sec. 1209. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.

Subtitle B—Nonproliferation Matters and Countries of Concern

Sec. 1211. Prohibition on procurements from Communist Chinese military companies.

Sec. 1212. Report on nonstrategic nuclear weapons.

Subtitle C—Reports and Sense of Congress Provisions

Sec. 1221. War-related reporting requirements.

Sec. 1222. Quarterly reports on war strategy in Iraq.

Sec. 1223. Report on records of civilian casualties in Afghanistan and Iraq.

Sec. 1224. Annual report on Department of Defense costs to carry out United Nations resolutions.

Sec. 1225. Report on claims related to the bombing of the LaBelle Discotheque.

Sec. 1226. Sense of Congress concerning cooperation with Russia on issues pertaining to missile defense.

Sec. 1227. United States policy on Iraq.

Subtitle D—Other Matters

Sec. 1231. Purchase of weapons overseas for force protection purposes in countries in which combat operations are ongoing.

Sec. 1232. Riot control agents.

Sec. 1233. Requirement for establishment of certain criteria applicable to Global Posture Review.

Sec. 1234. The United States-China Economic Security Review Commission.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED TO HOST NATIONS IN CONJUNCTION WITH MILITARY OPERATIONS.

(a) LIMITATION ON AMOUNT OF ASSISTANCE FOR CLEARANCE OF LANDMINES, ETC.—Subsection (c)(3) of section 401 of title 10, United States Code is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

(b) EXTENSION AND CLARIFICATION OF TYPES OF HEALTH CARE AUTHORIZED.—Subsection (e)(1) of such section is amended—

(1) by inserting “surgical,” before “dental,” both places it appears; and

(2) by inserting “, including education, training, and technical assistance related to the care provided” before the period at the end.

SEC. 1202. COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) **AUTHORITY FOR FISCAL YEARS 2006 AND 2007.**—During each of fiscal years 2006 and 2007, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed \$500,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(1) for the Commanders’ Emergency Response Program; and

(2) for a similar program to assist the people of Afghanistan.

(b) **QUARTERLY REPORTS.**—Not later than 15 days after the end of each fiscal-year quarter of fiscal years 2006 and 2007, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(c) **SUBMISSION OF GUIDANCE.**—

(1) **INITIAL SUBMISSION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders’ Emergency Response Program and any similar program to assist the people of Afghanistan.

(2) **MODIFICATIONS.**—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) **WAIVER AUTHORITY.**—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders’ Emergency Response Program or any similar program to assist the people of Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) **COMMANDERS’ EMERGENCY RESPONSE PROGRAM DEFINED.**—In this section, the term “Commanders’ Emergency Response Program” means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.

SEC. 1203. MODIFICATION OF GEOGRAPHIC RESTRICTION UNDER BILATERAL AND REGIONAL COOPERATION PROGRAMS FOR PAYMENT OF CERTAIN EXPENSES OF DEFENSE PERSONNEL OF DEVELOPING COUNTRIES.

Section 1051(b)(1) of title 10, United States Code, is amended—

(1) by inserting “to and” after “in connection with travel”; and

(2) by striking “in which the developing country is located” and inserting “in which the bilateral or regional conference, seminar, or similar meeting for which expenses are authorized is located”.

SEC. 1204. AUTHORITY FOR DEPARTMENT OF DEFENSE TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

Subchapter I of chapter 138 of title 10, United States Code, is amended by striking “of which the United States is a member” in sections 2341(1), 2342(a)(1)(C), and 2344(b)(4).

SEC. 1205. TWO-YEAR EXTENSION OF AUTHORITY FOR PAYMENT OF CERTAIN ADMINISTRATIVE SERVICES AND SUPPORT FOR COALITION LIAISON OFFICERS.

Section 1051a(e) of title 10, United States Code, is amended by striking “September 30, 2005” and inserting “September 30, 2007”.

SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) **AUTHORITY.**—The President may direct the Secretary of Defense to conduct or support a program to build the capacity of a foreign country’s national military forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States Armed Forces are a participant.

(b) **TYPES OF CAPACITY BUILDING.**—

(1) **AUTHORIZED ELEMENTS.**—The program directed by the President under subsection (a) may include the provision of equipment, supplies, and training.

(2) **REQUIRED ELEMENTS.**—The program directed by the President under subsection (a) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within that country.

(c) **LIMITATIONS.**—

(1) **ANNUAL FUNDING LIMITATION.**—The Secretary of Defense may use up to \$200,000,000 of funds available for defense-wide operation and maintenance for any fiscal year to conduct or support activities directed by the President under subsection (a) in that fiscal year.

(2) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The President may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(3) **LIMITATION ON ELIGIBLE COUNTRIES.**—The President may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) **FORMULATION AND EXECUTION OF PROGRAM.**—The Secretary of Defense and the Secretary of State shall jointly formulate any program directed by the President under subsection (a). The Secretary of Defense shall coordinate with the Secretary of State in the implementation of any program directed by the President under subsection (a).

(e) **CONGRESSIONAL NOTIFICATION.**—

(1) **PRESIDENTIAL DIRECTION.**—At the time the President directs the Secretary of Defense to conduct or support a program authorized in subsection (a), the President shall provide a written copy of that direction to the Congress.

(2) **ACTIVITIES IN A COUNTRY.**—Not less than 15 days before initiating activities in any country as directed by the President under subsection (a), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional committees specified in paragraph (3) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be built.

(B) The budget, implementation timeline with milestones, and completion date for completing the program directed by the President.

(C) The source and planned expenditure of funds to complete the program directed by the President.

(3) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this paragraph are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(f) **REPORT.**—Not later than one year after the date of the enactment of this Act, the President

shall transmit to the congressional committees specified in subsection (e)(3) a report examining the following issues:

(1) The strengths and weaknesses of the Foreign Assistance Act of 1961, the Arms Export Control Act, and any other provision of law related to the building of the capacity of foreign governments or the training and equipping of foreign military forces, including strengths and weaknesses for the purposes described in subsection (a).

(2) The changes, if any, that should be made to the Foreign Assistance Act of 1961, the Arms Export Control Act, and any other relevant provision of law that would improve the ability of the United States Government to build the capacity of foreign governments or train and equip foreign military forces, including for the purposes described in subsection (a).

(3) The organizational and procedural changes, if any, that should be made in the Department of State and the Department of Defense to improve their ability to conduct programs to build the capacity of foreign governments or train and equip foreign military forces, including for the purposes described in subsection (a).

(4) The resources and funding mechanisms required to assure adequate funding for such programs.

(g) **TERMINATION OF PROGRAM.**—The authority of the President under subsection (a) to direct the Secretary of Defense to conduct a program terminates at the close of September 30, 2007. Any program directed before that date may be completed, but only using funds available for fiscal year 2006 or fiscal year 2007.

SEC. 1207. SECURITY AND STABILIZATION ASSISTANCE.

(a) **AUTHORITY.**—The Secretary of Defense may provide services to, and transfer defense articles and funds to, the Secretary of State for the purposes of facilitating the provision by the Secretary of State of reconstruction, security, or stabilization assistance to a foreign country.

(b) **LIMITATION.**—The aggregate value of all services, defense articles, and funds provided or transferred to the Secretary of State under this section in any fiscal year may not exceed \$100,000,000.

(c) **AVAILABILITY OF FUNDS.**—Any funds transferred to the Secretary of State under this section may remain available until expended.

(d) **CONGRESSIONAL NOTIFICATION.**—

(1) **REQUIREMENT FOR NOTICE.**—Whenever the Secretary of Defense exercises the authority under subsection (a), the Secretary shall, at the time the authority is exercised, notify the congressional committees specified in paragraph (3) of the exercise of that authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) **CONTENT OF NOTIFICATION.**—Any notification under paragraph (1) shall include a description of—

(A) the services, defense articles, or funds provided or transferred to the Secretary of State; and

(B) the purpose for which such services, defense articles, and funds will be used.

(3) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this paragraph are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(e) **APPLICABLE LAW.**—Any services, defense articles, or funds provided or transferred to the Secretary of State under the authority of this section that the Secretary of State uses to provide reconstruction, security, or stabilization assistance to a foreign country shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control

Act, or any law making appropriations to carry out such Acts.

(f) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2007.

SEC. 1208. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by title XV for Defense-Wide Operation and Maintenance, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Iraq, Afghanistan, and the global war on terrorism.

(b) DETERMINATIONS.—Payments authorized under subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in the Secretary's discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided. Any such determination by the Secretary of Defense shall be final and conclusive upon the accounting officers of the United States. To the maximum extent practicable, the Secretary shall develop standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under this section.

(c) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of payments made under the authority of this section during fiscal year 2006 may not exceed \$1,500,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a payment under the authority of this section.

(d) CONGRESSIONAL NOTIFICATIONS.—The Secretary of Defense—

(1) shall notify the congressional defense committees not less than 15 days before making any payment under the authority of this section; and

(2) shall submit to those committees quarterly reports on the use of the authority under this section.

SEC. 1209. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense and to provide defense services in connection with the transfer of such defense articles to the military and security forces of Iraq and Afghanistan in order to support the efforts of those forces to restore and maintain peace and security in those countries.

(b) LIMITATION.—The aggregate value of all defense articles transferred and defense services provided to Iraq and Afghanistan under subsection (a) may not exceed \$500,000,000.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) the information required by subparagraphs (A) through (D) of section 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)(A) through (D));

(B) a description of the amount and type of each defense article to be transferred or defense service to be provided and the brigade-level unit from which the defense article is to be transferred or defense service is to be provided, if applicable; and

(C) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” has the meaning given the term in section 1202(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375).

(f) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2006.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) PROHIBITION.—The Secretary of Defense may not procure goods or services described in subsection (b), through a contract or any sub-contract (at any tier) under a contract, from any Communist Chinese military company.

(b) GOODS AND SERVICES COVERED.—For purposes of subsection (a), the goods and services described in this subsection are goods and services on the munitions list of the International Trafficking in Arms Regulations, other than goods or services procured—

(1) in connection with a visit by a vessel or an aircraft of the United States Armed Forces to the People's Republic of China;

(2) for testing purposes; or

(3) for purposes of gathering intelligence.

(c) WAIVER AUTHORIZED.—The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines such a waiver is necessary for national security purposes. The Secretary shall notify the congressional defense committees of each waiver made under this subsection.

(d) DEFINITIONS.—In this section:

(1) The term “Communist Chinese military company” has the meaning provided that term by section 1237(b)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note).

(2) The term “munitions list of the International Trafficking in Arms Regulations” means the United States Munitions List contained in part 121 of subchapter M of title 22 of the Code of Federal Regulations.

SEC. 1212. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, conduct a review of United States and Russian nonstrategic nuclear weapons and determine

whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a joint report, prepared in consultation with the Secretary of State and the Secretary of Energy, on the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined as a result of the review to be in the United States national security interest.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Reports and Sense of Congress Provisions

SEC. 1221. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORT REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to the congressional defense committees, in accordance with this section, a report on procurement and equipment maintenance costs for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle and on facility infrastructure costs associated with each of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall include the following:

(1) PROCUREMENT.—A specification of costs of procurement funding requested since fiscal year 2003, together with end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—A cost comparison of the requirements for equipment maintenance expenditures during peacetime and for such requirements during wartime, as shown by the requirements in each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. The cost comparison shall include—

(A) a description of the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the time of the report; and

(B) an examination of the extent to which war operations have precluded maintenance from being performed because equipment was unavailable.

(3) OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM INFRASTRUCTURE.—A specification of the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraqi Freedom and Operation Enduring Freedom are supported.

(b) SUBMISSION REQUIREMENTS.—The report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated report on procurement, equipment maintenance, and military construction costs, as specified in subsection (a), concurrently with any request made to Congress after the date of the enactment of this Act for war-related funding.

(c) SUBMISSION TO GAO OF CERTAIN REPORTS ON COSTS.—The Secretary of Defense shall submit to the Comptroller General, not later than 45

days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports. Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1222. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) **QUARTERLY REPORTS.**—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the intelligence and other measures of evaluation used in determining the progress made in the execution of that strategy.

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(c) **TERMINATION OF REQUIREMENT.**—This section shall cease to be in effect after 12 of the quarterly briefings specified in subsection (a) have been provided or December 31, 2008, whichever is later.

SEC. 1223. REPORT ON RECORDS OF CIVILIAN CASUALTIES IN AFGHANISTAN AND IRAQ.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on records of civilian casualties in Afghanistan and Iraq.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) Whether records of civilian casualties in Afghanistan and Iraq are kept by the United States Armed Forces and if such records are kept—

(A) how and from what sources the information for those records is collected;

(B) where those records are kept; and

(C) what officials or organizations are responsible for maintaining those records.

(2) Whether such records (if kept) contain—

(A) any information relating to the circumstances under which the casualties occurred and whether those casualties were fatalities or injuries;

(B) information as to whether any condolence payment, compensation, or assistance was provided to the victim or to the victim’s family; and

(C) any other information relating to those casualties.

SEC. 1224. ANNUAL REPORT ON DEPARTMENT OF DEFENSE COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) **REQUIREMENT FOR ANNUAL REPORT.**—

(1) **DEPARTMENT OF DEFENSE COSTS.**—Not later than April 30 of each year, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on Department of Defense costs during the preceding fiscal year to carry out United Nations resolutions.

(2) **SPECIFIED COMMITTEES.**—The committees specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) **MATTERS TO BE INCLUDED.**—Each report under subsection (a) shall set forth the following:

(1) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for—

(A) international sanctions;

(B) international peacekeeping operations;

(C) international peace enforcement operations;

(D) monitoring missions;

(E) observer missions; or

(F) humanitarian missions.

(2) An aggregate of all such Department of Defense costs by operation or mission and the total cost to United Nations members of each operation or mission.

(3) All direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding fiscal year in training, equipping, and otherwise assisting, preparing, providing resources for, and transporting foreign defense or security forces for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution specified in paragraph (1).

(4) All efforts made to seek credit against past United Nations expenditures.

(5) All efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(c) **COORDINATION.**—The report under subsection (a) each year shall be prepared in coordination with the Secretary of State.

(d) **FORM OF REPORT.**—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1225. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya’s weapons of mass destruction and related programs; and

(2) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) **UPDATE.**—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SEC. 1226. SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and nontraditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles;

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data; and

(C) the implementation of the Joint Data Exchange Center in Moscow to improve early warning capabilities.

SEC. 1227. UNITED STATES POLICY ON IRAQ.

(a) **SHORT TITLE.**—This section may be cited as the “United States Policy in Iraq Act”.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that, in order to succeed in Iraq—

(1) members of the United States Armed Forces who are serving or have served in Iraq and their families deserve the utmost respect and the heartfelt gratitude of the American people for their unwavering devotion to duty, service to the Nation, and selfless sacrifice under the most difficult circumstances; the United States Congress supports our troops and supports a successful conclusion to their mission.

(2) it is important to recognize that the Iraqi people have made enormous sacrifices and that the overwhelming majority of Iraqis want to live in peace and security; and that the Iraqi security forces in a growing number of incidences are fighting side-by-side with coalition forces, are increasing in numbers and improving in military capability.

(3) the terrorists seeking to prevent the emergence of a secure, stable, peaceful, and democratic Iraq are led by individuals seeking to restore dictatorship in Iraq or who want to advance al Qaeda’s broad vision of violently extreme Islam in the Middle East.

(4) calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq;

(5) United States military forces should not stay in Iraq any longer than required and the professional military judgment of our senior military should be a key factor in future decisions;

(6) the Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the schedule they set for themselves; and

(7) the President has committed to continue to explain to Congress and the American people progress toward a successful completion of the mission in Iraq.

(c) **REPORTS TO CONGRESS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.**—Not later than 90 days after the date of the enactment of this Act, and every three months thereafter until all United States combat brigades have redeployed from Iraq, the President shall submit to Congress a report on United States policy and military operations in Iraq. To

the maximum extent practicable, the report required in (c) shall be unclassified, with a classified annex if necessary. Each report shall include to the extent practical, the following information:

(1) The current military mission and the diplomatic, political, economic, and military measures that are being or have been undertaken to successfully complete or support that mission, including:

(A) Efforts to convince Iraq's main communities to make the compromises necessary for a broad-based and sustainable political settlement.

(B) Engaging the international community and the region in efforts to stabilize Iraq and to forge a broad-based and sustainable political settlement.

(C) Strengthening the capacity of Iraq's government ministries.

(D) Accelerating the delivery of basic services.

(E) Securing the delivery of pledged economic assistance from the international community and additional pledges of assistance.

(F) Training Iraqi security forces and transferring additional security responsibilities to those forces and the government of Iraq.

(2) Whether the Iraqis have made the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq.

(3) Any specific conditions included in the April 2005 Multi-National Forces-Iraq campaign action plan (referred to in United States Government Accountability Office October 2005 report on Rebuilding Iraq: DOD Reports Should Link Economic, Governance, and Security Indicators to Conditions for Stabilizing Iraq), and any subsequent updates to that campaign plan, that must be met in order to provide for the transition of additional security responsibility to Iraqi security forces.

(4) To the extent that these conditions are not covered under paragraph (3), the following should also be addressed:

(A) The number of battalions of the Iraqi Armed Forces that must be able to operate independently or to take the lead in counterinsurgency operations and the defense of Iraq's territory.

(B) The number of Iraqi special police units that must be able to operate independently or to take the lead in maintaining law and order and fighting the insurgency.

(C) The number of regular police that must be trained and equipped to maintain law and order.

(D) The ability of Iraq's Federal ministries and provincial and local governments to independently sustain, direct, and coordinate Iraq's security forces.

(5) The criteria to be used to evaluate progress toward meeting such conditions.

(6) A plan for meeting such conditions, an assessment of the extent to which such conditions have been met, information regarding variables that could alter that plan, and the reasons for any subsequent changes to that plan.

Subtitle D—Other Matters

SEC. 1231. PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES IN COUNTRIES IN WHICH COMBAT OPERATIONS ARE ONGOING.

(a) FORCE PROTECTION PURCHASES.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

“§ 127c. Purchase of weapons overseas: force protection

“(a) AUTHORITY.—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

“(b) LIMITATION.—The total amount expended during any fiscal year for purchases under this section may not exceed \$15,000,000.

“(c) SEMIANNUAL CONGRESSIONAL REPORT.—In any case in which the authority provided in subsection (a) is used during the period of the first six months of a fiscal year, or during the period of the second six months of a fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the use of that authority during that six-month period. Each such report shall be submitted not later than 30 days after the end of the six-month period during which the authority is used. Each such report shall include the following:

“(1) The number and type of weapons purchased under subsection (a) during that six-month period covered by the report, together with the amount spent for those weapons and the Secretary's estimate of the fair market value of those weapons.

“(2) A description of the dispositions (if any) during that six-month period of weapons purchased under subsection (a).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

“127c. Purchase of weapons overseas: force protection.”

SEC. 1232. RIOT CONTROL AGENTS.

(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the President may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons Convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of how the material described in subparagraph (A) is consistent with United States policy on the use of riot control agents;

(C) a description of the availability of riot control agents, and the means to use them, to members of the Armed Forces, including members of the Armed Forces deployed in Iraq and Afghanistan;

(D) a description of the frequency and circumstances of the use of riot control agents by members of the Armed Forces since January 1, 1992, and a summary of views held by commanders of United States combatant commands as to the utility of the use of riot control agents by members of the Armed Forces when compared with alternatives;

(E) a general description of steps taken or planned to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(F) a brief explanation of the continuing validity of Executive Order 11850 under United States law.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term “Chemical Weapons Convention” means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with

annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term “resolution of ratification of the Chemical Weapons Convention” means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SEC. 1233. REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO GLOBAL POSTURE REVIEW.

(a) CRITERIA.—As part of the Integrated Global Presence and Basing Strategy (IGPBS) developed by the Department of Defense that is referred to as the “Global Posture Review”, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop criteria for assessing, with respect to each type of facility specified in subsection (c) that is to be located in a foreign country, the following factors:

(1) The effect of any new basing arrangements on the strategic mobility requirements of the Department of Defense.

(2) The ability of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed to meet mobility response times required by operational planners.

(3) The cost of deploying units to areas referred to in paragraph (2) on a rotational basis (rather than on a permanent basing basis).

(4) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

(5) Whether the relative speed and complexity of conducting negotiations with a particular country is a discriminator in the decision to deploy forces within the country.

(6) The appropriate and available funding mechanisms for the establishment, operation, and sustainment of specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(7) The effect on military quality of life of the unaccompanied deployment of units to new facilities in overseas locations.

(8) Other criteria as Secretary of Defense determines appropriate.

(b) ANALYSIS OF ALTERNATIVES TO BASING OR OPERATING LOCATIONS.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in each of paragraphs (1) through (5) of subsection (a).

(c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR OVERSEAS INSTALLATIONS.—The Secretary of Defense shall develop a description of minimal infrastructure requirements for each of the following types of facilities:

(1) Facilities categorized as Main Operating Bases.

(2) Facilities categorized as Forward Operating Bases.

(3) Facilities categorized as Cooperative Security Locations.

(d) NOTIFICATION REQUIRED.—Not later than 30 days after an agreement is entered into between the United States and a foreign country to support the deployment of elements of the United States Armed Forces in that country, the Secretary of Defense shall submit to the congressional defense committees a written notification of such agreement. The notification under this subsection shall include the terms of the agreement, any costs to the United States resulting from the agreement, and a timeline to carry out the terms of the agreement.

(e) ANNUAL BUDGET ELEMENT.—The Secretary of Defense shall submit to Congress, as an element of the annual budget request of the Secretary, information regarding the funding sources for the establishment, operation, and sustainment of individual Main Operating

Bases, Forward Operating Bases, or Cooperative Security Locations.

(f) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c).

SEC. 1234. THE UNITED STATES-CHINA ECONOMIC SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, have helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Taiwan Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(G) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS FOR COMPREHENSIVE STRATEGY.—It is the sense of Congress that the President should present to Congress quickly a comprehensive strategy to—

(1) address the emergence of China economically, diplomatically, and militarily;

(2) promote mutually beneficial trade relations with China; and

(3) encourage China's adherence to international norms in the areas of trade, international security, and human rights.

(c) CONTENTS OF STRATEGY.—The strategy referred to in subsection (b) should address the following:

(1) Actions to address China's policy of undervaluing its currency, including—

(A) encouraging China to continue to upwardly revalue the Chinese yuan against the United States dollar;

(B) allowing the yuan to float against a trade-weighted basket of currencies; and

(C) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(2) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's trade practices, including—

(A) exchange rate manipulation;

(B) denial of trading and distribution rights;

(C) insufficient intellectual property rights protection;

(D) objectionable labor standards;

(E) subsidization of exports; and

(F) forced technology transfers as a condition of doing business.

(3) The United States Trade Representative should consult with United States trading partners regarding any trade dispute with China.

(4) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(5) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail commercial export by North Korea of ballistic missiles.

(6) Actions by the Secretary of State and the Secretary of Energy to consult with the International Atomic Energy Agency with the objective of upgrading the current loose experience-sharing arrangement whereby China engages in some limited exchanges with the organization to a more structured arrangement.

(7) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(8) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including exploring whether the definition of national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(9) Actions by the President and the Secretary of State and Secretary of Defense to press strongly their counterparts in the European Union and its member states to maintain and strengthen the embargo on selling arms to China.

(10) Actions by the administration to discourage foreign defense contractors from selling sensitive military-use technology or weapons systems to China.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.

Sec. 1304. Report on elimination of impediments to threat-reduction and nonproliferation programs in the former Soviet Union.

Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2006 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the \$415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$78,900,000.

(2) For nuclear weapons storage security in Russia, \$74,100,000.

(3) For nuclear weapons transportation security in Russia, \$30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, \$40,600,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, \$60,849,000.

(6) For chemical weapons destruction in Russia, \$108,500,000.

(7) For defense and military contacts, \$8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, \$14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 22 U.S.C. 5952 note) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

SEC. 1304. REPORT ON ELIMINATION OF IMPEDIMENTS TO THREAT-REDUCTION AND NONPROLIFERATION PROGRAMS IN THE FORMER SOVIET UNION.

Not later than November 1, 2006, the President shall submit to Congress a report on impediments to the effective conduct of Cooperative

Threat Reduction programs and related threat reduction and nonproliferation programs and activities in the states of the former Soviet Union. The report shall—

(1) identify the impediments to the rapid, efficient, and effective conduct of programs and activities of the Department of Defense, the Department of State, and the Department of Energy, including issues relating to access to sites, liability, and taxation; and

(2) describe the plans of the United States to overcome or ameliorate such impediments, including an identification and discussion of new models and approaches that might be used to develop new relationships with entities in the states of the former Soviet Union capable of assisting in removing or ameliorating those impediments, and any congressional action that may be necessary for that purpose.

SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMPTROLLER GENERAL ASSESSMENT OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-341) is amended by striking subsection (e).

TITLE XIV—MATTERS RELATING TO DETAINEES

Sec. 1401. Short title

Sec. 1402. Uniform standards for the interrogation of persons under the detention of the Department of Defense

Sec. 1403. Prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government

Sec. 1404. Protection of United States Government personnel engaged in authorized interrogations

Sec. 1405. Procedures for status review of detainees outside the United States

Sec. 1406. Training of Iraqi security forces regarding treatment of detainees

SEC. 1401. SHORT TITLE.

This title may be cited as the “Detainee Treatment Act of 2005”.

SEC. 1402. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) **APPLICABILITY.**—Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1403. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) **IN GENERAL.**—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) **CONSTRUCTION.**—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) **LIMITATION ON SUPERSEDITION.**—The provisions of this section shall not be superseded, ex-

cept by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) **CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.**—In this section, the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 1404. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AUTHORIZED INTERROGATIONS.

(a) **PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.**—In any civil action or criminal prosecution against an officer, employee, member of the Armed Forces, or other agent of the United States Government who is a United States person, arising out of the officer, employee, member of the Armed Forces, or other agent’s engaging in specific operational practices, that involve detention and interrogation of aliens who the President or his designees have determined are believed to be engaged in or associated with international terrorist activity that poses a serious, continuing threat to the United States, its interests, or its allies, and that were officially authorized and determined to be lawful at the time that they were conducted, it shall be a defense that such officer, employee, member of the Armed Forces, or other agent did not know that the practices were unlawful and a person of ordinary sense and understanding would not know the practices were unlawful. Good faith reliance on advice of counsel should be an important factor, among others, to consider in assessing whether a person of ordinary sense and understanding would have known the practices to be unlawful. Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(b) **COUNSEL.**—The United States Government may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation of an officer, employee, member of the Armed Forces, or other agent described in subsection (a), with respect to any civil action or criminal prosecution arising out of practices described in that subsection, under the same conditions, and to the same extent, to which such services and payments are authorized under section 1037 of title 10, United States Code.

SEC. 1405. PROCEDURES FOR STATUS REVIEW OF DETAINEES OUTSIDE THE UNITED STATES.

(a) **SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA, AND IN AFGHANISTAN AND IRAQ.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report setting forth—

(A) the procedures of the Combatant Status Review Tribunals and the Administrative Review Boards established by direction of the Secretary of Defense that are in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay or to provide an annual review to determine the need to continue to detain an alien who is a detainee; and

(B) the procedures in operation in Afghanistan and Iraq for a determination of the status

of aliens detained in the custody or under the physical control of the Department of Defense in those countries.

(2) **DESIGNATED CIVILIAN OFFICIAL.**—The procedures submitted to Congress pursuant to paragraph (1)(A) shall ensure that the official of the Department of Defense who is designated by the President or Secretary of Defense to be the final review authority within the Department of Defense with respect to decisions of any such tribunal or board (referred to as the “Designated Civilian Official”) shall be a civilian officer of the Department of Defense holding an office to which appointments are required by law to be made by the President, by and with the advice and consent of the Senate.

(3) **CONSIDERATION OF NEW EVIDENCE.**—The procedures submitted under paragraph (1)(A) shall provide for periodic review of any new evidence that may become available relating to the enemy combatant status of a detainee.

(b) CONSIDERATION OF STATEMENTS DERIVED WITH COERCION.—

(1) **ASSESSMENT.**—The procedures submitted to Congress pursuant to subsection (a)(1)(A) shall ensure that a Combatant Status Review Tribunal or Administrative Review Board, or any similar or successor administrative tribunal or board, in making a determination of status or disposition of any detainee under such procedures, shall, to the extent practicable, assess—

(A) whether any statement derived from or relating to such detainee was obtained as a result of coercion; and

(B) the probative value, if any, of any such statement.

(2) **APPLICABILITY.**—Paragraph (1) applies with respect to any proceeding beginning on or after the date of the enactment of this Act.

(c) **REPORT ON MODIFICATION OF PROCEDURES.**—The Secretary of Defense shall submit to the committees specified in subsection (a)(1) a report on any modification of the procedures submitted under subsection (a). Any such report shall be submitted not later than 60 days before the date on which such modification goes into effect.

(d) ANNUAL REPORT.—

(1) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress an annual report on the annual review process for aliens in the custody of the Department of Defense outside the United States. Each such report shall be submitted in unclassified form, with a classified annex, if necessary. The report shall be submitted not later than December 31 each year.

(2) **ELEMENTS OF REPORT.**—Each such report shall include the following with respect to the year covered by the report:

(A) The number of detainees whose status was reviewed.

(B) The procedures used at each location.

(e) JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.—

(1) **IN GENERAL.**—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

“(e) Except as provided in section 1405 of the Detainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider—

“(1) an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba; or

“(2) any other action against the United States or its agents relating to any aspect of the detention by the Department of Defense of an alien at Guantanamo Bay, Cuba, who—

“(A) is currently in military custody; or

“(B) has been determined by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1405(e) of the Detainee Treatment Act of 2005 to have been properly detained as an enemy combatant.”.

(2) **REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.—**

(A) *IN GENERAL.*—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(B) *LIMITATION ON CLAIMS.*—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) *SCOPE OF REVIEW.*—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the standards and procedures specified by the Secretary of Defense for Combatant Status Review Tribunals (including the requirement that the conclusion of the Tribunal be supported by a preponderance of the evidence and allowing a rebuttable presumption in favor the Government's evidence); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.

(D) *TERMINATION ON RELEASE FROM CUSTODY.*—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) *REVIEW OF FINAL DECISIONS OF MILITARY COMMISSIONS.*—

(A) *IN GENERAL.*—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision rendered pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order).

(B) *GRANT OF REVIEW.*—Review under this paragraph—

(i) with respect to a capital case or a case in which the alien was sentenced to a term of imprisonment of 10 years or more, shall be as of right; or

(ii) with respect to any other case, shall be at the discretion of the United States Court of Appeals for the District of Columbia Circuit.

(C) *LIMITATION ON APPEALS.*—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to an appeal brought by or on behalf of an alien—

(i) who was, at the time of the proceedings pursuant to the military order referred to in subparagraph (A), detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a final decision has been rendered pursuant to such military order.

(D) *SCOPE OF REVIEW.*—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on an appeal of a final decision with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the final decision was consistent with the standards and procedures specified in the military order referred to in subparagraph (A); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to reach the final decision is consistent with the Constitution and laws of the United States.

(4) *RESPONDENT.*—The Secretary of Defense shall be the named respondent in any appeal to the United States Court of Appeals for the District of Columbia Circuit under this subsection.

(f) *CONSTRUCTION.*—Nothing in this section shall be construed to confer any constitutional right on an alien detained as an enemy combatant outside the United States.

(g) *UNITED STATES DEFINED.*—For purposes of this section, the term “United States”, when used in a geographic sense, is as defined in section 101(a)(38) of the Immigration and Nationality Act and, in particular, does not include the United States Naval Station, Guantanamo Bay, Cuba.

(h) *EFFECTIVE DATE.*—

(1) *IN GENERAL.*—This section shall take effect on the date of the enactment of this Act.

(2) *REVIEW OF COMBATANT STATUS TRIBUNAL AND MILITARY COMMISSION DECISIONS.*—Paragraphs (2) and (3) of subsection (e) shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act.

SEC. 1406. TRAINING OF IRAQI SECURITY FORCES REGARDING TREATMENT OF DETAINEES.

(a) *REQUIRED POLICIES.*—

(1) *IN GENERAL.*—The Secretary of Defense shall prescribe policies designed to ensure that all military and civilian Department of Defense personnel or contractor personnel of the Department of Defense responsible for the training of any unit of the Iraqi Security Forces provide training to such units regarding the international obligations and laws applicable to the humane treatment of detainees, including protections afforded under the Geneva Conventions and the Convention Against Torture.

(2) *ACKNOWLEDGMENT OF TRAINING.*—The Secretary shall ensure that, for all personnel of the Iraqi Security Forces who are provided training referred to in paragraph (1), there is documented acknowledgment that such training has been provided.

(3) *DEADLINE FOR POLICIES TO BE PRESCRIBED.*—The policies required by paragraph (1) shall be prescribed not later than 180 days after the date of the enactment of this Act.

(b) *ARMY FIELD MANUAL.*—

(1) *TRANSLATION.*—The Secretary of Defense shall provide for the unclassified portions of the United States Army Field Manual on Intelligence Interrogation to be translated into Arabic and any other language the Secretary determines appropriate for use by members of the Iraqi security forces.

(2) *DISTRIBUTION.*—The Secretary of Defense shall provide for such manual, as translated, to be distributed to all appropriate officials of the Iraqi Government, including, but not limited to, the Iraqi Minister of Defense, the Iraqi Minister of Interior, senior Iraqi military personnel, and appropriate members of the Iraqi Security Forces with a recommendation that the principles that underlay the manual be adopted by the Iraqis as the basis for their policies on interrogation of detainees.

(c) *TRANSMITTAL TO CONGRESSIONAL COMMITTEES.*—Not less than 30 days after the date on which policies are first prescribed under subsection (a), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement this section.

(d) *ANNUAL REPORT.*—Not less than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Navy and Marine Corps procurement.

Sec. 1504. Air Force procurement.

Sec. 1505. Defense-wide activities procurement.

Sec. 1506. Research, development, test and evaluation.

Sec. 1507. Operation and maintenance.

Sec. 1508. Defense Working Capital Fund.

Sec. 1509. Defense Health Program.

Sec. 1510. Military personnel.

Sec. 1511. Iraq Freedom Fund.

Sec. 1512. Treatment as additional authorizations.

Sec. 1513. Transfer authority.

Sec. 1514. Availability of funds.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize emergency supplemental appropriations for the Department of Defense for fiscal year 2006 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom pursuant to section 402 of H.Con.Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1502. ARMY PROCUREMENT.

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, \$40,600,000.

(2) For ammunition, \$109,500,000.

(3) For weapons and tracked combat vehicles, \$485,499,000.

(4) For other procurement, \$1,659,800,000.

(b) *AVAILABILITY OF CERTAIN AMOUNTS FOR UP-ARMORED WHEELED VEHICLES.*—

(1) *AVAILABILITY.*—Of the amount authorized to be appropriated by subsection (a)(4), \$240,000,000 shall be available for the procurement of up-armored high mobility multipurpose wheeled vehicles (UAHVs), including vehicles in the M114, M1151, and M1152 configurations.

(2) *ALLOCATION OF FUNDS.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for purposes specified in that paragraph.

(B) *LIMITATION.*—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) *REPORTS.*—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

(c) *AVAILABILITY OF CERTAIN AMOUNTS FOR TACTICAL WHEELED VEHICLE ARMORING PROGRAMS.*—

(1) *AVAILABILITY.*—Of the amount authorized to be appropriated by subsection (a)(4), \$150,000,000 shall be available for units deployed in Iraq and Afghanistan, as follows:

(A) Procurement of up-armored Light Tactical Wheeled Vehicles (LTVs) or add-on armor kits for Light Tactical Wheeled Vehicles.

(B) Procurement of add-on armor kits for Medium Tactical Wheeled Vehicles (MTVs), including Low Signature Armored Cabs for the family of Medium Tactical Wheeled Vehicles.

(C) Procurement of add-on armor kits for Heavy Tactical Wheeled Vehicles (HTVs).

(2) *ALLOCATION OF FUNDS.*—To the extent the Secretary of the Army determines that such amount is not needed for the procurement of such armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan under paragraph (1), the Secretary shall use the

amounts remaining for the procurement of such armored vehicles in accordance with other priorities of the Army.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts for the Navy in amounts as follows:

- (1) For aircraft procurement, \$15,000,000.
- (2) For weapons procurement, \$56,700,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for the procurement account for the Marine Corps in the amount of \$644,400,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of \$147,921,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), \$200,000,000 shall be available for the procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs), including vehicles in the M1114, M1151, and M1152 configurations.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the aircraft procurement accounts for the Air Force in the amount of \$214,000,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for Defense-wide in the amount of \$103,900,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test and evaluation as follows:

- (1) For the Army, \$8,700,000.
- (2) For Defense-wide activities, \$75,000,000.

SEC. 1507. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$19,828,180,000.
- (2) For the Navy, \$1,658,000,000.
- (3) For the Marine Corps, \$1,588,250,000.
- (4) For the Air Force, \$2,404,190,000.
- (5) For Defense-wide activities, \$1,778,397,000.
- (6) For the Army Reserve, \$44,400,000.
- (7) For the Naval Reserve, \$9,400,000.

(8) For the Marine Corps Reserve, \$4,000,000.

(9) For the Air Force Reserve, \$7,000,000.

(10) For the Army National Guard, \$196,300,000.

(11) For the Air National Guard, \$13,400,000.

SEC. 1508. DEFENSE WORKING CAPITAL FUND.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Defense Working Capital Fund in the amount of \$1,700,000,000.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, the Defense Health Program, in the amount of \$178,415,000 for operation and maintenance.

SEC. 1510. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 a total of \$11,788,323,000.

SEC. 1511. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund in the amount of \$5,240,725,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNT.—Of the amount authorized to be appropriated by subsection (a), \$1,000,000,000 shall be available only for support of activities of the Joint Improvised Explosive Device Task Force.

(c) CLASSIFIED PROGRAMS.—Of the amount authorized to be appropriated by subsection (a), \$2,500,000,000 shall be available only for classified programs.

(d) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1513. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1514. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2006.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2006”.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2004 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$3,150,000
	Fort Rucker	\$9,700,000

Army: Inside the United States

Army: Inside the United States—Continued

State	Installation or Location	Amount
Alaska	Redstone Arsenal	\$25,100,000
	Fort Richardson	\$4,700,000
	Fort Wainwright	\$44,660,000
Arizona	Fort Huachuca	\$5,100,000
	Yuma Proving Ground	\$8,100,000
California	Concord Naval Weapons Station	\$11,850,000
	Fort Irwin	\$21,250,000
Colorado	Fort Carson	\$72,822,000
Georgia	Fort Benning	\$30,261,000
	Fort Gillem	\$3,900,000
	Fort Gordon	\$4,550,000
Hawaii	Fort Stewart/Hunter Army Air Field	\$57,980,000
	Pohakuloa Training Area	\$60,300,000
	Schofield Barracks	\$53,900,000
Illinois	Rock Island Arsenal	\$7,400,000
Indiana	Crane Army Ammunition Activity	\$5,700,000
Kansas	Fort Riley	\$33,900,000
Kentucky	Fort Campbell	\$116,475,000
	Fort Knox	\$4,600,000
Louisiana	Fort Polk	\$28,887,000
Missouri	Fort Leonard Wood	\$23,500,000
New Jersey	Picatinny Arsenal	\$4,450,000
New York	Fort Drum	\$73,350,000
	United States Military Academy, West Point	\$7,500,000
North Carolina	Fort Bragg	\$301,250,000
Ohio	Joint Systems Manufacturing Center, Lima	\$11,600,000
Oklahoma	Fort Sill	\$5,850,000
	McAlester Army Ammunition Plant	\$5,400,000
Pennsylvania	Letterkenny Depot	\$6,300,000
South Carolina	Fort Jackson	\$1,600,000
Texas	Fort Bliss	\$5,000,000
	Fort Hood	\$64,488,000
	Fort Sam Houston	\$7,000,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$2,700,000
	Fort Belvoir	\$18,000,000
	Fort Eustis	\$3,100,000
	Fort Lee	\$3,900,000
	Fort Myer	\$15,200,000
Washington	Fort Lewis	\$99,949,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	\$84,081,000
Italy	Pisa	\$5,254,000
Korea	Camp Humphreys	\$105,162,000
	Yongpyong	\$1,450,000

(c) *UNSPECIFIED WORLDWIDE.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	\$50,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facili-

ties) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	117	\$49,000,000
	Fort Wainwright	180	\$91,000,000
Arizona	Fort Huachuca	131	\$31,000,000
	Yuma Proving Ground	35	\$11,200,000
Oklahoma	Fort Sill	129	\$24,000,000
Virginia	Fort Lee	96	\$19,500,000
	Fort Monroe	21	\$6,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$17,536,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$300,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,128,889,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$1,111,522,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$195,947,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), \$50,000,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$24,141,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$170,021,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$549,636,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$803,993,000.

(7) For the construction of increment 3 of the Lewis and Clark Instructional Facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1697), \$42,642,000.

(8) For the construction of increment 2 of a barracks complex at Vilseck, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1698), as amended by section 2105 of this Act, \$13,600,000.

(9) For the construction of increment 2 of the Drum Road upgrade at Helemano Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$41,000,000.

(10) For the construction of increment 2 of a vehicle maintenance facility at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$24,656,000.

(11) For the construction of increment 2 of a barracks complex, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$24,650,000.

(12) For the construction of increment 2 of trainee barracks, Basic Training Complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$21,000,000.

(13) For the construction of increment 2 of a library and learning center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$25,470,000.

(14) For the construction of increment 2 of a barracks complex renewal project at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101), \$30,611,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) \$16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for Fort Drum, New York).

(3) \$31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina).

(4) \$50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3rd Brigade at Fort Bragg, North Carolina).

(5) \$77,400,000 (the balance of the amount authorized under section 2101(a) for construction

of a barracks complex for divisional artillery at Fort Bragg, North Carolina).

(6) \$13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road for Fort Belvoir, Virginia).

(c) CONFORMING TECHNICAL AMENDMENT.—Section 2104(a)(8) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2103) is amended by striking “Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2681)” and inserting “Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1697)”.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1698) is amended—

(1) in the item relating to Vilseck, Germany, by striking “\$31,000,000” in the amount column and inserting “\$26,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$226,900,000”.

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of that Act (117 Stat. 1700) is amended by striking “\$18,900,000” and inserting “\$13,900,000”.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2004 project.

Sec. 2206. Modifications of authority to carry out certain fiscal year 2005 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$3,637,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
California	Air-Ground Combat Center, Twentynine Palms	\$24,000,000
	Marine Corps Air Station, Camp Pendleton	\$1,400,000
	Marine Corps Air Station, Miramar	\$5,070,000
	Marine Corps Base, Camp Pendleton	\$90,437,000
	Naval Air Station, Lemoore	\$8,480,000
	Naval Air Warfare Center, China Lake	\$19,158,000
	Naval Postgraduate School	\$6,500,000
Connecticut	Naval Submarine Base, New London	\$4,610,000
Florida	Diving&Salvage Training Center, Panama City	\$9,678,000
	Naval Air Station, Jacksonville	\$88,603,000
	Naval Air Station, Pensacola	\$8,710,000
Georgia	Naval Station, Mayport	\$15,220,000
	Whiting Field	\$4,670,000
	Naval Submarine Base, Kings Bay	\$6,890,000
Hawaii	Marine Corps Logistics Base, Albany	\$5,840,000
	Marine Corps Air Station, Kaneohe Bay	\$5,700,000
Illinois	Naval Base, Pearl Harbor	\$29,700,000
	Recruit Training Command, Great Lakes	\$167,750,000
Indiana	Naval Warfare Center, Crane	\$8,220,000
Maine	Portsmouth Naval Shipyard	\$8,100,000
Maryland	Naval Air Warfare Center, Patuxent River	\$5,800,000
	Naval Surface Warfare Center, Indian Head	\$8,250,000
Mississippi	United States Naval Academy, Annapolis	\$51,720,000
	Naval Air Station, Meridian	\$10,450,000
North Carolina	Marine Corps Air Station, Cherry Point	\$29,147,000
	Marine Corps Air Station, New River	\$6,840,000
	Marine Corps Base, Camp Lejeune	\$44,590,000
Pennsylvania	Naval Station Weapons Center, Philadelphia	\$4,780,000
Rhode Island	Naval Station, Newport	\$15,490,000
South Carolina	Marine Corps Air Station, Beaufort	\$1,480,000
Texas	Naval Air Station, Kingsville	\$16,040,000
Virginia	Marine Corps Air Field, Quantico	\$19,698,000
	Marine Corps Base, Quantico	\$18,429,000
	Naval Air Station, Oceana	\$11,680,000
	Naval Amphibious Base, Little Creek	\$36,034,000
	Naval Station, Norfolk	\$32,245,000
	Naval Support Activity, Norfolk Naval Shipyard	\$78,788,000
	Naval Station Weapons Center, Dahlgren	\$9,960,000
	Naval Station, Everett	\$70,950,000
	Naval Submarine Base, Bangor	\$60,160,000
	Naval Air Station, Whidbey Island	\$4,010,000

(b) OUTSIDE THE UNITED STATES.—Using the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Naval Base, Guam	\$55,473,000
Japan	Naval Station, Yokosuka	\$83,010,000

SEC. 2202. FAMILY HOUSING. 2204(a)(4)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Guam	Naval Base, Guam	126	\$43,495,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(4)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$178,644,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,964,743,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$837,411,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$39,584,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$34,893,000.

(4) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$218,942,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$588,660,000.

(5) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), as amended by section 2205 of this Act, \$54,432,000.

(6) For the construction of increment 3 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), \$40,200,000.

(7) For the construction of increment 2 of the apron and hangar recapitalization at Naval Air Facility, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), \$18,666,000.

(8) For the construction of increment 2 of the White Side complex, Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), \$34,730,000.

(9) For the construction of increment 2 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of this Act, \$47,095,000.

(10) For the construction of increment 2 of the lab consolidation at Strategic Weapons Facility Pacific, Bangor, Washington authorized by sec-

tion 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of this Act, \$9,430,000.

(11) For the construction of increment 2 of the presidential helicopter programs support facility at Naval Air Warfare Center, Patuxent River, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of this Act, \$40,700,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$37,721,000 (the balance of the amount authorized under section 2201(a) for a reclamation and conveyance project for Marine Corps Base, Camp Pendleton, California).

(3) \$43,424,000 (the balance of the amount authorized under section 2201(a) for a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida).

(4) \$45,850,000 (the balance of the amount authorized under section 2201(a) for infrastructure upgrades to Recruit Training Command, Great Lakes, Illinois).

(5) \$26,790,000 (the balance of the amount authorized under section 2201(a) for construction of a field house at United States Naval Academy, Annapolis, Maryland).

(6) \$31,059,000 (the balance of the amount authorized under section 2201(a) for replacement of Ship Repair Pier 3 at Naval Support Activity, Norfolk Naval Shipyard, Virginia).

(7) \$10,159,000 (the balance of the amount authorized under section 2201(a) for an addition to Hockmuth Hall, Marine Corps Base, Quantico, Virginia).

(8) \$21,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor quarters for Naval Station, Everett, Washington).

(9) \$29,889,000 (the balance of the amount authorized under section 2201(b) for wharf upgrades at Naval Base, Guam).

(10) \$69,100,000 (the balance of the amount authorized under section 2201(b) for wharf upgrades at Naval Station, Yokosuka, Japan).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1703) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking “\$123,720,000” in the amount column and inserting “\$140,372,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$1,352,524,000”.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act (117 Stat. 1706) is amended by striking “\$96,980,000” and inserting “\$113,632,000”.

SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—Section 2201 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105) is amended—

(1) in the table in subsection (a)—

(A) below the item relating to Naval Surface Warfare Center, Indian Head, Maryland, by inserting “Naval Air Warfare Center, Patuxent River” in the installation column and “\$95,200,000” in the amount column;

(B) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking “\$73,838,000” in the amount column and inserting “\$74,470,000”;

(C) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking “\$138,060,000” in the amount column and inserting “\$147,760,000”; and

(D) by striking the amount identified as the total in the amount column and inserting “\$1,057,587,000”; and

(2) by striking subsection (c).

(b) CONFORMING AMENDMENTS.—Section 2204 of that Act (118 Stat. 2107) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$712,927,000” and inserting “\$752,927,000”; and

(B) by striking paragraph (3); and

(2) in subsection (b)—

(A) in paragraph (4), by striking “\$34,098,000” and inserting “\$34,730,000”; and

(B) by striking paragraph (7) and inserting the following new paragraphs:

“(7) \$9,700,000 (the balance of the amount authorized under section 2201(a) for naval laboratory consolidation, Strategic Weapons Facility Pacific, Bangor, Washington).

“(8) \$55,200,000 (the balance of the amount authorized under section 2201(a) for construction of a presidential helicopter programs support facility at Naval Air Warfare Center, Patuxent River, Maryland).”

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$14,900,000
Alaska	Clear Air Force Base	\$20,000,000
	Elmendorf Air Force Base	\$84,820,000
Arizona	Davis-Monthan Air Force Base	\$3,600,000
	Luke Air Force Base	\$13,000,000
Arkansas	Little Rock Air Force Base	\$8,900,000
California	Beale Air Force Base	\$14,200,000
	Edwards Air Force Base	\$103,000,000
	Travis Air Force Base	\$46,400,000
	Vandenberg Air Force Base	\$16,845,000
Colorado	Buckley Air Force Base	\$20,100,000
	Peterson Air Force Base	\$25,500,000
	United States Air Force Academy	\$13,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Delaware	Dover Air Force Base	\$19,000,000
District of Columbia	Bolling Air Force Base	\$14,900,000
Florida	Cape Canaveral	\$6,200,000
	Hurlburt Field	\$2,540,000
	MacDill Air Force Base	\$107,200,000
	Tyndall Air Force Base	\$21,500,000
Georgia	Robins Air Force Base	\$7,600,000
Hawaii	Hickham Air Force Base	\$13,378,000
Idaho	Mountain Home Air Force Base	\$9,835,000
Louisiana	Barksdale Air Force Base	\$10,800,000
Massachusetts	Hanscom Air Force Base	\$3,900,000
Mississippi	Columbus Air Force Base	\$10,000,000
	Keesler Air Force Base	\$47,500,000
	Whiteman Air Force Base	\$5,721,000
Montana	Malmstrom Air Force Base	\$13,500,000
Nebraska	Offutt Air Force Base	\$63,080,000
Nevada	Indian Springs Auxiliary Field	\$60,724,000
	Nellis Air Force Base	\$24,370,000
New Jersey	McGuire Air Force Base	\$13,185,000
New Mexico	Kirtland Air Force Base	\$6,600,000
	Holloman Air Force Base	\$15,000,000
North Dakota	Minot Air Force Base	\$8,700,000
Ohio	Wright Patterson Air Force Base	\$32,620,000
Oklahoma	Tinker Air Force Base	\$31,960,000
	Vance Air Force Base	\$14,000,000
South Carolina	Charleston Air Force Base	\$2,583,000
	Shaw Air Force Base	\$16,030,000
South Dakota	Ellsworth Air Force Base	\$8,400,000
Texas	Goodfellow Air Force Base	\$4,300,000
	Laughlin Air Force Base	\$7,900,000
	Sheppard Air Force Base	\$36,000,000
Utah	Hill Air Force Base	\$33,900,000
Virginia	Langley Air Force Base	\$44,365,000
Washington	Fairchild Air Force Base	\$8,200,000

(b) OUTSIDE THE UNITED STATES.—Using the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$11,650,000
	Spangdahlem Air Base	\$12,474,000
Guam	Andersen Air Base	\$18,500,000
Italy	Aviano Air Base	\$22,660,000
Korea	Kunsan Air Base	\$47,900,000
	Osan Air Base	\$37,719,000
Portugal	Lajes Field, Azores	\$12,000,000
Turkey	Incirlik Air Base	\$5,780,000
United Kingdom	Royal Air Force Lakenheath	\$5,125,000
	Royal Air Force Mildenhall	\$13,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	392	\$55,794,000
California	Edwards Air Force Base	226	\$59,699,000
Florida	MacDill Air Force Base	109	\$40,982,000
Idaho	Mountain Home Air Force Base	194	\$56,467,000
Missouri	Whiteman Air Force Base	111	\$26,917,000
Montana	Malmstrom Air Force Base	296	\$68,971,000
North Carolina	Seymour Johnson Air Force Base	255	\$48,868,000
North Dakota	Grand Forks Air Force Base	150	\$43,353,000
	Minot Air Force Base	223	\$44,548,000
South Carolina	Charleston Air Force Base	10	\$15,935,000
South Dakota	Ellsworth Air Force Base	60	\$14,383,000
Texas	Dyess Air Force Base	190	\$43,016,000
Germany	Ramstein Air Base	101	\$62,952,000
	Spangdahlem Air Base	79	\$45,385,000
Turkey	Incirlik Air Base	100	\$22,730,000
United Kingdom	Royal Air Force Lakenheath	107	\$48,437,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction

or improvement of military family housing units in an amount not to exceed \$37,104,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$366,346,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$3,157,356,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$989,756,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$187,308,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$15,929,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$95,537,000.

(5) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$1,101,887,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$766,939,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$30,000,000 (the balance of the amount authorized under section 2301(a) for construction of a C-17 maintenance complex at Elmendorf Air Force Base, Alaska).

(3) \$66,000,000 (the balance of the amount authorized under section 2301(a) for construction of a main base runway at Edwards Air Force Base, California).

(4) \$29,000,000 (the balance of the amount authorized under section 2301(a) for construction of a joint intelligence center at MacDill Air Force Base, Florida).

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Stewart/Hunter Army Air Field	\$16,629,000
North Carolina	Fort Bragg	\$18,075,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	\$7,900,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	\$7,300,000
California	Defense Distribution Depot, Tracy	\$33,635,000
	Miramar	\$23,000,000
Kansas	McConnell Air Force Base	\$15,800,000
New Mexico	Cannon Air Force Base	\$13,200,000
North Carolina	Seymour Johnson Air Force Base	\$18,500,000
Pennsylvania	Defense Distribution Depot, New Cumberland	\$6,500,000
Virginia	Fort Belvoir	\$4,500,000
	Naval Station, Norfolk	\$6,700,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	\$61,466,000
Hawaii	Kunia	\$305,000,000
Maryland	Fort Meade	\$41,200,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Surface Warfare Center, Coronado	\$28,350,000
Florida	Hurlburt Field	\$6,500,000
	Eglin Air Force Base	\$12,800,000
Georgia	Fort Stewart/Hunter Army Air Field	\$10,000,000
Kentucky	Fort Campbell	\$37,800,000
North Carolina	Fort Bragg	\$18,069,000
Washington	Fort Lewis	\$53,300,000

TRICARE Management Activity

State	Installation or Location	Amount
California	Beale Air Force Base	\$18,000,000
	Naval Hospital, San Diego	\$15,000,000
Colorado	Peterson Air Force Base	\$1,820,000
Maryland	Fort Detrick	\$55,200,000
	Uniformed Services University, Bethesda	\$10,350,000
Mississippi	Keesler Air Force Base	\$14,000,000
Nevada	Nellis Air Force Base	\$1,700,000
South Carolina	Charleston	\$35,000,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
Texas	Lackland Air Force Base	\$11,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Germany	Landstuhl	\$6,543,000
	Vilseck	\$2,323,000
Guam	Agana	\$40,578,000
Korea	Taegu	\$8,231,000
Spain	Naval Station, Rota	\$7,963,000

Defense Logistics Agency

Country	Installation or Location	Amount
Greece	Souda Bay	\$7,089,000

Missile Defense Agency

Country	Installation or Location	Amount
Kwajalein	Kwajalein Atoll	\$4,901,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Menwith Hill	\$86,354,000

TRICARE Management Activity

Country	Installation or Location	Amount
Bahrain	\$4,750,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(5), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$50,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$2,817,039,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$626,609,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$123,104,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$15,736,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$136,406,000.

(5) For energy conservation projects authorized by section 2402 of this Act, \$50,000,000.

(6) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, \$254,827,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base

Closure Account 2005 established by section 2906A of such Act, \$1,504,466,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,500,000.

(9) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2112), \$57,000,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$12,500,000 (the balance of the amount authorized under section 2401(a) for construction of a regional security operations center, Augusta, Georgia).

(3) \$256,034,000 (the balance of the amount authorized under section 2401(a) for replacement of a regional security operations center, Kunia, Hawaii).

(4) \$13,151,000 (the balance of the amount authorized under section 2401(a) for construction of a classified material conversion facility, Fort Meade, Maryland).

(5) \$44,657,000 (the balance of the amount authorized under section 2401(b) for construction of an operations building, Royal Air Force Menwith Hill Station, United Kingdom).

(c) **NOTICE AND WAIT REQUIREMENT APPLICABLE TO OBLIGATION OF FUNDS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(7) may not be obligated until—

(1) a period of 21 days has expired following the date on which the Secretary of Defense submits to the congressional defense committees a report describing the specific programs, projects, and activities for which the funds are to be obligated; or

(2) if over sooner, a period of 14 days has expired following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$206,858,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

- (1) For the Department of the Army—
- (A) for the Army National Guard of the United States, \$523,151,000; and
- (B) for the Army Reserve, \$152,569,000.

(2) For the Department of the Navy, for the Navy Reserve and Marine Corps Reserve, \$46,864,000.

(3) For the Department of the Air Force—

- (A) for the Air National Guard of the United States, \$316,117,000; and
- (B) for the Air Force Reserve, \$105,883,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2008; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 2008; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2301, 2302, or 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

Installation or Location	Project	Amount
Aviano Air Base, Italy	Area consolidation	\$5,000,000
Eglin Air Force Base, Florida	Family housing (134 units)	\$15,906,000
	Family housing office	\$597,000
Keesler Air Force Base, Mississippi	Family housing (117 units)	\$16,505,000
Randolph Air Force Base, Texas	Family housing (112 units)	\$14,311,000
	Housing maintenance facility	\$447,000

Defense Wide: Extension of 2003 Project Authorization

Installation or Location	Project	Amount
Stennis Space Center, Mississippi	SOF Training Range	\$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (di-

vision B of Public Law 107-107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-

375; 118 Stat. 2116), shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Pohakuloa Training Area, Hawaii	Land acquisition	\$1,500,000

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana	Family housing (56 units)	\$7,300,000

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of congressional notification requirements for certain military construction activities.

Sec. 2802. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.

Sec. 2803. Improvement in availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.

Sec. 2804. Modification of cost variation authority.

Sec. 2805. Inapplicability to child development centers of restriction on authority to acquire or construct ancillary supporting facilities.

Sec. 2806. Department of Defense Housing Funds.

Sec. 2807. Use of design-build selection procedures to accelerate design effort in connection with military construction projects.

Sec. 2808. Acquisition of associated utilities, equipment, and furnishings in reserve component facility exchange.

Sec. 2809. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2810. Temporary program to use minor military construction authority for construction of child development centers.

Sec. 2811. General and flag officers quarters in the National Capital Region.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.

- Sec. 2822. Modification of authorities on agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2823. Modification of utility system conveyance authority and related reporting requirements.
- Sec. 2824. Report on application of force protection and anti-terrorism standards to leased facilities.
- Sec. 2825. Report on use of ground source heat pumps at Department of Defense facilities.

Subtitle C—Base Closure and Realignment

- Sec. 2831. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.
- Sec. 2832. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.
- Sec. 2833. Treatment of Indian Tribal Governments as public entities for purposes of disposal of real property recommended for closure in July 1993 BRAC Commission report.
- Sec. 2834. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.
- Sec. 2835. Required consultation with State and local entities on issues related to increase in number of military personnel at military installations.
- Sec. 2836. Sense of Congress regarding infrastructure and installation requirements for transfer of units and personnel from closed and realigned military installations to receiving locations.
- Sec. 2837. Defense access road program and military installations affected by defense base closure process or Integrated Global Presence and Basing Strategy.
- Sec. 2838. Sense of Congress on reversionary interests involving real property at Navy homeports.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

- Sec. 2841. Land conveyance, Camp Navajo, Arizona.
- Sec. 2842. Land conveyance, Iowa Army Ammunition Plant, Middletown, Iowa.
- Sec. 2843. Land conveyance, Helena, Montana.
- Sec. 2844. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.
- Sec. 2845. Land exchange, Fort Hood, Texas.
- Sec. 2846. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
- Sec. 2847. Land conveyance, Fort Belvoir, Virginia.
- Sec. 2848. Land conveyance, Army Reserve Center, Bothell, Washington.

PART 2—NAVY CONVEYANCES

- Sec. 2851. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.
- Sec. 2852. Lease or license of United States Navy Museum facilities at Washington Navy Yard, District of Columbia.

PART 3—AIR FORCE CONVEYANCES

- Sec. 2861. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
- Sec. 2862. Land conveyance, Air Force property, Jacksonville, Arkansas.
- Sec. 2863. Land conveyance, Air Force property, La Junta, Colorado.
- Sec. 2864. Lease, National Imagery and Mapping Agency site, St. Louis, Missouri.

Subtitle E—Other Matters

- Sec. 2871. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.
- Sec. 2872. Transfer of excess Department of Defense property on Santa Rosa and Okaloosa Island, Florida, to Gulf Islands National Seashore.
- Sec. 2873. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.
- Sec. 2874. Assessment of water needs for Presidio of Monterey and Ord Military Community.
- Sec. 2875. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.
- Sec. 2876. Sense of Congress regarding community impact assistance related to construction of Navy landing field, North Carolina.
- Sec. 2877. Sense of Congress on establishment of Bakers Creek Memorial.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR CERTAIN MILITARY CONSTRUCTION ACTIVITIES.

(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of title 10, United States Code, is amended—

(1) by striking “21-day period” and inserting “14-day period”; and

(2) by striking “14-day period” and inserting “seven-day period”.

(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section 2813(c) of such title is amended—

(1) by striking “30-day period” and inserting “21-day period”; and

(2) by striking “21-day period” and inserting “14-day period”.

SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN KOREA AUTHORIZED FOR LEASE BY THE ARMY AT MAXIMUM AMOUNT.

Section 2828(e)(4) of title 10, United States Code, is amended by striking “2,400” and inserting “2,800”.

SEC. 2803. IMPROVEMENT IN AVAILABILITY AND TIMELINESS OF DEPARTMENT OF DEFENSE INFORMATION REGARDING MILITARY CONSTRUCTION AND FAMILY HOUSING ACCOUNTS AND ACTIVITIES.

(a) MAINTENANCE OF INFORMATION ON INTERNET.—Section 2851 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) MAINTENANCE OF MILITARY CONSTRUCTION INFORMATION ON INTERNET; ACCESS.—(1)

The Secretary of Defense shall maintain an Internet site that, when activated by a person authorized under paragraph (3), will permit the person to access and view on a separate page of the Internet site a document or other file containing the information required by paragraph (2) for the following:

“(A) Each military construction project or military family housing project that has been specifically authorized by Act of Congress.

“(B) Each project carried out with funds authorized for the operation and maintenance of military family housing.

“(C) Each project carried out with funds authorized for the improvement of military family housing units.

“(D) Each unspecified minor construction project carried out under the authority of section 2805(a) of this title.

“(E) Each military construction project or military family housing project regarding which a statutory requirement exists to notify Congress.

“(2) The information to be provided via the Internet site required by paragraph (1) for each project described in such paragraph shall include the following:

“(A) The solicitation date and award date (or anticipated dates) for each contract entered into (or to be entered into) by the United States in connection with the project.

“(B) The contract recipient, contract award amount, construction milestone schedule proposed by the contractor, and construction completion date stipulated in the awarded contract.

“(C) The most current Department of Defense Form 1391, Military Construction Project Data, for the project.

“(D) The progress of the project, including the percentage of construction currently completed and the current estimated construction completion date.

“(E) The current contract obligation of funds for the project, including any changes to the original contract award amount.

“(F) The estimated final cost of the project and, if the estimated final cost of the project exceeds the amount appropriated for the project and funds have been provided from another source to meet the increased cost, the source of the funds and the amount provided.

“(G) If funds appropriated for the project have been diverted for use in another project, the project to which the funds were diverted and the amount so diverted.

“(H) For accounts such as planning and design, unspecified minor construction, and family housing operation and maintenance, detailed information regarding expenditures and anticipated expenditures under these accounts and the purposes for which the expenditures are made.

“(3) Access to the Internet site required by paragraph (1) shall be restricted to the following persons:

“(A) Members of the congressional defense committees and their staff.

“(B) Staff of the congressional defense committees.

“(4) The information required to be provided for each project described in paragraph (1) shall be made available to the persons referred to in paragraph (3) not later than 90 days after the award of a contract or delivery order for the project. The Secretary of Defense shall update the required information as promptly as practicable, but not less frequently than once a month, to ensure that the information is available to such persons in a timely manner.”.

(b) IMPLEMENTATION.—The Internet site required by subsection (c) of section 2851 of title 10, United States Code, as added by subsection (a), shall be available to the persons referred to in paragraph (3) of such subsection not later than July 15, 2006.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “SUPERVISION OF MILITARY DEPARTMENT PROJECTS.—” after “(a)”; and

(2) in subsection (b), by inserting “SUPERVISION OF DEFENSE AGENCY PROJECTS.—” after “(b)”

SEC. 2804. MODIFICATION OF COST VARIATION AUTHORITY.

(a) LIMITATION ON COST DECREASES RELATED TO MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “may be increased by not more than 25 percent” and inserting “may be increased or decreased by not more than 25 percent”; and

(B) by striking “if the Secretary concerned determines that such an increase in cost is required” and inserting “if the Secretary concerned determines that such revised cost is required”;

(2) in subsection (c)—

(A) by striking “limitation on cost increase” and inserting “limitation on cost variations”; and

(B) by striking “the increase” both places it appears and inserting “the variation”; and

(3) in subsection (d), by striking "limitation on cost increases" and inserting "limitation on cost variations".

(b) **ADDITIONAL INFORMATION REQUIRED FOR NOTIFICATION IN CONNECTION WITH WAIVER OF LIMITATIONS ON COST INCREASES.**—Subsection (c)(2) of such section is further amended by inserting after "the reasons therefor" the following: "including a description of the funds proposed to be used to finance any increased costs".

(c) **TECHNICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

"§2853. Authorized cost and scope of work variations".

(2) **TABLE OF SECTIONS.**—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 169 of such title is amended to read as follows:

"2853. Authorized cost and scope of work variations."

SEC. 2805. INAPPLICABILITY TO CHILD DEVELOPMENT CENTERS OF RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES.

(a) **EXCEPTION FOR CHILD DEVELOPMENT CENTERS.**—Section 2881(b) of title 10, United States Code, is amended by inserting "(other than a child development center)" after "ancillary supporting facility".

(b) **CHILD DEVELOPMENT CENTER DEFINED.**—Section 2871 of such title is amended—

(1) in paragraph (1), by inserting "child development centers," after "day care centers,"; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'child development center' includes a facility, and the utilities to support such facility, the function of which is to support the daily care of children aged six weeks old through five years old for full-day, part-day, and hourly service."

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendment made by subsection (a) may be construed to alter any law and regulation applicable to the operation of a child development center, as defined in section 2871(2) of title 10, United States Code.

SEC. 2806. DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) **REQUIREMENT TO FUND CERTAIN ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING SOLELY THROUGH DEFENSE HOUSING FUNDS.**—Subsection (e) of section 2883 of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

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

"(2) The Funds established under subsection (a) shall be the sole source of funds for activities carried out under this subchapter."

(b) **AUTHORITY TO TRANSFER FUNDS APPROPRIATED FOR THE IMPROVEMENT OF MILITARY FAMILY HOUSING TO DEFENSE HOUSING FUNDS.**—Subsection (c)(1)(B) of such section is amended by striking "acquisition or construction" and inserting "acquisition, improvement, or construction".

(c) **REPORTING REQUIREMENTS RELATED TO DEPARTMENT OF DEFENSE HOUSING FUNDS.**—Section 2884 of such title is amended—

(1) in subsection (a)(2)(D), by inserting after "description of the source of such funds" the following: "including a description of the specific construction, acquisition, or improvement projects from which funds were transferred to the Funds established under section 2883 of this title in order to finance the contract, conveyance, or lease"; and

(2) in subsection (b)(1)—

(A) by striking "a report" and inserting "a separate report";

(B) by striking "covering the Funds" and inserting "covering each of the Funds"; and

(C) by striking the period at the end and inserting the following: "including a description

of the specific construction, acquisition, or improvement projects from which funds were transferred and the privatization projects or contracts to which those funds were transferred. Each report shall also include, for each military department or defense agency, a description of all funds to be transferred to such Funds for the current fiscal year and the next fiscal year."

SEC. 2807. USE OF DESIGN-BUILD SELECTION PROCEDURES TO ACCELERATE DESIGN EFFORT IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

(a) **CLARIFICATION OF CONDITION ON CONTRACTS.**—Paragraph (2) of subsection (f) of section 2305a of title 10, United States Code, is amended to read as follows:

"(2) Any military construction contract that provides for an accelerated design effort, as authorized by paragraph (1), shall include as a condition of the contract that the liability of the United States in a termination for convenience before funds are first made available for construction may not exceed an amount attributable to the final design of the project."

(b) **DURATION OF AUTHORITY; REPORT.**—Paragraph (4) of such subsection is amended by striking "2007" each place it appears and inserting "2008".

SEC. 2808. ACQUISITION OF ASSOCIATED UTILITIES, EQUIPMENT, AND FURNISHINGS IN RESERVE COMPONENT FACILITY EXCHANGE.

(a) **ACQUISITION AUTHORITY.**—Section 18240 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The acquisition of a facility or an addition to an existing facility under this section may include the acquisition of utilities, equipment, and furnishings for the facility."; and

(2) in subsection (c), by inserting "including any utilities, equipment, and furnishings, to be" after "existing facility".

(b) **CONFORMING AMENDMENT.**—Section 2809(c)(1) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is amended by inserting "including any utilities, equipment, and furnishings," after "existing facility".

SEC. 2809. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) **CONDITIONAL EXTENSION.**—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), is further amended—

(1) in subsection (a), by striking "fiscal year 2005" and inserting "fiscal years 2005 and 2006"; and

(2) in subsection (d)(2)—

(A) by striking "during fiscal year 2005" and inserting "during a fiscal year";

(B) by inserting "for that fiscal year" after "commence"; and

(C) by striking "for fiscal year 2004" and inserting "for the preceding fiscal year".

(b) **LIMITATION ON USE OF AUTHORITY.**—Subsection (c)(1) of such section 2808 is amended by striking "\$200,000,000" and inserting "\$100,000,000".

(c) **QUARTERLY REPORTS.**—Subsection (d) of such section 2808 is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) Not later than 30 days after the end of each fiscal-year quarter during which appropriated funds available for operation and maintenance are obligated or expended to carry out construction projects outside the United States, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of such appropriated funds for such construction projects."

(d) **EFFECT OF FAILURE TO SUBMIT QUARTERLY REPORTS OR PROJECT NOTIFICATIONS.**—Such section 2808 is further amended by adding at the end the following new subsection:

"(g) **EFFECT OF FAILURE TO SUBMIT QUARTERLY REPORTS OR PROJECT NOTIFICATIONS.**—If the report for a fiscal-year quarter under subsection (d) or the notice of the obligation of the funds for a construction project required by subsection (b) is not submitted to the congressional committees specified in subsection (f) by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the report or notice is finally submitted."

SEC. 2810. TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) **THRESHOLDS ON CONSTRUCTION AUTHORIZED.**—The Secretary of Defense shall establish a program to carry out minor military construction projects under section 2805 of title 10, United States Code, to construct child development centers.

(b) **INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.**—For the purpose of any military construction project carried out under the program authorized by this section, the amounts specified in section 2805 of title 10, United States Code, are modified as follows:

(1) The amount specified in the third sentence of subsection (a)(1) of such section is deemed to be \$8,000,000.

(2) The amount specified in the second sentence of subsection (a)(1) and in subsection (c)(1)(A) of such section is deemed to be \$7,000,000.

(3) The amount specified in subsections (b)(1) and (c)(1)(B) of such section is deemed to be \$5,000,000.

(c) **NOTIFICATION, REVIEW AND APPROVAL REQUIREMENTS.**—The notification requirements under section 2805 of title 10, United States Code, shall remain in effect for construction projects carried out under the program authorized by this section. The Secretary shall establish procedures for the review and approval of requests from the Secretaries of military departments to carry out construction projects under the program.

(d) **REPORT REQUIRED.**—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the program authorized by this section. The report shall include a list and description of the construction projects carried out under the program, including the location and cost of each project.

(e) **EXPIRATION OF AUTHORITY.**—The authority to obligate funds to carry out a minor military construction project under the program authorized by this section expires on September 30, 2007.

(f) **CONSTRUCTION OF AUTHORITY.**—Nothing in this section may be construed to limit any other authority provided by law for a military construction project at a child development center.

(g) **CHILD DEVELOPMENT CENTER DEFINED.**—In this section, the term "child development center" includes a facility, and the utilities to support such facility, the function of which is to support the daily care of children aged six weeks old through five years old for full-day, part-day, and hourly service.

SEC. 2811. GENERAL AND FLAG OFFICERS QUARTERS IN THE NATIONAL CAPITAL REGION.

(a) **SERVICE-BY-SERVICE REPORT ON NEED FOR QUARTERS IN NATIONAL CAPITAL REGION.**—Not later than March 15, 2006, the Secretary of each of the military departments shall submit to the congressional defense committees a report containing an analysis of the anticipated needs of the Armed Forces under the jurisdiction of that

Secretary for family housing units for general officers and flag officers in the National Capital Region. In conducting the analysis, the Secretary shall consider the necessity of providing housing for general officers and flag officers in secure locations in the National Capital Region, but shall not consider the number of existing Government-owned units in the National Capital Region.

(b) **USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**—The Secretary of a military department shall include in the report prepared by the Secretary under subsection (a) an assessment of the viability and economic impact of incorporating the inventory of general officer and flag officer quarters of that military department in the National Capitol Region into transactions carried out using the alternative authority for the acquisition and improvement of military housing provided by subchapter IV of chapter 169 of title 10, United States Code. The assessment shall include an economic analysis of the potential costs to include general officer and flag officer quarters into existing and planned housing privatization transactions.

(c) **DEFINITIONS.**—In this section:

(1) The terms “general officer” and “flag officer” have the meanings given such terms in section 101(b) of title 10, United States Code.

(2) The term “National Capital Region” has the meaning given such term in section 2674(f) of such title.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONSOLIDATION OF DEPARTMENT OF DEFENSE LAND ACQUISITION AUTHORITIES AND LIMITATIONS ON USE OF SUCH AUTHORITIES.

(a) **LAND ACQUISITION AUTHORITY.**—Chapter 159 of title 10, United States Code, is amended—

(1) in section 2663—

(A) by striking the section heading and inserting the following new section heading:

“§2663. Land acquisition authorities”;

(B) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(ii) in subparagraph (C), as so redesignated, by striking “clause (2)” and inserting “subparagraph (B)”;

(iii) by inserting “ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1)” before “The Secretary”;

(C) by redesignating subsection (b) as paragraph (2) and, in such paragraph, by striking “subsection (a)” and inserting “paragraph (1)”;

(D) by redesignating subsection (c) as subsection (b) and, in such subsection, by inserting “ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—” before “The Secretary”;

(E) by striking subsection (d);

(2) by transferring subsections (a), (b), and (d) of section 2672 to section 2663 and inserting such subsections in that order after subsection (b), as redesignated by paragraph (1)(D);

(3) in subsection (a), as transferred by paragraph (2), by striking “(a) ACQUISITION AUTHORITY” and inserting “(c) ACQUISITION OF LOW-COST INTERESTS IN LAND”;

(4) in subsection (b), as transferred by paragraph (2)—

(A) by striking “(b) ACQUISITION OF MULTIPLE PARCELS.—This section” and inserting “(3) This subsection”;

(B) by striking “subsection (a)(1)” and inserting “paragraph (1)”;

(C) by striking “subsection (a)(2)” and inserting “paragraph (2)”;

(5) in subsection (d), as transferred by paragraph (2)—

(A) by striking “(d) AVAILABILITY OF FUNDS.—Appropriations” and inserting “(4) Appropriations”;

(B) by striking “this section” and inserting “this subsection”;

(6) by transferring subsections (a), (c), and (b) of section 2672a to section 2663 and inserting

such subsections in that order after subsection (c), as redesignated and amended by paragraphs (3), (4), and (5);

(7) in subsection (a), as transferred by paragraph (6)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking “(a) The Secretary” and inserting “(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary”;

(8) in subsection (c), as transferred by paragraph (6)—

(A) by striking “(c)” and inserting “(2)”;

(B) by striking “this section” and inserting “this subsection”;

(9) in subsection (b), as transferred by paragraph (6)—

(A) by striking “(b)” and inserting “(3)”;

(B) by striking “this section” in the first sentence and inserting “this subsection”;

(C) by striking the second sentence;

(10) by transferring subsection (b) of section 2676 to section 2663 and inserting such subsection after subsection (d), as redesignated and amended by paragraphs (7), (8), and (9); and

(11) in subsection (b), as transferred by paragraph (10), by striking “(b) Authority” and inserting “(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority”.

(b) **LIMITATIONS ON ACQUISITION AUTHORITY.**—Section 2676 of such title, as amended by subsection (a)(10), is further amended—

(1) in subsection (a)—

(A) by inserting “AUTHORIZATION FOR ACQUISITION REQUIRED.—” before “No military department”;

(B) by striking “, as amended”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “COST LIMITATIONS.—” before “(1)”;

(B) in paragraph (2)—

(i) by striking “A land” and inserting “Until subsection (d) is complied with, a land”;

(ii) by striking “lessor,” and all that follows through the period at the end and inserting “lessor.”;

(3) in subsection (d), by inserting “CONGRESSIONAL NOTIFICATION.—” before “The limitations”;

(4) in subsection (e), by inserting “PAYMENT OF JUDGEMENTS AND SETTLEMENTS.—” before “The Secretary”.

(c) **TRANSFER AND REDESIGNATION OF REVISED LIMITATION SECTION.**—Section 2676 of such title, as amended by subsections (a)(10) and (b)—

(1) is inserted after section 2663 of such title, as amended by subsection (a); and

(2) is amended by striking the section heading and inserting the following new section heading:

“§2664. Limitations on real property acquisition”.

(d) **INCLUSION OF LIMITATION ON LAND ACQUISITION COMMISSIONS.**—Subsection (c) of section 2661 of such title is transferred to section 2664 of such title, as redesignated by subsection (c)(2), is inserted after subsection (a) of such redesignated section, and is redesignated as subsection (b).

(e) **APPLICATION OF REAL PROPERTY MANAGEMENT AUTHORITIES TO PENTAGON RESERVATION.**—Section 2661 of such title is amended by adding at the end the following new subsection:

“(d) **TREATMENT OF PENTAGON RESERVATION.**—In this chapter, the terms ‘Secretary concerned’ and ‘Secretary of a military department’ include the Secretary of Defense with respect to the Pentagon Reservation.”.

(f) **CONFORMING REPEALS.**—Sections 2672 and 2672a of such title are repealed.

(g) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2663, 2672, 2672a, and 2676; and

(2) by inserting after the item relating to section 2662 the following new items:

“2663. Land acquisition authorities.

“2664. Limitations on real property acquisition.”.

SEC. 2822. MODIFICATION OF AUTHORITIES ON AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) **EXPANSION OF AGREEMENTS AUTHORIZED.**—

(1) **IN GENERAL.**—Subsection (a) of section 2684a of title 10, United States Code, is amended—

(A) by inserting “or entities” after “entity”;

(B) by striking “in the vicinity of a military installation” and inserting “in the vicinity of, or ecologically related to, a military installation or military airspace”.

(2) **CONFORMING AMENDMENTS.**—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or entities” after “eligible entity”;

(ii) in subparagraph (A), by inserting “or entities” after “the entity”;

(B) in paragraph (3), by inserting “or entities” after “the entity”.

(b) **COST-SHARING OF ACQUISITION COSTS OF PROPERTY AND INTERESTS.**—Subsection (d) of such section is further amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “may provide” and inserting “shall provide”;

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) The sharing by the United States and the entity or entities of the acquisition costs in accordance with paragraph (3).”;

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

“(3)(A) The Secretary concerned shall determine the appropriate portion of the acquisition costs to be borne by the United States in the sharing of acquisition costs of real property, or an interest in real property, under paragraph (1)(B).

“(B) The portion of acquisition costs borne by the United States in the sharing of acquisition costs of real property, or an interest in real property, under paragraph (1)(B) may not exceed an amount equal to the fair market value of any property or interest to be transferred to the United States upon the request of the Secretary concerned under paragraph (4).

“(C) The contribution of an entity or entities to the acquisition costs of real property, or an interest in real property, under paragraph (1)(B) may include, with the approval of the Secretary concerned, the following or any combination of the following:

“(i) The provision of funds, including funds received by such entity or entities from a Federal agency outside the Department of Defense or a State or local government in connection with a Federal, State, or local program.

“(ii) The provision of in-kind services, including services related to the acquisition or maintenance of such real property or interest in real property.

“(iii) The exchange or donation of real property or any interest in real property.”.

(c) **REPORTING REQUIREMENT.**—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) **ANNUAL REPORTS.**—(1) Not later than March 1, 2007, and annually thereafter, the Secretary of Defense shall, in coordination with the Secretaries of the military departments and the Director of the Department of Defense Test Resource Management Center, submit to the Committees on Armed Services of the Senate and the

House of Representatives a report on the projects undertaken under agreements under this section.

(2) Each report under paragraph (1) shall include the following:

(A) A description of the status of the projects undertaken under agreements under this section.

(B) An assessment of the effectiveness of such projects, and other actions taken pursuant to this section, as part of a long-term strategy to ensure the sustainability of military test and training ranges, military installations, and associated airspace.

(C) An evaluation of the methodology and criteria used to select, and to establish priorities, for projects undertaken under agreements under this section.

(D) A description of any sharing of costs by the United States and eligible entities under subsection (d) during the preceding year, including a description of each agreement under this section providing for the sharing of such costs and a statement of the eligible entity or entities with which the United States is sharing such costs.

(E) Such recommendations as the Secretary of Defense considers appropriate for legislative or administrative action in order to improve the efficiency and effectiveness of actions taken pursuant to agreements under this section."

SEC. 2823. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY AND RELATED REPORTING REQUIREMENTS.

(a) NOTICE AND WAIT REQUIREMENT.—Subsection (a) of section 2688 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "CONVEYANCE AUTHORITY.—"; and

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

"(2) The Secretary concerned may not enter into a contract to convey a utility system, or part of a utility system, under this subsection until—

(A) the Secretary submits to the congressional defense committees an economic analysis, based upon accepted life-cycle costing procedures approved by the Secretary of Defense, that demonstrates that—

(i) the long-term economic benefit to the United States of the conveyance of the utility system, or part thereof, exceeds the long-term economic cost to the United States of the conveyance;

(ii) the conveyance of the utility system, or part thereof, will reduce the long-term cost to the United States of utility services provided by the utility system; and

(iii) the economic benefit analysis under clause (i) and the cost reduction analysis under clause (ii) incorporate margins of error in the estimates, based upon guidance approved by the Secretary of Defense that minimize any underestimation of the costs resulting from privatization of the utility system, or part thereof, or any overestimation of the costs resulting from continued Government ownership and management of the utility system, or part thereof; and

(B) the end of the 21-day period beginning on the date on which the economic analysis prepared under subparagraph (A) with respect to the conveyance of the utility system, or part thereof, is received by the congressional defense committees or, if over earlier, the end of the 14-day period beginning on the date on which a copy of the economic analysis is provided in an electronic medium pursuant to section 480 of this title."

(b) CONSIDERATION.—Subsection (c)(1) of such section is amended by striking "shall" and inserting "may".

(c) DURATION OF UTILITY SERVICES CONTRACTS IN CONNECTION WITH CONVEYANCES.—Such section is further amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by redesignating paragraph (3) of subsection (c) as subsection (d) and, in such subsection (as so redesignated)—

(A) by striking "A contract" and inserting "CONTRACTS FOR UTILITY SERVICES.—(1) Except as provided in paragraph (2), a contract";

(B) by striking "paragraph (1)" and inserting "subsection (c)";

(C) by striking "50 years." and inserting "10 years."; and

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

"(2) The Secretary of Defense, or the designee of the Secretary, may authorize a contract for utility services described in paragraph (1) to have a term in excess of 10 years, but not to exceed 50 years, if the Secretary determines that a contract for a longer term will be cost effective. The economic analysis submitted to the congressional defense committees under subsection (a)(2) for the conveyance of the utility system, or part thereof, with regard to which the utility services contract will be entered into by the Secretary concerned shall include the determination required by this paragraph, an explanation of the need for the longer term contract, and a comparison of costs between a 10-year contract and the longer-term contract."

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (f), as redesignated by subsection (c)(1), by striking the second sentence; and

(2) in subsection (h), as redesignated by subsection (c)(1), by striking "subsection (e)" and inserting "subsection (a)(2)".

(e) TEMPORARY LIMITATION ON USE OF CONVEYANCE AUTHORITY.—During each of fiscal years 2006 and 2007, the number of utility systems, or parts of utility systems, for which conveyance contracts may be entered into under section 2688 of title 10, United States Code, shall not exceed 25 percent of the total number of utility systems that, as of the date of the enactment of this Act, have been determined to be eligible for conveyance under such section, but have not yet been conveyed.

(f) REPORT ON USE OF CONVEYANCE AUTHORITY.—Not later than April 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report describing the use of section 2688 of title 10, United States Code, to convey utility systems, or parts of utility systems. The report shall contain the following:

(1) A discussion of the methodology by which a military department conducts the economic analyses of proposed utility system conveyances under section 2688 of title 10, United States Code, including the economic analyses referred to in subsection (a)(2) of such section, and any guidance issued by the Department of Defense related to conducting such economic analyses.

(2) A list of the steps taken to ensure the reliability of completed economic analyses, including post-conveyance reviews of actual costs and savings to the United States versus the costs and savings anticipated in the economic analyses.

(3) A review of the costs and savings to the United States resulting from each utility system conveyance carried out under such section.

(4) A discussion of the feasibility of obtaining consideration equal to the fair market value of a conveyed utility system, as authorized by subsection (c) of such section, and any guidance issued by the Department of Defense related to implementing that requirement, and the effect of that requirement and guidance on the costs and savings to the United States resulting from procuring by contract the utility services provided by the utility system.

(5) A discussion of the effects that permanent conveyance of ownership in a utility system may have on the ability of the Secretary of a military department to renegotiate contracts for utility services provided by the utility system or to procure such services from another source.

(6) A comparison of the value of contracts to permanently convey ownership in a utility system versus contracts that include reversion of the utility system to Government ownership at the end of a specified contractual period, with regards to contract terms, short- and long-term

costs to the Government, system condition at the end of a contract, liability and costs associated with termination before the end of a contract, and available courses of action to address problems and other issues raised during and after the contractual period.

(7) A discussion of the efforts and direction within the Department of Defense to oversee the implementation and use of the utility system conveyance authority under this section and to ensure the adequacy of utilities services for a military installation after conveyance of a utility system.

(8) A discussion of the effect of utility system conveyances on the operating budgets of military installations at which the conveyances were made.

(g) TEMPORARY SUSPENSION OF CONVEYANCE AUTHORITY.—If the report required by subsection (f) is not submitted to the congressional defense committees by the date specified in such subsection, the Secretary of a military department may not convey a utility system, including any part of a utility system, under subsection (a) of section 2688 of title 10, United States Code, or make a contribution under subsection (h) of such section toward the cost of construction, repair, or replacement of a utility system by another entity until the end of the 30-day period beginning on the date on which the report is finally submitted.

(h) COMPTROLLER GENERAL REVIEW.—Not later than August 1, 2006, the Comptroller General shall submit to the congressional defense committees a report evaluating the changes made by the Department of Defense since May 2005 to the utility systems conveyance program authorized by section 2688 of title 10, United States Code, and the effects of those changes and containing such recommendations for additional changes as the Comptroller General considers necessary.

SEC. 2824. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO LEASED FACILITIES.

(a) REPORT REQUIRED.—Not later than September 30, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the application of Department of Defense Anti-Terrorism/Force Protection standards to all facilities leased by the Department of Defense or leased by the General Services Administration as an agent for the Department of Defense as of September 30, 2005.

(b) INFORMATION ON LEASED FACILITIES.—For the facilities identified in the report submitted under subsection (a), the Secretary of Defense shall include the following:

(1) A description of the function of each leased facility, including the location, size, terms of lease, and number of personnel housed within the facility.

(2) A description of the threat assessment and the joint security integrated vulnerability assessment for each leased facility.

(3) A description and cost estimate of any actions necessary to mitigate risk to an acceptable level in each leased facility.

(4) A description and cost estimate of the actions to be taken by the Secretary for each leased facility to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards.

(5) The total estimated cost of, and a proposed funding plan for, implementation of the force protection and anti-terrorism measures required to ensure the compliance of all leased facilities with Defense Anti-Terrorism/Force Protection standards.

(c) INFORMATION ON SUPPORT PRIORITIES.—The report submitted under subsection (a) shall also include a separate description of the procedures used by the Secretary of Defense to prioritize funding for the application of force protection and antiterrorism standards to leased facilities, including a description of any such procedures applicable to the entire Department of Defense.

(d) APPLICABILITY.—The reporting requirements under this section apply to any space or

facility that houses 11 or more personnel in service to, or employed by, the Department of Defense.

SEC. 2825. REPORT ON USE OF GROUND SOURCE HEAT PUMPS AT DEPARTMENT OF DEFENSE FACILITIES.

(a) **REPORT REQUIRED.**—Not later than July 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

Subtitle C—Base Closure and Realignment

SEC. 2831. ADDITIONAL REPORTING REQUIREMENTS REGARDING BASE CLOSURE PROCESS AND USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS.

(a) **INFORMATION ON FUTURE RECEIPTS AND EXPENDITURES.**—

(1) **1990 ACCOUNT.**—Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (A)—

(i) by striking “committees of the amount” and inserting “committees of—
“(i) the amount”;

(ii) by striking “such fiscal year and of the amount” and inserting “such fiscal year;
“(ii) the amount”;

(iii) by striking “such fiscal year.” and inserting “such fiscal year;
“(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.”; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting “and installation” after “subaccount”; and

(ii) by adding at the end the following new clause:
“(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is before January 1, 2005.”.

(2) **2005 ACCOUNT.**—Section 2906A(c)(1) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking “committees of the amount” and inserting “committees of—
“(i) the amount”;

(ii) by striking “such fiscal year and of the amount” and inserting “such fiscal year;
“(ii) the amount”;

(iii) by striking “such fiscal year.” and inserting “such fiscal year;
“(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.”; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting “and installation” after “subaccount”; and

(ii) by adding at the end the following new clause:

“(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is after January 1, 2005.”.

(b) **INFORMATION ON BRAC PROCESS.**—Section 2907 of such Act is amended—

(1) by striking “fiscal year 1993” and inserting “fiscal year 2007”;

(2) by striking “and” at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

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

“(3) a description of the closure or realignment actions already carried out at each military installation since the date of the installation’s approval for closure or realignment under this part and the current status of the closure or realignment of the installation, including whether—
“(A) a redevelopment authority has been recognized by the Secretary for the installation;
“(B) the screening of property at the installation for other Federal use has been completed; and
“(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

“(4) a description of redevelopment plans for military installations approved for closure or realignment under this part, the quantity of property remaining to be disposed of at each installation as part of its closure or realignment, and the quantity of property already disposed of at each installation;

“(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure or realignment under this part, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

“(6) a list of known environmental remediation issues at each military installation approved for closure or realignment under this part, including the acreage affected by these issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

“(7) an estimate of the date for the completion of all closure or realignment actions at each military installation approved for closure or realignment under this part.”.

SEC. 2832. EXPANDED AVAILABILITY OF ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY MISSION REALIGNMENTS IN BASE CLOSURE PROCESS.

(a) **ELIGIBILITY REQUIREMENTS.**—Subsection (b)(3) of section 2391 of title 10, United States Code, is amended—

(1) by striking “significantly reduced operations of a defense facility” and inserting “realignment of a military installation”;

(2) by striking “cancellation,” and inserting “closure or realignment, cancellation or”;

(3) by striking “community” and all that follows through the period at the end and inserting “community or its residents.”.

(b) **MILITARY INSTALLATION AND REALIGNMENT DEFINED.**—Paragraph (1) of subsection (d) of such section is amended to read as follows:

“(1) The terms ‘military installation’ and ‘realignment’ have the meanings given those terms in section 2687(e) of this title.”.

SEC. 2833. TREATMENT OF INDIAN TRIBAL GOVERNMENTS AS PUBLIC ENTITIES FOR PURPOSES OF DISPOSAL OF REAL PROPERTY RECOMMENDED FOR CLOSURE IN JULY 1993 BRAC COMMISSION REPORT.

Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1440), is amended by striking “the report to the President from the Defense Base Closure and Realignment Commission, July 1991” and inserting “the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993”.

SEC. 2834. TERMINATION OF PROJECT AUTHORIZATIONS FOR MILITARY INSTALLATIONS APPROVED FOR CLOSURE IN 2005 ROUND OF BASE REALIGNMENTS AND CLOSURES.

(a) **PROJECT TERMINATION.**—An authorization for a military construction project, land acquisition, or family housing project contained in title XXI, XXII, XXIII, or XXIV of this Act or in an Act authorizing funds for a prior fiscal year for military construction projects, land acquisition, and family housing projects (and authorizations of appropriations therefor) shall terminate and no longer constitute authority under section 2676, 2802, 2821, or 2822 of title 10, United States Code, to carry out the military construction project, land acquisition, or family housing project if the project is located at a military installation that is approved for closure or adverse realignment or established as an enclave in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to an authorization for a military construction project, land acquisition, or family housing project (and authorizations of appropriations therefor) if the Secretary of Defense determines that—

(1) the cost to the United States to carry out the project would be less than the cost to the United States of canceling the project;

(2) the project remains necessary to support functions at a military installation either before, during, or after the closure or realignment of the installation or the establishment of the installation as an enclave;

(3) in the case of an installation established as an enclave to which future missions may be designated, the project is necessary to support enclave functions or future missions after their designation; or

(4) the project is vital to the national security or to the protection of health, safety, or the quality of the environment.

(c) **NOTICE AND WAIT REQUIREMENT.**—When a decision is made to carry out a military construction project, land acquisition, or family housing project under subsection (b), the Secretary of Defense shall submit to the congressional defense committees a report explaining the decision, including the justification for the project and the current estimate of the cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the report is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code. In the case of a project described in subsection (b)(4), advance notification is not required, but the Secretary shall notify such committees within seven days after first obligating funds for the project.

SEC. 2835. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON ISSUES RELATED TO INCREASE IN NUMBER OF MILITARY PERSONNEL AT MILITARY INSTALLATIONS.

If the base closure and realignment decisions of the 2005 round of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or the Integrated Global Presence and Basing Strategy

would result in an increase in the number of members of the Armed Forces assigned to a military installation, the Secretary of Defense, during the development of the plans to implement the decisions or strategy with respect to that installation, shall consult with appropriate State and local entities to ensure that matters affecting the local community, including requirements for transportation, utility infrastructure, housing, education, and family support activities, are considered.

SEC. 2836. SENSE OF CONGRESS REGARDING INFRASTRUCTURE AND INSTALLATION REQUIREMENTS FOR TRANSFER OF UNITS AND PERSONNEL FROM CLOSED AND REALIGNED MILITARY INSTALLATIONS TO RECEIVING LOCATIONS.

(a) FINDINGS.—Congress finds the following:

(1) The decisions of the 2005 round of base closures and realignments and the Integrated Global Presence and Basing Strategy will result in the permanent change of station and relocation of hundreds of thousands of members of the Armed Forces and their families over the next six years.

(2) Critical quality-of-life concerns for military families related to the infrastructure and installation requirements to support the restructuring of the Armed Forces include adequate housing and continued access to quality education facilities and child care, health care, and other services.

(3) By ensuring that facilities and infrastructure are maintained at closing installations pending the actual change of station and relocation of members of the Armed Forces and their families and that adequate permanent facilities and infrastructure await them at the receiving installations, disruptions to unit operational effectiveness will be minimized and the quality of life of military families will be protected.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek to ensure that the permanent facilities and infrastructure necessary to support the mission of the Armed Forces and the quality-of-life needs of members of the Armed Forces and their families are ready for use at receiving locations before units are transferred to such locations as a result of the 2005 round of base closures and realignments and the Integrated Global Presence and Basing Strategy.

SEC. 2837. DEFENSE ACCESS ROAD PROGRAM AND MILITARY INSTALLATIONS AFFECTED BY DEFENSE BASE CLOSURE PROCESS OR INTEGRATED GLOBAL PRESENCE AND BASING STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that roads leading onto a military installation that is significantly impacted by an increase in the number of members of the Armed Forces assigned to the installation as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or the Integrated Global Presence and Basing Strategy should be considered for designation as defense access roads for purposes of section 210 of title 23, United States Code.

(b) STUDY OF SURFACE TRANSPORTATION INFRASTRUCTURE OF AFFECTED INSTALLATIONS.—The Secretary of Defense shall conduct a study—

(1) to identify each military installation, if any, that will be significantly impacted by an increase in the number of members of the Armed Forces assigned to the installation as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 or the Integrated Global Presence and Basing Strategy; and

(2) to determine whether the existing surface transportation infrastructure at each installation identified under paragraph (1) is adequate to support the increased vehicular traffic associated with the increase in the number of defense personnel described in that paragraph.

(c) REPORT.—Not later than April 15, 2007, the Secretary shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (b).

SEC. 2838. SENSE OF CONGRESS ON REVERSIONARY INTERESTS INVOLVING REAL PROPERTY AT NAVY HOMEPORTS.

It is the sense of Congress that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closures and realignments, the Secretary of the Navy should, when consistent with Federal policy supporting cost-free conveyances of Federal surplus property suitable for use to provide a public benefit, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to the property.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans' Services of the State of Arizona (in this section referred to as the "Department") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 80 acres at Camp Navajo, Arizona, for the purpose of permitting the Department to establish a State-run cemetery for veterans.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, MIDDLETOWN, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middle-

town, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.0 acres located at the Iowa Army Ammunition Plant, Middletown, Iowa, for the purpose of economic development.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) AUTHORITY TO REQUIRE PAYMENT.—The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, HELENA, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Helena Indian Alliance all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.0 acres located at Sheridan Hall United States Army Reserve Center, 501 Euclid Avenue, Helena, Montana, for the purposes of supporting Native American health care, mental health counseling, and the operation of an education training center.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Helena Indian Alliance to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Helena Indian Alliance in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the

Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Alliance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LEASE AUTHORITY, ARMY HERITAGE AND EDUCATION CENTER, CARLISLE, PENNSYLVANIA.

Section 2866 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1333) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **LEASE OF FACILITY.**—(1) Under such terms and conditions as the Secretary considers appropriate, the Secretary may lease portions of the facility to the Military Heritage Foundation to be used by the Foundation, consistent with the agreement referred to in subsection (a), for—
“(A) generating revenue for activities of the facility through rental use by the public, commercial and nonprofit entities, State and local governments, and other Federal agencies; and
“(B) such administrative purposes as may be necessary for the support of the facility.

“(2) The annual amount of consideration paid to the Secretary by the Military Heritage Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the facility.

“(3) Amounts paid under paragraph (2) may be used by the Secretary, in such amounts as provided in advance in appropriation Acts, to cover the costs of operation of the facility.”.

SEC. 2845. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to Central Texas College (in this section referred to as the “College”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 40 acres at Fort Hood, Texas.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the College shall convey to the Secretary all right, title, and interest of the College in and to one or more parcels of real property acceptable to the Secretary and consisting of a total of approximately 158 acres. The fair market value of the real property received by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by the Secretary.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the exchange. If amounts are collected from the College in advance of the Secretary incurring the actual costs, and the amount col-

lected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the College.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. MODIFICATION OF LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) **CONSIDERATION.**—Subsection (b)(4) of section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1314) is amended by striking “, jointly determined” and all that follows through “Ground” and inserting “equal to \$3,880,000”.

(b) **REPLACEMENT OF FIRE STATION.**—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking “Building 5089” and inserting “Building 191”; and

(B) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”;

(2) in paragraph (2), by striking “Building 5089” and inserting “Building 191”; and

(3) by striking paragraph (3).

SEC. 2847. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Commonwealth of Virginia (in this section referred to as the “Commonwealth”) all right, title, and interest of the United States in and to up to three parcels of real property at Fort Belvoir, Virginia, consisting of approximately 2.5 acres and located on the alignment of State Route 618 (also known as the Woodlawn Road) and both the east and west sides of the intersection of State Route 618 and U.S. Highway No. 1 (in this section referred to as the “Woodlawn Road parcels”), for the purpose of allowing the Commonwealth, the National Trust for Historic Preservation (in this section referred to as the “Trust”), and Fairfax County, Virginia, to enter into an agreement regarding the conveyance from the Trust of a parcel of real property located on the west side of Old Mill Road, consisting of approximately two acres and extending between the intersection of Old Mill Road and Pole Road and the intersection of Mount Vernon Highway and U.S. Highway No. 1.

(b) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the conveyance of the Woodlawn Road parcels under subsection (a), the Secretary shall receive, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by an appraisal of the property acceptable to the Secretary.

(2) **DISPOSITION OF FUNDS.**—Cash consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(i) of such subsection.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **AUTHORITY TO REQUIRE PAYMENT.**—The Secretary may require the Commonwealth to

cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance of the Woodlawn Road parcels under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the Woodlawn Road parcels shall be determined by surveys satisfactory to the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2848. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Snohomish County Fire Protection District #10 (in this section referred to as the “Fire District”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately one acre at the Army Reserve Center in Bothell, Washington, and currently occupied, in part, by the Queensborough Firehouse, for the purpose of supporting the provision of fire and emergency medical aid services.

(b) **IN-KIND CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Fire District shall provide in-kind consideration acceptable to the Secretary.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Fire District.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART 2—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres along the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property as a public passive park/recreational area known as the Stowe Trail.

(b) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration, or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) **IN-KIND CONSIDERATION.**—The in-kind consideration provided by the County under paragraph (1) shall include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of Marine Corps Air Station, Miramar, that the Secretary considers acceptable as consideration under that paragraph.

(3) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) **NOTICE TO CONGRESS.**—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **RELEASE OF REVERSIONARY INTEREST.**—The Secretary shall release, without consideration, the reversionary interest retained by the United States under subsection (c) if—

(1) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities; or

(2) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary under paragraph (1). If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LEASE OR LICENSE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) **LEASES AND LICENSES AUTHORIZED.**—The Secretary of the Navy may lease or license to the Naval Historical Foundation any portion of the facilities located at the Washington Naval Yard, District of Columbia, that house the United States Navy Museum for the purpose of permitting the Foundation to carry out the following activities:

(1) Generation of revenue for the United States Navy Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(2) Performance of administrative activities in support of the United States Navy Museum.

(b) **LIMITATION.**—Activities carried out at a facility subject to a lease or license under subsection (a) must be consistent with the operations of the United States Navy Museum.

(c) **CONSIDERATION.**—The amount of consideration paid in a year by the Naval Historical Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(d) **DEPOSIT AND USE OF PROCEEDS.**—Consideration paid under subsection (c) shall be deposited into the appropriations account available for the operation and maintenance of the United States Navy Museum. The Secretary may use the amounts so deposited to cover costs associated with the operation and maintenance of the Museum and its exhibits.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a lease or license under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART 3—AIR FORCE CONVEYANCES

SEC. 2861. PURCHASE OF BUILT-TO-LEASE FAMILY HOUSING, EIELSON AIR FORCE BASE, ALASKA.

(a) **CONDITIONAL AUTHORITY TO PURCHASE.**—After the expiration of the contract for the lease of the military family housing project at Eielson Air Force Base, Alaska, that was constructed under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization

Act, 1984 (Public Law 98–115; 97 Stat. 782), the Secretary of the Air Force may purchase the entire interest of the lessor in the project if the Secretary determines that the purchase of the project is in the best economic interests of the Air Force.

(b) **CONSIDERATION.**—The consideration paid by the Secretary to purchase the interest of the lessor under subsection (a) may not exceed the fair market value of the military family housing project, as determined by the Secretary.

(c) **CONGRESSIONAL NOTIFICATION.**—If a decision is made to purchase the interest of the lessor in the military family housing project under subsection (a), the Secretary shall submit a report to the congressional defense committees containing—

(1) notice of the decision;

(2) the economic analyses used by the Secretary to determine that purchase of the project is in the best economic interests of the Air Force, as required by subsection (a); and

(3) a schedule for, and an estimate of the costs and nature of, any renovations or repairs that will be necessary to ensure that all units in the project meet current adequate housing standards.

(d) **PURCHASE DELAY.**—A contract to effectuate the purchase of the military family housing project under subsection (a) may be entered into by the Secretary only after—

(1) the contract for the lease of the project expires; and

(2) the report required by subsection (c) is submitted and a 30-day period beginning on the date the report is received by the congressional defense committees expires or, if earlier, a 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code, expires.

SEC. 2862. LAND CONVEYANCE, AIR FORCE PROPERTY, JACKSONVILLE, ARKANSAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to the City of Jacksonville, Arkansas (in this section referred to as the “City”), all right, title, and interest of the United States in and to real property consisting of approximately 45.024 acres around an existing short line railroad in Pulaski County, Arkansas, for the purpose of permitting the City to facilitate railroad access to an industrial park to further community economic development.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as established by the assessment of the property conducted under contract for the Corps of Engineers and dated September 15, 2003.

(c) **CONDITIONS OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the lease agreement dated October 29, 1982, as amended, between the Secretary and the Missouri Pacific Railroad Company (and its successors and assigns) and any other easement, lease, condition, or restriction of record, including streets, roads, highways, railroads, pipelines, and public utilities, insofar as the easement, lease, condition, or restriction is in existence on the date of the enactment of this Act and lawfully affects the conveyed property.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, AIR FORCE PROPERTY, LA JUNTA, COLORADO.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 8 acres located at the USA Bomb Plot in the La Junta Industrial Park for the purpose of training local law enforcement officers.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the City to cover costs to be incurred by the Secretary after the date of enactment of the Act, or to reimburse the Secretary for costs incurred by the Secretary after that date, to carry out the conveyance under subsection (a), including any survey costs, costs related to environmental assessments, studies, analyses, or other documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. LEASE, NATIONAL IMAGERY AND MAPPING AGENCY SITE, ST. LOUIS, MISSOURI.

(a) **LEASE REQUIRED.**—Not later than February 28, 2006, the Secretary of the Air Force shall lease to the St. Louis County Port Authority of St. Louis County, Missouri (in this section referred to as the “Port District”), a parcel of real property, including improvements thereon, consisting of approximately 39 acres and known as the National Imagery and Mapping Agency site at 8900 South Broadway, St. Louis, Missouri, for the purpose of permitting the Port District to use the parcel for economic development purposes. The Secretary shall carry out this section in consultation with the Administrator of the General Services Administration.

(b) **RENTAL PRICE.**—The real property to be leased under subsection (a) shall be leased at a

rate equal to not less than the fair market value of the property.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be leased under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Port District.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. CLARIFICATION OF MORATORIUM ON CERTAIN IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

(a) **CLARIFICATION OF AND EXCEPTIONS TO MORATORIUM.**—Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is amended—

(1) in subsection (a), by striking “conversion, rehabilitation, extension, or improvement” and inserting “or extension”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting “, repair, replace, or convert” after “maintain”; and

(B) in paragraph (2), by striking “authorized before the date of the enactment of this Act”; and

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

“(3) The construction of facilities supporting Department of Defense education activities.

“(4) Any construction or extension required to support the installation of communications equipment.”.

(b) **RULE OF CONSTRUCTION.**—The amendments made by subsection (a) do not trigger the termination of the moratorium on certain improvements at Fort Buchanan, Puerto Rico, as provided by subsection (c) of such section.

SEC. 2872. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE.

(a) **FINDINGS.**—Congress finds the following:

(1) Public Law 91–660 of the 91st Congress established the Gulf Islands National Seashore in the States of Florida and Mississippi.

(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

(3) Senate Report 91–1514 of the 91th Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: “While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.”.

(4) Although section 2(a) of Public Law 91–660 (16 U.S.C. 459h–1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior, an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled.

(b) **TRANSFER REQUIRED.**—Section 7 of Public Law 91–660 (16 U.S.C. 459h–6) is amended—

(1) by inserting “(a)” before “There are”; and

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

“(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess

to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act.”.

SEC. 2873. AUTHORIZED MILITARY USES OF PAPAGO PARK MILITARY RESERVATION, PHOENIX, ARIZONA.

The Act of April 7, 1930 (Chapter 107; 46 Stat. 142), is amended in the first designated paragraph, relating to the Papago Park Military Reservation, by striking “as a rifle range”.

SEC. 2874. ASSESSMENT OF WATER NEEDS FOR PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY.

Not later than April 7, 2006, the Secretary of Defense shall submit to Congress an interim assessment of the current and reasonable future needs of the Department of the Defense for water for the Presidio of Monterey and the Ord Military Community.

SEC. 2875. REDESIGNATION OF MCENTIRE AIR NATIONAL GUARD STATION, SOUTH CAROLINA, AS MCENTIRE JOINT NATIONAL GUARD BASE.

McEntire Air National Guard Station in Eastover, South Carolina, shall be known and designated as “McEntire Joint National Guard Base” in recognition of the use of the installation to house both Air National Guard and Army National Guard assets. Any reference to McEntire Air National Guard Station in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to McEntire Joint National Guard Base.

SEC. 2876. SENSE OF CONGRESS REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.

It is the sense of Congress that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including, to the extent appropriate—

(A) economic development assistance;

(B) impact aid program assistance;

(C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;

(D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;

(E) direct relocation assistance; and

(F) fair compensation to landowners for property purchased by the Navy.

SEC. 2877. SENSE OF CONGRESS ON ESTABLISHMENT OF BAKERS CREEK MEMORIAL.

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

(1) In 1943 and 1944, the United States Armed Forces operated a rest and relaxation facility in Mackay, Queensland, Australia, for troops serving in the Pacific Theater during World War II.

(2) On June 14, 1943, a Boeing B–17C was transporting 6 crew members and 35 servicemen from Mackay to Port Moresby, New Guinea, to return the servicemen to duty after 10 days of rest and relaxation leave at an Army/Red Cross facility.

(3) The aircraft crashed shortly after take-off at Bakers Creek, Australia, killing all 6 crew members and 34 of the 35 servicemen being transported in what was at that point the worst crash in American air transport history, and what remains the worst air disaster in Australian history.

(4) Due to wartime censorship rules related to the movement of troops, the tragic crash and

loss of life were not reported to the Australian or United States public.

(5) Many family members of those killed did not learn the circumstances of the troops deaths until they were contacted by the Bakers Creek Memorial Foundation beginning in 1992.

(6) As of May 2005, the Bakers Creek Memorial Foundation had contacted 36 of the 40 families that lost loved ones in the tragic crash, and was continuing efforts to locate the remaining four families to inform them of the true events of the crash at Bakers Creek.

(7) The Australian people marked the tragic crash at Bakers Creek with a memorial established in 1992, but no similar memorial has been established in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army may establish an appropriate marker, at a site to be chosen at the discretion of the Secretary, to commemorate the 40 members of the United States Armed Forces who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Other Matters

Sec. 3111. Reliable Replacement Warhead program.

Sec. 3112. Rocky Flats Environmental Technology Site.

Sec. 3113. Report on compliance with Design Basis Threat issued by Department of Energy in 2005.

Sec. 3114. Reports associated with Waste Treatment and Immobilization Plant Project, Hanford Site, Richland, Washington.

Sec. 3115. Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.

Sec. 3116. Report on international border security programs.

Sec. 3117. Savannah River National Laboratory.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$9,196,456 to be allocated as follows:

(1) For weapons activities, \$6,433,936,000.

(2) For defense nuclear nonproliferation activities, \$1,631,151,000.

(3) For naval reactors, \$789,500,000.

(4) For the Office of the Administrator for Nuclear Security, \$341,869,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 06–D–140, Readiness in Technical Base and Facilities Program, project engineering and design, various locations, \$14,113,000.

Project 06–D–402, replacement of Fire Stations Number 1 and Number 2, Nevada Test Site, Nevada, \$8,284,000.

Project 06–D–403, tritium facility modernization, Lawrence Livermore National Laboratory, Livermore, California, \$2,600,000.

Project 06–D–404, remediation, restoration, and upgrade of Building B–3, Nevada Test Site, Nevada, \$16,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 06–D–160, Facilities and Infrastructure Recapitalization Program, project engineering and design, various locations, \$5,811,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, \$4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo, Texas, \$3,700,000.

Project 06–D–603, Steam Plant Life Extension Project, Y–12 National Security Complex, Oak Ridge, Tennessee, \$729,000.

(3) For defense nuclear nonproliferation, the following new plant project:

Project 06–D–180, Defense Nuclear Nonproliferation, project engineering and design, National Security Laboratory, Pacific Northwest National Laboratory, Richland, Washington, \$13,000,000.

(4) For naval reactors, the following plant projects:

Project 06–D–901, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$7,000,000.

Project 05–D–900, Materials Development Facility Building, Schenectady, New York, \$9,900,000, of which \$1,000,000 shall be available for project engineering and design.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$6,192,371,000.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 06–D–401, sodium bearing waste treatment project, Idaho National Laboratory, Idaho Falls, Idaho, \$54,270,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of \$641,998,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$350,000,000.

Subtitle B—Other Matters

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) PROGRAM REQUIRED.—The Atomic Energy Defense Act (division D of Public Law 107–314) is amended by inserting after section 4204 (50 U.S.C. 2524) the following new section:

“SEC. 4204a. RELIABLE REPLACEMENT WARHEAD PROGRAM.

“(a) PROGRAM REQUIRED.—The Secretary of Energy shall carry out a program, to be known as the Reliable Replacement Warhead program, which will have the following objectives:

“(1) To increase the reliability, safety, and security of the United States nuclear weapons stockpile.

“(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

“(3) To remain consistent with basic design parameters by including, to the maximum extent feasible and consistent with the objective specified in paragraph (2), components that are well understood or are certifiable without the need to resume underground nuclear weapons testing.

“(4) To ensure that the nuclear weapons infrastructure can respond to unforeseen problems, to include the ability to produce replacement warheads that are safer to manufacture, more cost-effective to produce, and less costly to maintain than existing warheads.

“(5) To achieve reductions in the future size of the nuclear weapons stockpile based on increased reliability of the reliable replacement warheads.

“(6) To use the design, certification, and production expertise resident in the nuclear complex to develop reliable replacement components to fulfill current mission requirements of the existing stockpile.

“(7) To serve as a complement to, and potentially a more cost-effective and reliable long-term replacement for, the current Stockpile Life Extension Programs.

“(b) CONSULTATION.—The Secretary of Energy shall carry out the Reliable Replacement Warhead program in consultation with the Secretary of Defense.”.

(b) REPORT.—Not later than March 1, 2007, the Secretary of Energy and the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and implementation of the Reliable Replacement Warhead program required by section 4204a of the Atomic Energy Defense Act, as added by subsection (a). The report shall—

(1) identify existing warheads recommended for replacement by 2035 with an assessment of the weapon performance and safety characteristics of the replacement warheads;

(2) discuss the relationship of the Reliable Replacement Warhead program within the Stockpile Stewardship Program and its impact on the current Stockpile Life Extension Programs;

(3) provide an assessment of the extent to which a successful Reliable Replacement Warhead program could lead to reductions in the nuclear weapons stockpile;

(4) discuss the criteria by which replacement warheads under the Reliable Replacement Warhead program will be designed to maximize the likelihood of not requiring nuclear testing, as well as the circumstances that could lead to a resumption of testing;

(5) provide a description of the infrastructure, including pit production capabilities, required to support the Reliable Replacement Warhead program;

(6) provide a detailed summary of how the funds made available pursuant to the authorizations of appropriations in this Act, and any funds made available in prior years, will be used; and

(7) provide an estimate of the comparative costs of a reliable replacement warhead and the stockpile life extension for the warheads identified in paragraph (1).

(c) INTERIM REPORT.—Not later than March 1, 2006, the Secretary of Energy and the Secretary of Defense shall submit to the congressional defense committees an interim report on the matters required to be covered by the report under subsection (b).

(d) CONSULTATION.—The Secretary of Energy and the Secretary of Defense shall prepare the reports required by subsections (b) and (c) in consultation with the Nuclear Weapons Council.

SEC. 3112. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term “essential mineral right” means a right to mine sand and gravel at Rocky Flats, as depicted on the map.

(2) FAIR MARKET VALUE.—The term “fair market value” means the value of an essential mineral right, as determined by an appraisal performed by an independent, certified mineral appraiser under the Uniform Standards of Professional Appraisal Practice.

(3) MAP.—The term “map” means the map entitled “Rocky Flats National Wildlife Refuge”, dated July 25, 2005, and available for inspection

in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(4) **NATURAL RESOURCE DAMAGE LIABILITY CLAIM.**—The term “natural resource damage liability claim” means a natural resource damage liability claim under subsections (a)(4)(C) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) arising from hazardous substances released at or from Rocky Flats that, as of the date of enactment of this Act, are included in the administrative record for Rocky Flats required by the National Oil and Hazardous Substances Pollution Contingency Plan prepared under section 105 of that Act (42 U.S.C. 9605).

(5) **ROCKY FLATS.**—The term “Rocky Flats” means the Department of Energy facility in the State of Colorado known as the “Rocky Flats Environmental Technology Site”.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(7) **TRUSTEES.**—The term “Trustees” means the Federal and State officials designated as trustees under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(b) **PURCHASE OF ESSENTIAL MINERAL RIGHTS.**—

(1) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, such amounts authorized to be appropriated under subsection (c) shall be available to the Secretary to purchase essential mineral rights at Rocky Flats.

(2) **CONDITIONS.**—The Secretary shall not purchase an essential mineral right under paragraph (1) unless—

(A) the owner of the essential mineral right is a willing seller; and

(B) the Secretary purchases the essential mineral right for an amount that does not exceed fair market value.

(3) **LIMITATION.**—Only those funds authorized to be appropriated under subsection (c) shall be available for the Secretary to purchase essential mineral rights under paragraph (1).

(4) **RELEASE FROM LIABILITY.**—A natural resource damage liability claim under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) shall be considered to be satisfied by—

(A) the purchase by the Secretary of essential mineral rights under paragraph (1) for consideration in an amount equal to \$10,000,000;

(B) the payment by the Secretary to the Trustees of \$10,000,000; or

(C) the purchase by the Secretary of any portion of the mineral rights under paragraph (1) for—

(i) consideration in an amount less than \$10,000,000; and

(ii) a payment by the Secretary to the Trustees of an amount equal to the difference between—

(I) \$10,000,000; and

(II) the amount paid under clause (i).

(5) **USE OF FUNDS.**—

(A) **IN GENERAL.**—Any amounts received under paragraph (4) shall be used by the Trustees for the purposes described in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), including—

(i) the purchase of additional mineral rights at Rocky Flats; and

(ii) the development of habitat restoration projects at Rocky Flats.

(B) **CONDITION.**—Any expenditure of funds under this paragraph shall be made jointly by the Trustees.

(C) **ADDITIONAL FUNDS.**—The Trustees may use the funds received under paragraph (4) in conjunction with other private and public funds.

(6) **EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.**—Any purchases of mineral rights under this subsection shall be exempt

from the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) **ROCKY FLATS NATIONAL WILDLIFE REFUGE.**—

(A) **TRANSFER OF MANAGEMENT RESPONSIBILITIES.**—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107-107) is amended—

(i) in section 3175—

(I) by striking subsections (b) and (f); and

(II) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(ii) in section 3176(a)(1), by striking “section 3175(d)” and inserting “section 3175(c)”.

(B) **BOUNDARIES.**—Section 3177 of such Act is amended by striking subsection (c) and inserting the following new subsection:

“(c) **COMPOSITION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the refuge shall consist of land within the boundaries of Rocky Flats, as depicted on the map—

“(A) entitled ‘Rocky Flats National Wildlife Refuge’;

“(B) dated July 25, 2005; and

“(C) available for inspection in the appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

“(2) **EXCLUSIONS.**—The refuge does not include—

“(A) any land retained by the Department of Energy for response actions under section 3175(c);

“(B) any land depicted on the map described in paragraph (1) that is subject to one or more essential mineral rights described in section 3112(a) of the National Defense Authorization Act for Fiscal Year 2006 over which the Secretary shall retain jurisdiction of the surface estate until the essential mineral rights—

“(i) are purchased under subsection (b) of such section; or

“(ii) are mined and reclaimed by the mineral rights holders in accordance with requirements established by the State of Colorado; and

“(C) the land depicted on the map described in paragraph (1) on which essential mineral rights are being actively mined as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 until—

“(i) the essential mineral rights are purchased; or

“(ii) the surface estate is reclaimed by the mineral rights holder in accordance with requirements established by the State of Colorado.

“(3) **ACQUISITION OF ADDITIONAL LAND.**—Notwithstanding paragraph (2), upon the purchase of the mineral rights or reclamation of the land depicted on the map described in paragraph (1), the Secretary shall—

“(A) transfer the land to the Secretary of the Interior for inclusion in the refuge; and

“(B) the Secretary of the Interior shall—

“(i) accept the transfer of the land; and

“(ii) manage the land as part of the refuge.”.

(c) **FUNDING.**—Of the amounts authorized to be appropriated to the Secretary for the Rocky Flats Environmental Technology Site for fiscal year 2006, \$10,000,000 may be made available to the Secretary for the purposes described in subsection (b).

SEC. 3113. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY DEPARTMENT OF ENERGY IN 2005.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report detailing plans for achieving compliance under the Design Basis Threat issued by the Department of Energy in November 2005 (in this section referred to as the “2005 Design Basis Threat”).

(b) **CONTENT.**—The report required under subsection (a) shall include the following:

(1) A plan with associated annual funding requirements to achieve compliance under the 2005 Design Basis Threat by December 31, 2008, and sustain such compliance through the Future

Years Nuclear Security Plan, of all Department of Energy and National Nuclear Security Administration sites that contain nuclear weapons or special nuclear material.

(2) A risk and cost analysis of the increase in security requirements from the Design Basis Threat issued by the Department of Energy in May 2003 to the 2005 Design Basis Threat.

(3) An evaluation of options for applying security technologies and innovative protective force deployment to increase the efficiency and effectiveness of efforts to protect against the threats postulated in the 2005 Design Basis Threat.

(c) **FORM.**—The report required under subsection (a) shall be submitted in classified form with an unclassified summary.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the plan required by subsection (b)(1). In conducting the review, the Comptroller General shall employ probabilistic risk assessment methodology to assess the merits of incremental risk mitigation steps proposed by the Department of Energy.

SEC. 3114. REPORTS ASSOCIATED WITH WASTE TREATMENT AND IMMOBILIZATION PLANT PROJECT, HANFORD SITE, RICHLAND, WASHINGTON.

(a) **SUBMISSION OF ARMY CORPS OF ENGINEERS REPORTS.**—Not later than 10 days after the date on which the Secretary of Energy receives any report from the Army Corps of Engineers documenting any evaluation or validation of costs, schedule, and technical issues associated with the Waste Treatment and Immobilization Plant Project at the Department of Energy Hanford Site, the Secretary shall submit a copy of the report to the congressional defense committees.

(b) **INCLUSION OF SPECIFIC REPORTS.**—The requirement to submit reports under this section includes the anticipated reports from the Army Corps of Engineers—

(1) documenting the cost validation of the estimated cost to complete the project based on both constrained and unconstrained funding scenarios; and

(2) evaluating the baseline ground motion criteria.

SEC. 3115. REPORT ON ASSISTANCE FOR A COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) **FINDINGS.**—Congress finds that—

(1) there is an insufficient accounting for, and insufficient security of, the nonstrategic nuclear weapons of the Russian Federation; and

(2) because of the dangers posed by that insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(b) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than April 15, 2006, the Secretary of Energy shall submit to Congress a report containing—

(A) the Secretary’s evaluation of past and current efforts by the United States to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation; and

(B) the Secretary’s recommendations regarding the actions by the United States that are most likely to lead to progress in improving the accounting for, and securing of, those weapons.

(2) **CONSULTATION WITH SECRETARY OF DEFENSE.**—The report under paragraph (1) shall be prepared in consultation with the Secretary of Defense.

(3) **CLASSIFICATION OF REPORT.**—The report under paragraph (1) shall be in unclassified form, but may be accompanied by a classified annex.

SEC. 3116. REPORT ON INTERNATIONAL BORDER SECURITY PROGRAMS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management by the Secretaries referred to in subsection (c) of border security programs in the countries of the former Soviet Union and other countries.

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) a description of the roles and responsibilities of each department and agency of the United States Government in international border security programs;

(2) a description of the interactions and coordination among departments and agencies of the United States Government that are conducting international border security programs;

(3) a description of the mechanisms and processes that exist to ensure coordination, avoid duplication, and provide a means to resolve conflicts or problems that might arise in the implementation of international border security programs;

(4) a discussion of whether there is existing interagency guidance that addresses the roles, interactions, and dispute resolution mechanisms for departments and agencies of the United States Government that are conducting international border security programs, and the adequacy of such guidance if it exists; and

(5) recommendations to improve the coordination and effectiveness of international border security programs.

(c) **CONSULTATION.**—The Secretary of Energy shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Secretary of State, and, as appropriate, the Secretary of Homeland Security.

SEC. 3117. SAVANNAH RIVER NATIONAL LABORATORY.

The Savannah River National Laboratory shall be a participating laboratory in the Department of Energy laboratory directed research and development program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2006, \$22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

Sec. 3303. Authorization for disposal of tungsten ores and concentrates.

Sec. 3304. Disposal of ferromanganese.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2006, the National Defense Stockpile Manager may obligate up to \$52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM NATIONAL DEFENSE STOCKPILE.

(a) **DISPOSAL AUTHORITY.**—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108-375; 118 Stat. 2193), is amended—

(1) by striking “and” at the end of paragraph (4); and

(2) by striking paragraph (5) and inserting the following new paragraphs:

“(5) \$900,000,000 by the end of fiscal year 2010; and

“(6) \$1,000,000,000 by the end of fiscal year 2013.”

(b) **ADDITIONAL DISPOSAL AUTHORITY.**—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1788), is amended—

(1) by striking “and” at the end of paragraph (3); and

(2) by striking paragraph (4) and inserting the following new paragraphs:

“(4) \$500,000,000 before the end of fiscal year 2010; and

“(5) \$600,000,000 before the end of fiscal year 2013.”

SEC. 3303. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN ORES AND CONCENTRATES.

(a) **DISPOSAL AUTHORIZED.**—The President may dispose of up to 8,000,000 pounds of contained tungsten in the form of tungsten ores and concentrates from the National Defense Stockpile in fiscal year 2006.

(b) **CERTAIN SALES AUTHORIZED.**—The tungsten ores and concentrates disposed under subsection (a) may be sold to entities with ore conversion or tungsten carbide manufacturing or processing capabilities in the United States.

SEC. 3304. DISPOSAL OF FERROMANGANESE.

(a) **DISPOSAL AUTHORIZED.**—The Secretary of Defense may dispose of up to 75,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2006.

(b) **CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.**—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2006, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) **CERTIFICATION.**—The Secretary of Defense may dispose of ferromanganese under the authority of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) **DELEGATION OF RESPONSIBILITY.**—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) **NATIONAL DEFENSE STOCKPILE DEFINED.**—In this section, the term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) **AMOUNT.**—There are hereby authorized to be appropriated to the Secretary of Energy \$18,500,000 for fiscal year 2006 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) **PERIOD OF AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.

Sec. 3502. Payments for State and regional maritime academies.

Sec. 3503. Maintenance and repair reimbursement pilot program.

Sec. 3504. Tank vessel construction assistance.

Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

Sec. 3506. Assistance for small shipyards and maritime communities.

Sec. 3507. Transfer of authority for title XI non-fishing loan guarantee decisions to Maritime Administration.

Sec. 3508. Technical corrections.

Sec. 3509. United States Maritime Service.

Sec. 3510. Awards and medals.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Funds are hereby authorized to be appropriated for fiscal year 2006, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$122,249,000.

(2) For administrative expenses related to loan guarantee commitments under the program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$4,126,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402, \$21,000,000.

SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARITIME ACADEMIES.

(a) **ANNUAL PAYMENT.**—Section 1304(d)(1)(C)(ii) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)(1)(C)(ii)) is amended by striking “\$200,000” and inserting “\$300,000 for fiscal year 2006, \$400,000 for fiscal year 2007, and \$500,000 for fiscal year 2008 and each fiscal year thereafter”.

(b) **SCHOOL SHIP FUEL PAYMENT.**—Section 1304(c)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(c)(2)) is amended—

(1) by striking “The Secretary may pay to any State maritime academy” and inserting “(A) The Secretary shall, subject to the availability of appropriations, pay to each State maritime academy”; and

(2) by adding at the end the following:

“(B) The amount of the payment to a State maritime academy under this paragraph shall not exceed—

“(i) \$100,000 for fiscal year 2006;

“(ii) \$200,000 for fiscal year 2007; and

“(iii) \$300,000 for fiscal year 2008 and each fiscal year thereafter.”

SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.

Section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note) is amended to read as follows:

“SEC. 3517. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.

“(a) **AUTHORITY TO ENTER AGREEMENTS.**—

“(1) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program under which the Secretary shall enter into an agreement with 1 or more contractors under chapter 531 of title 46, United States Code, regarding maintenance and repair of 1 or more vessels that are subject to an operating agreement under that chapter.

“(2) REQUIREMENT OF AGREEMENT.—The Secretary shall, subject to the availability of appropriations, require 1 or more persons to enter into an agreement under this section as a condition of awarding an operating agreement to the person under chapter 531 of title 46, United States Code, for 1 or more vessels that normally make port calls in the United States.

“(b) TERMS OF AGREEMENT.—An agreement under this section—

“(1) shall require that except as provided in subsection (c), all qualified maintenance or repair on the vessel shall be performed in the United States;

“(2) shall require that the Secretary shall reimburse the contractor in accordance with subsection (d) for the costs of qualified maintenance or repair performed in the United States; and

“(3) shall apply to qualified maintenance or repair performed during the 5-year period beginning on the date the vessel begins operating under the operating agreement under chapter 531 of title 46, United States Code.

“(c) EXCEPTION TO REQUIREMENT TO PERFORM WORK IN THE UNITED STATES.—A contractor shall not be required to have qualified maintenance or repair work performed in the United States under this section if—

“(1) the Secretary determines that there is no facility capable of meeting all technical requirements of the qualified maintenance or repair in the United States located in the geographic area in which the vessel normally operates available to perform the work in the time required by the contractor to maintain its regularly scheduled service;

“(2) the Secretary determines that there are insufficient funds to pay reimbursement under subsection (d) with respect to the work; or

“(3) the Secretary fails to make the certification described in subsection (e)(2).

“(d) REIMBURSEMENT.—

“(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, reimburse a contractor for costs incurred by the contractor for qualified maintenance or repair performed in the United States under this section.

“(2) AMOUNT.—The amount of reimbursement shall be equal to the difference between—

“(A) the fair and reasonable cost of obtaining the qualified maintenance or repair in the United States; and

“(B) the fair and reasonable cost of obtaining the qualified maintenance or repair outside the United States, in the country in which the contractor would otherwise undertake the qualified maintenance or repair.

“(3) DETERMINATION OF FAIR AND REASONABLE COSTS.—The Secretary shall determine fair and reasonable costs for purposes of paragraph (2).

“(e) NOTIFICATION REQUIREMENTS.—

“(1) NOTIFICATION BY CONTRACTOR.—The Secretary is not required to pay reimbursement to a contractor under this section for qualified maintenance or repair, unless the contractor—

“(A) notifies the Secretary of the intent of the contractor to obtain the qualified maintenance or repair, by not later than 90 days before the date of the performance of the qualified maintenance or repair; and

“(B) includes in such notification—

“(i) a description of all qualified maintenance or repair that the contractor should reasonably expect may be performed;

“(ii) a description of the vessel's normal route and port calls in the United States;

“(iii) an estimate of the cost of obtaining the qualified maintenance or repair described under clause (i) in the United States; and

“(iv) an estimate of the cost of obtaining the qualified maintenance or repair described under

clause (i) outside the United States, in the country in which the contractor otherwise would undertake the qualified maintenance or repair.

“(2) CERTIFICATION BY SECRETARY.—

“(A) Not later than 30 days after the date of receipt of notification under paragraph (1), the Secretary shall certify to the contractor—

“(i) whether the cost estimates provided by the contractor are fair and reasonable;

“(ii) if the Secretary determines that such cost estimates are not fair and reasonable, the Secretary's estimate of fair and reasonable costs for such work;

“(iii) whether there are available to the Secretary sufficient funds to pay reimbursement under subsection (d) with respect to such work; and

“(iv) that the Secretary commits such funds to the contractor for such reimbursement, if such funds are available for that purpose.

“(B) If the contractor notification described in paragraph (1) does not include an estimate of the cost of obtaining qualified maintenance and repair in the United States, then not later than 30 days after the date of receipt of such notification, the Secretary shall—

“(i) certify to the contractor whether there is a facility capable of meeting all technical requirements of the qualified maintenance and repair in the United States located in the geographic area in which the vessel normally operates available to perform the qualified maintenance and repair described in the notification by the contractor under paragraph (1) in the time period required by the contractor to maintain its regularly scheduled service; and

“(ii) if there is such a facility, require the contractor to resubmit such notification with the required cost estimate for such facility.

“(f) REGULATIONS.—

“(1) REQUIREMENT TO ISSUE NOTICE OF PROPOSED RULE MAKING.—The Secretary shall—

“(A) by not later than 30 days after the effective date of this subsection, issue a notice of proposed rule making to implement this section;

“(B) in such notice, solicit the submission of comments by the public regarding rules to implement this section; and

“(C) provide a period of at least 30 days for the submission of such comments.

“(2) INTERIM RULES.—Upon expiration of the period for submission of comments pursuant to paragraph (1)(C), the Secretary may prescribe interim rules necessary to carry out the Secretary's responsibilities under this section. For this purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. At the time interim rules are issued, the Secretary shall solicit comments on the interim rules from the public and other interested persons. Such period for comment shall not be less than 90 days. All interim rules prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 days after the effective date of this subsection.

“(g) QUALIFIED MAINTENANCE OR REPAIR DEFINED.—In this section the term ‘qualified maintenance or repair’—

“(1) except as provided in paragraph (2), means—

“(A) any inspection of a vessel that is—

“(i) required under chapter 33 of title 46, United States Code; and

“(ii) performed in the period in which the vessel is subject to an agreement under this section;

“(B) any maintenance or repair of a vessel that is determined, in the course of an inspection referred to in subparagraph (A), to be necessary; and

“(C) any additional maintenance or repair the contractor intends to undertake at the same time as the work described in subparagraph (B); and

“(2) does not include—

“(A) maintenance or repair not agreed to by the contractor to be undertaken at the same time as the work described in paragraph (1); or

“(B) any emergency work that is necessary to enable a vessel to return to a port in the United States.

“(h) ANNUAL REPORT.—The Secretary shall submit to the Congress by not later than September 30 each year a report on the program under this section. The report shall include a listing of future inspection schedules for all vessels included in the Maritime Security Fleet under section 53102 of title 46, United States Code.

“(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this title, for reimbursement of costs of qualified maintenance or repair under this section there is authorized to be appropriated to the Secretary of Transportation \$19,500,000 for each of fiscal years 2006 through 2011.”

SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.

(a) REQUIREMENT TO ENTER CONTRACTS.—Section 3543(a) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking “may” and inserting “shall, to the extent of the availability of appropriations,”.

(b) AMOUNT OF ASSISTANCE.—Section 3543(b) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking “up to 75 percent of”.

SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINISTRATION VESSEL DISPOSAL PROGRAM.

(a) REPEAL OF LIMITATION ON SCRAPPING; COMPREHENSIVE MANAGEMENT PLAN.—Section 3502 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (enacted into law by section 1 of Public Law 106-398; 16 U.S.C. 5405 note; 114 Stat. 1654A-490) is amended by striking subsections (c), (d), (e), and (f), and inserting the following:

“(c) COMPREHENSIVE MANAGEMENT PLAN.—

“(1) REQUIREMENT TO DEVELOP PLAN.—The Secretary of Transportation shall prepare, publish, and submit to the Congress by not later than 180 days after the date of the enactment of this Act a comprehensive plan for management of the vessel disposal program of the Maritime Administration in accordance with the recommendations made in the Government Accountability Office in report number GAO-05-264, dated March 2005.

“(2) CONTENTS OF PLAN.—The plan shall—

“(A) include a strategy and implementation plan for disposal of obsolete National Defense Reserve Fleet vessels (including vessels added to the fleet after the enactment of this paragraph) in a timely manner, maximizing the use of all available disposal methods, including dismantling, use for artificial reefs, donation, and Navy training exercises;

“(B) identify and describe the funding and other resources necessary to implement the plan, and specific milestones for disposal of vessels under the plan;

“(C) establish performance measures to track progress toward achieving the goals of the program, including the expeditious disposal of ships commencing upon the date of the enactment of this paragraph;

“(D) develop a formal decisionmaking framework for the program; and

“(E) identify external factors that could impede successful implementation of the plan, and describe steps to be taken to mitigate the effects of such factors.

“(d) IMPLEMENTATION OF MANAGEMENT PLAN.—

“(1) REQUIREMENT TO IMPLEMENT.—Subject to the availability of appropriations, the Secretary shall implement the vessel disposal program of the Maritime Administration in accordance with—

“(A) the management plan submitted under subsection (c); and

“(B) the requirements set forth in paragraph (2).

“(2) UTILIZATION OF DOMESTIC SOURCES.—In the procurement of services under the vessel disposal program of the Maritime Administration, the Secretary shall—

“(A) use full and open competition; and
“(B) utilize domestic sources to the maximum extent practicable.

“(e) FAILURE TO SUBMIT PLAN.—

“(1) PRIVATE MANAGEMENT CONTRACT FOR DISPOSAL OF MARITIME ADMINISTRATION VESSELS.—The Secretary of Transportation, subject to the availability of appropriations, shall promptly award a contract using full and open competition to expeditiously implement all aspects of disposal of obsolete National Defense Reserve Fleet vessels.

“(2) APPLICATION.—This subsection shall apply beginning 180 days after the date of the enactment of this subsection, unless the Secretary of Transportation has submitted to the Congress the comprehensive plan required under subsection (c).

“(f) REPORT.—No later than 1 year after the date of the enactment of this subsection, and every 6 months thereafter, the Secretary of Transportation, in coordination with the Secretary of the Navy, shall report to the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in implementing the vessel disposal plan developed under subsection (c). In particular, the report shall address the performance measures required to be established under subsection (c)(2)(C).”

(b) TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.—The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2006 for disposal by the Navy, no fewer than 4 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

(c) TRANSFER OF TITLE OF OBSOLETE VESSELS TO BE DISPOSED OF AS ARTIFICIAL REEFS.—Paragraph (4) of section 4 of the Act entitled “An Act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes” (Public Law 92-402; 16 U.S.C. 1220a) is amended to read as follows:

“(4) the transfer would be at no cost to the Government (except for any financial assistance provided under section 1220(c)(1) of this title) with the State taking delivery of such obsolete ships and titles in an ‘as-is—where-is’ condition at such place and time designated as may be determined by the Secretary of Transportation.”

SEC. 3506. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall establish a program to provide assistance to State and local governments—

(1) to provide assistance in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

(2) for maritime training programs in communities whose economies are substantially related to the maritime industry.

(b) AWARDS.—In providing assistance under the program, the Administrator shall—

(1) take into account—

(A) the economic circumstances and conditions of maritime communities; and

(B) the local, State, and regional economy in which the communities are located; and

(2) strongly encourage State, local, and regional efforts to promote economic development and training that will enhance the economic viability of and quality of life in maritime communities.

(c) USE OF FUNDS.—Assistance provided under this section may be used—

(1) to make capital and related improvements in small shipyards located in or near maritime communities;

(2) to encourage, assist in, or provide training for residents of maritime communities that will enhance the economic viability of those communities; and

(3) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(3).

(e) MATCHING REQUIREMENTS.—

(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) EXCEPTIONS.—

(A) SMALL PROJECTS.—Paragraph (1) shall not apply to grants under this section for stand alone projects costing not more than \$25,000. The amount under this subparagraph shall be indexed to the consumer price index and modified each fiscal year after the annual publication of the consumer price index.

(B) REDUCTION IN MATCHING REQUIREMENT.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

(f) APPLICATION.—

(1) IN GENERAL.—The Administrator shall determine who, as an eligible applicant, may submit an application, at such time, in such form, and containing such information and assurances as the Administrator may require.

(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

(A) a comprehensive description of—

(i) the need for the project;

(ii) the methodology for implementing the project; and

(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

(A) grant funds are used for the purposes for which they were made available;

(B) grantees have properly accounted for all expenditures of grant funds; and

(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

(A) sufficient funding is available to meet the matching requirements of subsection (e);

(B) the project will be completed without unreasonable delay; and

(C) the recipient has authority to carry out the proposed project.

(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

(h) SMALL SHIPYARD DEFINED.—In this section, the term “small shipyard” means a shipyard that—

(1) is a small business concern (within the meaning of section 3 of the Small Business Act (15 U.S.C. 632); and

(2) does not have more than 600 employees.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2006 through 2010 to carry out this section—

(1) \$5,000,000 for training grants; and

(2) \$25,000,000 for capital and related improvement grants.

SEC. 3507. TRANSFER OF AUTHORITY FOR TITLE XI NON-FISHING LOAN GUARANTEE DECISIONS TO MARITIME ADMINISTRATION.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), as amended by subsection (d) of this section, is amended—

(1) by striking “Secretary” each place it appears and inserting “Secretary or Administrator” in—

(A) section 1101(c), (f), and (g);

(B) section 1102;

(C) section 1103(a), (b), (c), (e), (g), and (h);

(D) section 1104A, except in—

(i) subsection (b)(7) and the undesignated paragraph that follows;

(ii) paragraphs (1), (2), (3)(B), and (4) of subsection (d);

(iii) subsection (e)(2)(F) the second place it appears;

(iv) subsection (j); and

(v) subsection (n)(1) the first place it appears;

(E) section 1104B;

(F) section 1105(a), (b), (c), and (e);

(G) section 1105(d) the first, second, third, fifth, and last places it appears; and

(H) sections 1108, 1109 (except the second place it appears in subsection (c)), and 1113 (as redesignated by subsection (d) of this section);

(2) by striking “Secretary” and inserting “Administrator” in—

(A) section 1103(i);

(B) section 1103(j) the first place it appears;

(C) section 1104A(b)(7) each place it appears but not in the undesignated paragraph that follows subsection (b)(7);

(D) section 1104A(d)(1)(A) each place it appears except the first;

(E) section 1104A(d)(3) each place it appears except in subparagraph (B);

(F) section 1104A(j)(1) the first, fifth, and seventh places it appears;

(G) section 1104A(n) each place it appears except the first;

(H) section 1110 each place it appears except the first and fourth places it appears in subsection (b);

(I) section 1111(a) and (b)(2) each place it appears;

(J) section 1111(b)(4) each place it appears except the first; and

(K) section 1112 each place it appears; and

(3) by striking “Secretary’s” in sections 1108(g)(1) and 1109(d)(3) and inserting “Secretary’s or Administrator’s”.

(b) ADDITIONAL AND CONFORMING TITLE XI CHANGES.—

(1) Section 1101 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271) is amended—

(A) by striking “title,” and all that follows in subsection (n) and inserting “title.”; and

(B) by adding at the end the following:

“(p) The term ‘Administrator’ means the Administrator of the Maritime Administration.”

(2) Section 1103(j) of such Act (46 U.S.C. App. 1273(j)) is amended by adding at the end the following:

“The Secretary of Defense shall determine whether a vessel satisfies paragraphs (1) and (2) by not later than 30 days after receipt of a request from the Administrator for such a determination.”

(3) Section 1104A(d) of such Act (46 U.S.C. App. 1274(d)) is amended—

(A) by striking “Secretary of Transportation” in paragraphs (1)(A) and (3)(B) and inserting “Administrator”;

(B) by striking “the waiver” in paragraph (4)(B) and inserting “if deemed necessary by the Secretary or Administrator, the waiver”;

(C) by striking “the increased” in paragraph (4)(B) and inserting “any significant increase in”.

(4) Section 1104A(f) of such Act (46 U.S.C. App. 1273(f)) is amended—

(A) by striking “financial structures, or other risk factors identified by the Secretary or Administrator.” in paragraph (2), as amended by subsection (a) of this section, and inserting “or financial structures.”;

(B) by striking “financial structures, or other risk factors identified by the Secretary or Administrator.” in paragraph (3), as amended by subsection (a) of this section, and inserting “or financial structures.”; and

(C) by adding at the end the following:

“(5) A third party independent analysis conducted under paragraph (2) shall be performed by a private sector expert in assessing such risk factors who is selected by the Administrator.”.

(5) Section 1104A(j)(2) of such Act (46 U.S.C. App. 1273(j)(2)) is amended by striking “The Secretary of Transportation” and inserting “The Administrator”.

(6) Section 1104A(m) of such Act (46 U.S.C. App. 1273(m)) is amended by striking the last sentence and inserting “If the Secretary or Administrator has waived a requirement under section 1104A(d), the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet such waived requirement upon the occurrence of verifiable conditions indicating that the obligor’s financial condition enables the obligor to meet the waived requirement.”.

(7) Section 1104A(n)(1) of such Act (46 U.S.C. App. 1273(n)(1)) is amended by striking “The Secretary of Transportation” and inserting “The Administrator”.

(8) Section 1111 of such Act (46 U.S.C. 1279(f)) is amended by striking “Secretary of Transportation” each place it appears and inserting “Administrator”.

(c) CONFORMING CHANGES IN OTHER STATUTES.—

(1) Section 401(a) of the Ocean Shipping Reform Act of 1998 (46 U.S.C. App. 1273a(a)) is amended by striking “Secretary of Transportation” and inserting “Administrator of the Maritime Administration”.

(2) Section 101 of Public Law 85–469 (46 U.S.C. 1280) is amended by inserting “or the Administrator of the Maritime Administration” after “Secretary”.

(3) Section 3527 of the Maritime Security Act of 2003 (46 U.S.C. App. 1280b) is amended by striking “Secretary of Transportation” and inserting “Administrator of the Maritime Administration”.

(4) Section 3528 of the Maritime Security Act of 2003 (46 U.S.C. App. 1271 note) is repealed.

(d) TECHNICAL CORRECTION OF SECTION NUMBERING.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by redesignating the second sections 1111 and 1112, as added by section 303 of the Sustainable Fisheries Act (Public Law 104–297; 110 Stat. 3616), as sections 1113 and 1114, respectively.

SEC. 3508. TECHNICAL CORRECTIONS.

(a) INTERMODAL CENTERS.—Section 9008(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended by striking “section 5309(m)(1)(C)” and inserting “paragraphs (1)(C) and (2)(C) of section 5309(m)”.

(b) INTERMODAL SURFACE FREIGHT TRANSFER FACILITY ELIGIBILITY.—Section 9008(b)(2) of that Act is amended by striking “section 181(9)(D)” and inserting “181(8)(D)”.

SEC. 3509. UNITED STATES MARITIME SERVICE.

Section 1306(a) of the Maritime Education and Training Act of 1980 (46 U.S.C. App. 1295e(a)), is amended by inserting “and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary,” after “United States” the second place it appears

SEC. 3510. AWARDS AND MEDALS.

Section 5(c) of the Merchant Marine Decorations and Medals Act (46 U.S.C. App. 2004(c)) is

amended by striking “provide at cost, or authorize for the manufacture and sale at reasonable prices by private persons—” and inserting “provide—”.

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DUNCAN HUNTER,
CURT WELDON,
JOE HEFLEY,
JIM SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,
ROSCOE BARTLETT,
HOWARD P. MCKEON,
MAC THORNBERRY,
JOHN N. HOSTETTLER,
JIM RYUN,
JIM GIBBONS,
ROBIN HAYES,
KEN CALVERT,
ROB SIMMONS,
THELMA DRAKE,
IKE SKELTON,
JOHN SPRATT,
SOLOMON P. ORTIZ,
LANE EVANS,
GENE TAYLOR,
SILVESTRE REYES,
VIC SNYDER,
ADAM SMITH,
LORETTA SANCHEZ,
ELLEN TAUSCHER,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PETE HOEKSTRA,
JANE HARMAN,

From the Committee on Education and the Workforce, for consideration of secs. 561–563, 571, and 815 of the House bill, and secs. 581–584 of the Senate amendment, and modifications committed to conference:

MICHAEL N. CASTLE,
JOE WILSON,
RUSH HOLT,

From the Committee on Energy and Commerce, for consideration of secs. 314, 601, 1032, and 3201 of the House bill, and secs. 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference:

JOE BARTON,
PAUL GILLMOR,

From the Committee on Financial Services, for consideration of secs. 676 and 1073 of the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,
ROBERT W. NEY,

From the Committee on Government Reform, for consideration of secs. 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, title XIV, secs. 2832, 2841, and 2852 of the House bill, and secs. 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on Homeland Security, for consideration of secs. 1032, 1033, and 1035 of the House bill, and sec. 907 of the Senate amendment, and modifications committed to conference:

JOHN LINDER,
DANIEL E. LUNGREN,
BENNIE G. THOMPSON,

From the Committee on International Relations, for consideration of secs. 814, 1021, 1203–1206, and 1301–1305 of the House bill, and secs. 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,

JAMES A. LEACH,
TOM LANTOS,

From the Committee on the Judiciary, for consideration of secs. 551, 673, 1021, 1043, and 1051 of the House bill, and secs. 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
STEVE CHABOT,

From the Committee on Resources, for consideration of secs. 341–346, 601, and 2813 of the House bill, and secs. 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
HENRY E. BROWN, Jr.,

From the Committee on Science, for consideration of sec. 223 of the House bill and secs. 814 and 3115 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
W. TODD AKIN,
BART GORDON,

From the Committee on Small Business, for consideration of sec. 223 of the House bill, and secs. 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference:

DONALD A. MANZULLO,
SUE W. KELLY,

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 508, 601, and 1032–1034 of the House bill, and secs. 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN J. DUNCAN, Jr.,
JOHN T. SALAZAR,

From the Committee on Veterans Affairs, for consideration of secs. 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference:

STEVE BUYER,
JEFF MILLER,
SHELLEY BERKLEY,

From the Committee on Ways and Means, for consideration of sec. 677 of the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
WALLY HERGER,
JIM MCDERMOTT,

Managers on the Part of the House.

JOHN W. WARNER,
JOHN MCCAIN,
JAMES M. INHOFE,
PAT ROBERTS,
JEFF SESSIONS,
SUSAN COLLINS,
JOHN ENSIGN,
JIM TALENT,
SAXBY CHAMBLISS,
LINDSEY GRAHAM,
ELIZABETH DOLE,
JOHN CORNYN,
JOHN THUNE,
CARL LEVIN,
TED KENNEDY,
ROBERT C. BYRD,
JOSEPH LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
MARK DAYTON,
EVAN BAYH,
H.R. CLINTON,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

**MONDAY, DECEMBER 19
(LEGISLATIVE DAY OF DECEMBER
18), 2005**

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the yeas had it.

Mr. SKELTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.22 DUPLICATE ENGROSSMENT

On motion of Mr. ISSA, by unanimous consent,

Ordered, That the Clerk be authorized (if necessary) to produce a duplicate engrossment of the bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

¶139.23 ROBERT T. FERGUSON POST OFFICE BUILDING

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 1287) to designate the facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

When said bill was considered and read twice,

Mr. ISSA submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. ROBERT T. FERGUSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, shall be known and designated as the "Robert T. Ferguson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert T. Ferguson Post Office Building".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building."."

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.24 DR. ROBERT E. PRICE POST OFFICE BUILDING

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 4246) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.25 STATE SENATOR VERDA WELCOME AND DR. HENRY WELCOME POST OFFICE BUILDING

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 4108) to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building".

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.26 UNITED STATES REPRESENTATIVE PARREN J. MITCHELL POST OFFICE

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 4109) to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office".

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.27 CORPORAL JASON L. DUNHAM POST OFFICE

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 4515) to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.28 NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the following resolution (H. Res. 483):

Whereas 1 in 3 female high school students reports being physically abused or sexually abused by a dating partner;

Whereas over 40 percent of male and female high school students surveyed had been victims of dating violence at least once;

Whereas violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern was established in adolescence;

Whereas 81 percent of parents surveyed either believed dating violence is not a problem or admitted they did not know it is a problem;

Whereas the week of February 6, 2006, has been recognized as an appropriate week for activities furthering awareness of teen dating violence; and

Whereas recognizing a "National Teen Dating Violence Awareness and Prevention Week" would benefit schools, communities, and families regardless of socioeconomic status, race, or gender: Now, therefore, be it

Resolved, That the House of Representatives should raise awareness of teen dating violence in the Nation by supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week.

Mr. ISSA submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the resolved clause and insert the following:

Resolved, That the House of Representatives supports an increased awareness among parents, schools, and communities that dating violence is a criminal act and the ideals of the National Teen Dating Violence and Prevention Week.

When said resolution, as amended, was considered and agreed to.

Mr. ISSA submitted the following amendment in the nature of a substitute to the preamble, which was agreed to:

Strike the preamble and insert the following:

Whereas the American Bar Association's National Teen Dating Violence Prevention (TDVPI) is a federally funded, comprehensive program that is aimed at putting a stop to the incidence of teen dating violence;

Whereas the TDVPI together with parents, schools and communities intends to positively impact the way teens view and value themselves and others;

Whereas the TDVPI is designed to teach and influence appropriate interpersonal behavior by increasing the knowledge and skills of our nation's youth enabling them to form lasting and healthy relationships as adults; and

Whereas the week of February 6, 2006 has been recognized as an appropriate week for activities furthering awareness of teen dating violence; Now, therefore, be it

By unanimous consent, the title was amended so as to read: "A resolution Supporting the Ideals of National Teen Dating Violence and Prevention Week .".

A motion to reconsider the votes whereby said resolution, as amended, was agreed to and the preamble and the title were amended was, by unanimous consent, laid on the table.

¶139.29 LIFE OF ALAN REICH

On motion of Mr. ISSA, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the following resolution (H. Res. 586):

Whereas Alan A. Reich was a well respected and loved member of his family and an inspirational figure in the disability community, whose life was devoted to civic involvement and efforts to improve the quality of life for individuals with disabilities;

Whereas Alan Reich was born in Pearl River, New York;

Whereas Alan Reich graduated from Dartmouth College in 1952, where he was an all-American track and field athlete, received a Master's degree in Russian literature from Middlebury College in 1953, along with a diploma in Slavic languages and Eastern European studies from the University of Oxford, and received an M.B.A. from Harvard University in 1959;

Whereas Alan Reich was a brilliant linguist, who spoke 5 languages;

Whereas Alan Reich served in the United States Army from 1953 to 1957, as an infantry officer and Russian language interrogation officer in Germany, and was named a member of the United States Army Infantry Officer Candidate School Hall of Fame;

Whereas Alan Reich married his best friend and partner in life, Gay Forsythe Reich; they shared 50 years of marriage and were deeply committed to each other and their three children—James, Jeffrey, and Elizabeth;

Whereas Alan Reich was employed from 1960 to 1970 as an executive at Polaroid Corporation when, at age 32, he became a quadriplegic due to a swimming accident which required him to use a wheelchair;

Whereas, while Alan Reich was told he would not drive or write again, he relearned both skills and returned to work at Polaroid Corporation;

Whereas Alan Reich joined the State Department from 1970 to 1975, as a Deputy Assistant Secretary for Educational and Cultural Affairs;

Whereas Alan Reich then served as Director of the Bureau of East-West Trade for the Department of Commerce, before he was named the President of the United States Council for the International Year of Disabled Persons in 1978;

Whereas, in this position, Alan Reich was the first wheelchair user to address the United Nations General Assembly when it opened the International Year of the Disabled in 1981;

Whereas, in 1982, Alan Reich transformed the Council into the National Organization on Disability, an organization that is active on a local, state, and national level in seeking full and equal participation for people with disabilities in all aspects of life;

Whereas Alan Reich founded the Bimillennium Foundation in 1984, to encourage leaders of nations worldwide to set year 2000 goals aimed at improving the lives of people with disabilities;

Whereas Alan Reich also served as Chairman of the People-to-People Committee on Disability, Chairman of the Paralysis Cure Research Foundation and President of the National Paraplegia Foundation;

Whereas Alan Reich, who used a wheelchair for 43 years, led an effort that raised \$1,650,000 to add the statue of President Franklin D. Roosevelt in a wheelchair to the former President's Memorial in Washington, DC, for reasons that he best expressed himself at the unveiling of the statue: "The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.";

Whereas Alan Reich received the George H.W. Bush Medal in July of 2005, established to honor outstanding service under the Americans with Disabilities Act of 1990;

Whereas Alan Reich, through his leadership in the disability community, encouraged millions of Americans with disabilities to overcome obstacles to lead more independent and successful lives;

Whereas Alan Reich is survived by his wife, partner, and best friend, Gay, their two sons James and Jeffrey, their daughter Elizabeth, and 11 grandchildren; and

Whereas Alan Reich passed away on November 8, 2005, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and contributions of Alan A. Reich; and

(2) extends its deepest sympathies to the family of Alan Reich for the loss of a great and generous man.

When said resolution was considered and agreed to.

Mr. ISSA submitted the following amendment in the nature of a substitute to the preamble, which was agreed to:

Strike out the preamble and insert the following:

Whereas Alan A. Reich was a well respected and loved member of his family and an inspirational figure in the disability community, whose life was devoted to civic involvement and efforts to improve the quality of life for individuals with disabilities;

Whereas Alan Reich was born in Pearl River, New York;

Whereas Alan Reich graduated from Dartmouth College in 1952, where he was an all-American track and field athlete, received a Master's degree in Russian literature from Middlebury College in 1953, along with a diploma in Slavic languages and Eastern European studies from the University of Oxford, and received an M.B.A. from Harvard University in 1959;

Whereas Alan Reich was a brilliant linguist, who spoke 5 languages;

Whereas Alan Reich served in the United States Army from 1953 to 1957, as an infantry officer and Russian language interrogation officer in Germany, and was named a member of the United States Army Infantry Officer Candidate School Hall of Fame;

Whereas Alan Reich married his best friend and partner in life, Gay Forsythe Reich; they shared 50 years of marriage and were deeply committed to each other and their three children—James, Jeffrey, and Elizabeth;

Whereas Alan Reich was employed from 1960 to 1970 as an executive at Polaroid Corporation when, at age 32, he became a quadriplegic due to a swimming accident which required him to use a wheelchair;

Whereas, while Alan Reich was told he would not drive or write again, he relearned both skills and returned to work at Polaroid Corporation;

Whereas Alan Reich joined the State Department from 1970 to 1975, as a Deputy Assistant Secretary for Educational and Cultural Affairs;

Whereas Alan Reich then served as Director of the Bureau of East-West Trade for the Department of Commerce, before he was named the President of the United States Council for the International Year of Disabled Persons in 1978;

Whereas, in this position, Alan Reich was the first wheelchair user to address the United Nations General Assembly when it opened the International Year of the Disabled in 1981;

Whereas, in 1982, Alan Reich transformed the Council into the National Organization on Disability, an organization that is active on a local, state, and national level in seeking full and equal participation for people with disabilities in all aspects of life;

Whereas Alan Reich founded the Bimillennium Foundation in 1984, to encourage leaders of nations worldwide to set year 2000 goals aimed at improving the lives of people with disabilities;

Whereas Alan Reich also served as Chairman of the People-to-People Committee on Disability, Chairman of the Paralysis Cure Research Foundation and President of the National Paraplegia Foundation;

Whereas Alan Reich, who used a wheelchair for 43 years, led an effort that raised \$1,650,000 to add the statue of President Franklin D. Roosevelt in a wheelchair to the former President's Memorial in Washington, DC, for reasons that he best expressed himself at the unveiling of the statue: "The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.";

Whereas Alan Reich received the George H.W. Bush Medal in July of 2005, established to honor outstanding service under the Americans with Disabilities Act of 1990;

Whereas Alan Reich, through his leadership in the disability community, encouraged millions of Americans with disabilities to overcome obstacles to lead more independent and successful lives;

Whereas Alan Reich is survived by his wife, partner, and best friend, Gay, their two sons James and Jeffrey, their daughter Elizabeth, and 11 grandchildren; and

Whereas Alan Reich passed away on November 8, 2005, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

A motion to reconsider the vote whereby said resolution, was agreed to and the preamble was amended was, by unanimous consent, laid on the table.

¶139.30 BUFFALO SOLDIERS COMMEMORATION

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill of the Senate (S. 205) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

When said bill was considered, read twice, ordered to be read a third time,

was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.31 BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATION

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill of the Senate (S. 652) to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.32 DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE

On motion of Mr. POMBO, by unanimous consent, the bill of the Senate (S. 1310) to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.33 PUBLIC LANDS CORPS HEALTHY FORESTS RESTORATION

On motion of Mr. POMBO, by unanimous consent, the bill of the Senate (S. 1238) to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.34 INDIAN LAND PROBATE REFORM TECHNICAL CORRECTIONS

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill of the Senate (S. 1481) to amend the Indian Land Consolidation Act to provide for probate reform.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.35 TRIBAL CLAIMS PUBLIC LAW 107-153

On motion of Mr. POMBO, by unanimous consent, the bill of the Senate (S. 1892) to amend Public Law 107-153 to modify a certain date; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.36 ARABIA MOUNTAIN NATIONAL HERITAGE AREA

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill (H.R. 2099) to establish the Arabia Mountain National Heritage Area, and for other purposes.

When said bill was considered and read twice.

Mr. POMBO submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

TITLE I—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SECTION 101. SHORT TITLE.

This title may be cited as the "Arabia Mountain National Heritage Area Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola

Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 103. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 4(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under section 6.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

SEC. 104. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 105. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) **AUDIT.**—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 106. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this title, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **REVISION.**—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) **REVISION OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 108. EFFECT ON CERTAIN AUTHORITY.

(a) **OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.**—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 4(b) but for the establishment of the heritage area by section 4(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 4(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 4(a).

(b) **LAND USE REGULATION.**—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 110. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

SEC. 111. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 112. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the

boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

TITLE II—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2005”.

SEC. 202. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking “and”;

(B) in paragraph (9), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”.

(2) By adding at the end of section 112 the following new paragraph:

“(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.”.

(3) By adding at the end the following new sections:

“SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

“Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“SEC. 121. DUTIES OF THE ASSOCIATION.

“The Association shall—

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

“(B) in establishing and maintaining interpretive exhibits in the corridor;

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

“SEC. 122. USE OF FEDERAL FUNDS.

“(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

“SEC. 123. MANAGEMENT PLAN.

“(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions proposed to be undertaken by units of government and non-governmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include—

“(A) identification of the geographic boundaries of the corridor;

“(B) a brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

“(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

“(D) a listing of the key resources and themes of the corridor;

“(E) identification of parties proposed to be responsible for carrying out the tasks;

“(F) a financial plan and other information on costs and sources of funds;

“(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

“(H) a mechanism and schedule for updating the plan based on actual progress;

“(I) a bibliography of documents used to develop the management plan; and

“(J) a discussion of any other relevant issues relating to the management plan.

“(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

“(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

“(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

“(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

“(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

“(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not

likely to have an adverse effect on the corridor.

“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

“(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

“SEC. 126. SUNSET.

“The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.”

SEC. 203. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

“(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

“(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

“SEC. 128. PRIVATE PROPERTY PROTECTION.

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”

SEC. 204. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b); and

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

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.37 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO H.R. 2863

Mr. COLE of Oklahoma, by direction of the Committee on Rules, reported (Rept. No. 109–361) the resolution (H. Res. 639) waiving points of order against the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶139.38 SUBMISSION OF CONFERENCE

REPORT—S.1932

Mr. NUSSLE submitted a conference report (Rept. No. 109–362) on the bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶139.39 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO H.R. 2863

Mr. COLE of Oklahoma, by direction of the Committee on Rules, called up the following resolution (H. Res. 639):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. COLE of Oklahoma, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule

XX, announced that further proceedings on the question were postponed.

¶139.40 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO S. 1932

Mr. PUTNAM, by direction of the Committee on Rules, reported (Rept. No. 109–363) the resolution (H. Res. 640) waiving points of order against the conference report to accompany the bill of the Senate (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006.

When said resolution and report were referred to the House Calendar and ordered printed.

¶139.41 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO S. 1932

Mr. PUTNAM, by direction of the Committee on Rules, called up the following resolution (H. Res. 640):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. Section 2 of House Resolution 619 is amended to read as follows: “On any legislative day of the second session of the One Hundred Ninth Congress from January 3, 2006, through January 30, 2006, the Speaker may dispense with organizational and legislative business.”

When said resolution was considered.

After debate,

On motion of Mr. PUTNAM, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That pursuant to section 2 of House Resolution 640, on any legislative day of the second session of the One Hundred Ninth Congress from January 3, 2006, through January 30, 2006, the Speaker may dispense with organizational and legislative business.

¶139.42 H.R. 1815—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the conference report to accompany the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

The question being put,

Will the House agree to said conference report?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 374
Nays 41

¶139.43	[Roll No. 665]	
	YEAS—374	
Abercrombie	DeLay	King (IA)
Ackerman	Dent	King (NY)
Aderholt	Diaz-Balart, L.	Kingston
Akin	Diaz-Balart, M.	Kirk
Alexander	Dicks	Kline
Allen	Dingell	Knollenberg
Andrews	Doggett	Kuhl (NY)
Bachus	Doolittle	LaHood
Baker	Doyle	Langevin
Barrett (SC)	Drake	Lantos
Barrow	Dreier	Larsen (WA)
Bartlett (MD)	Duncan	Larson (CT)
Barton (TX)	Edwards	Latham
Bass	Ehlers	LaTourette
Bean	Emerson	Leach
Beauprez	Engel	Levin
Becerra	English (PA)	Lewis (CA)
Berkley	Eshoo	Lewis (KY)
Berman	Etheridge	Linder
Berry	Evans	Lipinski
Biggert	Everett	LoBiondo
Bilirakis	Farr	Lofgren, Zoe
Bishop (GA)	Fattah	Lowey
Bishop (NY)	Feeney	Lucas
Bishop (UT)	Ferguson	Lungren, Daniel
Blackburn	Fitzpatrick (PA)	E.
Blunt	Flake	Lynch
Boehlert	Foley	Mack
Boehner	Forbes	Maloney
Bonilla	Ford	Manzullo
Bonner	Fortenberry	Marchant
Bono	Fossella	Marshall
Boozman	Fox	Matheson
Boren	Franks (AZ)	Matsui
Boswell	Frelinghuysen	McCarthy
Boucher	Gallely	McCaul (TX)
Boustany	Garrett (NJ)	McCollum (MN)
Boyd	Gerlach	McCotter
Bradley (NH)	Gibbons	McCrery
Brady (PA)	Gilchrest	McHenry
Brady (TX)	Gillmor	McHugh
Brown (OH)	Gingrey	McIntyre
Brown (SC)	Gohmert	McKeon
Brown, Corrine	Gonzalez	McMorris
Brown-Waite,	Goode	Meehan
Ginny	Goodlatte	Meek (FL)
Burgess	Gordon	Meeks (NY)
Burton (IN)	Granger	Melancon
Butterfield	Graves	Menendez
Buyer	Green (WI)	Mica
Calvert	Green, Al	Michaud
Camp (MI)	Green, Gene	Millender-
Campbell (CA)	Gutknecht	McDonald
Cannon	Hall	Miller (FL)
Cantor	Harris	Miller (MI)
Capito	Hart	Miller (NC)
Capps	Hastert	Mollohan
Capuano	Hastings (WA)	Moore (KS)
Cardin	Hayes	Moore (WI)
Cardoza	Hayworth	Moran (KS)
Carnahan	Hensarling	Moran (VA)
Carson	Herger	Murphy
Carter	Herseth	Murtha
Case	Higgins	Musgrave
Castle	Hinojosa	Napolitano
Chabot	Hobson	Neal (MA)
Chandler	Hoekstra	Neugebauer
Chocola	Holden	Ney
Cleaver	Holt	Northup
Clyburn	Honda	Norwood
Coble	Hooley	Nunes
Cole (OK)	Hoyer	Nussle
Conaway	Hulshof	Obey
Cooper	Hunter	Ortiz
Costa	Inglis (SC)	Osborne
Costello	Inslee	Otter
Cramer	Israel	Oxley
Crenshaw	Issa	Pallone
Crowley	Jackson-Lee	Pascrell
Cubin	(TX)	Pastor
Cuellar	Jefferson	Pearce
Culberson	Jenkins	Pelosi
Cummings	Jindal	Pence
Davis (AL)	Johnson (CT)	Peterson (MN)
Davis (CA)	Johnson (IL)	Peterson (PA)
Davis (FL)	Johnson, E. B.	Petri
Davis (KY)	Kanjorski	Pickering
Davis (TN)	Kaptur	Pitts
Davis, Tom	Keller	Platts
Deal (GA)	Kelly	Poe
DeFazio	Kennedy (MN)	Pombo
DeGette	Kennedy (RI)	Pomeroy
Delahunt	Kildee	Porter
DeLauro	Kind	Price (NC)

Pryce (OH)	Scott (VA)	Thompson (CA)
Putnam	Sensenbrenner	Thompson (MS)
Rahall	Sessions	Thornberry
Ramstad	Shadegg	Tiahrt
Regula	Shaw	Tiberi
Rehberg	Shays	Turner
Reichert	Sherman	Udall (CO)
Renzi	Sherwood	Udall (NM)
Reynolds	Shimkus	Upton
Rogers (AL)	Shuster	Van Hollen
Rogers (KY)	Simmons	Visclosky
Rogers (MI)	Simpson	Walden (OR)
Rohrabacher	Skelton	Walsh
Ros-Lehtinen	Slaughter	Wamp
Ross	Smith (NJ)	Wasserman
Rothman	Smith (TX)	Schultz
Royce	Smith (WA)	Waxman
Ruppersberger	Snyder	Weiner
Ryan (OH)	Sodrel	Weldon (FL)
Ryan (WI)	Souder	Weldon (PA)
Ryan (KS)	Spratt	Weller
Sabo	Stearns	Westmoreland
Salazar	Strickland	Wexler
Sanchez, Linda	Stupak	Whitfield
T.	Sullivan	Wicker
Sanchez, Loretta	Sweeney	Wilson (NM)
Sanders	Tancredo	Wilson (SC)
Saxton	Tanner	Wolf
Schiff	Tauscher	Wu
Schmidt	Taylor (MS)	Wynn
Schwartz (PA)	Taylor (NC)	Young (AK)
Schwarz (MI)	Terry	Young (FL)
Scott (GA)	Thomas	

NAYS—41

Baird	Lee	Rangel
Baldwin	Lewis (GA)	Rush
Blumenauer	Markey	Schakowsky
Conyers	McDermott	Serrano
Davis (IL)	McGovern	Solis
Finer	McKinney	Stark
Frank (MA)	McNulty	Tierney
Grijalva	Miller, George	Towns
Hastings (FL)	Nadler	Velázquez
Hinche	Oberstar	Waters
Jackson (IL)	Oliver	Watson
Jones (OH)	Owens	Watt
Kilpatrick (MI)	Paul	Woolsey
Kucinich	Payne	

NOT VOTING—19

Baca	Hostettler	Myrick
Clay	Hyde	Price (GA)
Davis, Jo Ann	Istook	Radanovich
Emanuel	Johnson, Sam	Reyes
Gutierrez	Jones (NC)	Roybal-Allard
Harman	Kolbe	
Hefley	Miller, Gary	

So the conference report was agreed to.

A motion to reconsider the vote whereby said bill was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.44 H. RES. 639—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 639) waiving points of order against the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The question being put,
Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 214
Nays 201

¶139.45	[Roll No. 666]	
	YEAS—214	
Aderholt	Gallely	Northup
Akin	Garrett (NJ)	Norwood
Alexander	Gibbons	Nunes
Bachus	Gillmor	Nussle
Baker	Gingrey	Ortiz
Barrett (SC)	Gohmert	Otter
Barton (TX)	Goode	Oxley
Beauprez	Goodlatte	Pascrell
Bilirakis	Granger	Paul
Bishop (GA)	Graves	Pearce
Bishop (UT)	Green (WI)	Pence
Blackburn	Green, Gene	Peterson (PA)
Blunt	Gutknecht	Petri
Boehner	Hall	Pickering
Bonilla	Harris	Pitts
Bonner	Hart	Poe
Bono	Hastert	Pombo
Boozman	Hastings (WA)	Porter
Boren	Hayes	Pryce (OH)
Boustany	Hayworth	Putnam
Bradley (NH)	Hensarling	Regula
Brady (PA)	Herger	Rehberg
Brady (TX)	Hobson	Renzi
Brown (SC)	Hoekstra	Reynolds
Brown-Waite,	Holden	Rogers (AL)
Ginny	Hulshof	Rogers (KY)
Burgess	Hunter	Rogers (MI)
Burton (IN)	Inglis (SC)	Rohrabacher
Buyer	Issa	Ros-Lehtinen
Calvert	Jenkins	Royce
Camp (MI)	Jindal	Ryan (WI)
Campbell (CA)	Kanjorski	Ryun (KS)
Cannon	Keller	Saxton
Cantor	Kelly	Schmidt
Capito	Kennedy (MN)	Sensenbrenner
Capps	King (IA)	Sessions
Capuano	King (NY)	Shadegg
Cardin	Kingston	Shaw
Cardoza	Kirk	Sherwood
Carnahan	Kline	Shimkus
Carson	Knollenberg	Simpson
Carter	Kuhl (NY)	Smith (TX)
Case	LaHood	Sodrel
Castle	Latham	Souder
Chabot	LaTourette	Stearns
Chandler	Lewis (CA)	Sullivan
Chocola	Lewis (KY)	Sweeney
Cleaver	Linder	Tancredo
Clyburn	Lucas	Taylor (MS)
Coble	Lungren, Daniel	Taylor (NC)
Cole (OK)	E.	Terry
Conaway	Mack	Thomas
Cooper	Manzullo	Thornberry
Costa	Marchant	Tiahrt
Costello	McCaul (TX)	Tiberi
Cramer	McCotter	Turner
Crenshaw	McCrery	Upton
Crowley	McHenry	Walden (OR)
Cubin	McHugh	Walsh
Cuellar	McKeon	Wamp
Culberson	McMorris	Weldon (FL)
Cummings	Melancon	Weldon (PA)
Davis (AL)	Mica	Weller
Davis (CA)	Miller (FL)	Westmoreland
Davis (FL)	Miller (MI)	Whitfield
Davis (KY)	Mollohan	Wicker
Davis (TN)	Moran (KS)	Wilson (NM)
Davis, Tom	Murphy	Wilson (SC)
Deal (GA)	Murtha	Wolf
DeFazio	Musgrave	Young (AK)
DeGette	Neugebauer	Young (FL)
Delahunt	Ney	
DeLauro		

NAYS—201

Abercrombie	Boucher	Costello
Ackerman	Boyd	Crowley
Allen	Brown (OH)	Cummings
Andrews	Brown, Corrine	Davis (AL)
Baird	Butterfield	Davis (CA)
Baldwin	Capps	Davis (FL)
Barrow	Capuano	Davis (IL)
Bartlett (MD)	Cardin	DeFazio
Bass	Cardoza	DeGette
Bean	Carnahan	Delahunt
Becerra	Carson	DeLauro
Berkley	Case	Dicks
Berman	Castle	Dingell
Berry	Chandler	Doggett
Biggert	Cleaver	Edwards
Bishop (NY)	Clyburn	Ehlers
Blumenauer	Conyers	Engel
Boehlert	Cooper	Eshoo
Boswell	Costa	Etheridge

Evans	Lynch	Sabo	Bartlett (MD)	Farr	Lynch	Sanchez, Loretta	Snyder	Upton
Farr	Maloney	Salazar	Barton (TX)	Fattah	Mack	Sanders	Sodrel	Van Hollen
Fattah	Markey	Sánchez, Linda	Bass	Feeney	Maloney	Saxton	Solis	Velázquez
Filner	Marshall	T.	Bean	Ferguson	Manzullo	Schakowsky	Souder	Visclosky
Fitzpatrick (PA)	Matheson	Sanchez, Loretta	Beauprez	Filner	Marchant	Schiff	Spratt	Walden (OR)
Ford	Matsui	Sanders	Becerra	Fitzpatrick (PA)	Markey	Schmidt	Stark	Walsh
Frank (MA)	McCarthy	Schakowsky	Berkley	Flake	Matheson	Schwartz (PA)	Stearns	Wamp
Gerlach	McCollum (MN)	Schiff	Berman	Foley	Matsui	Schwarz (MI)	Strickland	Wasserman
Gilchrest	McDermott	Schwartz (PA)	Berry	Forbes	McCarthy	Scott (GA)	Stupak	Schultz
Gonzalez	McGovern	Schwarz (MI)	Biggert	Ford	McCaul (TX)	Scott (VA)	Sullivan	Watson
Gordon	McIntyre	Scott (GA)	Bilirakis	Fossella	McCollum (MN)	Sensenbrenner	Sweeney	Watt
Green, Al	McKinney	Scott (VA)	Bishop (GA)	Poxx	McCotter	Serrano	Tancredo	Waxman
Grijalva	McNulty	Serrano	Bishop (NY)	Frank (MA)	McCrery	Sessions	Tanner	Weiner
Hastings (FL)	Meehan	Shays	Bishop (UT)	Franks (AZ)	McDermott	Shadegg	Tauscher	Weldon (FL)
Herseeth	Meek (FL)	Sherman	Blackburn	Frelinghuysen	McGovern	Shaw	Taylor (MS)	Weldon (PA)
Higgins	Meeks (NY)	Simmons	Blunt	Galleghy	McHenry	Shays	Terry	Weller
Hinchey	Menendez	Skelton	Boehler	Garrett (NJ)	McHugh	Sherman	Thomas	Westmoreland
Hinojosa	Michaud	Slaughter	Boehner	Gerlach	McIntyre	Sherwood	Thompson (CA)	Wexler
Holt	Millender-	Bonner	Bono	Gibbons	McKeon	Shimkus	Thompson (MS)	Whitfield
Honda	McDonald	Smith (NJ)	Boozman	Gilchrest	McMorris	Shuster	Thornberry	Wicker
Hooley	Miller (NC)	Smith (WA)	Boren	Gillmor	McNulty	Simmons	Tiaht	Wilson (NM)
Hoyer	Miller, George	Snyder	Boswell	Gingrey	Meehan	Simpson	Tiberi	Wilson (SC)
Inslee	Moore (KS)	Solis	Boucher	Gohmert	Meek (FL)	Skelton	Tierney	Wolf
Israel	Moore (WI)	Spratt	Boustany	Gonzalez	Meeks (NY)	Slaughter	Towns	Woolsey
Jackson (IL)	Moran (VA)	Stark	Boyd	Goode	Melancon	Smith (NJ)	Turner	Wu
Jackson-Lee	Nadler	Strickland	Bradley (NH)	Goodlatte	Menendez	Smith (TX)	Udall (CO)	Young (AK)
(TX)	Napolitano	Stupak	Brady (PA)	Gordon	Mica	Smith (WA)	Udall (NM)	Young (FL)
Jefferson	Neal (MA)	Tanner	Granger	Granger	Michaud			
Johnson (CT)	Oberstar	Tauscher	Graves	Graves	Millender-			
Johnson (IL)	Obey	Thompson (CA)	Green (WI)	Green (WI)	McDonald			
Johnson, E. B.	Olver	Thompson (MS)	Green, Al	Green, Al	Miller (FL)			
Jones (OH)	Osborne	Tierney	Green, Gene	Green, Gene	Miller (MI)			
Kaptur	Owens	Towns	Brown, Corrine	Brown, Corrine	Miller (NC)			
Kennedy (RI)	Pallone	Udall (CO)	Brown-Waite,	Brown-Waite,	Mollohan			
Kildee	Pastor	Udall (NM)	Ginny	Ginny	Moore (KS)			
Kilpatrick (MI)	Payne	Van Hollen	Burgess	Burgess	Moore (WI)			
Kind	Pelosi	Velázquez	Burton (IN)	Burton (IN)	Moran (KS)			
Kucinich	Peterson (MN)	Visclosky	Butterfield	Butterfield	Moran (VA)			
Langevin	Platts	Wasserman	Buyer	Buyer	Murphy			
Lantos	Pomeroy	Schultz	Calvert	Calvert	Murtha			
Larsen (WA)	Price (NC)	Waters	Camp (MI)	Camp (MI)	Musgrave			
Larson (CT)	Rahall	Watson	Campbell (CA)	Campbell (CA)	Nadler			
Leach	Rangel	Watt	Cannon	Cannon	Napolitano			
Lee	Reichert	Waxman	Cantor	Cantor	Neal (MA)			
Levin	Ross	Weiner	Capito	Capito	Neugebauer			
Lewis (GA)	Rothman	Wexler	Capps	Capps	Ney			
Lipinski	Rothman	Woolsey	Capuano	Capuano	Northup			
LoBiondo	Ruppersberger	Wu	Cardin	Cardin	Norwood			
Lofgren, Zoe	Rush	Wynn	Cardoza	Cardoza	Nunes			
Lowey	Ryan (OH)		Carnahan	Carnahan	Nussle			
			Carson	Carson	Oberstar			
			Carter	Carter	Olver			
			Case	Case	Ortiz			
			Castle	Castle	Osborne			
			Chabot	Chabot	Otter			
			Chandler	Chandler	Owens			
			Chocola	Chocola	Oxley			
			Clyburn	Clyburn	Pallone			
			Coble	Coble	Pascrell			
			Cole (OK)	Cole (OK)	Pearce			
			Conaway	Conaway	Pelosi			
			Cooper	Cooper	Pence			
			Costa	Costa	Peterson (MN)			
			Costello	Costello	Peterson (PA)			
			Cramer	Cramer	Petri			
			Crenshaw	Crenshaw	Pickering			
			Crowley	Crowley	Pitts			
			Cubin	Cubin	Platts			
			Cuellar	Cuellar	Poe			
			Culberson	Culberson	Pombo			
			Cummings	Cummings	Pomeroy			
			Davis (AL)	Davis (AL)	Porter			
			Davis (CA)	Davis (CA)	Price (GA)			
			Davis (FL)	Davis (FL)	Price (NC)			
			Davis (IL)	Davis (IL)	Pryce (OH)			
			Davis (KY)	Davis (KY)	Putnam			
			Davis (TN)	Davis (TN)	Ramstad			
			Davis, Tom	Davis, Tom	Rangel			
			Deal (GA)	Deal (GA)	Regula			
			DeGette	DeGette	Rehberg			
			Delahunt	Delahunt	Reichert			
			DeLauro	DeLauro	Renzi			
			DeLay	DeLay	Reynolds			
			Dent	Dent	Rogers (AL)			
			Dicks	Dicks	Rogers (KY)			
			Dingell	Dingell	Rogers (MI)			
			Doggett	Doggett	Rohrabacher			
			Doolittle	Doolittle	Leach			
			Doyle	Doyle	Ross			
			Drake	Drake	Rothman			
			Dreier	Dreier	Royce			
			Duncan	Duncan	Ruppersberger			
			Edwards	Edwards	Rush			
			Ehlers	Ehlers	Ryan (OH)			
			Emerson	Emerson	Ryan (WI)			
			Engel	Engel	Ryun (KS)			
			English (PA)	English (PA)	Sabo			
			Eshoo	Eshoo	Salazar			
			Etheridge	Etheridge	Sánchez, Linda			
			Evans	Evans	T.			
			Everett	Everett				

NAYS—22

Baird	Jackson-Lee	Obey
Blumenauer	(TX)	Pastor
Conyers	Johnson, E. B.	Paul
DeFazio	Kilpatrick (MI)	Payne
Fortenberry	Kucinich	Rahall
Lee	Lee	Taylor (NC)
Hinchey	McKinney	Waters
Jackson (IL)	Miller, George	Wynn

NOT VOTING—24

Baca	Gutierrez	Jones (NC)
Bonilla	Harman	Kolbe
Clay	Hastings (FL)	Marshall
Cleaver	Hefley	Miller, Gary
Davis, Jo Ann	Hostettler	Myrick
Diaz-Balart, L.	Hyde	Radanovich
Diaz-Balart, M.	Istook	Reyes
Emanuel	Johnson, Sam	Roybal-Allard

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

139.48 DEFENSE APPROPRIATIONS FY 2006

Mr. YOUNG of Florida, pursuant to House Resolution 639, called up the following conference report (Rept. No. 109-359):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2863) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by

NOT VOTING—19

Baca	Hostettler	Myrick
Clay	Hyde	Price (GA)
Davis, Jo Ann	Istook	Radanovich
Emanuel	Johnson, Sam	Reyes
Gutierrez	Jones (NC)	Roybal-Allard
Harman	Kolbe	
Hefley	Miller, Gary	

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

139.46 H. CON. RES. 284—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 284) expressing the sense of Congress with respect to the 2005 presidential parliamentary elections in Egypt; as amended.

The question being put, Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 388 Nays 22

139.47 [Roll No. 667] YEAS—388

Abercrombie	Alexander	Baker
Ackerman	Allen	Baldwin
Aderholt	Andrews	Barrett (SC)
Akin	Bachus	Barrow

the Department of Defense and for other purposes, namely:

TITLE I
MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,191,287,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$22,788,101,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$8,968,884,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,199,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,172,669,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in sec-

tion 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,686,099,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$513,001,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,296,646,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,912,794,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,267,732,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$24,105,470,000: Provided, That of funds made available under this heading, \$2,000,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance,

Army", in Public Law 107-117: Provided further, That notwithstanding any other provision of law, the Secretary of the Army may provide a grant of up to \$10,000,000 from funds made available in this or any other Department of Defense Appropriations Act to the Army Distaff Foundation.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$29,995,383,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,695,256,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$30,313,136,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$18,500,716,000: Provided, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, \$500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That of the funds made available under this heading, \$4,250,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: Provided further, That of the funds provided under this heading, not less than \$27,009,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be

available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,973,382,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,244,795,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$202,734,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,499,286,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,491,109,000: Provided, That \$8,500,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other federal agency, and state and local first responder personnel at the Joint Interagency Training Center-East.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities;

transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$4,701,306,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$11,236,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$407,865,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$305,275,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$406,461,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$28,167,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon deter-

mining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$256,921,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), \$61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$415,549,000, to remain available until September 30, 2008: Provided, That of the amounts provided under this heading, \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, \$2,653,280,000, to remain available for obligation until September 30, 2008: Provided, That \$75,000,000 of the funds provided in this paragraph are available only for the purpose of acquiring four (4) HH-60L medical evacuation variant Blackhawk helicopters for the Army Reserve: Provided further, That three (3) UH-60 Blackhawk helicopters in addition to those referred to in the preceding proviso shall be available only for the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,208,919,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,391,615,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,733,020,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 14 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment

layaway; and other expenses necessary for the foregoing purposes, \$4,594,031,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$9,774,749,000, to remain available for obligation until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,659,978,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$851,841,000, to remain available for obligation until September 30, 2008.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP),	\$626,913,000;
NSSN, \$1,637,698,000;	
NSSN (AP), \$763,786,000;	
SSGN, \$286,516,000;	
CVN Refuelings, \$1,318,563,000;	
CVN Refuelings (AP), \$20,000,000;	
SSBN Submarine Refuelings, \$230,193,000;	
SSBN Submarine Refuelings (AP), \$62,248,000;	
DD(X) (AP), \$715,992,000;	
DDG-51 Destroyer, \$150,000,000;	
DDG-51 Destroyer Modernization, \$50,000,000;	
LCS, \$440,000,000;	
LHD-8, \$197,769,000;	
LPD-17, \$1,344,741,000;	
LHA-R, \$150,447,000;	
LCAC Landing Craft Air Cushion,	\$100,000,000;

Prior year shipbuilding costs, \$517,523,000;

Service Craft, \$45,455,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$369,387,000.

In all: \$9,027,231,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,444,294,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,398,955,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$12,737,215,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,174,474,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,016,887,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$14,060,714,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,573,964,000, to remain available for obligation until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$180,000,000, to remain available for obligation until September 30, 2008: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$58,248,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,172,397,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,993,135,000, to remain available for obligation until September 30, 2007: Provided, That funds appropriated in this paragraph which are available for the V-922 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$21,999,649,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,798,599,000, to remain available for obligation until September 30, 2007.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$168,458,000, to remain available for obligation until September 30, 2007.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,154,940,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,089,056,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds

shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$20,221,212,000, of which \$19,299,787,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to \$10,212,427,000 may be available for contracts entered into under the TRICARE program; of which \$379,119,000, to remain available for obligation until September 30, 2008, shall be for Procurement; and of which \$542,306,000, to remain available for obligation until September 30, 2007, shall be for Research, development, test and evaluation: Provided, That notwithstanding any other provision of law, of the amount made available under this heading for Research, development, test and evaluation, not less than \$5,300,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,400,827,000, of which \$1,216,514,000 shall be for Operation and maintenance; \$116,527,000 shall be for Procurement to remain available until September 30, 2008; \$67,786,000 shall be for Research, development, test and evaluation, of which \$53,026,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than \$119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$36,800,000 shall be for activities on military installations and \$82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$917,651,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$209,687,000, of which \$208,687,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$422,344,000, of which \$27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2008 and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2007: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for

obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the pro-

posed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60/MH-60 Helicopters;

C-17 Globemaster;

Apache Block II Conversion; and

Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor (MTADS/PNVIS).

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver author-

ized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85-536, as amended, shall have the same status as other program participants under section 602 of Public Law 100-656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8021. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-976 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8022. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8023. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than \$31,109,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$24,288,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$6,000,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$821,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$46,000,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further,

That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8028. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives. In addition, for any matter pertaining to basic allowance for housing, facilities sustainment, restoration and modernization, environmental restoration and the Defense Health Program, "congressional defense committees" also means the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8031. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, pro-

vided in section 2865 of title 10, United States Code.

SEC. 8032. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, and hereafter, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8033. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8034. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 10109510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8035. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103 09454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8036. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8037. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or

any other area or category of the Department of Defense Working Capital Funds.

SEC. 8038. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8039. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8040. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8041. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8042. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern

is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8043. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8044. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference to accompany the conference report on the bill H.R. 2863, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8045. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Missile Procurement, Army, 2004/2006",	\$20,000,000;
"Missile Procurement, Army, 2005/2007",	\$14,931,000;
"Other Procurement, Army, 2005/2007",	\$68,637,000;
"Aircraft Procurement, Navy, 2005/2007",	\$16,800,000;
"Shipbuilding and Conversion, Navy, 2005/2009",	\$42,200,000;
"Other Procurement, Navy, 2005/2007",	\$43,000,000;
"Procurement, Marine Corps, 2005/2007",	\$4,300,000;
"Missile Procurement, Air Force, 2005/2007",	\$92,000,000;
"Other Procurement, Air Force, 2005/2007",	\$3,400,000;
"Research, Development, Test and Evaluation, Army, 2005/2006",	\$4,300,000;
"Research, Development, Test and Evaluation, Navy, 2005/2006",	\$32,755,000; and
"Research, Development, Test and Evaluation, Air Force, 2005/2006",	\$63,400,000.

SEC. 8046. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8047. None of the funds appropriated or otherwise made available in this Act may be ob-

ligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8048. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8049. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8050. Up to \$2,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available to contract for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility and infrastructure critical to base operations and the public health and safety of community residents in the vicinity of the NCTAMS.

SEC. 8051. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8052. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8053. Up to \$3,000,000 of the funds appropriated in Title II of this Act under the heading, "Operation and Maintenance, Army", may be made available to contract with the Army Historical Foundation, a nonprofit organization, for services required to solicit non-Federal donations to support construction and operation of the National Museum of the United States Army at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any nonprofit organization chartered to support the National Museum of the United States Army to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

(TRANSFER OF FUNDS)

SEC. 8054. Appropriations available under the heading "Operation and Maintenance, Defense-Wide" for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for

projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8055. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8056. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8057. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8058. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8059. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8060. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8061. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8062. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8063. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8064. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8065. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8066. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8067. None of the funds made available in this Act may be used to approve or license the sale of the F/A-22 advanced tactical fighter to any foreign government.

SEC. 8068. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218

through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8069. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8070. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8071. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8072. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8073. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8074. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Man-

agement Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8075. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than \$1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8076. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8077. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of Title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8078. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8079. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8080. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8081. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to

fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", \$147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8083. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8084. In addition to amounts provided elsewhere in this Act, \$2,200,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8085. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8086. Amounts appropriated in title II of this Act are hereby reduced by \$265,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", \$26,000,000.

(2) From "Operation and Maintenance, Navy", \$85,000,000.

(3) From "Operation and Maintenance, Air Force", \$154,000,000.

SEC. 8087. The total amount appropriated or otherwise made available in this Act is hereby reduced by \$100,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", \$25,000,000.

"Operation and Maintenance, Navy", \$10,000,000.

"Operation and Maintenance, Air Force", \$30,000,000.

"Operation and Maintenance, Defense-Wide", \$35,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8088. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$132,866,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, \$60,250,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and \$10,000,000 shall be available for the purpose of the initiation of a joint feasibility study designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$517,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2006":

New SSN, \$28,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$95,000,000;

New SSN, \$72,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$94,800,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2006":

Carrier Replacement Program, \$145,023,000;

New SSN, \$82,700,000.

SEC. 8090. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8091. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8092. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8093. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8094. The amounts appropriated in title II of this Act are hereby reduced by \$250,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", \$100,000,000.

(2) From "Operation and Maintenance, Navy", \$50,000,000.

(3) From "Operation and Maintenance, Air Force", \$100,000,000.

SEC. 8095. (a) In addition to the amounts provided elsewhere in this Act, the amount of \$5,100,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$5,100,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8096. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8097. Up to \$2,125,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8098. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$33,350,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: \$3,850,000 to the Intrepid Sea-Air-Space Foundation; \$1,000,000 to the Pentagon Memorial Fund, Inc.; \$4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; \$1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; \$500,000 to the Westchester County World Trade Center Memorial; \$1,000,000 to the Women in Military Service for America Memorial Foundation; \$2,000,000 to The Presidio Trust; \$500,000 to George Mason University for the Clinic for Legal Assistance to Servicemembers; \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$1,000,000 to the American Civil

War Center at Historic Tredegar; \$1,500,000 to the Museum of Flight, American Heroes Collection; \$1,000,000 to the National Guard Youth Foundation; \$2,550,000 to the United Services Organization; \$1,700,000 to the Dwight D. Eisenhower Memorial Commission; \$1,000,000 to the Iraq Cultural Heritage Assistance Project; \$1,350,000 to the Pacific Aviation Museum-Pearl Harbor; \$1,500,000 to the Red Cross Consolidated Blood Services Facility; \$150,000 to the Telluride Adaptive Sports Program; \$4,000,000 to T.H.A.N.K.S USA; \$1,500,000 to the Battleship Texas Foundation to Restore and Preserve the Battleship Texas; and \$1,000,000 to the Pennsylvania Veterans Museum Media Armory.

SEC. 8099. Notwithstanding section 2583(a) of title 10, United States Code, but subject to the limitations of section 2583(e) of title 10, United States Code, during the current fiscal year the Secretary of the military department concerned may make a military working dog available for adoption by its former handler.

SEC. 8100. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8101. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8102. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", \$20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8103. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8104. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8105. (a) From within amounts made available in title II of this Act, under the heading "Operation and Maintenance, Army", and

notwithstanding any other provision of law, up to \$7,000,000 shall be available only for repairs and safety improvements to the segment of Fort Irwin Road which extends from Interstate 15 northeast toward the boundary of Fort Irwin, California and the originating intersection of Irwin Road: Provided, That these funds shall remain available until expended: Provided further, That the authorized scope of work includes, but is not limited to, environmental documentation and mitigation, engineering and design, improving safety, resurfacing, widening lanes, enhancing shoulders, and replacing signs and pavement markings: Provided further, That these funds may be used for advances to the Federal Highway Administration, Department of Transportation, for the authorized scope of work.

(b) From within amounts made available in title II of this Act under the heading "Operation and Maintenance, Marine Corps", the Secretary of the Navy shall make a grant in the amount of \$4,800,000, notwithstanding any other provision of law, to the City of Twentynine Palms, California, for the widening of off-base Adobe Road, which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California, and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8106. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8107. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: Provided further, That the funding transferred shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8109. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by \$92,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8110. In addition to funds made available elsewhere in this Act, \$5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to \$2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8111. Of the funds appropriated or otherwise made available in this Act, a reduction of \$361,000,000 is hereby taken from Title III, Procurement, from the following accounts in the specified amounts:

"Missile Procurement, Army", \$9,000,000;

"Other Procurement, Army", \$297,000,000; and

"Procurement, Marine Corps", \$55,000,000:

Provided, That within 30 days of enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within these accounts.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. (a) THREE-YEAR EXTENSION.—During the current fiscal year and each of fiscal years 2007 and 2008, the Secretary of Defense may transfer not more than \$20,000,000 of unobligated balances remaining in the expiring RDT&E, Army, appropriation account to a current Research, Development, Test and Evaluation, Army, appropriation account to be used only for the continuation of the Army Venture Capital Fund demonstration.

(b) EXPIRING RDT&E, ARMY, ACCOUNT.—For purposes of this section, for any fiscal year, the expiring RDT&E, Army, account is the Research, Development, Test and Evaluation, Army, appropriation account that is then in its last fiscal year of availability for obligation before the account closes under section 1552 of title 31, United States Code.

(c) ARMY VENTURE CAPITAL FUND DEMONSTRATION.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2281), as extended

and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1562).

(d) ADMINISTRATIVE PROVISIONS.—The provisions in section 8105 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1562), shall apply with respect to amounts transferred under this section in the same manner as to amounts transferred under that section.

SEC. 8113. Of the funds made available in this Act, not less than \$76,100,000 shall be available to maintain an attrition reserve force of 18 B-52 aircraft, of which \$3,900,000 shall be available from “Military Personnel, Air Force”, \$44,300,000 shall be available from “Operation and Maintenance, Air Force”, and \$27,900,000 shall be available from “Aircraft Procurement, Air Force”. Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2006: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2007 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8114. The Secretary of the Air Force is authorized, using funds available under the heading “Operation and Maintenance, Air Force”, to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed \$32,000,000.

SEC. 8115. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading “Shipbuilding and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

(TRANSFER OF FUNDS)

SEC. 8116. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, “Shipbuilding and Conversion, Navy, 2003/2007”:

For outfitting, post delivery, conversions, and first destination transportation, \$3,300,000;

Under the heading, “Shipbuilding and Conversion, Navy, 2004/2008”:

For outfitting, post delivery, conversions, and first destination transportation, \$6,100,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 2003/2007”:

SSGN, \$3,300,000;

Under the heading, “Shipbuilding and Conversion, Navy, 2004/2008”:

SSGN, \$6,100,000.

SEC. 8117. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108-87), the Department of Defense Appropriations Act, 2005 (Public Law 108-287), and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7,

2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in the budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) In section 1024(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (119 Stat. 252), the Senate requested that the President submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year.

(5) The President has yet to submit such an amendment.

(6) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 cost of ongoing military operations in Iraq and Afghanistan could total \$85,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit a budget request for fiscal year 2006 setting forth estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

SEC. 8118. Section 351(a)(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1858) is amended by striking “July 31, 2004” and inserting “April 1, 2006”.

SEC. 8119. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8120. (a) REPORT.—Not later than February 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the review of, and actions taken to implement, the recommendations of the Comptroller General of the United States in the report of the Comptroller General entitled “Military and Veterans Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard” (GAO 05-544).

(b) PARTICULAR INFORMATION.—If the Secretary has determined in the course of the re-

view described in subsection (a) not to implement any recommendation of the Comptroller General described in that subsection, the report under that subsection shall include a justification of such determination.

SEC. 8121. (a) The Secretary of the Navy may, subject to the terms and conditions of the Secretary, donate the World War II-era marine railway located at the United States Naval Academy, Annapolis, Maryland, to the Richardson Maritime Heritage Center, Cambridge, Maryland.

(b) The marine railway donated under subsection (a) may not be used for commercial purposes.

SEC. 8122. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary’s jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8123. Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1440) is amended by striking “the report to the President from the Defense Base Closure and Realignment Commission, July 1991” and inserting “the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993”.

SEC. 8124. (a) INCREASE IN RATE OF BASIC PAY.—

(1) INCREASE.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 37 U.S.C. 1009 note) is amended by striking “or Master Chief Petty Officer of the Coast Guard” and inserting “Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(c) of title 37, United States Code, is amended by striking “or the Master Chief Petty Officer of the Coast Guard” and inserting “the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff”.

SEC. 8125. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by \$195,260,000, the total amount appropriated in title III of this Act is hereby reduced by \$263,875,000, and the total amount appropriated in title IV of this Act is hereby reduced by \$312,165,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, sub-activity group, and each program, project, and activity, within each appropriation account.

SEC. 8126. SUPPORT FOR YOUTH ORGANIZATIONS. (a) SHORT TITLE.—This Act may be cited as the “Support Our Scouts Act of 2005”.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Federal agency” means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term “youth organization”—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

- (I) the Boy Scouts of America;
- (II) the Girl Scouts of the United States of America;
- (III) the Boys Clubs of America;
- (IV) the Girls Clubs of America;
- (V) the Young Men's Christian Association;
- (VI) the Young Women's Christian Association;
- (VII) the Civil Air Patrol;
- (VIII) the United States Olympic Committee;
- (IX) the Special Olympics;
- (X) Campfire USA;
- (XI) the Young Marines;
- (XII) the Naval Sea Cadets Corps;
- (XIII) 4-H Clubs;
- (XIV) the Police Athletic League;
- (XV) Big Brothers—Big Sisters of America;

and
(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

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

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a "tent city" capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

"(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

"(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

"(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

"(B) reports such a determination to the Congress in a timely manner, and before such support is not provided."

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting "or (e)" after "subsection (a)"; and

(2) by adding at the end the following:

"(e) EQUAL ACCESS.—

"(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

"(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum."

SEC. 8127. REGULATIONS TO CLARIFY GIFT ACCEPTANCE POLICY FOR SERVICE MEMBERS AND THEIR FAMILIES. (a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to provide that, subject to such limitations as may be specified in such regulations, members of the Armed Forces described in subsection (c), and the family members of such a member, may accept gifts from non-profit organizations, private parties, and other sources outside the Department of Defense, other than foreign governments and their agents. Such regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps, and, to the maximum extent feasible, to the Coast Guard, and shall apply uniformly to the active and reserve components.

(b) AUTHORITY.—A member of the Armed Forces described in subsection (c) may accept gifts as provided in the regulations authorized in subsection (a), notwithstanding section 7353 or title 5, United States Code.

(c) COVERED MEMBERS.—A member of the Armed Forces is described in this subsection in the case of a member who is on active duty and who on or after September 11, 2001, and while on active duty, incurred an injury or illness—

(1) as described in section 1413a(e)(2) of title 10, United States Code; or

(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of defense in accordance with the regulations prescribed under subsection (a).

(d) DEADLINE FOR REGULATIONS.—Regulations under subsection (a) shall be prescribed not later than 90 days after the date of the enactment of this Act.

(e) RETROACTIVE APPLICABILITY OF REGULATIONS.—Regulations under subsection (a) shall, to the extent provided in such regulations, also

apply to the acceptance of gifts during the period beginning on September 11, 2001, and ending on the date on which such regulations go into effect.

SEC. 8128. Section 106(g) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by striking "later" and inserting "earlier".

SEC. 8129. The present incumbent Attending Physician at the U.S. Capitol shall be continued on active duty until ten years after the enactment of this Act.

TITLE IX

ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$4,713,245,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$144,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$455,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$508,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$138,755,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$234,400,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$3,200,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$21,348,886,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$1,810,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,833,126,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$2,483,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$805,000,000, of which up to \$195,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key co-operating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$48,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$6,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$27,950,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$5,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$183,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$7,200,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", \$4,658,686,000, to remain available for transfer until September 30, 2007, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That of the amounts provided under this heading, \$3,048,686,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That up to \$100,000,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": Provided further, That not less than \$1,360,000,000 shall be available for the Joint IED Defeat Task Force: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$232,100,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$55,000,000, to remain available until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$860,190,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$273,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$3,174,900,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$138,837,000, to remain available until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$116,900,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND
MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$38,885,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$49,100,000, to remain available until September 30, 2008.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,710,145,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$115,300,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$17,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$17,500,000, to remain available until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$182,075,000, to remain available until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", \$1,000,000,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$13,100,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$12,500,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$25,000,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$2,516,400,000.

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$27,620,000.

GENERAL PROVISIONS

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 or 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, of the funds made available in this title to the Department of Defense for operation and maintenance, not to exceed \$500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support United States military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed \$500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9008. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2006, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

- (i) unemployment levels;
- (ii) electricity, water, and oil production rates; and
- (iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

- (i) capable of conducting counterinsurgency operations independently;
- (ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or
- (iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the

milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9012. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE X—MATTERS RELATING TO DETAINEES

SEC. 1001. SHORT TITLE.

This title may be cited as the “Detainee Treatment Act of 2005”.

SEC. 1002. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 1003. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical

limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDITION.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 1004. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AUTHORIZED INTERROGATIONS.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In any civil action or criminal prosecution against an officer, employee, member of the Armed Forces, or other agent of the United States Government who is a United States person, arising out of the officer, employee, member of the Armed Forces, or other agent’s engaging in specific operational practices, that involve detention and interrogation of aliens who the President or his designees have determined are believed to be engaged in or associated with international terrorist activity that poses a serious, continuing threat to the United States, its interests, or its allies, and that were officially authorized and determined to be lawful at the time that they were conducted, it shall be a defense that such officer, employee, member of the Armed Forces, or other agent did not know that the practices were unlawful and a person of ordinary sense and understanding would not know the practices were unlawful. Good faith reliance on advice of counsel should be an important factor, among others, to consider in assessing whether a person of ordinary sense and understanding would have known the practices to be unlawful. Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(b) COUNSEL.—The United States Government may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation of an officer, employee, member of the Armed Forces, or other agent described in subsection (a), with respect to any civil action or criminal prosecution arising out of practices described in that subsection, under the same conditions, and to the same extent, to which such services and payments are authorized under section 1037 of title 10, United States Code.

SEC. 1005. PROCEDURES FOR STATUS REVIEW OF DETAINEES OUTSIDE THE UNITED STATES.

(a) SUBMITTAL OF PROCEDURES FOR STATUS REVIEW OF DETAINEES AT GUANTANAMO BAY, CUBA, AND IN AFGHANISTAN AND IRAQ.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on the Judiciary of the Senate and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives a report setting forth—

(A) the procedures of the Combatant Status Review Tribunals and the Administrative Review Boards established by direction of the Secretary of Defense that are in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay or to

provide an annual review to determine the need to continue to detain an alien who is a detainee; and

(B) the procedures in operation in Afghanistan and Iraq for a determination of the status of aliens detained in the custody or under the physical control of the Department of Defense in those countries.

(2) **DESIGNATED CIVILIAN OFFICIAL.**—The procedures submitted to Congress pursuant to paragraph (1)(A) shall ensure that the official of the Department of Defense who is designated by the President or Secretary of Defense to be the final review authority within the Department of Defense with respect to decisions of any such tribunal or board (referred to as the “Designated Civilian Official”) shall be a civilian officer of the Department of Defense holding an office to which appointments are required by law to be made by the President, by and with the advice and consent of the Senate.

(3) **CONSIDERATION OF NEW EVIDENCE.**—The procedures submitted under paragraph (1)(A) shall provide for periodic review of any new evidence that may become available relating to the enemy combatant status of a detainee.

(b) **CONSIDERATION OF STATEMENTS DERIVED WITH COERCION.**—

(1) **ASSESSMENT.**—The procedures submitted to Congress pursuant to subsection (a)(1)(A) shall ensure that a Combatant Status Review Tribunal or Administrative Review Board, or any similar or successor administrative tribunal or board, in making a determination of status or disposition of any detainee under such procedures, shall, to the extent practicable, assess—

(A) whether any statement derived from or relating to such detainee was obtained as a result of coercion; and

(B) the probative value (if any) of any such statement.

(2) **APPLICABILITY.**—Paragraph (1) applies with respect to any proceeding beginning on or after the date of the enactment of this Act.

(c) **REPORT ON MODIFICATION OF PROCEDURES.**—The Secretary of Defense shall submit to the committees specified in subsection (a)(1) a report on any modification of the procedures submitted under subsection (a). Any such report shall be submitted not later than 60 days before the date on which such modification goes into effect.

(d) **ANNUAL REPORT.**—

(1) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress an annual report on the annual review process for aliens in the custody of the Department of Defense outside the United States. Each such report shall be submitted in unclassified form, with a classified annex, if necessary. The report shall be submitted not later than December 31 each year.

(2) **ELEMENTS OF REPORT.**—Each such report shall include the following with respect to the year covered by the report:

(A) The number of detainees whose status was reviewed.

(B) The procedures used at each location.

(e) **JUDICIAL REVIEW OF DETENTION OF ENEMY COMBATANTS.**—

(1) **IN GENERAL.**—Section 2241 of title 28, United States Code, is amended by adding at the end the following:

“(e) Except as provided in section 1005 of the Detainee Treatment Act of 2005, no court, justice, or judge shall have jurisdiction to hear or consider—

“(1) an application for a writ of habeas corpus filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba; or

“(2) any other action against the United States or its agents relating to any aspect of the detention by the Department of Defense of an alien at Guantanamo Bay, Cuba, who—

“(A) is currently in military custody; or

“(B) has been determined by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1005(e) of the Detainee Treat-

ment Act of 2005 to have been properly detained as an enemy combatant.”.

(2) **REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(B) **LIMITATION ON CLAIMS.**—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to claims brought by or on behalf of an alien—

(i) who is, at the time a request for review by such court is filed, detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a Combatant Status Review Tribunal has been conducted, pursuant to applicable procedures specified by the Secretary of Defense.

(C) **SCOPE OF REVIEW.**—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on any claims with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the status determination of the Combatant Status Review Tribunal with regard to such alien was consistent with the standards and procedures specified by the Secretary of Defense for Combatant Status Review Tribunals (including the requirement that the conclusion of the Tribunal be supported by a preponderance of the evidence and allowing a rebuttable presumption in favor of the Government’s evidence); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to make the determination is consistent with the Constitution and laws of the United States.

(D) **TERMINATION ON RELEASE FROM CUSTODY.**—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit with respect to the claims of an alien under this paragraph shall cease upon the release of such alien from the custody of the Department of Defense.

(3) **REVIEW OF FINAL DECISIONS OF MILITARY COMMISSIONS.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision rendered pursuant to Military Commission Order No. 1, dated August 31, 2005 (or any successor military order).

(B) **GRANT OF REVIEW.**—Review under this paragraph—

(i) with respect to a capital case or a case in which the alien was sentenced to a term of imprisonment of 10 years or more, shall be as of right; or

(ii) with respect to any other case, shall be at the discretion of the United States Court of Appeals for the District of Columbia Circuit.

(C) **LIMITATION ON APPEALS.**—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit under this paragraph shall be limited to an appeal brought by or on behalf of an alien—

(i) who was, at the time of the proceedings pursuant to the military order referred to in subparagraph (A), detained by the Department of Defense at Guantanamo Bay, Cuba; and

(ii) for whom a final decision has been rendered pursuant to such military order.

(D) **SCOPE OF REVIEW.**—The jurisdiction of the United States Court of Appeals for the District of Columbia Circuit on an appeal of a final decision with respect to an alien under this paragraph shall be limited to the consideration of—

(i) whether the final decision was consistent with the standards and procedures specified in the military order referred to in subparagraph (A); and

(ii) to the extent the Constitution and laws of the United States are applicable, whether the use of such standards and procedures to reach the final decision is consistent with the Constitution and laws of the United States.

(4) **RESPONDENT.**—The Secretary of Defense shall be the named respondent in any appeal to the United States Court of Appeals for the District of Columbia Circuit under this subsection.

(f) **CONSTRUCTION.**—Nothing in this section shall be construed to confer any constitutional right on an alien detained as an enemy combatant outside the United States.

(g) **UNITED STATES DEFINED.**—For purposes of this section, the term “United States”, when used in a geographic sense, is as defined in section 101(a)(38) of the Immigration and Nationality Act and, in particular, does not include the United States Naval Station, Guantanamo Bay, Cuba.

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—This section shall take effect on the date of the enactment of this Act.

(2) **REVIEW OF COMBATANT STATUS TRIBUNAL AND MILITARY COMMISSION DECISIONS.**—Paragraphs (2) and (3) of subsection (e) shall apply with respect to any claim whose review is governed by one of such paragraphs and that is pending on or after the date of the enactment of this Act.

SEC. 1006. TRAINING OF IRAQI FORCES REGARDING TREATMENT OF DETAINEES.

(a) **REQUIRED POLICIES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall ensure that policies are prescribed regarding procedures for military and civilian personnel of the Department of Defense and contractor personnel of the Department of Defense in Iraq that are intended to ensure that members of the Armed Forces, and all persons acting on behalf of the Armed Forces or within facilities of the Armed Forces, ensure that all personnel of Iraqi military forces who are trained by Department of Defense personnel and contractor personnel of the Department of Defense receive training regarding the international obligations and laws applicable to the humane detention of detainees, including protections afforded under the Geneva Conventions and the Convention Against Torture.

(2) **ACKNOWLEDGMENT OF TRAINING.**—The Secretary shall ensure that, for all personnel of the Iraqi Security Forces who are provided training referred to in paragraph (1), there is documented acknowledgment of such training having been provided.

(3) **DEADLINE FOR POLICIES TO BE PRESCRIBED.**—The policies required by paragraph (1) shall be prescribed not later than 180 days after the date of the enactment of this Act.

(b) **ARMY FIELD MANUAL.**—

(1) **TRANSLATION.**—The Secretary of Defense shall provide for the United States Army Field Manual on Intelligence Interrogation to be translated into arabic and any other language the Secretary determines appropriate for use by members of the Iraqi military forces.

(2) **DISTRIBUTION.**—The Secretary of Defense shall provide for such manual, as translated, to be provided to each unit of the Iraqi military forces trained by Department of Defense personnel or contractor personnel of the Department of Defense.

(c) **TRANSMITTAL OF REGULATIONS.**—Not less than 30 days after the date on which regulations, policies, and orders are first prescribed under subsection (a), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement this section.

(d) **ANNUAL REPORT.**—Not less than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

This division may be cited as the "Department of Defense Appropriations Act, 2006".

DIVISION B

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO AND PANDEMIC INFLUENZA, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to address hurricanes in the Gulf of Mexico and pandemic influenza for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For necessary expenses of "Working Capital Fund" related to the consequences of Hurricane Katrina, \$35,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$9,200,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of grants for the water, waste disposal, and wastewater facilities programs authorized under section 306(a) and 306A of the Consolidated Farm and Rural Development Act, \$45,000,000: Provided, That funds made available under this paragraph shall remain available until expended to respond to damage caused by hurricanes that occurred during the 2005 calendar year: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949 to respond to damage caused by hurricanes that occurred during the 2005 calendar year to be available from the Rural Housing Insurance Fund, as follows: \$1,468,696,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$175,593,000 shall be for direct loans and of which \$1,293,103,000 shall be for unsubsidized guaranteed loans; and \$34,188,000 for section 504 housing repair loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows, to remain available until expended: section 502 loans, \$35,000,000, of which \$20,000,000 shall be for direct loans, and of which \$15,000,000 shall be for unsubsidized guaranteed loans; and section 504 housing repair loans, \$10,000,000: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repairs as authorized by 42 U.S.C. 1474 to respond to damage caused by hurricanes that occurred during the 2005 calendar year, \$20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That these funds are not subject to any age limitation.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND

TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

For gross obligations for the principal amount of direct rural telecommunication loans as authorized by section 306 of the Rural Electrification Act of 1936 to respond to damage caused by hurricanes that occurred during the 2005 calendar year, \$50,000,000, as determined by the Secretary.

For the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936 to respond to damage caused by hurricanes that occurred during the 2005 calendar year, \$8,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FOOD AND NUTRITION SERVICE COMMODITY

ASSISTANCE PROGRAM

For an additional amount for "Commodity Assistance Program" for necessary expenses related to the consequences of Hurricane Katrina, \$10,000,000, to remain available until expended, of which \$6,000,000 shall be for The Emergency Food Assistance Program and \$4,000,000 shall be for the Commodity Supplemental Food Program: Provided, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the "Act"), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by the hurricanes of calendar year 2005 among the states without regard to sections 204 and 214 of the Act: Provided further, That such programs may operate in any area where emergency feeding organizations develop a program to provide temporary emergency nonprofit food service to families and individuals displaced by the hurricanes of calendar year 2005: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. EMERGENCY CONSERVATION PROGRAM. (a) IN GENERAL.—There is hereby appropriated \$199,800,000, to remain available until expended, to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) for expenses resulting from hurricanes that occurred during the 2005 calendar year.

(b) ASSISTANCE TO NURSERY, OYSTER, AND POULTRY PRODUCERS.—In carrying out this section, the Secretary shall make payments to nursery, oyster, and poultry producers to pay for up to 90 percent of the cost of emergency measures to rehabilitate public and private oyster reefs or farmland damaged by hurricanes that occurred during the 2005 calendar year, including the cost of—

(1) cleaning up structures, such as barns and poultry houses;

(2) providing water to livestock;

(3) in the case of nursery producers, removing debris, such as nursery structures, shade-houses, and above-ground irrigation facilities;

(4) in the case of oyster producers, refurbishing oyster beds; and

(5) in the case of poultry producers, removing poultry house debris, including carcasses.

(c) POULTRY RECOVERY ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall not use more than \$20,000,000 of the funds made available under this section to provide assistance to poultry growers who suffered uninsured losses to poultry houses in counties affected by hurricanes that occurred during the 2005 calendar year.

(2) LIMITATIONS.—The amount of assistance provided to a poultry grower under this subsection may not exceed the lesser of—

(A) 50 percent of the total costs associated with the reconstruction or repair of a poultry house; or

(B) \$50,000 for each poultry house.

(3) LIMIT ON AMOUNT OF ASSISTANCE.—The total amount of assistance provided under this subsection, and any indemnities for losses to a poultry house paid to a poultry grower, may not exceed 90 percent of the total costs associated with the reconstruction or repair of a poultry house.

(d) ASSISTANCE TO PRIVATE NONINDUSTRIAL FOREST LANDOWNERS.—

(1) ELIGIBILITY.—To be eligible to receive a payment under this section, a private nonindustrial forest landowner shall (as determined by the Secretary)—

(A) have suffered a loss of, or damage to, at least 35 percent of forest acres on commercial forest land of the forest landowner in a county affected by hurricanes that occurred during the 2005 calendar year, or a related condition; and

(B) during the 5-year period beginning on the date of the loss—

(i) reforest the lost forest acres, in accordance with a plan approved by the Secretary that is appropriate for the forest type;

(ii) use best management practices on the forest land of the landowner, in accordance with the best management practices of the Secretary for the applicable State; and

(iii) exercise good stewardship on the forest land of the landowner, while maintaining the land in a forested state.

(2) PROGRAM.—The Secretary shall make payments under this subsection to private nonindustrial forest landowners to pay for up to 75 percent of the cost of reforestation, rehabilitation, and related measures, except that the amount of assistance provided under this subsection shall not exceed \$150 per acre.

(e) ELIGIBILITY.—Failure to comply with subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall not prevent an agricultural producer from receiving assistance under this section.

(f) EMERGENCY DESIGNATION.—The amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 102. EMERGENCY WATERSHED PROTECTION PROGRAM. (a) IN GENERAL.—There is hereby appropriated \$300,000,000, to remain available until expended, to provide assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages resulting from hurricanes that occurred during the 2005 calendar year.

(b) ASSISTANCE.—In carrying out this section, the Secretary shall make payments to landowners and land users to pay for up to 75 percent of the cost resulting from damage caused by hurricanes that occurred during the 2005 calendar year, or a related condition, including the cost of—

(1) cleaning up structures on private land; and

(2) reimbursing private nonindustrial forest landowners for costs associated with downed timber removal, except that the amount of assistance provided under this paragraph shall not exceed \$150 per acre.

(c) Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available under this section, may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(d) EMERGENCY DESIGNATION.—The amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 103. Notwithstanding any other provision of law, funds appropriated under this Act to the Secretary of Agriculture may be used to reimburse accounts of the Secretary that have been used to pay costs incurred to respond to damage caused by hurricanes that occurred during the 2005 calendar year if those costs could have been paid with such appropriated funds if such costs had arisen after the date of enactment of this Act.

SEC. 104. Funds provided for hurricanes that occurred during the 2005 calendar year under the headings, "Rural Housing Insurance Fund" and "Rural Housing Assistance Grants", may be transferred between such accounts at the Secretary's discretion.

SEC. 105. (a) Notwithstanding any other provision of this title, with respect to the counties affected by hurricanes in the 2005 calendar year and for any individuals who resided in such counties at the time of the disaster the Secretary of Agriculture may, for a 6-month period that begins upon the date of the enactment of this Act—

(1) convert rental assistance under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a) allocated for a property that is not decent, safe, and sanitary because of the disaster into rural housing vouchers authorized under title V of the Housing Act of 1949.

(2) guarantee loans under section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) to—

(A) repair and rehabilitate single-family residences; and

(B) refinance any loan made to a single-family resident used to acquire or construct the single-family residence if such residence meets the requirements of subparagraphs (A), (B), and (C) of section 502(h)(4) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4));

(3) waive the application of the rural area or similar limitations under any program funded through an appropriations act and administered by the Rural Development Mission Area;

(4) issue housing vouchers under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), except that—

(A) notwithstanding the first sentence of subsection (a) of section 542 of such Act, the Secretary may assist low-income families and persons whose residence has become uninhabitable or inaccessible as a result of a 2005 hurricane; and

(B) subsection (b) of such section 542 of such Act shall not apply;

(5) provide loans, loan guarantees and grants from the Renewable Energy System and Energy Efficiency Improvements Program authorized in section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) to any rural business—

(A) with a cost share requirement not to exceed 50 percent;

(B) without regard to any limitation of the grant amount; and

(C) which may include businesses processing unsegregated solid waste and paper, as determined by the Secretary;

(6) provide grants under the Value-added Agricultural Product Market Development Grant Program and Rural Cooperative Development Grant Program without regard to any grant amount limitations or matching requirements; and

(7) provide grants under the Community Facilities Grant Program without regard to any

graduated funding requirements, grant amount limitations or matching requirements.

(b) The funds made available under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 106. Section 759 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2006 (Public Law 109-97) is amended to read as follows:

"SEC. 759. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to expend more than \$12,000,000 of the funds initially made available for fiscal year 2006 by section 310(a)(2) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note)."

SEC. 107. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

(a) Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

"(k) EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) MERCHANTABLE TIMBER.—The term 'merchantable timber' means timber on private non-industrial forest land on which the average tree has a trunk diameter of at least 6 inches measured at a point no less than 4.5 feet above the ground.

"(B) PRIVATE NONINDUSTRIAL FOREST LAND.—The term 'private nonindustrial forest land' includes State school trust land.

"(2) PROGRAM.—During calendar year 2006, the Secretary shall carry out an emergency pilot program in States that the Secretary determines have suffered damage to merchantable timber in counties affected by hurricanes during the 2005 calendar year.

"(3) ELIGIBLE ACREAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B) and the availability of funds under subparagraph (G), an owner or operator may enroll private nonindustrial forest land in the conservation reserve under this subsection.

"(B) DETERMINATION OF DAMAGES.—Eligibility for enrollment shall be limited to owners and operators of private nonindustrial forest land that have experienced a loss of 35 percent or more of merchantable timber in a county affected by hurricanes during the 2005 calendar year.

"(C) EXEMPTIONS.—Acreage enrolled in the conservation reserve under this subsection shall not count toward—

"(i) county acreage limitations described in section 1243(b); or

"(ii) the maximum enrollment described in subsection (d).

"(D) DUTIES OF OWNERS AND OPERATORS.—As a condition of entering into a contract under this subsection, during the term of the contract, the owner or operator of private nonindustrial forest land shall agree—

"(i) to restore the land, through site preparation and planting of similar species as existing prior to hurricane damages or to the maximum extent practicable with other native species, as determined by the Secretary; and

"(ii) to establish temporary vegetative cover the purpose of which is to prevent soil erosion on the eligible acreage, as determined by the Secretary.

"(E) DUTIES OF THE SECRETARY.—

"(i) IN GENERAL.—In return for a contract entered into by an owner or operator of private nonindustrial forest land under this subsection, the Secretary shall provide, at the option of the landowner—

"(I) notwithstanding the limitation in section 1234(f)(1), a lump sum payment; or

"(II) annual rental payments.

"(ii) CALCULATION OF LUMP SUM PAYMENT.—The lump sum payment described in clause (i)(I) shall be calculated using a net present value

formula, as determined by the Secretary, based on the total amount a producer would receive over the duration of the contract.

"(iii) CALCULATION OF ANNUAL RENTAL PAYMENTS.—The annual rental payment described in clause (i)(II) shall be equal to the average rental rate for conservation reserve contracts in the county in which the land is located.

"(iv) ROLLING SIGNUP.—The Secretary shall offer a rolling signup for contracts under this subsection.

"(v) DURATION OF CONTRACTS.—A contract entered into under this subsection shall have a term of 10 years.

"(F) BALANCE OF NATURAL RESOURCES.—In determining the acceptability of contract offers under this subsection, the Secretary shall consider an equitable balance among the purposes of soil erosion prevention, water quality improvement, wildlife habitat restoration, and mitigation of economic loss.

"(G) FUNDING.—The Secretary shall use \$404,100,000, to remain available until expended, of funds of the Commodity Credit Corporation to carry out this subsection.

"(H) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this subsection shall be final and conclusive.

"(I) REGULATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this subsection.

"(ii) PROCEDURE.—The promulgation of regulations and administration of this subsection shall be made without regard to—

"(I) the notice and comment provisions of section 553 of title 5, United States Code;

"(II) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

"(III) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

"(iii) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code."

(b) EMERGENCY DESIGNATION.—The amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$29,830,000, to remain available until September 30, 2006, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$57,691,000, to remain available until September 30, 2006, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$14,193,000, to remain available until September 30, 2006, for necessary

That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$2,600,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for "Shipbuilding and Conversion, Navy", \$1,987,000,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, which shall be available for transfer within this account to replace destroyed or damaged equipment, prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$76,675,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$162,315,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$12,082,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", \$19,260,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$2,462,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,200,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$32,720,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS**

For an additional amount for "Defense Working Capital Funds", \$7,224,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "Surcharge Collections, Sales of Commissary Stores, Defense", \$44,341,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$201,550,000, of which \$172,958,000 shall be for Operation and Maintenance, and of which \$28,592,000 shall be for Procurement, to remain available until September 30, 2006, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$310,000, to remain avail-

able until September 30, 2006, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 201. Upon his determination that such action is necessary to ensure the appropriate allocation of funds provided in this chapter, the Secretary of Defense may transfer up to \$500,000,000 of the funds made available to the Department of Defense in this chapter between such appropriations: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amount made available by the transfer of the funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 202. Notwithstanding section 701(b) of title 10, United States Code, the Secretary of Defense may authorize a member of the Armed Forces on active duty who performed duties in support of disaster relief operations in connection with hurricanes in the Gulf of Mexico in calendar year 2005 and who, except for this section, would lose any accumulated leave in excess of 60 days at the end of fiscal year 2005 to retain an accumulated leave total not to exceed 120 days leave. Except as provided in section 701(f) of title 10, United States Code, leave in excess of 60 days accumulated under this section is lost unless used by the member before October 1, 2007.

SEC. 203. Notwithstanding 37 U.S.C. 403(b), the Secretary of Defense may prescribe a temporary adjustment in the geographic location rates of the basic allowance for housing in a military housing area located within an area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) resulting from hurricanes in the Gulf of Mexico in calendar year 2005.

(1) Such temporary adjustment shall be based upon the Secretary's redetermination of housing costs in an affected area and at a rate that shall not exceed 20 percent of the current rate for an affected area.

(2) Members in an affected military housing area must certify that an increased housing cost above the current rate for an affected area has been incurred in order to be eligible for the temporary rate adjustment.

(3) No temporary adjustment may be made after September 30, 2006. No assistance provided to individual households under this heading may extend beyond January 1, 2007. Further, the Secretary is authorized to reduce or eliminate any temporary adjustment granted under paragraph (1) prior to such date as appropriate.

SEC. 204. Funds appropriated by this chapter may be obligated and expended notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 205. (a) The total amount appropriated or otherwise made available in this chapter is hereby reduced by \$737,089,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each applicable appropriation account.

(c) The reduction in subsection (a) shall not apply to budget authority appropriated or otherwise made available to the Defense Health Program account.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" to expedite studies of flood and storm damage reduction related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$37,300,000, to remain available until expended: Provided, That using \$10,000,000 of the funds provided, the Secretary shall conduct an analysis and design for comprehensive improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes at full Federal expense: Provided further, That the Secretary shall recommend a cost-effective project, but shall not perform an incremental benefit-cost analysis to identify the recommended project, and shall not make project recommendations based upon maximizing net national economic development benefits: Provided further, That interim recommendations for near term improvements shall be provided within 6 months of enactment of this Act with final recommendations within 24 months of enactment: Provided further, That none of the \$12,000,000 provided herein for the Louisiana Hurricane Protection Study shall be available for expenditure until the State of Louisiana establishes a single state or quasi-state entity to act as local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For additional amounts for "Construction" to rehabilitate and repair Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$101,417,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to cover the additional costs of mat laying and other repairs to the Mississippi River channel and associated levee repairs related to the consequences of hurricanes in the Gulf of Mexico in 2005, \$153,750,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$327,517,000, to remain available until expended: Provided, That \$75,000,000 of this amount shall be used for authorized operation and maintenance activities along the Mississippi River-Gulf Outlet channel: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for emergency response to and recovery from coastal storm damages and flooding related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$2,277,965,000, to remain available until expended: Provided, That in using the funds appropriated for construction related to Hurricane Katrina in the areas covered by the disaster declaration made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 88 Stat. 143, as amended (42 U.S.C. 5121 et seq.), the Secretary of the Army, acting through the Chief of Engineers, is directed to restore the flood damage reduction and hurricane and storm damage reduction projects, and related works, to provide the level of protection for which they were designed, at full Federal expense: Provided further, That \$75,000,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized projects in the State of Mississippi along the Mississippi Gulf Coast at full Federal expense: Provided further, That \$544,460,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized hurricane, storm damage reduction and flood control projects in the greater New Orleans and south Louisiana area at full Federal expense: Provided further, That \$70,000,000 of this amount shall be available to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, \$1,600,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to repair and replace critical equipment and property damaged by hurricanes and other natural disasters, \$24,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" to rebuild and repair structures damaged by hurricanes and other natural disasters, \$10,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to repair and replace critical equipment and property damaged by hurricanes and other natural disasters, \$13,000,000: Provided, That the amount provided under this heading is

designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of hurricanes and other natural disasters, \$132,000,000, to remain available until expended, of which up to \$400,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to \$525,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of hurricanes and other natural disasters, \$74,500,000, to remain available until expended, for major repair and reconstruction projects and for vessels currently under construction: Provided, That such amounts shall also be available for expenses to replace destroyed or damaged equipment; prepare and recover United States Coast Guard vessels under contract; reimburse for delay, loss of efficiency and disruption, and other related costs; make equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for equipment, vehicle replacement, and personnel relocation due to the consequences of hurricanes and other natural disasters, \$3,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs" for equipment replacement related to hurricanes and other natural disasters, \$10,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to hurricanes and other natural disasters, \$17,200,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

(TRANSFER OF FUNDS)

In addition, of the amounts appropriated under this heading in Public Law 109-62, \$1,500,000 shall be transferred to the "Disaster Assistance Direct Loan Program Account" for administrative expenses to carry out the direct

loan program, as authorized by section 417 of the Stafford Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 401. Notwithstanding 10 U.S.C. 701(b), the Secretary of the Department of Homeland Security may authorize a member on active duty who performed duties in support of Hurricanes Katrina or Rita disaster relief operations and who, except for this section, would lose any accumulated leave in excess of 60 days at the end of fiscal year 2005, to retain an accumulated leave total not to exceed 120 days leave. Leave in excess of 60 days accumulated under this section is lost unless it is used by the member before October 1, 2007.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$30,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$19,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$5,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management", for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$16,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for "Leaking Underground Storage Tank Program", not to exceed \$85,000 per project, \$8,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the

Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry", \$30,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", \$20,000,000, to remain available until expended, for necessary expenses, including hazardous fuels reduction, related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", \$7,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" to award national emergency grants under section 173 of the Workforce Investment Act of 1998 related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, \$125,000,000, to remain available until June 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That these sums may be used to replace grant funds previously obligated to the impacted areas.

STATE UNEMPLOYMENT INSURANCE AND

EMPLOYMENT SERVICE OPERATIONS

Funds provided under this heading in Public Law 108-447 which have been allocated to the States of Alabama, Louisiana, and Mississippi for activities authorized by title III of the Social Security Act, as amended, shall remain available for obligation by such States through September 30, 2006, except that funds used for automation by such States shall remain available through September 30, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social Services Block Grant", \$550,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act (42 U.S.C. 1397b and 1397d(a)): Provided, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated under this heading may be used for

health services (including mental health services) and for repair, renovation and construction of health facilities (including mental health facilities): Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", \$90,000,000, for Head Start to serve children displaced by hurricanes in the Gulf of Mexico in calendar year 2005, notwithstanding sections 640(a)(1) and 640(g)(1) of the Head Start Act, and to cover the costs of renovating those Head Start facilities which were affected by these hurricanes, to the extent reimbursements from FEMA and insurance companies do not fully cover such costs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF EDUCATION

For assisting in meeting the educational needs of individuals affected by hurricanes in the Gulf of Mexico in calendar year 2005, \$1,600,000,000, to remain available through September 30, 2006, of which \$750,000,000 shall be available to State educational agencies until expended to carry out section 102 of title IV, division B of this Act, \$5,000,000 shall be available to carry out section 106 of title IV, division B of this Act, \$645,000,000 shall be available to carry out section 107 of title IV, division B of this Act, and \$200,000,000 shall be available to provide assistance under the programs authorized by subparts 3 and 4 of part A, part C of title IV, and part B of title VII of the Higher Education Act of 1965, for students attending institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005 and who qualify for assistance under subparts 3 and 4 of part A and part C of title IV of the Higher Education Act of 1965, to provide emergency assistance based on demonstrated need to institutions of higher education that are located in an area affected by hurricanes in the Gulf of Mexico in calendar year 2005 and were forced to close, relocate or significantly curtail their activities as a result of damage directly sustained by such hurricanes, and to provide payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted due to hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That of the \$200,000,000 described in the preceding proviso, \$95,000,000 shall be for the Mississippi Institutes of Higher Learning to provide assistance under such title IV programs, notwithstanding any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort that would otherwise be applicable to that assistance; \$95,000,000 shall be for the Louisiana Board of Regents to provide emergency assistance based on demonstrated need under part B of title VII of the Higher Education Act of 1965, which may be used for student financial assistance, faculty and staff salaries, equipment and instruments, or any purpose authorized under the Higher Education Act of 1965, to institutions of higher education that are located in an area affected by hurricanes in the Gulf of Mexico in calendar year 2005; and \$10,000,000 shall be available to the Secretary of Education for such payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by hurricanes in

the Gulf of Mexico in calendar year 2005, in accordance with criteria as are established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act or section 553 of title 5, United States Code: Provided further, That the amounts provided in this paragraph are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$291,219,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$52,612,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", \$45,000,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", \$374,300,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", \$35,000,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the

amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

For an additional amount for "Military Construction, Naval Reserve", \$120,132,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FAMILY HOUSING

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", \$86,165,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", \$48,889,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For an additional amount for "Family Housing Construction, Air Force", \$278,000,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$47,019,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", \$198,265,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is

designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", \$24,871,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for "National Cemetery Administration", \$200,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", \$367,500,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects," \$1,800,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

ARMED FORCES RETIREMENT HOME

For payment to the "Armed Forces Retirement Home" for necessary expenses related to the consequences of Hurricane Katrina, \$65,800,000, to remain available until expended: Provided, That of the amount provided, \$45,000,000 shall be available for the Armed Forces Retirement Home, Gulfport, Mississippi: Provided further, That of the amount provided, \$20,800,000 shall be available for the Armed Forces Retirement Home, Washington, DC: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 701. The limitation of Federal contribution established under section 18236(b) of title 10 is hereby waived for projects appropriated in this chapter.

SEC. 702. For any real property expressly granted to the United States since January 1, 1980 for use as or in connection with a Navy homeport subject to a reversionary interest retained by the grantor and serving as the site of or being used by a naval station subsequently closed or realigned pursuant to the Defense Base Closure and Realignment Act of 1990 as amended, the right of the United States to any consideration or repayment for the fair market value of the real property as improved shall be released, relinquished, waived, or otherwise permanently extinguished. The Secretary shall execute such written agreements as may be needed to facilitate the reversion and transfer all right, title, and interest of the United States in any real property described in this section, including

the improvements thereon, for no consideration to the reversionary interest holder as soon as practicable after the naval station is closed or realigned. This agreement shall not require the reversionary interest holder to assume any environmental liabilities of the United States or relieve the United States from any responsibilities for environmental remediation that it may have incurred as a result of federal ownership or use of the real property.

SEC. 703. (a) Notwithstanding 38 U.S.C. 2102, the Secretary of Veterans Affairs may make a grant to a veteran whose home was previously adapted with the assistance of a grant under chapter 21 of title 38, United States Code, in the event the adapted home which was being used and occupied by the veteran was destroyed or substantially damaged in the declared disaster areas as a result of hurricanes in the Gulf of Mexico in calendar year 2005, as determined by the President under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The grant available to acquire a suitable housing unit with special fixtures or movable facilities made necessary by the veteran's disability, and necessary land therefor. This authority expires on September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) The amount of the grant authorized by this subsection may not exceed the lesser of:

(1) the reasonable cost, as determined by the Secretary of Veterans Affairs, of repairing or replacing the adapted home in excess of the available insurance coverage on the damaged or destroyed home; or

(2) the maximum grant to which the veteran would have been entitled under 38 U.S.C. 2102 (a) or (b) had the veteran not obtained the prior grant.

SEC. 704. In any case where the Secretary of Veterans Affairs determines that a veteran described in 38 U.S.C. 3108(a)(2) has been displaced as the result of hurricanes in the Gulf of Mexico in calendar year 2005, from the disaster area, as determined by the President under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary may extend the payment of subsistence allowance authorized by such paragraph for up to an additional two months while the veteran is satisfactorily following such program of employment services. This authority expires on September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 705. The annual limitation contained in 38 U.S.C. 3120(e) shall not apply in any case where the Secretary of Veterans Affairs determines that a veteran described in 38 U.S.C. 3120(b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by hurricanes in the Gulf of Mexico in calendar year 2005, as determined by the President under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). This authority expires on September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 706. Notwithstanding 38 U.S.C. 3903(a), the Secretary of Veterans Affairs may provide or assist in providing an eligible person with a second automobile or other conveyance under the provisions of chapter 39 of title 38 United States Code, if the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under such chapter was destroyed as a result of hurricanes in the Gulf of Mexico in calendar year 2005, and through no fault of the eligible person: Provided, That that person does not other-

wise receive from a property insurer compensation for the loss. This authority expires on September 30, 2006: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$9,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$9,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$45,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$10,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$20,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$11,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance",

\$125,000,000, for necessary expenses related to the direct or indirect consequences of hurricanes in the Gulf of Mexico in calendar year 2005, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Attorney General shall consult with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the allocation of funds prior to expenditure.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$17,200,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$37,400,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL AERONAUTICS AND SPACE

ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities", \$349,800,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SMALL BUSINESS ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General" for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, \$5,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" authorized by section 7(b) of the Small Business Act, for necessary expenses related to hurricanes in the Gulf of Mexico in calendar year 2005 and other natural disasters, \$264,500,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b), \$176,500,000, to remain available until expended, which may be transferred to and merged with "Salaries and Expenses": Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided

further, That no funds shall be transferred to the appropriation for "Salaries and Expenses" for indirect administrative expenses.

GENERAL PROVISIONS—THIS CHAPTER
(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Of the unobligated balances available under "National Institute of Standards and Technology, Industrial Technology Services" for the Hollings Manufacturing Extension Partnership Program, \$4,500,000 shall be used to assist manufacturers recovering from hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That only Manufacturing Extension Centers in States affected by hurricanes in the Gulf of Mexico in calendar year 2005 shall be eligible for hurricane recovery assistance funds: Provided further, That these funds shall be allocated to the Manufacturing Extension Centers in these States based on an assessment of the needs of manufacturers in the counties declared a disaster by the Federal Emergency Management Agency: Provided further, That employment and productivity shall be among the metrics used in developing the needs assessment: Provided further, That the matching provisions of 15 U.S.C. 278(k) paragraph (c) shall not apply to amounts provided by this Act or by Public Law 109-108 to Manufacturing Extension Centers serving areas affected by hurricanes in the Gulf of Mexico in calendar year 2005.

SEC. 802. The Attorney General shall transfer to the "Narrowband Communications/Integrated Wireless Network" account all funds made available in this Act to the Department of Justice for the purchase of portable and mobile radios and related infrastructure. Any transfer made under this section shall be subject to section 605 of Public Law 109-108.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and equipment", \$40,600,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico during calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

For an additional amount for "Emergency relief program" as authorized under 23 U.S.C. 125, \$2,750,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Katrina, Rita, and Wilma: Provided, That of the funds provided herein, up to \$629,000,000 shall be available to repair and reconstruct the I-10 bridge spanning New Orleans and Slidell, Louisiana in accordance with current design standards as contained in 23 U.S.C. 125: Provided further, That notwithstanding 23 U.S.C. 120(e) and from funds provided herein, the Federal share for all projects for repairs or reconstruction of highways, roads, bridges, and trails to respond to damage caused by Hurricanes Katrina, Rita, and Wilma shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for such projects in a State in a fiscal year, to respond to damage caused by Hurricanes Dennis, Katrina, Rita or Wilma and by the 2004-2005 winter storms in the State of California: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the above hurricanes may be used for other projects authorized under 23 U.S.C. 125: Provided further, That such amounts as may be necessary but not to exceed \$550,000,000 may be made available promptly

from the funds provided herein to pay for other projects authorized under 23 U.S.C. 125 arising from natural disasters or catastrophic failures from external causes that occurred prior to Hurricane Wilma and that are ready to proceed to construction or are eligible for reimbursement: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for "Operations and training", \$7,500,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico during calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for housing vouchers for households within the area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) resulting from hurricanes in the Gulf of Mexico during calendar year 2005, \$390,299,500, to remain available until September 30, 2007: Provided, That such households shall be limited to those which, prior to Hurricanes Katrina or Rita, received assistance under section 8 or 9 of the United States Housing Act of 1937 (Public Law 93-383), section 801 or 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the AIDS Housing Opportunity Act (Public Law 101-625), or the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); or those which were homeless or in emergency shelters in the declared disaster area prior to Hurricanes Katrina or Rita: Provided further, That these funds are available for assistance, under section 8(o) of the United States Housing Act of 1937: Provided further, That in administering assistance under this heading the Secretary of Housing and Urban Development may waive requirements for income eligibility and tenant contribution under section 8 of such Act for up to 18 months: Provided further, That all households receiving housing vouchers under this heading shall be eligible to reoccupy their previous assisted housing, if and when it becomes available: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricanes Katrina, Rita, or Wilma, \$11,500,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That, no State shall receive more than 54 percent of the amount provided under this heading, Provided further, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: Provided further, That such funds may not be

used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: Provided further, That each State may use up to five percent of its allocation for administrative costs: Provided further, That Louisiana and Mississippi may each use up to \$20,000,000 (with up to \$400,000 each for technical assistance) from funds made available under this heading for LISC and the Enterprise Foundation for activities authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, and for activities authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, including demolition, site clearance and remediation, and program administration: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development shall waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: Provided further, That prior to the obligation of funds each state shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That each state will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ADMINISTRATIVE PROVISIONS

SEC. 901. Notwithstanding provisions of the United States Housing Act of 1937 (Public Law

93–383), in order to assist public housing agencies located within the most heavily impacted areas of Louisiana and Mississippi that are subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricanes Katrina or Rita, the Secretary for calendar year 2006 may authorize a public housing agency to combine assistance provided under sections 9(d) and (e) of the United States Housing Act of 1937 and assistance provided under section 8(o) of such Act, for the purpose of facilitating the prompt, flexible and efficient use of funds provided under these sections of the Act to assist families who were receiving housing assistance under the Act immediately prior to Hurricanes Katrina or Rita and were displaced from their housing by the hurricanes.

SEC. 902. To the extent feasible the Secretary of Housing and Urban Development shall preserve all housing within the area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) resulting from Hurricanes Katrina or Rita that received project-based assistance under section 8 or 9 of the United States Housing Act of 1937, section 801 or 811 of the Cranston-Gonzalez National Affordable Housing Act, the AIDS Housing Opportunity Act, or the Stewart B. McKinney Homeless Assistance Act: Provided, That the Secretary shall report to the Committees on Appropriations on the status of all such housing, including costs associated with any repair or rehabilitation, within 120 days of enactment of this Act.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses, Courts of Appeals, District Courts, and Other Judicial Services”, \$18,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico during calendar year 2005: Provided, That notwithstanding any other provision of law such sums shall be available for transfer to accounts within the Judiciary subject to approval of the Judiciary operating plan: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for “Federal buildings fund”, \$38,000,000, from the General Fund and to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico during calendar year 2005: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for those facilities: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS PANDEMIC INFLUENZA

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, related to the detection of and response to highly pathogenic avian influenza, including research and development, \$11,350,000, to remain available until September 30, 2007: Provided, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, related to the detection of and response to highly pathogenic avian influenza, including research and development, \$7,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for “Research and Education Activities”, related to the detection of and response to highly pathogenic avian influenza, \$1,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, related to the detection of and response to highly pathogenic avian influenza, \$71,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Food and Drug Administration, Salaries and Expenses”, to prepare for and respond to an influenza pandemic, \$20,000,000, to remain available until September 30, 2007: Provided, That of the total amount appropriated \$18,000,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs, and \$2,000,000 shall be for other activities including the Office of the Commissioner and the Office of Management: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide” for surveillance, communication equipment, and assistance to military partner nations in procuring protective equipment, \$10,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program” for necessary expenses related to vaccine purchases, storage, expanded avian influenza surveillance programs, equipment, essential information management systems, and laboratory diagnostic equipment, \$120,000,000: Provided, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for “Child Survival and Health Programs Fund” for activities related to surveillance, planning, preparedness, and response to the avian influenza virus, \$75,200,000, to remain available until expended: Provided, That funds appropriated by this paragraph may be obligated and expended notwithstanding section 10 of Public Law 91–672: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for “International Disaster and Famine Assistance” for the pre-positioning and deployment of essential supplies and equipment for preparedness and response to the avian influenza virus, \$56,330,000, to remain available until expended: Provided, That funds appropriated by this paragraph may be obligated and expended notwithstanding section 10 of Public Law 91–672: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. Within 30 days from the date of enactment of this Act and every six months thereafter, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report which identifies, for all projects funded from amounts appropriated by this Act that are administered by that agency, the following: the program objectives for each such project, the approximate timeline for achieving each of those objectives, the amounts obligated and expended for each project, and the current status of program performance with reference to identified program objectives and the timeline for achieving those objectives.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for “Office of the Secretary and Executive Management”, \$47,283,000, to remain available until expended, for necessary expenses to train, plan, and prepare for a potential outbreak of highly pathogenic influenza: Provided, That these funds may be transferred to other Department of Homeland Security appropriations accounts in accordance with section 503 of Public Law 109–90: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for “Resource Management” for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, \$7,398,000, to remain available until September

30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, \$525,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, \$3,670,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, antivirals, and necessary medical supplies, and for planning activities, \$3,054,000,000, to remain available until expended: Provided, That \$350,000,000 shall be for Upgrading State and Local Capacity and \$50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Public Health and Social Services Emergency Fund" for activities related to pandemic influenza, including international activities and activities in foreign countries, related to preparedness planning, enhancing the pandemic influenza regulatory

science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, and supporting pandemic influenza research, clinical trials and clinical trials infrastructure, \$246,000,000, of which \$150,000,000, to remain available until expended, shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory diagnostics, rapid response, and quarantine: Provided, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services" for enhanced avian influenza surveillance programs, planning functions and preparations for the pandemic and to establish real-time surveillance data exchange with the Centers for Disease Control and Prevention, \$27,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs" to support avian influenza country coordination, development of an avian influenza response plan, diplomatic outreach, and health support of United States Government employees, Peace Corps volunteers, and eligible family members stationed abroad, \$16,000,000, to remain available until expended, of which \$1,100,000 shall be transferred to and merged with appropriations for the Peace Corps: Provided, That funds appropriated by this paragraph may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service" for emergency evacuation support of United States Government personnel, Peace Corps volunteers, and dependents in regions affected by the avian influenza, \$15,000,000, to remain available until expended: Provided, That funds appropriated by this paragraph may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956: Provided further, That notwithstanding section 402 of Public Law 109-108, upon a determination by the Secretary of State that circumstances related to the avian influenza require additional funding for activities under this heading, the Secretary of State may transfer such amounts to "Emergencies in the Diplomatic and Consular Service" from available appropriations for the current fiscal year for the Department of State as may be necessary to respond to such circumstances: Provided further, That any transfer

pursuant to the previous proviso shall be treated as a reprogramming of funds under section 605 of Public Law 109-108 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section, except that the Committees on Appropriations shall be notified not less than 5 days in advance of any such reprogramming: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III

RESCISSIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, \$10,000,000 are rescinded: Provided, That funds for projects or activities identified in the Statement of Managers that accompanies House Report 109-255, pages 84 through 87, shall not be reduced due to such rescission.

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

(RESCISSION)

Of the unobligated balances available under this heading, \$9,900,000 are rescinded.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

(RESCISSION)

Of unobligated balances available under this heading of funds provided pursuant to section 16(h)(1)(A) of the Food Stamp Act of 1977, \$11,200,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE I OCEAN FREIGHT

DIFFERENTIAL GRANTS

(RESCISSION)

Of the unobligated balances available under this heading, \$35,000,000 are rescinded.

CHAPTER 2

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

DISPOSAL OF DEPARTMENT OF DEFENSE REAL

PROPERTY

(RESCISSION)

Of the unobligated balances available under this heading, \$45,000,000 are rescinded.

LEASE OF DEPARTMENT OF DEFENSE REAL

PROPERTY

(RESCISSION)

Of the unobligated balances available under this heading, \$30,000,000 are rescinded.

OVERSEAS MILITARY FACILITY INVESTMENT

RECOVERY

(RESCISSION)

Of the unobligated balances available under this heading, \$5,000,000 are rescinded.

CHAPTER 3

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 109-102 and Public Law 108-447, \$25,000,000 are rescinded.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the funds appropriated under this heading in Public Law 109-90, \$260,533,000 are rescinded.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF
(RESCISSION OF FUNDS)

Of the funds appropriated under this heading in Public Law 109-62, \$23,409,300,000 are rescinded.

CHAPTER 5
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the unobligated balances available under this heading, \$500,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE
LANDOWNER INCENTIVE PROGRAM
(RESCISSION)

Of the unobligated balances available under this heading, \$2,000,000 are rescinded.

COOPERATIVE ENDANGERED SPECIES
CONSERVATION FUND
(RESCISSION)

Of the unobligated balances available under this heading, \$1,000,000 are rescinded.

CHAPTER 6
DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, \$7,000,000 are rescinded.

DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(RESCISSION)

Of the unobligated balances available under this heading, \$10,000,000 are rescinded.

EMBASSY SECURITY, CONSTRUCTION, AND
MAINTENANCE
(RESCISSION)

Of the unobligated balances available under this heading, \$20,000,000 are rescinded.

CHAPTER 7
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID HIGHWAYS
(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$1,143,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as in effect prior to the date of enactment of Public Law 109-59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to the enactment of Public Law 109-59.

FEDERAL RAILROAD ADMINISTRATION
EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION
(RESCISSION)

Of the unobligated balances of amounts made available under this heading in Public Law 109-115, \$8,300,000 are rescinded: Provided, That section 135 of title 1 of division A of Public Law 109-115 is repealed.

CHAPTER 8
GOVERNMENT-WIDE RESCISSIONS

SEC. 3801. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2006 for any discretionary account of this Act and in any other fiscal year 2006 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2006 for any

discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2006 for any program subject to limitation contained in any fiscal year 2006 appropriation Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) EXCEPTIONS.—This section shall not apply—

(1) to discretionary budget authority that has been designated pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; or

(2) to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

TITLE IV.—HURRICANE EDUCATION
RECOVERY ACT

Subtitle A—Elementary and Secondary
Education Hurricane Relief

Sec. 101. FINDINGS; DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Hurricane Katrina and Hurricane Rita have had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina and Hurricane Rita, a significant number of students have enrolled in schools outside of the area in which they resided, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005-2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina and Hurricane Rita.

(5) The level and type of assistance provided under this subtitle, both for students attending public schools and students attending non-public schools, is made available solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the services or assistance.

(b) DEFINITIONS.—Unless otherwise specified in this subtitle, the terms used in this subtitle have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

Sec. 102. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate services or assistance to local educational agencies and non-public schools in Louisiana, Mississippi, Alabama, and Texas that serve an area in which a major disaster has been declared in accordance with sec-

tion 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita; and

(2) to assist school administrators and personnel of such agencies or non-public schools with expenses related to the restart of operations in, the re-opening of, and the re-enrollment of students in, elementary schools and secondary schools in such areas.

(b) PAYMENTS AUTHORIZED.—From amounts appropriated to carry out this subtitle, the Secretary of Education is authorized to make payments, on such basis as the Secretary determines appropriate, taking into consideration the number of students who were enrolled, during the 2004-2005 school year, in elementary schools and secondary schools that were closed on September 12, 2005, as a result of Hurricane Katrina or on October 7, 2005, as a result of Hurricane Rita, to State educational agencies in Louisiana, Mississippi, Alabama, and Texas to enable such agencies to provide services or assistance to local educational agencies or non-public schools serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(c) ELIGIBILITY, CONSIDERATION, AND EQUITY—

ELIGIBILITY AND CONSIDERATION.—From the payment provided by the Secretary of Education under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this section. In determining the amount to be provided for services or assistance under this section, the State educational agency shall consider the following:

(A) The number of school-aged children served by the local educational agency or non-public school in the academic year preceding the academic year for which the services or assistance are provided.

(B) The severity of the impact of Hurricane Katrina or Hurricane Rita on the local educational agency or non-public school and the extent of the needs of each local educational agency or non-public school in Louisiana, Mississippi, Alabama, and Texas that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(2) EQUITY.—Educational services and assistance provided for eligible non-public school students under paragraph (1) shall be eligible in comparison to the educational services and other benefits provided for public school students under this secretary, and shall be provided in a timely manner.

(d) APPLICATIONS.—Each local educational agency or non-public school desiring services or assistance under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expeditious and timely provision of services or assistance to the local educational agency or non-public school.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency or non-public school receiving services or assistance from the State educational agency under this section shall use such services or assistance for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) **USE WITH OTHER AVAILABLE FUNDS.**—A local educational agency or non-public school receiving services or assistance under this section may use such services or assistance in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) **SPECIAL RULES.**—

(A) **PROHIBITION.**—Services or assistance provided under this section shall not be used for construction or major renovation of schools.

(B) **SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR ASSISTANCE.**—Services or assistance provided under this section, including equipment and materials, shall be secular, neutral, and nonideological.

(f) **SUPPLEMENT NOT SUPPLANT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), services or assistance made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) **EXCEPTION.**—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible State educational agency, local educational agency, or non-public school that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such State educational agency, local educational agency, or school has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such State educational agency, local educational agency, or school agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) **DEFINITION OF NON-PUBLIC SCHOOL.**—The term “non-public school” means a non-public elementary school or secondary school that—

(1) is accredited or licensed or otherwise operates in accordance with State law; and

(2) was in existence prior to August 22, 2005.

(h) **ASSISTANCE TO NON-PUBLIC SCHOOLS.**—

(1) **FUNDS AVAILABILITY.**—From the payment provided by the Secretary of Education under subsection (b) to a State educational agency, the State educational agency shall reserve an amount of funds, to be made available to non-public schools in the State, that is not less than an amount that bears the same relation to the payment as the number of non-public elementary schools and secondary schools in the State bears to the total number of non-public and public elementary schools and secondary schools in the State. The number of such schools shall be determined by the National Center for Education Statistics Common Core of Data for the 2003–2004 school year. Such funds shall be used for the provision of services or assistance at non-public schools, except as provided in paragraph (2).

(2) **SPECIAL RULE.**—If funds made available under paragraph (1) remain unobligated 120 days after the date of enactment of this Act, such funds may be used to provide services or assistance under this section to local educational agencies or non-public schools.

(3) **PUBLIC CONTROL OF FUNDS.**—The control of funds for the services and assistance provided to a non-public school under paragraph (1), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

SEC. 103. HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has de-

clared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. 104. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) **TEACHER AND PARAPROFESSIONAL RECIPROCITY.**—

(1) **TEACHERS.**—

(A) **AFFECTED TEACHER.**—In this subsection, the term “affected teacher” means a teacher who is displaced due to Hurricane Katrina or Hurricane Rita and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) **RECIPROCITY.**—

(i) **TEACHERS.**—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in a core academic subject in the State in which such agency is located to be highly qualified in the same core academic subject or area, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), for the 2005–2006 school year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(ii) **SPECIAL EDUCATION TEACHERS.**—A local educational agency may consider an affected special education teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for the 2005–2006 school year, if such teacher was highly qualified, consistent with section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) **PARAPROFESSIONAL.**—

(A) **AFFECTED PARAPROFESSIONAL.**—In this subsection, the term “affected paraprofessional” means a paraprofessional who is displaced due to Hurricane Katrina or Hurricane Rita and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) **RECIPROCITY.**—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for the 2005–2006 school year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) **DELAY.**—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, Texas, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a pre-

cipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 105. REGULATORY AND FINANCIAL RELIEF.

(a) **WAIVER AUTHORITY.**—Subject to subsections (b) and (c), in providing any grant or other assistance, directly or indirectly, to an entity in an affected State in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita, the Secretary of Education may, as applicable, waive or modify, in order to ease fiscal burdens, any requirement relating to the following:

(1) Maintenance of effort.

(2) The use of Federal funds to supplement, not supplant, non-Federal funds.

(3) Any non-Federal share or capital contribution required to match Federal funds provided under programs administered by the Secretary of Education.

(b) **DURATION.**—A waiver under this section shall be for the fiscal year 2006.

(c) **LIMITATIONS.**—

(1) **RELATION TO IDEA.**—Nothing in this section shall be construed to waive or modify any provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) **MAINTENANCE OF EFFORT.**—If the Secretary grants a waiver or modification under this section waiving or modifying a requirement relating to maintenance of effort for fiscal year 2006, the level of effort required for fiscal year 2007 shall not be reduced because of the waiver or modification.

SEC. 106. ASSISTANCE FOR HOMELESS YOUTH.

(a) **IN GENERAL.**—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina or Hurricane Rita, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) **EXCEPTION AND DISTRIBUTION OF FUNDS.**—

(1) **EXCEPTION.**—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c) shall not apply.

(2) **DISBURSEMENT.**—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds, that are appropriated under section 109 and available to carry out this section, to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

SEC. 107. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) **TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.**—

(1) **AID TO STATE EDUCATIONAL AGENCIES.**—From amounts appropriated to carry out this subtitle, the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as “accounts”) who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) **AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.**—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) **STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.**—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(4) **NOTICE OF FUNDS AVAILABILITY.**—Not later than 14 calendar days after the date of enactment of this Act, the Secretary of Education shall publish in the Federal Register a notice of the availability of funds under this section.

(b) **DEFINITIONS.**—In this section:

(1) **DISPLACED STUDENT.**—The term “displaced student” means a student who enrolled in an elementary school or secondary school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—The term “eligible local educational agency” means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) **ELIGIBLE NON-PUBLIC SCHOOL.**—The term “eligible non-public school” means a non-public elementary school or secondary school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) **ELIGIBLE BIA-FUNDED SCHOOL.**—In this section, the term “eligible BIA-funded school” means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) **APPLICATION.**—

(1) **STATE EDUCATIONAL AGENCY.**—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education, not later than 7 calendar days after the date by which an application under paragraph (2) must be submitted, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(1);

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school; and

(F) the student count for displaced students attending eligible non-public schools.

(2) **LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.**—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency, not later than 14 calendar days after the date of the publication of the notice described in subsection (a)(4), in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005–2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are children with disabilities) served by such agency for such quarter;

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (d)(3) including the number of displaced students who are children with disabilities) for such quarter who meet the following criteria:

(I) the displaced student enrolled in an eligible non-public school prior to the date of enactment of this Act;

(II) the parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled; and

(III) the parent or guardian of the displaced student submitted, in a timely manner that allows the local educational agency to meet the documentation requirements under this paragraph, an application requesting that the agency make a payment to an account on behalf of the student; and

(iii) an assurance that the local educational agency will make payments to accounts within 14 calendar days of receipt of funds provided under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are children with disabilities, enrolled in such school for such quarter.

(3) **DETERMINATION OF NUMBER OF DISPLACED STUDENTS.**—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include the number of displaced students served—

(A) in the case of a determination for the first quarterly installment, during the quarter prior to the date of enactment of this Act; and

(B) in the case of a determination for each subsequent quarterly installment, during the quarter immediately preceding the quarter for which the installment is provided.

(d) **AMOUNTS OF EMERGENCY IMPACT AID.**—

(1) **AID TO STATE EDUCATIONAL AGENCIES.**—

(A) **IN GENERAL.**—The amount of emergency impact aid received by a State educational agency for the 2005–2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not children with disabilities), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$6,000; and

(ii) the product of the number of displaced students who are children with disabilities, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$7,500.

(B) **INSUFFICIENT FUNDS.**—If the amount available under this section to provide emer-

gency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(C) **RETENTION OF STATE SHARE.**—In the case of State educational agency that has made a payment prior to the date of enactment of this Act to a local educational agency for the purpose of covering additional costs incurred as a result of enrolling a displaced student in a school served by the local educational agency, the State educational agency may retain a portion of the payment described in paragraph (2)(A)(ii) that bears the same relation to the total amount of the payment under such paragraph as the sum of such prior payments bears to the total cost of attendance for all students in that local educational agency for whom the State educational agency made such prior payments, except that a local educational agency shall not adjust the level of funding provided to accounts under this section based on the State's retention of such amount.

(2) **AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.**—

(A) **QUARTERLY INSTALLMENTS.**—

(i) **In general.**—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005–2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) **PAYMENT AMOUNT.**—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not children with disabilities) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2) times \$6,000; and

(II) the number of displaced students who are children with disabilities reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2) times \$7,500.

(iii) **TIMELINE.**—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) **INSUFFICIENT FUNDS.**—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) **MAXIMUM PAYMENT TO ACCOUNT.**—In providing quarterly payments to an account for the 2005–2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under paragraph (3), an eligible local educational agency may provide not more than 4 quarterly payments to such account (each of which shall be paid not later than 14 calendar days after the date of receipt of each quarterly installment payment received under subparagraph (A)), and the aggregate amount of such payments shall not exceed the lesser of—

(i) (I) in the case of a displaced student who is not a child with a disability \$6,000; or

(II) in the case of a displaced student who is a child with a disability, \$7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005–2006 school year.

(C) **LIMITATION.**—A non-public school accessing funds on behalf of a displaced student under this section must waive tuition, or reimburse tuition paid, in an amount equal to the amount accessed.

(3) **DISPLACED STUDENTS.**—Subject to the succeeding sentence, an eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payment to provide services and assistance to elementary schools and secondary schools (including charter schools) served by such agency, or to such BIA-funded school, that enrolled a displaced student. An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005–2006 school year) to an account on behalf of such displaced student.

(e) **USE OF FUNDS.**—

(1) **AUTHORIZED USES.**—The authorized uses of funds are the following:

(A) Paying the compensation of personnel, including teacher aides, in schools enrolling displaced students.

(B) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces.

(C) Basic instructional services for such students, including tutoring, mentoring, or academic counseling.

(D) Reasonable transportation costs.

(E) Health and counseling services.

(F) Education and support services.

(2) **VERIFICATION OF ENROLLMENT FOR NON-PUBLIC SCHOOLS.**—Before providing a quarterly payment to an account, the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is, or was, enrolled in the non-public school for such quarter.

(3) **PROHIBITION.**—Funds received under this section shall not be used for construction or major renovation of schools.

(4) **PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.**—

(A) **IN GENERAL.**—In the case of displaced student who is a child with a disability, any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay for special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) **SPECIAL RULE.**—

(i) **RETENTION.**—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section on behalf of such student to pay for such services.

(ii) **DETERMINATION OF PORTION.**—

(1) **GUIDELINES.**—Each State shall issue guidelines, not later than 14 calendar days after the date of the publication of the notice described in subsection (a)(4), that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) **DETERMINATION OF PORTION.**—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) **DEFINITIONS.**—In this paragraph:

(i) **SPECIAL EDUCATION; RELATED SERVICES.**—The terms “special education” and “related

services” have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) **INDIVIDUALIZED EDUCATION PROGRAM.**—The term “individualized education program” has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) **RETURN OF AID.**—

(1) **ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.**—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) **STATE EDUCATIONAL AGENCY.**—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005–2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) **LIMITATION ON USE OF AID AND PAYMENTS.**—Aid and payments provided under this section shall only be used for expenses incurred during the 2005–2006 school year.

(h) **ADMINISTRATIVE EXPENSES.**—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) **SPECIAL FUNDING RULE.**—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) **NOTICE.**—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that—

(1) such parent or guardian has the option of enrolling such student in a public school or a non-public school; and

(2) the temporary emergency impact aid for displaced students provided under this section is temporary and is only available for the 2005–2006 school year

(k) **BYPASS.**—For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(l) **REDIRECTION OF FUNDS.**—

(1) **IN GENERAL.**—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education shall make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency.

(2) **SPECIAL RULE.**—If an eligible local educational agency does not make a payment to an account within 14 calendar days of receipt of funds provided under this section, then—

(A) the eligible local educational agency shall return the funds received that quarter for such account to the State educational agency; and

(B) the State educational agency shall ensure that the proper payment to such account for such quarter is made not later than 14 calendar days after the date of the receipt of funds under subparagraph (A), before any further funds for such account are distributed to the eligible local educational agency.

(m) **NONDISCRIMINATION.**—

(1) **PROHIBITION.**—

(A) **IN GENERAL.**—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(B) **APPLICABILITY.**—The prohibition of religious discrimination in subparagraph (A) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization or organized and operated on the basis of religious tenets, except that the prohibition of religious discrimination shall apply with respect to the enrollment of displaced students assisted under this section.

(2) **SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—

(A) **IN GENERAL.**—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1)(A) shall not apply to a non-public school that is controlled by a religious organization or organized and operated on the basis of religious tenets if the application of paragraph (1)(A) would not be consistent with the religious tenets of such organization.

(B) **SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—Notwithstanding paragraph (1)(A) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(3) **GENERAL PROVISION.**—Nothing in this subtitle may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) **OPT-OUT.**—A parent or guardian of a displaced student on behalf of whom a payment to an account is made under this section shall have the option to have such parent or guardian’s displaced child opt out of religious worship or religious classes offered by the non-public school in which such student is enrolled and on behalf of whom a payment to an account is made under this section.

(5) **RULE OF CONSTRUCTION.**—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(m) **TREATMENT OF STATE AID.**—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 108. SEVERABILITY.

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 109. AUTHORIZATION OF FUNDS.

There are authorized to be appropriated such sums as may be necessary to carry out sections 102, 106, and 107.

SEC. 110. SUNSET PROVISION.

Except as provided in section 105, the provisions of this subtitle shall be effective for the period beginning on the date of enactment of this Act and ending on August 1, 2006.

Subtitle B—Higher Education Hurricane Relief

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Higher Education Hurricane Relief Act of 2005”.

SEC. 202. GENERAL WAIVERS AND MODIFICATIONS.

(a) **AUTHORITY.**—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary is authorized to waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), or any student or institutional eligibility provisions in the Higher Education Act of 1965, as the Secretary deems necessary in connection with a Gulf hurricane disaster to ensure that—

(1) administrative requirements placed on affected students, affected individuals, affected institutions, lenders, guaranty agencies, and grantees are minimized to the extent possible without impairing the integrity of the higher education programs under the Higher Education Act of 1965, to ease the burden on such participants; or

(2) institutions of higher education, lenders, guaranty agencies, and other entities participating in the student financial assistance programs under title IV of the Higher Education Act of 1965, that serve an area affected by a Gulf hurricane disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable due to the effects of a Gulf hurricane disaster, including due diligence requirements and reporting deadlines.

(b) **AUTHORITY TO EXTEND OR WAIVE REPORTING REQUIREMENTS UNDER SECTION 131(a).**—The Secretary is authorized to extend reporting deadlines or waive reporting requirements under section 131(a) of the Higher Education Act of 1965 (20 U.S.C. 1015(a)) for an affected institution.

(c) **CONSTRUCTION.**—Nothing in this subtitle shall be construed—

(1) to allow the Secretary to waive or modify any applicable statutory or regulatory requirements prohibiting discrimination in a program or activity, or in employment or contracting, under existing law (in existence on the date of the Secretary’s action); or

(2) to authorize any refunding of any repayment of a loan.

SEC. 203. MODIFICATION OF PART A OF TITLE II GRANTS AUTHORIZED.

The Secretary is authorized to approve modifications to the requirements for Teacher Quality Enhancement Grants for States and Partnerships under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), at the request of the grantee—

(1) to assist States and local educational agencies to recruit and retain highly qualified teachers in a school district located in an area affected by a Gulf hurricane disaster; and

(2) to assist institutions of higher education, located in such area to recruit and retain faculty necessary to prepare teachers and provide professional development.

SEC. 204. AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III, AND OTHER GRANTS.

The Secretary is authorized to modify the required and allowable uses of funds under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–21 et seq.), under part A or B of title III (20 U.S.C. 1057 et seq., 1060 et seq.), and under any other competitive grant program, at the request of an affected institution or other grantee, with respect to affected institutions and other grantees located in an area affected by a Gulf hurricane disaster. The Secretary may

not, under the authority of this section, authorize any new construction, renovation, or improvement of classrooms, libraries, laboratories, or other instructional facilities that is not authorized under the institution’s grant award, as in effect on the date of enactment of this Act, under part A or B of title III of such Act.

SEC. 205. PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087t(a)) if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student, or for a student or a parent who resides or resided on August 29, 2005, or was employed on August 29, 2005, in an area affected by a Gulf hurricane disaster. The financial aid administrator shall adequately document the need for the adjustment.

SEC. 206. EXPANDING INFORMATION DISSEMINATION REGARDING ELIGIBILITY FOR PELL GRANTS.

(a) **IN GENERAL.**—The Secretary shall make special efforts, in conjunction with State efforts, to notify affected students and if applicable, their parents, who qualify for means-tested Federal benefit programs, of their potential eligibility for a maximum Pell Grant, and shall disseminate such informational materials as the Secretary deems appropriate.

(b) **MEANS-TESTED FEDERAL BENEFIT PROGRAM.**—For the purpose of this section, the term “means-tested Federal benefit program” means a mandatory spending program of the Federal Government, other than a program under the Higher Education Act of 1965, in which eligibility for the program’s benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as the supplemental security income program under title XVI of the Social Security Act, the food stamp program under the Food Stamp Act of 1977, the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act, the temporary assistance to needy families program established under part A of title IV of the Social Security Act, and the women, infants, and children program established under section 17 of the Child Nutrition Act of 1966, and other programs identified by the Secretary.

SEC. 207. PROCEDURES.

(a) **REGULATORY REQUIREMENTS INAPPLICABLE.**—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a), section 437 of the General Education Provisions Act (20 U.S.C. 1232), and section 553 of title 5, United States Code, shall not apply to this subtitle.

(b) **NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.**—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall make publicly available the waivers, modifications, or extensions granted under this subtitle.

(c) **CASE-BY-CASE BASIS.**—The Secretary is not required to exercise any waiver or modification authority under this subtitle on a case-by-case basis.

SEC. 208. TERMINATION OF AUTHORITY.

The authority of the Secretary to issue waivers or modifications under this subtitle shall expire at the conclusion of the 2005–2006 academic year.

SEC. 209. DEFINITIONS.

For the purposes of this subtitle, the following terms have the following meanings:

(1) **AFFECTED INDIVIDUAL.**—The term “affected individual” means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and—

(A) who is an affected student; or

(B) whose primary place of employment or residency was, as of August 29, 2005, in an area affected by a Gulf hurricane disaster.

(2) **AFFECTED INSTITUTION.**—

(A) **IN GENERAL.**—The term “affected institution” means an institution of higher education that—

(i) is located in an area affected by a Gulf hurricane disaster; and

(ii) has temporarily ceased operations as a consequence of a Gulf hurricane disaster, as determined by the Secretary.

(B) **LENGTH OF TIME.**—In determining eligibility for assistance under this subtitle, the Secretary, using consistent, objective criteria, shall determine the time period for which an institution of higher education is an affected institution.

(C) **SPECIAL RULE.**—An organizational unit of an affected institution that is not impacted by a Gulf hurricane disaster shall not be considered as part of such affected institution for purposes of receiving assistance under this subtitle.

(3) **AFFECTED STATE.**—The term “affected State” means the State of Alabama, Florida, Louisiana, Mississippi, or Texas

AFFECTED STUDENT.—The term “affected student” means an individual who was enrolled or accepted for enrollment on August 29, 2005, at an affected institution.

(5) **AREA AFFECTED BY A GULF HURRICANE DISASTER.**—The term “area affected by a Gulf hurricane disaster” means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(6) **CANCELLED ENROLLMENT PERIOD.**—The term “cancelled enrollment period” means any period of enrollment at an affected institution during the academic year 2005–2006, during which students were unable to attend such institution.

(7) **GULF HURRICANE DISASTER.**—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(8) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” means—

(A) an institution covered by the definition of such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) an institution described in subparagraph (A) or (B) of section 102(a)(1) of such Act (20 U.S.C. 1002(a)(1)(A), (B)).

(9) **QUALIFIED STUDENT LOAN.**—The term “qualified student loan” means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, other than a loan under section 428B of such title or a Federal Direct Plus loan.

(10) **QUALIFIED PARENT LOAN.**—The term “qualified parent loan” means a loan made under section 428B of title IV of the Higher Education Act of 1965 or a Federal Direct Plus loan.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

Subtitle C—Education and Related Programs
Hurricane Relief

SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

(a) **AUTHORITY.**—The Secretary of Education may enter into an agreement described in subsection (b) with an eligible entity to extend certain deadlines under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) related to providing special education and related services, including early intervention services, to individuals adversely affected by a Gulf hurricane disaster.

(b) **TERMS OF AGREEMENTS.**—An agreement referred to in subsection (a) is an agreement

with an eligible entity made in accordance with subsection (e) that may extend the applicable deadlines under one or more of the following sections:

(1) Section 611(e)(3)(C)(ii) of such Act, by extending up to an additional 60 days the 90 day deadline for developing a State plan for the high cost fund.

(2) Section 612(a)(15)(C) of such Act, by extending up to an additional 60 days the deadline for submission of the annual report to the Secretary of Education and the public regarding the progress of the State and of children with disabilities in the State.

(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) as permitting the waiver of—

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parent consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families—

(A) a free appropriate public education under part B of the Individuals with Disabilities Education Act; or

(B) early intervention services under part C of such Act.

(d) **DURATION OF AGREEMENT.**—An agreement under this section shall terminate at the conclusion of the 2005–2006 academic year.

(e) **REQUEST TO ENTER INTO AGREEMENT.**—To enter into an agreement under this section, an eligible entity shall submit a request to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

SEC. 302. HEAD START AND CHILD CARE AND BLOCK GRANT/DEVELOPMENT

(a) **HEAD START.**—

(1) **TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.**—From the amount made available for Head Start in this Act, the Secretary of Health and Human Services shall provide training and technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide training and technical assistance, guidance, and resources through other regional offices of the Administration, at the request of such offices that administer affected Head Start agencies and Early Head Start entities) to Head Start agencies and Early Head Start entities in areas affected by a Gulf hurricane disaster, and to affected Head Start agencies and Early Head Start entities, to assist the agencies and entities involved to address the health and counseling needs of infants, toddlers, and young children affected by

a Gulf hurricane disaster. Such training and technical assistance may be provided by contract or cooperative agreement with qualified national, regional, or local providers.

(2) **WAIVER.**—For such period up to September 30, 2006, and to such extent as the Secretary considers appropriate, the Secretary of Health and Human Services—

(A) may waive section 640(b) of the Head Start Act for Head Start agencies located in an area affected by a Gulf hurricane disaster, and other affected Head Start agencies and Early Head Start agencies; and

(B) shall waive requirements of documentation for individuals adversely affected by a Gulf hurricane disaster who participate in a Head Start program on an Early Head Start program funded under the Head Start Act.

(b) **CHILD CARE AND DEVELOPMENT BLOCK GRANT.**—

(1) **CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.**—For such period up to September 30, 2006, and to such extent as the Secretary considers to be appropriate, the Secretary of Health and Human Services may waive, for any affected State, and any State serving significant numbers of individuals adversely affected by a Gulf hurricane disaster, provisions of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(A) relating to Federal income limitations on eligibility to receive child care services for which assistance is provided under such Act;

(B) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act;

(C) relating to limitations on the use of funds under section 658G of the Child Care and Development Block Grant Act of 1990;

(D) preventing children designated as evacuees for receiving priority for child care services provided under such Act, except that children residing in a State and currently receiving services should not lose such services to accommodate evacuee children; and

(E) relating to any non-Federal or capital contribution required (including copayment or other cost sharing by parents receiving child care assistance) to match Federal funds provided under programs administered by the Secretary of Health and Human Services;

(2) **TECHNICAL ASSISTANCE AND GUIDANCE.**—The Secretary may provide assistance to States for the purpose of providing training, technical assistance, and guidance to eligible child care providers (as defined in section 658P of the Child Care and Development Block Grant Act of 1990) who are licensed and regulated, as applicable, by the States, to enable such providers to provide child care services for children and families described in paragraph (1). Such training and technical assistance may be provided through intermediary organizations, including those with demonstrated experience in providing training and technical assistance to programs serving school-age children up to age 13, involved in restituting child care services on a broad scale in areas affected by a Gulf hurricane disaster.

SEC. 303. DEFINITIONS.

(a) **IN GENERAL.**—Unless otherwise specified in this subtitle, the terms used in this subtitle have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965.

(b) **ADDITIONAL DEFINITIONS.**—For the purposes of this subtitle.

(1) **AFFECTED HEAD START AGENCIES AND EARLY HEAD START AGENCIES.**—The term “affected Head Start Agencies and Early Head Start Agencies” means a Head Start agency receiving a significant number of children from an area in which a Gulf hurricane disaster has been declared.

(2) **AFFECTED STATE.**—The term “affected State” means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(3) **AREA AFFECTED BY A GULF HURRICANE DISASTER.**—The term “area affected by a Gulf hur-

ricane disaster” means a county or parish, in an affected State, that has been designated by the Federal Energy Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(4) **CHILD WITH A DISABILITY.**—The term “child with a disability” has the meaning given such term in section 602(30) of the Individuals with Disabilities Education Act.

(5) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency (as defined in section 602(19) of the Individuals with Disabilities Education Act) if such agency is located in a State or in an area of a State with respect to which the President has declared that a Gulf hurricane disaster exists;

(B) a State educational agency (as defined in section 602(32) of such Act) if such agency is located in a State with respect to which the President has declared that a Gulf hurricane disaster exists; or

(C) a State interagency coordinating council established under section 641 of such Act if such council is located in a State with respect to which the President has declared that a Gulf hurricane disaster exists.

(6) **GULF HURRICANE DISASTER.**—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(7) **HIGHLY QUALIFIED.**—The term “highly qualified”—

(A) in the case of a special education teacher, has the meaning given such term in section 602 of the Individuals with Disabilities Education Act; and

(B) in the case of any other elementary, middle, or secondary school teacher, has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(8) **INDIVIDUAL ADVERSELY AFFECTED BY A GULF HURRICANE DISASTER.**—The term “individual adversely affected by a Gulf hurricane disaster” means an individual who, on August 29, 2005, was living, working, or attending school in an area in which the President has declared to exist a Gulf hurricane disaster.

(9) **INFANT OR TODDLER WITH A DISABILITY.**—The term “infant or toddler with a disability” has the meaning given such term in section 632(5) of the Individuals with Disabilities Education Act.

TITLE V

GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 5001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5002. Except as expressly provided otherwise, any reference to “this Act” contained in either division A or division B shall be treated as referring only to the provisions of that division.

SEC. 5003. Effective upon the enactment of this Act, none of the funds appropriated or otherwise made available by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) shall be transferred to or from the Emergency Response Fund.

SEC. 5004. Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97) is amended in the paragraph under the heading “Cooperative State Research, Education, and Extension Service, Research and Education Activities” (109 Stat. 2126) by inserting “, to remain available until expended” after “for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), \$500,000”.

SEC. 5005. Section 207 of division C of Public Law 108-447 is amended by inserting “, and any effects of inflation thereon,” after the word “increase”.

SEC. 5006. The matter under the heading “Water and Related Resources” in Public Law 109-103 is amended by inserting before the period at the end the following: “: Provided further, That \$10,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554”.

SEC. 5007. The funds appropriated in Public Law 109-103 under the heading “Bureau of Reclamation, Water and Related Resources” for the Placer County, California Sub-Regional Wastewater Treatment Project are hereby transferred to and merged with the amount appropriated in such public law under the heading “Corps of Engineers—Civil, Construction”, and shall be used for the construction of such project under the same terms and conditions that would have been applicable if such funds had originally been appropriated to the Corps of Engineers.

SEC. 5008. Section 118 of Public Law 109-103 is amended by striking “106-541” and inserting “106-53” in lieu thereof.

SEC. 5009. Public Law 109-103 is amended under the heading “Corps of Engineers—Civil, Investigations”, by striking “Provided further, That using \$8,000,000” and all that follows to the end of the paragraph, and inserting in lieu thereof, “Provided further, That using \$8,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive hurricane protection analysis and design at full federal expense to develop and present a full range of flood control, coastal restoration, and hurricane protection measures exclusive of normal policy considerations for South Louisiana and the Secretary shall submit a preliminary technical report for comprehensive Category 5 protection within 6 months of enactment of this Act and a final technical report for Category 5 protection within 24 months of enactment of this Act: Provided further, That the Secretary shall consider providing protection for a storm surge equivalent to a Category 5 hurricane within the project area and may submit reports on component areas of the larger protection program for authorization as soon as practicable: Provided further, That the analysis shall be conducted in close coordination with the State of Louisiana and its appropriate agencies.”.

SEC. 5010. Funds made available under the heading “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” in Public Law 109-103 shall be available for the operation, maintenance, and purchase, through transfer, exchange, or sale, of one helicopter for replacement only.

SEC. 5011. (a) In addition to the amounts provided elsewhere in this Act, \$50,000,000 is hereby appropriated to the Department of Labor, to remain available until expended, for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the September 11, 2001, terrorist attacks on the United States and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks.

(b) In addition to the amounts provided elsewhere in this Act, \$75,000,000 is hereby appropriated to the Centers for Disease Control and Prevention, to remain available until expended, for purposes related to the September 11, 2001, terrorist attacks on the United States. In expending such funds, the Director of the Centers for Disease Control and Prevention shall (1) give first priority to existing programs that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, as coordinated by the Mount Sinai Cen-

ter for Occupational and Environmental Medicine of New York City, the New York City Fire Department’s Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation’s Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene’s World Trade Center Health Registry; and (2) give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

(c) Each amount appropriated in this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 5012. The Flexibility for Displaced Workers Act (Public Law 109-72) is amended by striking “Hurricane Katrina” each place it appears and inserting “hurricanes in the Gulf of Mexico in calendar year 2005”.

SEC. 5013. Section 124 of Public Law 109-114 is amended by inserting before the period at the end the following: “: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of General and Flag Officer Quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure”.

SEC. 5014. Section 128 of Public Law 109-114 is amended as follows—

(1) by inserting after “support” the following: “a continuing mission or function at that installation or”; and

(2) by inserting after the last period the following: “This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.”.

SEC. 5015. The amount provided for “Military Construction, Army” in Public Law 109-114 is hereby reduced by \$8,100,000 for the Special Operations Free Fall Simulator at Yuma Proving Ground, Arizona.

The amount provided for “Military Construction, Army” in Public Law 109-114 is hereby increased by \$8,100,000 for the Upgrade Wastewater Treatment Plant at Yuma Proving Ground, Arizona.

SEC. 5016. The last paragraph of Public Law 109-114 is amended by inserting “Military Construction,” before “Military Quality”.

SEC. 5017. (a) Section 613 of Public Law 109-108 is amended by striking “\$500,000 shall be for a grant to Warren County, Virginia, for a community enhancement project;” and inserting “\$250,000 shall be for a grant to Warren County, Virginia, for a community enhancement project; \$250,000 shall be for a grant to The ARC of Loudoun County for land acquisition and construction;”.

(b) Section 619(a) of division B in Public Law 108-447 is amended by striking “\$50,000 shall be available for a grant for the Promesa Foundation in the Bronx, New York, to provide community growth funding;” and inserting “\$50,000 shall be available for a grant to the Promesa Foundation to provide financial assistance to New York area families and organizations under a youth sports and recreational initiative;”.

(c) Section 621 of division B in Public Law 108-199 is amended by striking “\$200,000 shall be available for a grant for the Promesa Foundation in South Bronx, New York, to provide community growth funding;” and inserting “\$200,000 shall be available for a grant to the Promesa Foundation to provide financial assistance to New York area families and organizations under a youth sports and recreational initiative;”.

(d) Section 625 of division B in Public Law 108-7 is amended by striking “\$200,000 shall be available for a grant for the Promesa Foundation in South Bronx, New York, to provide community growth funding;” and inserting “\$200,000 shall be available for a grant to the Promesa Foundation to provide financial assistance to New York area families and organizations under a youth sports and recreational initiative;”.

SEC. 5018. Public Law 109-108 is amended under the heading “State and Local Law Enforcement Assistance” in subparagraph 4 by striking “authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act”.

(TRANSFER OF FUNDS)

SEC. 5019. The unobligated and unexpended balances of the amount appropriated under the heading “United States-Canada Railroad Commission” by chapter 9 of title II of Public Law 107-20 shall be transferred as a direct lump-sum payment to the University of Alaska.

SEC. 5020. The matter under the heading “Federal Transit Administration, capital investment grants” in title I of division A of Public Law 109-115 is amended by striking “Virginia, \$26,000,000” and inserting “Virginia, \$30,000,000”; by striking “Ohio, \$24,770,000” and inserting “Ohio, \$24,774,513”; and by striking “Metro, Pennsylvania, \$2,000,000” and inserting “Metro, Pennsylvania, \$4,000,000”.

SEC. 5021. For purposes of compliance with section 205 of Public Law 109-115, a reduction in taxpayer service shall include, but not be limited to, any reduction in available hours of telephone taxpayer assistance on a daily, weekly and monthly basis below the levels in existence during the month of October 2005.

SEC. 5022. The referenced statement of the managers under the heading “Community development fund” in Public Law 108-447 is amended with respect to item number 145 by striking “Putnam County, Missouri” and inserting “Sullivan County, Missouri”.

SEC. 5023. The statement of the managers correction referenced under the second paragraph of the heading “Community development fund” in title III of Public Law 109-115 (as in effect pursuant to H. Con. Res. 308, 109th Congress) is deemed to be amended—

(1) with respect to item number 65 by striking “\$125,000 to Esperanza Mercado Project, California for the Esperanza Community Maple-Mae Project;” and inserting “\$125,000 to the Esperanza Community Housing Corporation, Los Angeles, California for the Mercado La Paloma project;”.

(2) with respect to item number 840 by striking “\$100,000 to Gwen’s Girls, Inc. in Pittsburgh, Pennsylvania for construction of a residential facility;” and inserting “\$100,000 to the Bloomfield-Garfield Association in Pittsburgh, Pennsylvania for acquisition and demolition;”.

(3) with respect to item number 411 by striking “\$200,000 to the City of Holyoke, Massachusetts for renovations of facility for Solutions Development Corporation;” and inserting “\$200,000 to Solutions Development Inc. of Holyoke, Massachusetts for facility renovations;”.

(4) with respect to item number 314 by striking “\$225,000 to the City of Harvey, Illinois for demolition and redevelopment of property to aid the community;” and inserting “\$225,000 to the Village of Riverdale, Illinois for planning, design, acquisition, and demolition;”.

(5) with respect to item number 715 by striking “39th” and inserting “59th”.

(6) with respect to item number 26 by striking "Center" and inserting "College";

(7) with respect to item number 372 by striking "Fairview, Kansas" and inserting "Fairway, Kansas";

(8) with respect to item number 584 by striking "City of Asheville, North Carolina for the renovation of the Asheville Veterans Memorial Stadium" and inserting "UNC Asheville Science and Multimedia Center, City of Asheville, North Carolina for the construction of a new science and multi-media building"; and

(9) with respect to item number 341 by striking "Village of Northfield, IL" and inserting "Northfield Park District of Illinois".

SEC. 5024. The referenced statement of the managers under the heading "Community development fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item 571 by striking "\$575,000 to the Metropolitan Development Association in Syracuse, New York for the Essential New York Initiative" and inserting "\$200,000 to the Monroe County Industrial Development Agency for streetscape and infrastructure improvements to the Medley Center in the Town of Irondequoit, New York; \$90,000 to the City of Syracuse, New York for facilities and equipment improvements for the Syracuse Food Bank; \$200,000 to the City of Syracuse, New York for renovations and infrastructure improvements to the Lofts on Willow Urban Village project; and, \$85,000 to Cayuga County, New York for the CIVIC Heritage Historical Society for the construction of a history center;".

SEC. 5025. Effective upon the enactment of this Act, none of the funds appropriated or otherwise made available by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) shall be transferred to or from the Emergency Response Fund.

This division may be cited as the "Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006".

DIVISION C—AMERICAN ENERGY INDEPENDENCE AND SECURITY ACT OF 2005

SEC. 1. SHORT TITLE.

This division may be cited as the "American Energy Independence and Security Act of 2005".

SEC. 2. DEFINITIONS.

In this division:

(1) **COASTAL PLAIN.**—The term "Coastal Plain" means that area identified as the "1002 Coastal Plain Area" on the map.

(2) **FEDERAL AGREEMENT.**—The term "Federal Agreement" means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) **FINAL STATEMENT.**—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) **MAP.**—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) **IN GENERAL.**—

(1) **AUTHORIZATION.**—Congress authorizes the exploration, leasing, development, production,

and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) **ACTIONS.**—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this division, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this division through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this division in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) **REPEAL.**—

(1) **REPEAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) **CONFORMING AMENDMENT.**—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) **COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.**—

(1) **COMPATIBILITY.**—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) **ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.**—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this division before the conduct of the first lease sale.

(3) **COMPLIANCE WITH NEPA FOR OTHER ACTIONS.**—

(A) **IN GENERAL.**—Before conducting the first lease sale under this division, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this division that are not referred to in paragraph (2).

(B) **IDENTIFICATION AND ANALYSIS.**—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) **IDENTIFICATION OF PREFERRED ACTION.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this division; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) **PUBLIC COMMENTS.**—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) **EFFECT OF COMPLIANCE.**—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this division.

(d) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this division expands or limits any State or local regulatory authority.

(e) **SPECIAL AREAS.**—

(1) **DESIGNATION.**—

(A) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) **SADLEROCHIT SPRING AREA.**—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) **MANAGEMENT.**—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—

(A) **IN GENERAL.**—The Secretary may exclude any special area designated under this subsection from leasing.

(B) **NO SURFACE OCCUPANCY.**—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) **LIMITATION ON CLOSED AREAS.**—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this division.

(g) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this division, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) **REVISION OF REGULATIONS.**—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) **IN GENERAL.**—Land may be leased pursuant to this division to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this division shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—For the first lease sale under this division, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this division;

(2) not later than September 30, 2010, conduct a second lease sale under this division; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Coastal Plain.

(b) **SUBSEQUENT TRANSFERS.**—

(1) **IN GENERAL.**—No lease issued under this division may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) **CONDITION FOR APPROVAL.**—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—An oil or gas lease issued pursuant to this division shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this division shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts

to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this division and regulations issued under this division.

(b) **PROJECT LABOR AGREEMENTS.**—The Secretary, as a term and condition of each lease under this division, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this division (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this division negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—In accordance with section 3, the Secretary shall administer this division through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this division, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this division are conducted in a manner consistent with the purposes and environmental requirements of this division.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this division shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this division for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 8. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this division or an action of the Secretary under this division shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this division or an action of the Secretary under this division shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this division (including

an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this division; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this division shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 9. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 10. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 1(a) of division D, the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”).

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, in accordance with section 1(a)(2) of division D, \$35,000,000 each year from adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations under this division.

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the “Governor”) shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this division, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 12. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this division shall prohibit the exportation of oil or gas produced under the lease.

SEC. 13. LEGISLATIVE PROCEDURE.

Effective immediately, the Presiding Officer shall apply all of the precedents of the Senate under Rule XXVIII in effect at the beginning of the 109th Congress.

SEC. 14. SEVERABILITY.

If any provision of this division or division D, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this division and division D and the application of such provisions to any person or circumstance shall not be affected thereby.

DIVISION D—DISTRIBUTION OF REVENUES AND DISASTER ASSISTANCE
SEC. 1. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) **RECEIPTS.**—Subject to section 11(a)(1) of division C and notwithstanding any other provision of law—

(1) 50 percent of the amount of adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under division C shall be deposited in the Treasury as miscellaneous receipts, in accordance with subsection (b), of which 5 percent shall be appropriated to the Department of Health and Human Services to make payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621); and

(2) 50 percent of the amount of adjusted bonus, rental, and royalty receipts derived from Federal oil and gas leasing and operations authorized under division C shall be paid to the State of Alaska, of which \$35,000,000 per year shall be deposited by the Secretary of the Treasury into the fund created under section 11(a)(1) of division C.

(b) **GULF COAST RECOVERY AND DISASTER PREVENTION AND ASSISTANCE FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Gulf Coast Recovery and Disaster Prevention and Assistance Fund” (referred to in this section as the “Gulf Fund”), consisting of—

(A) such amounts as are appropriated to the Gulf Fund under paragraph (2); and

(B) any interest earned on investment of amounts in the Gulf Fund under paragraph (5).

(2) **TRANSFERS TO GULF FUND.**—

(A) **BONUS BIDS, RENTALS, AND ROYALTY REVENUES.**—From amounts collected from oil and gas leasing and operations under this section and received in the Treasury, there are appropriated to the Gulf Fund an amount equal to the sum of—

(i) 80 percent of the amount of adjusted bonus bids and rentals described in subsection (a)(1); and

(ii) 20 percent of royalty revenues described in subsection (a)(1).

(B) **DIGITAL TRANSITION AND PUBLIC SAFETY FUND.**—Amounts deposited in the Digital Transition and Public Safety Fund that exceed \$10,000,000,000, up to a total of \$2,000,000,000, are appropriated to the Gulf Fund to be made available, without further appropriation, as provided in this section.

(3) **EXPENDITURES FROM GULF FUND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary of the Treasury shall transfer from the Gulf Fund direct lump sum payments to State and local governments that were directly affected by Hurricane Katrina, Rita, or Wilma.

(B) **ALLOCATION OF PAYMENTS.**—Payments described in subparagraph (A) shall be allocated—

(i) 50 percent to the State of Louisiana for hurricane and flood protection and control, coastal restoration projects, levies, and the construction and improvement of emergency evacuation routes in south Louisiana;

(ii) 25 percent to the State of Mississippi, of which 10 percent shall be provided to Hancock County, 10 percent shall be provided to Harrison County, 10 percent shall be provided to Jackson County, and 30 percent shall be allocated to municipalities within those counties based on the proportion of the population of each municipality to the total population of all such municipalities, to—

(I) restore coastal estuaries and fisheries habitats;

(II) restore or expand barrier islands to provide coastal hurricane protection;

(III) restore or construct coastal shoreline and flood protection structures;

(IV) repair and upgrade water and wastewater systems;

(V) restore and expand hurricane evacuation transportation routes and services;

(VI) restore storm-damaged public buildings and facilities, including waterfront facilities, not otherwise paid for by the Federal Government; and

(VII) pay or reimburse the costs of storm debris removal not otherwise paid by the Federal Government.

(iii) 10 percent to the State of Texas for hurricane relief and recovery efforts, including—

(I) storm debris removal costs not otherwise paid by the Federal Government;

(II) low-income housing needs;

(III) the cost of providing uncompensated medical care to hurricane victims; and

(IV) education-related expenses, including expenses for K–12 and higher education;

(iv) 10 percent to the State of Alabama for recovery and restoration activities; and

(v) 5 percent to the State of Florida for restoration and recovery activities.

(4) **LOAN AUTHORITY.**—The Secretary of the Treasury may borrow from the Treasury such sums as may be necessary to carry out this subsection, but shall reimburse the Treasury immediately when funds are deposited into the Gulf Fund.

(5) **INVESTMENT OF AMOUNTS.**—

(A) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Gulf Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) **INTEREST-BEARING OBLIGATIONS.**—Investments may be made only in interest-bearing obligations of the United States.

(C) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under clause (i), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Gulf Fund may be sold by the Secretary of the Treasury at the market price.

(E) **CREDITS TO GULF FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Gulf Fund shall be credited to and form a part of the Gulf Fund.

SEC. 2. LOW-INCOME HOME ENERGY ASSISTANCE.

(a) **IN GENERAL.**—Subject to subsection (b), there is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$2,000,000,000 to the Administration for Children and Families, to remain available until expended, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(b) **REQUIREMENT.**—Notwithstanding section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), of funds appropriated under subsection (a), \$1,500,000,000 shall be used for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623(e)).

(c) **EMERGENCY DESIGNATION.**—The amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SEC. 3. ASSISTANCE FROM DIGITAL TRANSITION AND PUBLIC SAFETY FUND.

(a) **IN GENERAL.**—Subject to subsection (f), in addition to any amounts otherwise provided in this or any other Act, amounts from the Digital Transition and Public Safety Fund in excess of \$12,000,000,000 are appropriated, to remain available until expended, to be made available by the Secretary of the Treasury, without further appropriation, to carry out this section.

(b) **AGRICULTURAL ASSISTANCE.**—Notwithstanding any other provision of law, of the amount made available under subsection (a), \$900,000,000 shall be made available to the Secretary of Agriculture to increase enrollment in conservation programs, including—

(1) the conservation reserve program established under subchapter B of chapter 1 of sub-

title D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(2) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.);

(3) the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838 et seq.);

(4) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.); and

(5) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of that Act (16 U.S.C. 3839aa et seq.).

(c) **OTHER CONSERVATION PROGRAMS.**—Of the amounts made available under subsection (a), \$100,000,000 shall be used to carry out other conservation programs, including—

(1) \$50,000,000 shall be used for expenses necessary to carry out the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.); and

(2) \$50,000,000 shall be provided to the National Fish and Wildlife Service to acquire permanent conservation easements from willing sellers for the National Wildlife Refuge System to protect critical grassland and wetland habitats.

(d) **PREPARATION FOR A NATURAL DISASTER OR TERRORIST ATTACK.**—

(1) **IN GENERAL.**—Of the amount made available under subsection (a), \$2,000,000,000 shall be used for State and local government preparation for a natural disaster or terrorist attack, of which—

(A) \$1,000,000,000 shall be used to carry out paragraph (2); and

(B) \$1,000,000,000 shall be used to carry out paragraph (3).

(2) **INTEROPERABLE COMMUNICATIONS EQUIPMENT.**—

(A) **IN GENERAL.**—The amount made available under paragraph (1)(A) shall be provided to the Department of Homeland Security, Office for Domestic Preparedness, State and Local Programs, to make grants to State and local governments for interoperable communications equipment, of which—

(i) at least 75 percent shall be allocated based on risk and threat, as determined by the Secretary of Homeland Security; and

(ii) the remainder shall be allocated equally to all States for compatible emergency communications equipment (which may include equipment) with satellite capability operable in the event that towers, central offices, or other critical infrastructure such as power facilities are destroyed or disrupted.

(B) **PLAN.**—No funds may be obligated under this paragraph until the grantee has in place an interoperable communications implementation plan certified by the Department of Homeland Security.

(C) **STANDARDS OR GUIDELINES.**—Any communications equipment acquired under this paragraph shall meet standards or guidelines established by the Department of Homeland Security, Office of Interoperable Communications.

(D) **SALARIES AND EXPENSES.**—Of the amount made available under this paragraph, not more than 3 percent may be used by the Secretary of Homeland Security for salaries and administrative expenses.

(3) **PREPARATION FOR TERRORIST ATTACKS, PANDEMIC EVENTS, OR NATURAL DISASTERS.**—

(A) **IN GENERAL.**—The amount made available under paragraph (1)(B) shall be provided to the Department of Homeland Security, Office for Domestic Preparedness, State and Local Programs, to make grants to prepare for a terrorist attack, pandemic event, or natural disaster, including—

(i) developing evacuation plans and plans to accept and provide for evacuees from other jurisdictions;

(ii) providing training for the implementation of, and exercises under, those plans;

(iii) acquisition of equipment and medical supplies; and

(iv) related costs.

(B) ALLOCATION.—Funds provided under this paragraph shall be allocated based on risk and threat, as determined by the Secretary of Homeland Security, except that no State shall receive less than 0.55 percent and no territory shall receive no less than 0.15 of the total amount provided under this paragraph.

(C) AVAILABILITY OF APPLICATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall make applications for grants under this paragraph available to States.

(D) SUBMISSION OF APPLICATIONS.—To be eligible for a grant under this paragraph, a State shall submit an application for the grant within 90 days after the announcement of grant availability.

(E) ACTION ON APPLICATIONS.—The Office for Domestic Preparedness shall act on an application within 90 days after receipt of the application.

(F) LOCAL GOVERNMENTS.—Not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of funds.

(G) SALARIES AND EXPENSES.—Of the amount made available under this paragraph, not more than 3 percent may be used by the Secretary of Homeland Security for salaries and administrative expenses.

(e) BORDER SECURITY; DEPARTMENT OF HOMELAND SECURITY.—

(1) OFFICE OF THE CHIEF INFORMATION OFFICER.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$80,000,000 to the Department of Homeland Security, Office of the Chief Information Officer, to replace and upgrade law enforcement communications, \$80,000,000, to remain available until expended.

(2) CUSTOMS AND BORDER PROTECTION.—

(A) SALARIES AND EXPENSES.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$30,000,000 for “Customs and Border Protection”, “Salaries and Expenses”, to replace border patrol vehicles.

(B) AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT.—

(i) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$862,000,000 for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” to replace air assets facilities, to remain available until expended, of which—

(I) \$490,000,000 shall be used to replace air assets, including \$40,000,000 for helicopter replacement; and

(II) \$372,000,000 shall be used to construct and renovate air facilities.

(ii) PLAN.—None of the funds made available under this subparagraph may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the funds and for the complete recapitalization of Customs and Border Protection air assets and facilities.

(C) CONSTRUCTION.—

(i) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$120,000,000 for “Construction”, to remain available until expended, of which—

(I) \$30,000,000 shall be used for Tucson, Arizona sector tactical infrastructure; and

(II) \$20,000,000 shall be used for the San Diego, California sector fence.

(ii) PLAN.—None of the funds made available under this subparagraph may be obligated until the Committees on Appropriations of the Senate

and the House of Representatives receive and approve an expenditure plan for the funds.

(3) IMMIGRATION AND CUSTOMS ENFORCEMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$30,000,000 for “Salaries and Expenses” to replace detention and removal vehicles.

(4) FEDERAL LAW ENFORCEMENT TRAINING CENTER.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, an additional \$17,900,000 for “Acquisition, Construction, Improvements, and Related Expenses” for construction of the language training facility referenced in the Master Plan and for information technology infrastructure improvements, to remain available until expended.

(5) EMERGENCY DESIGNATION.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(6) OFFSETTING RECEIPTS.—If any amount remains in the Digital Transition and Public Safety Fund after implementation of this section, \$1,139,000,000 of the amount shall be deposited in the Treasury as offsetting receipts.

(f) INSUFFICIENT FUNDS.—If the amount of funds made available under subsection (a) is not sufficient to carry out subsections (b) through (d), each amount of funds otherwise made available under subsections (b) through (d) shall be reduced on a pro rata basis.

DIVISION E—PUBLIC READINESS AND EMERGENCY PREPAREDNESS ACT

SEC. 1. SHORT TITLE.

This division may be cited as the “Public Readiness and Emergency Preparedness Act”.

SEC. 2. TARGETED LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F-2 the following section:

“SEC. 319F-3. TARGETED LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES.

“(a) LIABILITY PROTECTIONS.—
“(1) IN GENERAL.—Subject to the other provisions of this section, a covered person shall be immune from suit and liability under Federal and State law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration to or the use by an individual of a covered countermeasure if a declaration under subsection (b) has been issued with respect to such countermeasure.
“(2) SCOPE OF CLAIMS FOR LOSS.—
“(A) LOSS.—For purposes of this section, the term ‘loss’ means any type of loss, including—
“(i) death;
“(ii) physical, mental, or emotional injury, illness, disability, or condition;
“(iii) fear of physical, mental, or emotional injury, illness, disability, or condition, including any need for medical monitoring; and
“(iv) loss of or damage to property, including business interruption loss.
Each of clauses (i) through (iv) applies without regard to the date of the occurrence, presentation, or discovery of the loss described in the clause.
“(B) SCOPE.—The immunity under paragraph (1) applies to any claim for loss that has a causal relationship with the administration to or use by an individual of a covered countermeasure, including a causal relationship with the design, development, clinical testing or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, or use of such countermeasure.
“(3) CERTAIN CONDITIONS.—Subject to the other provisions of this section, immunity under paragraph (1) with respect to a covered countermeasure applies only if—

“(A) the countermeasure was administered or used during the effective period of the declaration that was issued under subsection (b) with respect to the countermeasure;

“(B) the countermeasure was administered or used for the category or categories of diseases, health conditions, or threats to health specified in the declaration; and

“(C) in addition, in the case of a covered person who is a program planner or qualified person with respect to the administration or use of the countermeasure, the countermeasure was administered to or used by an individual who—

“(i) was in a population specified by the declaration; and

“(ii) was at the time of administration physically present in a geographic area specified by the declaration or had a connection to such area specified in the declaration.

“(4) APPLICABILITY OF CERTAIN CONDITIONS.—With respect to immunity under paragraph (1) and subject to the other provisions of this section:

“(A) In the case of a covered person who is a manufacturer or distributor of the covered countermeasure involved, the immunity applies without regard to whether such countermeasure was administered to or used by an individual in accordance with the conditions described in paragraph (3)(C).

“(B) In the case of a covered person who is a program planner or qualified person with respect to the administration or use of the covered countermeasure, the scope of immunity includes circumstances in which the countermeasure was administered to or used by an individual in circumstances in which the covered person reasonably could have believed that the countermeasure was administered or used in accordance with the conditions described in paragraph (3)(C).

“(5) EFFECT OF DISTRIBUTION METHOD.—The provisions of this section apply to a covered countermeasure regardless of whether such countermeasure is obtained by donation, commercial sale, or any other means of distribution, except to the extent that, under paragraph (2)(E) of subsection (b), the declaration under such subsection provides that subsection (a) applies only to covered countermeasures obtained through a particular means of distribution.

“(6) REBUTTABLE PRESUMPTION.—For purposes of paragraph (1), there shall be a rebuttable presumption that any administration or use, during the effective period of the emergency declaration by the Secretary under subsection (b), of a covered countermeasure shall have been for the category or categories of diseases, health conditions, or threats to health with respect to which such declaration was issued.

“(b) DECLARATION BY SECRETARY.—

“(1) AUTHORITY TO ISSUE DECLARATION.—Subject to paragraph (2), if the Secretary makes a determination that a disease or other health condition or other threat to health constitutes a public health emergency, or that there is a credible risk that the disease, condition, or threat may in the future constitute such an emergency, the Secretary may make a declaration, through publication in the Federal Register, recommending, under conditions as the Secretary may specify, the manufacture, testing, development, distribution, administration, or use of one or more covered countermeasures, and stating that subsection (a) is in effect with respect to the activities so recommended.

“(2) CONTENTS.—In issuing a declaration under paragraph (1), the Secretary shall identify, for each covered countermeasure specified in the declaration—

“(A) the category or categories of diseases, health conditions, or threats to health for which the Secretary recommends the administration or use of the countermeasure;

“(B) the period or periods during which, including as modified by paragraph (3), subsection (a) is in effect, which period or periods may be designated by dates, or by milestones or other description of events, including factors specified in paragraph (6);

“(C) the population or populations of individuals for which subsection (a) is in effect with respect to the administration or use of the countermeasure (which may be a specification that such subsection applies without geographic limitation to all individuals);

“(D) the geographic area or areas for which subsection (a) is in effect with respect to the administration or use of the countermeasure (which may be a specification that such subsection applies without geographic limitation), including, with respect to individuals in the populations identified under subparagraph (C), a specification, as determined appropriate by the Secretary, of whether the declaration applies only to individuals physically present in such areas or whether in addition the declaration applies to individuals who have a connection to such areas, which connection is described in the declaration; and

“(E) whether subsection (a) is effective only to a particular means of distribution as provided in subsection (a)(5) for obtaining the countermeasure, and if so, the particular means to which such subsection is effective.

“(3) EFFECTIVE PERIOD OF DECLARATION.—

“(A) FLEXIBILITY OF PERIOD.—The Secretary may, in describing periods under paragraph (2)(B), have different periods for different covered persons to address different logistical, practical or other differences in responsibilities.

“(B) ADDITIONAL TIME TO BE SPECIFIED.—In each declaration under paragraph (1), the Secretary, after consulting, to the extent the Secretary deems appropriate, with the manufacturer of the covered countermeasure, shall also specify a date that is after the ending date specified under paragraph (2)(B) and that allows what the Secretary determines is—

“(i) a reasonable period for the manufacturer to arrange for disposition of the covered countermeasure, including the return of such product to the manufacturer; and

“(ii) a reasonable period for covered persons to take such other actions as may be appropriate to limit administration or use of the covered countermeasure.

“(C) ADDITIONAL PERIOD FOR CERTAIN STRATEGIC NATIONAL STOCKPILE COUNTERMEASURES.—With respect to a covered countermeasure that is in the stockpile under section 319F-2, if such countermeasure was the subject of a declaration under paragraph (1) at the time that it was obtained for the stockpile, the effective period of such declaration shall include a period when the countermeasure is administered or used pursuant to a distribution or release from the stockpile.

“(4) AMENDMENTS TO DECLARATION.—The Secretary may through publication in the Federal Register amend any portion of a declaration under paragraph (1). Such an amendment shall not retroactively limit the applicability of subsection (a) with respect to the administration or use of the covered countermeasure involved.

“(5) CERTAIN DISCLOSURES.—In publishing a declaration under paragraph (1) in the Federal Register, the Secretary is not required to disclose any matter described in section 552(b) of title 5, United States Code.

“(6) FACTORS TO BE CONSIDERED.—In deciding whether and under what circumstances or conditions to issue a declaration under paragraph (1) with respect to a covered countermeasure, the Secretary shall consider the desirability of encouraging the design, development, clinical testing or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of such countermeasure.

“(7) JUDICIAL REVIEW.—No court of the United States, or of any State, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this subsection.

“(8) PREEMPTION OF STATE LAW.—During the effective period of a declaration under subsection (b), or at any time with respect to con-

duct undertaken in accordance with such declaration, no State or political subdivision of a State may establish, enforce, or continue in effect with respect to a covered countermeasure any provision of law or legal requirement that—

“(A) is different from, or is in conflict with, any requirement applicable under this section; and

“(B) relates to the design, development, clinical testing or investigation, formulation, manufacture, distribution, sale, donation, purchase, marketing, promotion, packaging, labeling, licensing, use, any other aspect of safety or efficacy, or the prescribing, dispensing, or administration by qualified persons of the covered countermeasure, or to any matter included in a requirement applicable to the covered countermeasure under this section or any other provision of this Act, or under the Federal Food, Drug, and Cosmetic Act.

“(9) REPORT TO CONGRESS.—Within 30 days after making a declaration under paragraph (1), the Secretary shall submit to the appropriate committees of the Congress a report that provides an explanation of the reasons for issuing the declaration and the reasons underlying the determinations of the Secretary with respect to paragraph (2). Within 30 days after making an amendment under paragraph (4), the Secretary shall submit to such committees a report that provides the reasons underlying the determination of the Secretary to make the amendment.

“(c) DEFINITION OF WILLFUL MISCONDUCT.—

“(1) DEFINITION.—

“(A) IN GENERAL.—Except as the meaning of such term is further restricted pursuant to paragraph (2), the term ‘willful misconduct’ shall, for purposes of subsection (d), denote an act or omission that is taken—

“(i) intentionally to achieve a wrongful purpose;

“(ii) knowingly without legal or factual justification; and

“(iii) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.

“(B) RULE OF CONSTRUCTION.—The criterion stated in subparagraph (A) shall be construed as establishing a standard for liability that is more stringent than a standard of negligence in any form or recklessness.

“(2) AUTHORITY TO PROMULGATE REGULATORY DEFINITION.—

“(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall promulgate regulations, which may be promulgated through interim final rules, that further restrict the scope of actions or omissions by a covered person that may qualify as ‘willful misconduct’ for purposes of subsection (d).

“(B) FACTORS TO BE CONSIDERED.—In promulgating the regulations under this paragraph, the Secretary, in consultation with the Attorney General, shall consider the need to define the scope of permissible civil actions under subsection (d) in a way that will not adversely affect the public health.

“(C) TEMPORAL SCOPE OF REGULATIONS.—The regulations under this paragraph may specify the temporal effect that they shall be given for purposes of subsection (d).

“(D) INITIAL RULEMAKING.—Within 180 days after the enactment of the Public Readiness and Emergency Preparedness Act, the Secretary, in consultation with the Attorney General, shall commence and complete an initial rulemaking process under this paragraph.

“(3) PROOF OF WILLFUL MISCONDUCT.—In an action under subsection (d), the plaintiff shall have the burden of proving by clear and convincing evidence willful misconduct by each covered person sued and that such willful misconduct caused death or serious physical injury.

“(4) DEFENSE FOR ACTS OR OMISSIONS TAKEN PURSUANT TO SECRETARY'S DECLARATION.—Notwithstanding any other provision of law, a program planner or qualified person shall not have engaged in ‘willful misconduct’ as a matter of law where such program planner or qualified

person acted consistent with applicable directions, guidelines, or recommendations by the Secretary regarding the administration or use of a covered countermeasure that is specified in the declaration under subsection (b), provided either the Secretary, or a State or local health authority, was provided with notice of information regarding serious physical injury or death from the administration or use of a covered countermeasure that is material to the plaintiff's alleged loss within 7 days of the actual discovery of such information by such program planner or qualified person.

“(5) EXCLUSION FOR REGULATED ACTIVITY OF MANUFACTURER OR DISTRIBUTOR.—

“(A) IN GENERAL.—If an act or omission by a manufacturer or distributor with respect to a covered countermeasure, which act or omission is alleged under subsection (e)(3)(A) to constitute willful misconduct, is subject to regulation by this Act or by the Federal Food, Drug, and Cosmetic Act, such act or omission shall not constitute ‘willful misconduct’ for purposes of subsection (d) if—

“(i) neither the Secretary nor the Attorney General has initiated an enforcement action with respect to such act or omission; or

“(ii) such an enforcement action has been initiated and the action has been terminated or finally resolved without a covered remedy.

Any action or proceeding under subsection (d) shall be stayed during the pendency of such an enforcement action.

“(B) DEFINITIONS.—For purposes of this paragraph, the following terms have the following meanings:

“(i) ENFORCEMENT ACTION.—The term ‘enforcement action’ means a criminal prosecution, an action seeking an injunction, a seizure action, a civil monetary proceeding based on willful misconduct, a mandatory recall of a product because voluntary recall was refused, a proceeding to compel repair or replacement of a product, a termination of an exemption under section 505(i) or 520(g) of the Federal Food, Drug, and Cosmetic Act, a debarment proceeding, an investigator disqualification proceeding where an investigator is an employee or agent of the manufacturer, a revocation, based on willful misconduct, of an authorization under section 564 of such Act, or a suspension or withdrawal, based on willful misconduct, of an approval or clearance under chapter V of such Act or of a licensure under section 351 of this Act.

“(ii) COVERED REMEDY.—The term ‘covered remedy’ means an outcome—

“(I) that is a criminal conviction, an injunction, or a condemnation, a civil monetary payment, a product recall, a repair or replacement of a product, a termination of an exemption under section 505(i) or 520(g) of the Federal Food, Drug, and Cosmetic Act, a debarment, an investigator disqualification, a revocation of an authorization under section 564 of such Act, or a suspension or withdrawal of an approval or clearance under chapter 5 of such Act or of a licensure under section 351 of this Act; and

“(II) that results from a final determination by a court or from a final agency action.

“(iii) FINAL.—The terms ‘final’ and ‘finally’—

“(I) with respect to a court determination, or to a final resolution of an enforcement action that is a court determination, mean a judgment from which an appeal of right cannot be taken or a voluntary or stipulated dismissal; and

“(II) with respect to an agency action, or to a final resolution of an enforcement action that is an agency action, mean an order that is not subject to further review within the agency and that has not been reversed, vacated, enjoined, or otherwise nullified by a final court determination or a voluntary or stipulated dismissal.

“(C) RULES OF CONSTRUCTION.—

“(i) IN GENERAL.—Nothing in this paragraph shall be construed—

“(I) to affect the interpretation of any provision of the Federal Food, Drug, and Cosmetic

Act, of this Act, or of any other applicable statute or regulation; or

“(II) to impair, delay, or affect the authority, including the enforcement discretion, of the United States, of the Secretary, of the Attorney General, or of any other official with respect to any administrative or court proceeding under this Act, under the Federal Food, Drug, and Cosmetic Act, under title 18 of the United States Code, or under any other applicable statute or regulation.

“(ii) MANDATORY RECALLS.—A mandatory recall called for in the declaration is not a Food and Drug Administration enforcement action.

“(d) EXCEPTION TO IMMUNITY OF COVERED PERSONS.—

“(1) IN GENERAL.—Subject to subsection (f), the sole exception to the immunity from suit and liability of covered persons set forth in subsection (a) shall be for an exclusive Federal cause of action against a covered person for death or serious physical injury proximately caused by willful misconduct, as defined pursuant to subsection (c), by such covered person. For purposes of section 2679(b)(2)(B) of title 28, United States Code, such a cause of action is not an action brought for violation of a statute of the United States under which an action against an individual is otherwise authorized.

“(2) PERSONS WHO CAN SUE.—An action under this subsection may be brought for wrongful death or serious physical injury by any person who suffers such injury or by any representative of such a person.

“(e) PROCEDURES FOR SUIT.—

“(1) EXCLUSIVE FEDERAL JURISDICTION.—Any action under subsection (d) shall be filed and maintained only in the United States District Court for the District of Columbia.

“(2) GOVERNING LAW.—The substantive law for decision in an action under subsection (d) shall be derived from the law, including choice of law principles, of the State in which the alleged willful misconduct occurred, unless such law is inconsistent with or preempted by Federal law, including provisions of this section.

“(3) PLEADING WITH PARTICULARITY.—In an action under subsection (d), the complaint shall plead with particularity each element of the plaintiff's claim, including—

“(A) each act or omission, by each covered person sued, that is alleged to constitute willful misconduct relating to the covered countermeasure administered to or used by the person on whose behalf the complaint was filed;

“(B) facts supporting the allegation that such alleged willful misconduct proximately caused the injury claimed; and

“(C) facts supporting the allegation that the person on whose behalf the complaint was filed suffered death or serious physical injury.

“(4) VERIFICATION, CERTIFICATION, AND MEDICAL RECORDS.—

“(A) IN GENERAL.—In an action under subsection (d), the plaintiff shall verify the complaint in the manner stated in subparagraph (B) and shall file with the complaint the materials described in subparagraph (C). A complaint that does not substantially comply with subparagraphs (B) and (C) shall not be accepted for filing and shall not stop the running of the statute of limitations.

“(B) VERIFICATION REQUIREMENT.—

“(i) IN GENERAL.—The complaint shall include a verification, made by affidavit of the plaintiff under oath, stating that the pleading is true to the knowledge of the deponent, except as to matters specifically identified as being alleged on information and belief, and that as to those matters the plaintiff believes it to be true.

“(ii) IDENTIFICATION OF MATTERS ALLEGED UPON INFORMATION AND BELIEF.—Any matter that is not specifically identified as being alleged upon the information and belief of the plaintiff, shall be regarded for all purposes, including a criminal prosecution, as having been made upon the knowledge of the plaintiff.

“(C) MATERIALS REQUIRED.—In an action under subsection (d), the plaintiff shall file with the complaint—

“(i) an affidavit, by a physician who did not treat the person on whose behalf the complaint was filed, certifying, and explaining the basis for such physician's belief, that such person suffered the serious physical injury or death alleged in the complaint and that such injury or death was proximately caused by the administration or use of a covered countermeasure; and

“(ii) certified medical records documenting such injury or death and such proximate causal connection.

“(5) THREE-JUDGE COURT.—Any action under subsection (d) shall be assigned initially to a panel of three judges. Such panel shall have jurisdiction over such action for purposes of considering motions to dismiss, motions for summary judgment, and matters related thereto. If such panel has denied such motions, or if the time for filing such motions has expired, such panel shall refer the action to the chief judge for assignment for further proceedings, including any trial. Section 1253 of title 28, United States Code, and paragraph (3) of subsection (b) of section 2284 of title 28, United States Code, shall not apply to actions under subsection (d).

“(6) CIVIL DISCOVERY.—

“(A) TIMING.—In an action under subsection (d), no discovery shall be allowed—

“(i) before each covered person sued has had a reasonable opportunity to file a motion to dismiss;

“(ii) in the event such a motion is filed, before the court has ruled on such motion; and

“(iii) in the event a covered person files an interlocutory appeal from the denial of such a motion, before the court of appeals has ruled on such appeal.

“(B) STANDARD.—Notwithstanding any other provision of law, the court in an action under subsection (d) shall permit discovery only with respect to matters directly related to material issues contested in such action, and the court shall compel a response to a discovery request (including a request for admission, an interrogatory, a request for production of documents, or any other form of discovery request) under Rule 37, Federal Rules of Civil Procedure, only if the court finds that the requesting party needs the information sought to prove or defend as to a material issue contested in such action and that the likely benefits of a response to such request equal or exceed the burden or cost for the responding party of providing such response.

“(7) REDUCTION IN AWARD OF DAMAGES FOR COLLATERAL SOURCE BENEFITS.—

“(A) IN GENERAL.—In an action under subsection (d), the amount of an award of damages that would otherwise be made to a plaintiff shall be reduced by the amount of collateral source benefits to such plaintiff.

“(B) PROVIDER OF COLLATERAL SOURCE BENEFITS NOT TO HAVE LIEN OR SUBROGATION.—No provider of collateral source benefits shall recover any amount against the plaintiff or receive any lien or credit against the plaintiff's recovery or be equitably or legally subrogated to the right of the plaintiff in an action under subsection (d).

“(C) COLLATERAL SOURCE BENEFIT DEFINED.—For purposes of this paragraph, the term ‘collateral source benefit’ means any amount paid or to be paid in the future to or on behalf of the plaintiff, or any service, product, or other benefit provided or to be provided in the future to or on behalf of the plaintiff, as a result of the injury or wrongful death, pursuant to—

“(i) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

“(ii) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

“(iii) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; or

“(iv) any other publicly or privately funded program.

“(8) NONECONOMIC DAMAGES.—In an action under subsection (d), any noneconomic damages may be awarded only in an amount directly proportional to the percentage of responsibility of a defendant for the harm to the plaintiff. For purposes of this paragraph, the term ‘noneconomic damages’ means damages for losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and any other nonpecuniary losses.

“(9) RULE 11 SANCTIONS.—Whenever a district court of the United States determines that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure in an action under subsection (d), the court shall impose upon the attorney, law firm, or parties that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which may include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

“(10) INTERLOCUTORY APPEAL.—The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction of an interlocutory appeal by a covered person taken within 30 days of an order denying a motion to dismiss or a motion for summary judgment based on an assertion of the immunity from suit conferred by subsection (a) or based on an assertion of the exclusion under subsection (c)(5).

“(f) ACTIONS BY AND AGAINST THE UNITED STATES.—Nothing in this section shall be construed to abrogate or limit any right, remedy, or authority that the United States or any agency thereof may possess under any other provision of law or to waive sovereign immunity or to abrogate or limit any defense or protection available to the United States or its agencies, instrumentalities, officers, or employees under any other law, including any provision of chapter 171 of title 28, United States Code (relating to tort claims procedure).

“(g) SEVERABILITY.—If any provision of this section, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section and the application of such remainder to any person or circumstance shall not be affected thereby.

“(h) RULE OF CONSTRUCTION CONCERNING NATIONAL VACCINE INJURY COMPENSATION PROGRAM.—Nothing in this section, or any amendment made by the Public Readiness and Emergency Preparedness Act, shall be construed to affect the National Vaccine Injury Compensation Program under title XXI of this Act.

“(i) DEFINITIONS.—In this section:

“(1) COVERED COUNTERMEASURE.—The term ‘covered countermeasure’ means—

“(A) a qualified pandemic or epidemic product (as defined in paragraph (7));

“(B) a security countermeasure (as defined in section 319F-2(c)(1)(B)); or

“(C) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), biological product (as such term is defined by section 351(i) of this Act), or device (as such term is defined by section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h)) that is authorized for emergency use in accordance with section 564 of the Federal Food, Drug, and Cosmetic Act.

“(2) COVERED PERSON.—The term ‘covered person’, when used with respect to the administration or use of a covered countermeasure, means—

“(A) the United States; or

“(B) a person or entity that is—

“(i) a manufacturer of such countermeasure;

“(ii) a distributor of such countermeasure;

“(iii) a program planner of such countermeasure;

“(iv) a qualified person who prescribed, administered, or dispensed such countermeasure; or

“(v) an official, agent, or employee of a person or entity described in clause (i), (ii), (iii), or (iv).

“(3) **DISTRIBUTOR.**—The term ‘distributor’ means a person or entity engaged in the distribution of drugs, biologics, or devices, including but not limited to manufacturers; repackers; common carriers; contract carriers; air carriers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies.

“(4) **MANUFACTURER.**—The term ‘manufacturer’ includes—

“(A) a contractor or subcontractor of a manufacturer;

“(B) a supplier or licensor of any product, intellectual property, service, research tool, or component or other article used in the design, development, clinical testing, investigation, or manufacturing of a covered countermeasure; and

“(C) any or all of the parents, subsidiaries, affiliates, successors, and assigns of a manufacturer.

“(5) **PERSON.**—The term ‘person’ includes an individual, partnership, corporation, association, entity, or public or private corporation, including a Federal, State, or local government agency or department.

“(6) **PROGRAM PLANNER.**—The term ‘program planner’ means a State or local government, including an Indian tribe, a person employed by the State or local government, or other person who supervised or administered a program with respect to the administration, dispensing, distribution, provision, or use of a security countermeasure or a qualified pandemic or epidemic product, including a person who has established requirements, provided policy guidance, or supplied technical or scientific advice or assistance or provides a facility to administer or use a covered countermeasure in accordance with a declaration under subsection (b).

“(7) **QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.**—The term ‘qualified pandemic or epidemic product’ means a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), biological product (as such term is defined by section 351(i) of this Act), or device (as such term is defined by section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h)) that is—

“(A)(i) a product manufactured, used, designed, developed, modified, licensed, or procured—

“(I) to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic; or

“(II) to limit the harm such pandemic or epidemic might otherwise cause; or

“(ii) a product manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, or cure a serious or life-threatening disease or condition caused by a product described in clause (i); and

“(B)(i) approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act;

“(ii) the object of research for possible use as described by subparagraph (A) and is the subject of an exemption under section 505(i) or 520(g) of the Federal Food, Drug, and Cosmetic Act; or

“(iii) authorized for emergency use in accordance with section 564 of the Federal Food, Drug, and Cosmetic Act.

“(8) **QUALIFIED PERSON.**—The term ‘qualified person’, when used with respect to the administration or use of a covered countermeasure, means—

“(A) a licensed health professional or other individual who is authorized to prescribe, administer, or dispense such countermeasures under the law of the State in which the counter-

measure was prescribed, administered, or dispensed; or

“(B) a person within a category of persons so identified in a declaration by the Secretary under subsection (b).

“(9) **SECURITY COUNTERMEASURE.**—The term ‘security countermeasure’ has the meaning given such term in section 319F-2(c)(1)(B).

“(10) **SERIOUS PHYSICAL INJURY.**—The term ‘serious physical injury’ means an injury that—

“(A) is life threatening;

“(B) results in permanent impairment of a body function or permanent damage to a body structure; or

“(C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure.”.

SEC. 3. COVERED COUNTERMEASURE PROCESS.

Part B of title III of the Public Health Service Act is further amended by inserting after section 319F-3 (as added by section 2) the following new section:

“SEC. 319F-4. COVERED COUNTERMEASURE PROCESS.

“(a) **ESTABLISHMENT OF FUND.**—Upon the issuance by the Secretary of a declaration under section 319F-3(b), there is hereby established in the Treasury an emergency fund designated as the ‘Covered Countermeasure Process Fund’ for purposes of providing timely, uniform, and adequate compensation to eligible individuals for covered injuries directly caused by the administration or use of a covered countermeasure pursuant to such declaration, which Fund shall consist of such amounts as emergency appropriations under section 402 of H. Con. Res. 95 of the 109th Congress, this emergency designation shall remain in effect through October 1, 2006.

“(b) **PAYMENT OF COMPENSATION.**—

“(1) **IN GENERAL.**—If the Secretary issues a declaration under 319F-3(b), the Secretary shall, after amounts have by law been provided for the Fund under subsection (a), provide compensation to an eligible individual for a covered injury directly caused by the administration or use of a covered countermeasure pursuant to such declaration.

“(2) **ELEMENTS OF COMPENSATION.**—The compensation that shall be provided pursuant to paragraph (1) shall have the same elements, and be in the same amount, as is prescribed by sections 264, 265, and 266 in the case of certain individuals injured as a result of administration of certain countermeasures against smallpox, except that section 266(a)(2)(B) shall not apply.

“(3) **RULE OF CONSTRUCTION.**—Neither reasonable and necessary medical benefits nor lifetime total benefits for lost employment income due to permanent and total disability shall be limited by section 266.

“(4) **DETERMINATION OF ELIGIBILITY AND COMPENSATION.**—Except as provided in this section, the procedures for determining, and for reviewing a determination of, whether an individual is an eligible individual, whether such individual has sustained a covered injury, whether compensation may be available under this section, and the amount of such compensation shall be those stated in section 262 (other than in subsection (d)(2) of such section), in regulations issued pursuant to that section, and in such additional or alternate regulations as the Secretary may promulgate for purposes of this section. In making determinations under this section, other than those described in paragraph (5)(A) as to the direct causation of a covered injury, the Secretary may only make such determination based on compelling, reliable, valid, medical, and scientific evidence.

“(5) **COVERED COUNTERMEASURE INJURY TABLE.**—

“(A) **IN GENERAL.**—The Secretary shall by regulation establish a table identifying covered injuries that shall be presumed to be directly caused by the administration or use of a covered countermeasure and the time period in which the first symptom or manifestation of onset of

each such adverse effect must manifest in order for such presumption to apply. The Secretary may only identify such covered injuries, for purpose of inclusion on the table, where the Secretary determines, based on compelling, reliable, valid, medical, and scientific evidence that administration or use of the covered countermeasure directly caused such covered injury.

“(B) **AMENDMENTS.**—The provisions of section 263 (other than a provision of subsection (a)(2) of such section that relates to accidental vaccinia inoculation) shall apply to the table established under this section.

“(C) **JUDICIAL REVIEW.**—No court of the United States, or of any State, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this paragraph.

“(6) **MEANINGS OF TERMS.**—In applying sections 262, 263, 264, 265, and 266 for purposes of this section—

“(A) the terms ‘vaccine’ and ‘smallpox vaccine’ shall be deemed to mean a covered countermeasure;

“(B) the terms ‘smallpox vaccine injury table’ and ‘table established under section 263’ shall be deemed to refer to the table established under paragraph (4); and

“(C) other terms used in those sections shall have the meanings given to such terms by this section.

“(c) **VOLUNTARY PROGRAM.**—The Secretary shall ensure that a State, local, or Department of Health and Human Services plan to administer or use a covered countermeasure is consistent with any declaration under 319F-3 and any applicable guidelines of the Centers for Disease Control and Prevention and that potential participants are educated with respect to contraindications, the voluntary nature of the program, and the availability of potential benefits and compensation under this part.

“(d) **EXHAUSTION; EXCLUSIVITY; ELECTION.**—

“(1) **EXHAUSTION.**—Subject to paragraph (5), a covered individual may not bring a civil action under section 319F-3(d) against a covered person (as such term is defined in section 319F-3(i)(2)) unless such individual has exhausted such remedies as are available under subsection (a), except that if amounts have not by law been provided for the Fund under subsection (a), or if the Secretary fails to make a final determination on a request for benefits or compensation filed in accordance with the requirements of this section within 240 days after such request was filed, the individual may seek any remedy that may be available under section 319F-3(d).

“(2) **TOLLING OF STATUTE OF LIMITATIONS.**—The time limit for filing a civil action under section 319F-3(d) for an injury or death shall be tolled during the pendency of a claim for compensation under subsection (a).

“(3) **RULE OF CONSTRUCTION.**—This section shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

“(4) **EXCLUSIVITY.**—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this section encompasses, except for a proceeding under section 319F-3.

“(5) **ELECTION.**—If under subsection (a) the Secretary determines that a covered individual qualifies for compensation, the individual has an election to accept the compensation or to bring an action under section 319F-3(d). If such individual elects to accept the compensation, the individual may not bring such an action.

“(e) **DEFINITIONS.**—For purposes of this section, the following terms shall have the following meanings:

“(1) **COVERED COUNTERMEASURE.**—The term ‘covered countermeasure’ has the meaning given such term in section 319F-3.

“(2) **COVERED INDIVIDUAL.**—The term ‘covered individual’, with respect to administration or use of a covered countermeasure pursuant to a declaration, means an individual—

“(A) who is in a population specified in such declaration, and with respect to whom the administration or use of the covered countermeasure satisfies the other specifications of such declaration; or

“(B) who uses the covered countermeasure, or to whom the covered countermeasure is administered, in a good faith belief that the individual is in the category described by subparagraph (A).

“(3) COVERED INJURY.—The term ‘covered injury’ means serious physical injury or death.

“(4) DECLARATION.—The term ‘declaration’ means a declaration under section 319F-3(b).

“(5) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who is determined, in accordance with subsection (b), to be a covered individual who sustains a covered injury.”

This Act may be cited as the “Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006”.

And the Senate agree to the same.

BILL YOUNG, DAVID HOBSON, HENRY BONILLA, R. P. FRELINGHUYSEN, TODD TIAHRT, ROGER F. WICKER, JACK KINGSTON, KAY GRANGER, JAMES T. WALSH, ROBERT B. ADERHOLT, JERRY LEWIS, JOHN P. MURTHA, NORMAN D. DICKS

(Except for Division C as to ANWR), MARTIN OLAV SABO (Except for 1% cut in Division B and Division C,

PETER J. VISCLOSKEY (Except for Division C and Division B as to 1% cut and avian flu section),

JAMES P. MORAN (Except for Division B and Division C as to 1% cut, avian flu, and ANWR provision),

MARCY KAPTUR (Except for ANWR provision and Division B and Division C as to 1% cut and avian flu),

CHET EDWARDS (Except for 1% cut).

DAVID R. OBEY (Except for Division C, Division B as to 1% cut and avian flu),

Managers on the Part of the House.

TED STEVENS, THAD COCHRAN, ARLEN SPECTER, PETE V. DOMENICI, KIT BOND, MITCH MCCONNELL, RICHARD C. SHELBY, JUDD GREGG, KAY BAILEY HUTCHISON, CONRAD BURNS, DANIEL K. INOUE, ROBERT C. BYRD (Except ANWR and across the board cut and avian flu vaccine liability and compensation provisions),

BYRON L. DORGAN (Except on ANWR and 1% cut and avian

flu vaccine liability and compensation provisions),

DIANNE FEINSTEIN (Except ANWR and 1% cut and avian flu vaccine liability and compensation provisions),

BARBARA A. MIKULSKI (Except ANWR and 1% ATB cut and avian flu vaccine liability and compensation provisions),

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

Mr. OBEY moved to recommit the conference report on H.R. 2863 to the committee of conference with instructions for the managers on the part of the House not to include Chapter 8 of Title III of Division B.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report with instructions?

The SPEAKER pro tempore, Mr. CAMP of Michigan, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 183 negative } Nays 231

139.49

[Roll No. 668]

YEAS—183

Abercrombie, Ackerman, Allen, Andrews, Baird, Baldwin, Barrow, Becerra, Berkley, Berman, Berry, Bishop (NY), Blumenauer, Boren, Boswell, Boucher, Boyd, Brown (OH), Butterfield, Capps, Capuano, Cardin, Carnahan, Carson, Case, Chandler, Clay, Cleaver, Clyburn, Conyers, Cooper, Costa, Costello, Cramer, Crowley, Cuellar, Cummings, Davis (AL)

Davis (CA), Davis (FL), Davis (IL), Davis (TN), DeFazio, DeGette, Delahunt, DeLauro, Dingell, Doggett, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Gonzalez, Gordon, Green, Al, Green, Gene, Grijalva, Hastings (FL), Herse, Higgins, Hinche, Hinojosa, Holt, Honda, Hooley, Hoyer, Insee, Israel, Jackson (IL)

Jackson-Lee (TX), Johnson, E. B., Jones (OH), Kaptur, Kennedy (RI), Kildee, Kilpatrick (MI), Kind, Kucinich, Langevin, Lantos, Larsen (WA), Larson (CT), Leach, Lee, Levin, Lewis (GA), Lipinski, Lofgren, Zoe, Lowey, Lynch, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy, McCollum (MN), McDermott, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Michaud

Millender-McDonald, Miller (NC), Miller, George, Moore (KS), Moore (WI), Moran (VA), Nadler, Napolitano, Neal (MA), Oberstar, Obey, Oliver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Pomeroy, Price (NC), Rahall, Rangel

Ross, Rothman, Ruppersberger, Rush, Ryan (OH), Sabo, Salazar, Sanchez, Linda T., Sanchez, Loretta, Sanders, Schakowsky, Schiff, Schwartz (PA), Scott (GA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt

Strickland, Stupak, Tanner, Tauscher, Thompson (CA), Thompson (MS), Tierney, Towns, Udall (CO), Udall (NM), Van Hollen, Velazquez, Visclosky, Wasserman, Schultz, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

NAYS—231

Aderholt, Akin, Alexander, Bachus, Baker, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Bean, Beauprez, Biggert, Bilirakis, Bishop (GA), Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boustany, Bradley (NH), Brady (PA), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burton (IN), Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Cardoza, Carter, Castle, Chabot, Chocoma, Coble, Cole (OK), Conaway, Crenshaw, Cubin, Culberson, Davis (KY), Davis, Tom, Deal (GA), DeLay, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Doolittle, Drake, Dreier, Duncan, Ehlers, Emerson, English (PA), Everett, Ferguson, Fitzpatrick (PA), Flake, Foley, Forbes, Fortenberry, Fossella, Foxx

Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Gohmert, Goode, Goodlatte, Granger, Graves, Green (WI), Gutknecht, Hall, Harris, Hart, Hastert, Hastings (WA), Hayes, Hayworth, Hensarling, Herger, Hobson, Hoekstra, Holden, Hulshof, Hunter, Inglis (SC), Issa, Jefferson, Jenkins, Jindal, Johnson (CT), Johnson (IL), Kanjorski, Keller, Kelly, Kennedy (MN), King (IA), King (NY), Kingston, Kirk, Kline, Knollenberg, Kuhl (NY), LaHood, Latham, LaTourette, Lewis (CA), Lewis (KY), Linder, LoBiondo, Lucas, Lungren, Daniel E., Mack, Manzullo, Marchant, McCaul (TX), McCotter, McCrery, McHenry, McHugh, McKeon, McMorris, Melancon, Mica, Miller (FL), Miller (MI), Mollohan, Moran (KS)

Murphy, Murtha, Musgrave, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Osborne, Otter, Oxley, Paul, Pearce, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pombo, Porter, Price (GA), Pryce (OH), Putnam, Ramstad, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Royce, Ryan (WI), Ryan (KS), Saxton, Schmidt, Schwarz (MI), Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simmons, Simpson, Smith (NJ), Smith (TX), Sodrel, Souder, Stearns, Sullivan, Sweeney, Tancredo, Taylor (MS), Taylor (NC), Terry, Thomas, Thornberry, Tiahrt, Tiberi, Turner, Upton, Walden (OR), Walsh, Wamp

Weldon (FL)	Whitfield	Wolf
Weldon (PA)	Wicker	Young (AK)
Weller	Wilson (NM)	Young (FL)
Westmoreland	Wilson (SC)	

NOT VOTING—20

Baca	Hostettler	Miller, Gary
Davis, Jo Ann	Hyde	Myrick
Emanuel	Istook	Radanovich
Feehey	Johnson, Sam	Reyes
Gutierrez	Jones (NC)	Roybal-Allard
Harman	Kolbe	Stark
Hefley	McGovern	

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. CAMP of Michigan, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative	} Yeas	308		
			} Nays	106

¶139.50 [Roll No. 669] YEAS—308

Abercrombie	Conaway	Gutknecht
Aderholt	Costa	Hall
Akin	Costello	Harris
Alexander	Cramer	Hart
Allen	Crenshaw	Hastert
Bachus	Crowley	Hastings (WA)
Baker	Cubin	Hayes
Barrett (SC)	Cuellar	Hayworth
Barrow	Culberson	Hensarling
Bartlett (MD)	Davis (AL)	Hergert
Barton (TX)	Davis (CA)	Hersteth
Bean	Davis (FL)	Higgins
Beauprez	Davis (KY)	Hinojosa
Berkley	Davis (TN)	Hobson
Berman	Davis, Tom	Holden
Berry	Deal (GA)	Hooley
Biggert	DeFazio	Hoyer
Bilirakis	DeLauro	Hulshof
Bishop (GA)	DeLay	Hunter
Bishop (NY)	Dent	Inglis (SC)
Bishop (UT)	Diaz-Balart, L.	Israel
Blackburn	Diaz-Balart, M.	Issa
Blunt	Dicks	Jackson-Lee (TX)
Boehlert	Doolittle	Jefferson
Boehner	Doyle	Jenkins
Bonilla	Drake	Jindal
Bonner	Dreier	Kanjorski
Bono	Duncan	Kaptur
Boozman	Edwards	Keller
Boren	Emerson	Kennedy (MN)
Boucher	English (PA)	Kennedy (RI)
Boustany	Etheridge	Kind
Boyd	Evans	King (IA)
Bradley (NH)	Everett	King (NY)
Brady (PA)	Fattah	Kingston
Brady (TX)	Feehey	Kline
Brown (OH)	Ferguson	Knollenberg
Brown (SC)	Flake	Kuhl (NY)
Brown, Corrine	Foley	LaHood
Brown-Waite, Ginny	Forbes	Langevin
Burgess	Ford	Lantos
Butterfield	Fortenberry	Larsen (WA)
Buyer	Fossella	Larson (CT)
Calvert	Fox	Latham
Camp (MI)	Franks (AZ)	LaTourette
Campbell (CA)	Frelinghuysen	Levin
Cannon	Gallely	Lewis (CA)
Cantor	Garrett (NJ)	Lewis (KY)
Capito	Gerlach	Linder
Capuano	Gibbons	Lipinski
Cardoza	Gilchrest	Lowey
Carnahan	Gillmor	Lucas
Carson	Gingrey	Lungren, Daniel E.
Carter	Gohmert	Lynch
Chabot	Gonzalez	Mack
Chandler	Goode	Manzullo
Choccola	Goodlatte	Marchant
Clay	Gordon	Marshall
Cleaver	Granger	Matheson
Clyburn	Graves	Matsui
Coble	Green (WI)	McCarthy
Cole (OK)	Green, Al	
	Green, Gene	

McCaul (TX)	Platts	Simpson
McCotter	Poe	Skelton
McCrery	Pombo	Smith (TX)
McHenry	Pomeroy	Snyder
McHugh	Porter	Sodrel
McIntyre	Price (GA)	Souder
McKeon	Price (NC)	Spratt
McMorris	Pryce (OH)	Stearns
Meehan	Putnam	Strickland
Meek (FL)	Rahall	Sullivan
Melancon	Regula	Sweeney
Mica	Rehberg	Tancredo
Miller (FL)	Reichert	Tanner
Miller (MI)	Renzi	Taylor (MS)
Miller (NC)	Reynolds	Taylor (NC)
Mollohan	Rogers (AL)	Terry
Moore (KS)	Rogers (KY)	Thomas
Moran (KS)	Rogers (MI)	Thompson (MS)
Moran (VA)	Rohrabacher	Thornberry
Murphy	Ros-Lehtinen	Tiahrt
Murtha	Ross	Tiberi
Musgrave	Royce	Turner
Neal (MA)	Ruppersberger	Upton
Neugebauer	Ryan (OH)	Visclosky
Ney	Ryan (WI)	Walden (OR)
Northup	Ryun (KS)	Walsh
Norwood	Salazar	Wamp
Nunes	Schiff	Wasserman
Nussle	Schmidt	Schultz
Ortiz	Schwartz (PA)	Weldon (FL)
Osborne	Schwarz (MI)	Weldon (PA)
Otter	Scott (GA)	Weller
Oxley	Sensenbrenner	Westmoreland
Pascarell	Sessions	Whitfield
Pearce	Shadegg	Wicker
Pelosi	Shaw	Wilson (NM)
Pence	Sherman	Wilson (SC)
Peterson (MN)	Sherwood	Wolf
Peterson (PA)	Shimkus	Wynn
Pickering	Shuster	Young (AK)
Pitts	Simmons	Young (FL)

NAYS—106

Ackerman	Johnson (IL)	Petri
Andrews	Johnson, E. B.	Ramstad
Baird	Jones (OH)	Rangel
Baldwin	Kelly	Rothman
Bass	Kildee	Rush
Becerra	Kilpatrick (MI)	Sabo
Blumenauer	Kirk	Sánchez, Linda T.
Bowell	Kucinich	Sanchez, Loretta
Capps	Leach	Sanders
Cardin	Lee	Schakowsky
Case	Lewis (GA)	Scott (VA)
Castle	LoBiondo	Serrano
Conyers	Lofgren, Zoe	Shays
Cooper	Maloney	Slaughter
Cummings	Markey	Smith (NJ)
Davis (IL)	McCollum (MN)	Smith (WA)
DeGette	McDermott	Solis
Delahunt	McKinney	Stark
Dingell	McNulty	Stupak
Doggett	Meeks (NY)	Tauscher
Ehlers	Menendez	Thompson (CA)
Engel	Michaud	Tierney
Eshoo	Millender-McDonald	Towns
Farr	Miller, George	Udall (CO)
Finler	Moore (WI)	Udall (NM)
Fitzpatrick (PA)	Nadler	Van Hollen
Frank (MA)	Napolitano	Velázquez
Grijalva	Oberstar	Waters
Hastings (FL)	Obey	Watson
Hincheey	Olver	Watt
Hoekstra	Owens	Waxman
Holt	Pallone	Weiner
Honda	Pastor	Wexler
Inslee	Paul	Woolsey
Jackson (IL)	Payne	Wu
Johnson (CT)		

ANSWERED "PRESENT"—2

Burton (IN)	Saxton
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NOT VOTING—18

Baca	Hostettler	McGovern
Davis, Jo Ann	Hyde	Miller, Gary
Emanuel	Istook	Myrick
Gutierrez	Johnson, Sam	Radanovich
Harman	Jones (NC)	Reyes
Hefley	Kolbe	Roybal-Allard

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.51 PROCEEDINGS VACATED—H. RES. 633

On motion of Mr. NUSSLE, by unanimous consent, requested that the proceedings whereby ordering of the yeas and nays on the motion to suspend the rules and agree to the resolution (H. Res. 633) honoring Helen Swell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service, be vacated to the end that the Chair put the question on the resolution de novo.

Accordingly, The question being put, viva voce, Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of those present had voted in the affirmative.

So two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.52 DEFICIT REDUCTION

Mr. NUSSLE, pursuant to House Resolution 640, called up the following conference report (Rept. No. 109-362):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1932), to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Reduction Act of 2005".

SEC. 2. TABLE OF TITLES.

The table of titles is as follows:

- TITLE I—AGRICULTURE PROVISIONS
- TITLE II—HOUSING AND DEPOSIT INSURANCE PROVISIONS
- TITLE III—DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY
- TITLE IV—TRANSPORTATION PROVISIONS
- TITLE V—MEDICARE
- TITLE VI—MEDICAID AND SCHIP
- TITLE VII—HUMAN RESOURCES AND OTHER PROVISIONS
- TITLE VIII—EDUCATION AND PENSION BENEFIT PROVISIONS
- TITLE IX—LIHEAP PROVISIONS
- TITLE X—JUDICIARY RELATED PROVISIONS

TITLE I—AGRICULTURE PROVISIONS SECTION 1001. SHORT TITLE.

This title may be cited as the "Agricultural Reconciliation Act of 2005".

SEC. 1002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Subtitle A—Commodity Programs**SEC. 1101. NATIONAL DAIRY MARKET LOSS PAYMENTS.**

(a) AMOUNT.—Section 1502(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)) is amended by striking paragraph (3) and inserting the following new paragraph:

“(3)(A) during the period beginning on the first day of the month the producers on a dairy farm enter into a contract under this section and ending on September 30, 2005, 45 percent;

“(B) during the period beginning on October 1, 2005, and ending on August 31, 2007, 34 percent; and

“(C) during the period beginning on September 1, 2007, 0 percent.”.

(b) DURATION.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended by striking “2005” each place it appears in subsections (f) and (g)(1) and inserting “2007”.

(c) CONFORMING AMENDMENTS.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended—

(1) in subsection (g)(1), by striking “and subsection (h)”;

(2) by striking subsection (h).

SEC. 1102. ADVANCE DIRECT PAYMENTS.

(a) COVERED COMMODITIES.—Section 1103(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(d)(2)) is amended in the first sentence by striking “2007 crop years” and inserting “2005 crop years, up to 40 percent of the direct payment for a covered commodity for the 2006 crop year, and up to 22 percent of the direct payment for a covered commodity for the 2007 crop year.”.

(b) PEANUTS.—Section 1303(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7953(e)(2)) is amended in the first sentence by striking “2007 crop years” and inserting “2005 crop years, up to 40 percent of the direct payment for the 2006 crop year, and up to 22 percent of the direct payment for the 2007 crop year.”.

SEC. 1103. COTTON COMPETITIVENESS PROVISIONS.

(a) REPEAL OF AUTHORITY TO ISSUE COTTON USER MARKETING CERTIFICATES.—Section 1207 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7937) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking “, adjusted for the value of any certificate issued under subsection (a),”; and

(B) in subparagraph (C), by striking “, for the value of any certificates issued under subsection (a)”.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on August 1, 2006.

Subtitle B—Conservation**SEC. 1201. WATERSHED REHABILITATION PROGRAM.**

The authority to obligate funds previously made available under section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) for a fiscal year and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

SEC. 1202. CONSERVATION SECURITY PROGRAM.

(a) EXTENSION.—Section 1238A(a) of the Food Security Act of 1985 (16 U.S.C. 3838a(a)) is amended by striking “2007” and inserting “2011”.

(b) FUNDING.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking “not more than \$6,037,000,000” and all that follows through “2014.” and inserting the following: “not more than—

“(A) \$1,954,000,000 for the period of fiscal years 2006 through 2010; and

“(B) \$5,650,000,000 for the period of fiscal years 2006 through 2015.”.

SEC. 1203. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) EXTENSION.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-

2(a)(1)) is amended by striking “2007” and inserting “2010”.

(b) LIMITATION ON PAYMENTS.—Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended by striking “the period of fiscal years 2002 through 2007” and inserting “any six-year period”.

(c) FUNDING.—Section 1241(a)(6) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)) is amended—

(1) by striking “and” at the end of subparagraph (D); and

(2) by striking subparagraph (E) and inserting the following new subparagraphs:

“(E) \$1,270,000,000 in each of fiscal years 2007 through 2009; and

“(F) \$1,300,000,000 in fiscal year 2010.”.

Subtitle C—Energy**SEC. 1301. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS PROGRAM.**

Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)) is amended by striking “2007” and inserting “2006 and \$3,000,000 for fiscal year 2007”.

Subtitle D—Rural Development**SEC. 1401. ENHANCED ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.**

The authority to obligate funds previously made available under section 601(j)(1) of the Rural Electrification Act of 1936 for a fiscal year and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

SEC. 1402. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

The authority to obligate funds previously made available under section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1621 note) for a fiscal year and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

SEC. 1403. RURAL BUSINESS INVESTMENT PROGRAM.

(a) TERMINATION OF FISCAL YEAR 2007 AND SUBSEQUENT FUNDING.—Subsection (a)(1) of section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-18) is amended by inserting after “necessary” the following: “through fiscal year 2006”.

(b) CANCELLATION OF UNOBLIGATED PRIOR-YEAR FUNDS.—The authority to obligate funds previously made available under such section and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

SEC. 1404. RURAL BUSINESS STRATEGIC INVESTMENT GRANTS.

The authority to obligate funds previously made available under section 385E of the Consolidated Farm and Rural Development Act and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

SEC. 1405. RURAL FIREFIGHTERS AND EMERGENCY PERSONNEL GRANTS.

(a) TERMINATION OF FISCAL YEAR 2007 FUNDING.—Subsection (c) of section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended by striking “2007” and inserting “2006”.

(b) CANCELLATION OF UNOBLIGATED PRIOR-YEAR FUNDS.—The authority to obligate funds previously made available under such section for a fiscal year and unobligated as of October 1, 2006, is hereby cancelled effective on that date.

Subtitle E—Research**SEC. 1501. INITIATIVE FOR FUTURE FOOD AND AGRICULTURE SYSTEMS.**

(a) TERMINATION OF FISCAL YEAR 2007, 2008, AND 2009 TRANSFERS.—Subsection (b)(3)(D) of section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is amended by striking “2006” and inserting “2009”.

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FISCAL YEAR 2006 FUNDS.—Para-

graph (6) of subsection (f) of such section is amended to read as follows:

“(6) AVAILABILITY OF FUNDS.—

“(A) TWO-YEAR AVAILABILITY.—Except as provided in subparagraph (B), funds for grants under this section shall be available to the Secretary for obligation for a 2-year period beginning on the date of the transfer of the funds under subsection (b).

“(B) EXCEPTION FOR FISCAL YEAR 2006 TRANSFER.—In the case of the funds required to be transferred by subsection (b)(3)(C), the funds shall be available to the Secretary for obligation for the 1-year period beginning on October 1, 2005.”.

TITLE II—HOUSING AND DEPOSIT INSURANCE PROVISIONS**Subtitle A—FHA Asset Disposition****SEC. 2002. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) The term “affordability requirements” means any requirements or restrictions imposed by the Secretary, at the time of sale, on a multifamily real property or a multifamily loan, such as use restrictions, rent restrictions, and rehabilitation requirements.

(2) The term “discount sale” means the sale of a multifamily real property in a transaction, such as a negotiated sale, in which the sale price is lower than the property market value and is set outside of a competitive bidding process that has no affordability requirements.

(3) The term “discount loan sale” means the sale of a multifamily loan in a transaction, such as a negotiated sale, in which the sale price is lower than the loan market value and is set outside of a competitive bidding process that has no affordability requirements.

(4) The term “loan market value” means the value of a multifamily loan, without taking into account any affordability requirements.

(5) The term “multifamily real property” means any rental or cooperative housing project of 5 or more units owned by the Secretary that prior to acquisition by the Secretary was security for a loan or loans insured under title II of the National Housing Act.

(6) The term “multifamily loan” means a loan held by the Secretary and secured by a multifamily rental or cooperative housing project of 5 or more units that was formerly insured under title II of the National Housing Act.

(7) The term “property market value” means the value of a multifamily real property for its current use, without taking into account any affordability requirements.

(8) The term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 2003. APPROPRIATED FUNDS REQUIREMENT FOR BELOW-MARKET SALES.

(a) DISCOUNT SALES.—Notwithstanding any other provision of law, except for affordability requirements for the elderly and disabled required by statute, disposition by the Secretary of a multifamily real property during fiscal years 2006 through 2010 through a discount sale under sections 207(l) or 246 of the National Housing Act (12 U.S.C. 1713(l), 1715z-11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a), shall be subject to the availability of appropriations to the extent that the property market value exceeds the sale proceeds. If the multifamily real property is sold, during such fiscal years, for an amount equal to or greater than the property market value then the transaction is not subject to the availability of appropriations.

(b) DISCOUNT LOAN SALES.—Notwithstanding any other provision of law and in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), a discount loan sale during fiscal years 2006 through 2010 under section 207(k) of the National Housing Act (12 U.S.C.

1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)), shall be subject to the availability of appropriations to the extent that the loan market value exceeds the sale proceeds. If the multi-family loan is sold, during such fiscal years, for an amount equal to or greater than the loan market value then the transaction is not subject to the availability of appropriations.

(c) **APPLICABILITY.**—This section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

SEC. 2004. UP-FRONT GRANTS.

(a) 1997 Act.—Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)) is amended by adding at the end the following new sentence: “A grant provided under this subsection during fiscal years 2006 through 2010 shall be available only to the extent that appropriations are made in advance for such purposes and shall not be derived from the General Insurance Fund.”

(b) 1978 Act.—Section 203(f)(4) of the Housing and Community Development Amendments of 1978 (12 USC 1701z-11(f)(4)) is amended by adding at the end the following new sentence: “This paragraph shall be effective during fiscal years 2006 through 2010 only to the extent that such budget authority is made available for use under this paragraph in advance in appropriation Acts.”

(c) **APPLICABILITY.**—The amendments made by this section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

Subtitle B—Deposit Insurance

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the “Federal Deposit Insurance Reform Act of 2005”.

SEC. 2102. MERGING THE BIF AND SAIF.

(a) **IN GENERAL.**—

(1) **MERGER.**—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) **DISPOSITION OF ASSETS AND LIABILITIES.**—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) **NO SEPARATE EXISTENCE.**—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) **REPEAL OF OUTDATED MERGER PROVISION.**—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) **EFFECTIVE DATE.**—This section shall take effect no later than the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 2103. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) **IN GENERAL.**—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) **NET AMOUNT OF INSURED DEPOSIT.**—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3).”; and

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

“(E) **STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.**—For purposes of this Act, the

term ‘standard maximum deposit insurance amount’ means \$100,000, adjusted as provided under subparagraph (F) after March 31, 2010.

“(F) **INFLATION ADJUSTMENT.**—

“(i) **IN GENERAL.**—By April 1 of 2010, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly consider the factors set forth under clause (v), and, upon determining that an inflation adjustment is appropriate, shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

“(I) \$100,000; and

“(II) the ratio of the published annual value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), published by the Department of Commerce, for the calendar year preceding the year in which the adjustment is calculated under this clause, to the published annual value of such index for the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005.

The values used in the calculation under subclause (II) shall be, as of the date of the calculation, the values most recently published by the Department of Commerce.

“(ii) **ROUNDING.**—If the amount determined under clause (ii) for any period is not a multiple of \$10,000, the amount so determined shall be rounded down to the nearest \$10,000.

“(iii) **PUBLICATION AND REPORT TO THE CONGRESS.**—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

“(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

“(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

“(iv) **6-MONTH IMPLEMENTATION PERIOD.**—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.

“(v) **INFLATION ADJUSTMENT CONSIDERATION.**—In making any determination under clause (i) to increase the standard maximum deposit insurance amount and the standard maximum share insurance amount, the Board of Directors and the National Credit Union Administration Board shall jointly consider—

“(I) the overall state of the Deposit Insurance Fund and the economic conditions affecting insured depository institutions;

“(II) potential problems affecting insured depository institutions; or

“(III) whether the increase will cause the reserve ratio of the fund to fall below 1.15 percent of estimated insured deposits.”

(b) **COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.**—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

“(D) **COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.**—

“(i) **PASS-THROUGH INSURANCE.**—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

“(ii) **PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.**—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

“(iii) **DEFINITIONS.**—For purposes of this subparagraph, the following definitions shall apply:

“(I) **CAPITAL STANDARDS.**—The terms ‘well capitalized’ and ‘adequately capitalized’ have the same meanings as in section 38.

“(II) **EMPLOYEE BENEFIT PLAN.**—The term ‘employee benefit plan’ has the same meaning as in paragraph (5)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

“(III) **PASS-THROUGH DEPOSIT INSURANCE.**—The term ‘pass-through deposit insurance’ means, with respect to an employee benefit plan, deposit insurance coverage based on the interest of each participant, in accordance with regulations issued by the Corporation.”

(c) **INCREASED AMOUNT OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.**—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking “\$100,000” and inserting “\$250,000 (which amount shall be subject to inflation adjustments as provided in paragraph (1)(F), except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such paragraph)”.

(h) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the date the final regulations required under section 9(a)(2) take effect.

SEC. 2104. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) **SETTING ASSESSMENTS.**—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) **IN GENERAL.**—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

“(B) **FACTORS TO BE CONSIDERED.**—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

“(i) The estimated operating expenses of the Deposit Insurance Fund.

“(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

“(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

“(iv) The risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

“(v) Any other factors the Board of Directors may determine to be appropriate.”; and

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) **NO DISCRIMINATION BASED ON SIZE.**—No insured depository institution shall be barred from the lowest-risk category solely because of size.”

(b) **ASSESSMENT RECORDKEEPING PERIOD SHORTENED.**—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

“(5) **DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.**—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

“(A) the end of the 3-year period beginning on the due date of the assessment; or

“(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.”

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

“(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

“(1) IN GENERAL.—Subject to paragraph (3), any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount of not more than 1 percent of the amount of the assessment due for each day that such violation continues.

“(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

“(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

“(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

“(3) SPECIAL RULE FOR SMALL ASSESSMENT AMOUNTS.—If the amount of the assessment which an insured depository institution fails or refuses to pay is less than \$10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (1) shall not exceed \$100 for each day that such violation continues.

“(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.”.

(e) STATUTE OF LIMITATIONS FOR ASSESSMENT ACTIONS.—Subsection (g) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(g)) is amended to read as follows:

“(g) ASSESSMENT ACTIONS.—

“(1) IN GENERAL.—The Corporation, in any court of competent jurisdiction, shall be entitled to recover from any insured depository institution the amount of any unpaid assessment lawfully payable by such insured depository institution.

“(2) STATUTE OF LIMITATIONS.—The following provisions shall apply to actions relating to assessments, notwithstanding any other provision in Federal law, or the law of any State:

“(A) Any action by an insured depository institution to recover from the Corporation the overpaid amount of any assessment shall be brought within 3 years after the date the assessment payment was due, subject to the exception in subparagraph (E).

“(B) Any action by the Corporation to recover from an insured depository institution the underpaid amount of any assessment shall be brought within 3 years after the date the assessment payment was due, subject to the exceptions in subparagraphs (C) and (E).

“(C) If an insured depository institution has made a false or fraudulent statement with intent to evade any or all of its assessment, the Corporation shall have until 3 years after the date of discovery of the false or fraudulent statement in which to bring an action to recover the underpaid amount.

“(D) Except as provided in subparagraph (C), assessment deposit information contained in records no longer required to be maintained pursuant to subsection (b)(4) shall be considered conclusive and not subject to change.

“(E) Any action for the underpaid or overpaid amount of any assessment that became due before the amendment to this subsection under the Federal Deposit Insurance Reform Act of 2005 took effect shall be subject to the statute of limitations for assessments in effect at the time the assessment became due.”.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(5) take effect.

SEC. 2105. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

“(3) DESIGNATED RESERVE RATIO.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—Before the beginning of each calendar year, the Board of Directors shall designate the reserve ratio applicable with respect to the Deposit Insurance Fund and publish the reserve ratio so designated.

“(ii) RULEMAKING REQUIREMENT.—Any change to the designated reserve ratio shall be made by the Board of Directors by regulation after notice and opportunity for comment.

“(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

“(i) may not exceed 1.5 percent of estimated insured deposits; and

“(ii) may not be less than 1.15 percent of estimated insured deposits.

“(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

“(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

“(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

“(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

“(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

“(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(1) take effect.

SEC. 2106. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

“(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

“(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

“(ii) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

“(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the

Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

“(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

“(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

“(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.”.

SEC. 2107. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

“(e) REFUNDS, DIVIDENDS, AND CREDITS.—

“(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

“(A) refund the amount of the excess payment to the insured depository institution; or

“(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

“(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

“(A) RESERVE RATIO IN EXCESS OF 1.5 PERCENT OF ESTIMATED INSURED DEPOSITS.—If, at the end of a calendar year, the reserve ratio of the Deposit Insurance Fund exceeds 1.5 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.5 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.

“(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.5 PERCENT.—If, at the end of a calendar year, the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.5 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

“(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

“(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph, the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend declared under this paragraph, taking into account the factors described in clause (ii).

“(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph in accordance with regulations, the Corporation shall take into account the following factors:

“(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

“(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to

the Deposit Insurance Fund (and any predecessor deposit insurance fund).

“(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

“(IV) Such other factors as the Corporation may determine to be appropriate.

“(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

“(E) LIMITATION.—The Board of Directors may suspend or limit dividends paid under subparagraph (B), if the Board determines in writing that—

“(i) a significant risk of losses to the Deposit Insurance Fund exists over the next 1-year period; and

“(ii) it is likely that such losses will be sufficiently high as to justify a finding by the Board that the reserve ratio should temporarily be allowed—

“(I) to grow without requiring dividends under subparagraph (B); or

“(II) to exceed the maximum amount established under subsection (b)(3)(B)(i).

“(F) CONSIDERATIONS.—In making a determination under subparagraph (E), the Board shall consider—

“(i) national and regional conditions and their impact on insured depository institutions; “(ii) potential problems affecting insured depository institutions or a specific group or type of depository institution;

“(iii) the degree to which the contingent liability of the Corporation for anticipated failures of insured institutions adequately addresses concerns over funding levels in the Deposit Insurance Fund; and

“(iv) any other factors that the Board determines are appropriate.

“(H) REVIEW OF DETERMINATION.—

“(i) ANNUAL REVIEW.—A determination to suspend or limit dividends under subparagraph (E) shall be reviewed by the Board of Directors annually.

“(ii) ACTION BY BOARD.—Based on each annual review under clause (i), the Board of Directors shall either renew or remove a determination to suspend or limit dividends under subparagraph (E), or shall make a new determination in accordance with this paragraph. Unless justified under the terms of the renewal or new determination, the Corporation shall be required to provide cash dividends under subparagraph (A) or (B), as appropriate.

“(3) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

“(A) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors shall, by regulation after notice and opportunity for comment, provide for a credit to each eligible insured depository institution (or a successor insured depository institution), based on the assessment base of the institution on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

“(B) CREDIT LIMIT.—The aggregate amount of credits available under subparagraph (A) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 10.5 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

“(C) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term ‘eligible insured depository institution’ means any insured depository institution that—

“(i) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

“(ii) is a successor to any insured depository institution described in clause (i).

“(D) APPLICATION OF CREDITS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(E), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under subparagraph (A).

“(ii) TEMPORARY RESTRICTION ON USE OF CREDITS.—The amount of a credit to any eligible insured depository institution under this paragraph may not be applied to more than 90 percent of the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning in fiscal years 2008, 2009, and 2010.

“(iii) REGULATIONS.—The regulations prescribed under subparagraph (A) shall establish the qualifications and procedures governing the application of assessment credits pursuant to clause (i).

“(E) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

“(F) SUCCESSOR DEFINED.—The Corporation shall define the term ‘successor’ for purposes of this paragraph, by regulation, and may consider any factors as the Board may deem appropriate.

“(4) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—The regulations prescribed under paragraphs (2)(D) and (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

“(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.”

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 2105(b) of this subtitle) is amended by adding at the end the following new paragraph:

“(3) RESERVE RATIO.—The term ‘reserve ratio’, when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.”

SEC. 2108. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 2105(a) of this subtitle) is amended by adding at the end the following new subparagraph:

“(E) DIF RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

“(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made, the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within

90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 5-year period beginning upon the implementation of the plan (or such longer period as the Corporation may determine to be necessary due to extraordinary circumstances).

“(iii) RESTRICTION ON ASSESSMENT CREDITS.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

“(iv) LIMITATION ON RESTRICTION.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

“(I) the amount of the assessment; or

“(II) the amount equal to 3 basis points of the institution’s assessment base.

“(v) TRANSPARENCY.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”

SEC. 2109. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 2105 of this subtitle);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 2103 of this subtitle;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 2107 of this subtitle);

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 2107 of this subtitle, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this subtitle.

(b) TRANSITION PROVISIONS.—

(1) CONTINUATION OF EXISTING ASSESSMENT REGULATIONS.—No provision of this subtitle or any amendment made by this subtitle shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments pursuant to any regulations in effect before the effective date of the final regulations prescribed under subsection (a).

(2) TREATMENT OF DIF MEMBERS UNDER EXISTING REGULATIONS.—As of the date of the merger of the Bank Insurance Fund and the Savings Association Insurance Fund pursuant to section 2102, the assessment regulations in effect immediately before the date of the enactment of this Act shall continue to apply to all members of the Deposit Insurance Fund, until such regulations are modified by the Corporation, notwithstanding that such regulations may refer to “Bank Insurance Fund members” or “Savings Association Insurance Fund members”.

**TITLE III—DIGITAL TELEVISION
TRANSITION AND PUBLIC SAFETY**

SEC. 3001. SHORT TITLE; DEFINITION.

(a) **SHORT TITLE.**—This title may be cited as the “Digital Television Transition and Public Safety Act of 2005”.

(b) **DEFINITION.**—As used in this Act, the term “Assistant Secretary” means the Assistant Secretary for Communications and Information of the Department of Commerce.

SEC. 3002. ANALOG SPECTRUM RECOVERY: FIRM DEADLINE.

(a) **AMENDMENTS.**—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) in subparagraph (A)—

(A) by inserting “full-power” before “television broadcast license”; and

(B) by striking “December 31, 2006” and inserting “February 17, 2009”;

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking “or (B)”;

(4) in subparagraph (D), by striking “subparagraph (C)(i)” and inserting “subparagraph (B)(i)”; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) **TERMINATIONS OF ANALOG LICENSES AND BROADCASTING.**—The Federal Communications Commission shall take such actions as are necessary—

(1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and

(2) to require by February 18, 2009, that all broadcasting by Class A stations, whether in the analog television service or digital television service, and all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).

(c) **CONFORMING AMENDMENTS.**—

(1) Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended—

(A) in paragraph (1)—

(i) by striking “CHANNELS 60 TO 69” and inserting “CHANNELS 52 TO 69”;

(ii) by striking “person who” and inserting “full-power television station licensee that”;

(iii) by striking “746 and 806 megahertz” and inserting “698 and 806 megahertz”; and

(iv) by striking “the date on which the digital television service transition period terminates, as determined by the Commission” and inserting “February 17, 2009”;

(B) in paragraph (2), by striking “746 megahertz” and inserting “698 megahertz”; and

SEC. 3003. AUCTION OF RECOVERED SPECTRUM.

(a) **DEADLINE FOR AUCTION.**—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) by redesignating the second paragraph (15) of such section (as added by section 203(b) of the Commercial Spectrum Enhancement Act (P.L. 108-494; 118 Stat. 3993)), as paragraph (16) of such section; and

(2) in the first paragraph (15) of such section (as added by section 3(a) of the Auction Reform Act of 2002 (P.L. 107-195; 116 Stat. 716)), by adding at the end of subparagraph (C) the following new clauses:

“(v) **ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.**—Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bidding not later than January 28, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(ii) not later than June 30, 2008.

“(vi) **RECOVERED ANALOG SPECTRUM.**—For purposes of clause (v), the term ‘recovered analog spectrum’ means the spectrum between channels 52 and 69, inclusive (between frequencies

698 and 806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than—

“(I) the spectrum required by section 337 to be made available for public safety services; and

“(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.”

(b) **EXTENSION OF AUCTION AUTHORITY.**—Section 309(j)(11) of such Act (47 U.S.C. 309(j)(11)) is amended by striking “2007” and inserting “2011”.

SEC. 3004. RESERVATION OF AUCTION PROCEEDS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B) or subparagraph (D)” and inserting “subparagraphs (B), (D), and (E)”;

(2) in subparagraph (C)(i), by inserting before the semicolon at the end the following: “, except as otherwise provided in subparagraph (E)(ii)”; and

(3) by adding at the end the following new subparagraph:

“(E) **TRANSFER OF RECEIPTS.**—

“(i) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund to be known as the Digital Television Transition and Public Safety Fund.

“(ii) **PROCEEDS FOR FUNDS.**—Notwithstanding subparagraph (A), the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum shall be deposited in the Digital Television Transition and Public Safety Fund.

“(iii) **TRANSFER OF AMOUNT TO TREASURY.**—On September 30, 2009, the Secretary shall transfer \$7,363,000,000 from the Digital Television Transition and Public Safety Fund to the general fund of the Treasury.

“(iv) **RECOVERED ANALOG SPECTRUM.**—For purposes of clause (i), the term ‘recovered analog spectrum’ has the meaning provided in paragraph (15)(C)(vi).”

SEC. 3005. DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) **CREATION OF PROGRAM.**—The Assistant Secretary shall—

(1) implement and administer a program through which households in the United States may obtain coupons that can be applied toward the purchase of digital-to-analog converter boxes; and

(2) make payments of not to exceed \$990,000,000, in the aggregate, through fiscal year 2009 to carry out that program from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)).

(b) **CREDIT.**—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006 such sums as may be necessary, but not to exceed \$1,500,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) **PROGRAM SPECIFICATIONS.**—

(1) **LIMITATIONS.**—

(A) **TWO-PER-HOUSEHOLD MAXIMUM.**—A household may obtain coupons by making a request as required by the regulations under this section between January 1, 2008, and March 31, 2009, inclusive. The Assistant Secretary shall ensure that each requesting household receives, via the United States Postal Service, no more than two coupons.

(B) **NO COMBINATIONS OF COUPONS.**—Two coupons may not be used in combination toward the purchase of a single digital-to-analog converter box.

(C) **DURATION.**—All coupons shall expire 3 months after issuance.

(2) **DISTRIBUTION OF COUPONS.**—The Assistant Secretary shall expend not more than

\$100,000,000 on administrative expenses and shall ensure that the sum of—

(A) all administrative expenses for the program, including not more than \$5,000,000 for consumer education concerning the digital television transition and the availability of the digital-to-analog converter box program; and

(B) the total maximum value of all the coupons redeemed, and issued but not expired, does not exceed \$990,000,000.

(3) **USE OF ADDITIONAL AMOUNT.**—If the Assistant Secretary transmits to the Committee on Energy and Commerce of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a statement certifying that the sum permitted to be expended under paragraph (2) will be insufficient to fulfill the requests for coupons from eligible households—

(A) paragraph (2) shall be applied—

(i) by substituting “\$160,000,000” for “\$100,000,000”; and

(ii) by substituting “\$1,500,000,000” for “\$990,000,000”;

(B) subsection (a)(2) shall be applied by substituting “\$1,500,000,000” for “\$990,000,000”; and

(C) the additional amount permitted to be expended shall be available 60 days after the Assistant Secretary sends such statement.

(4) **COUPON VALUE.**—The value of each coupon shall be \$40.

(e) **DEFINITION OF DIGITAL-TO-ANALOG CONVERTER BOX.**—For purposes of this section, the term “digital-to-analog converter box” means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on television receivers designed to receive and display signals only in the analog television service, but may also include a remote control device.

SEC. 3006. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS.

(a) **CREATION OF PROGRAM.**—The Assistant Secretary, in consultation with the Secretary of the Department of Homeland Security—

(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communication; and

(2) shall make payments of not to exceed \$1,000,000,000, in the aggregate, through fiscal year 2010 to carry out that program from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)).

(b) **CREDIT.**—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006 such sums as may be necessary, but not to exceed \$1,000,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) **CONDITION OF GRANTS.**—In order to obtain a grant under the grant program, a public safety agency shall agree to provide, from non-Federal sources, not less than 20 percent of the costs of acquiring and deploying the interoperable communications systems funded under the grant program.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **PUBLIC SAFETY AGENCY.**—The term “public safety agency” means any State, local, or tribal government entity, or nongovernmental organization authorized by such entity, whose sole or principal purpose is to protect the safety of life, health, or property.

(2) **INTEROPERABLE COMMUNICATIONS SYSTEMS.**—The term “interoperable communications

systems” means communications systems which enable public safety agencies to share information amongst local, State, Federal, and tribal public safety agencies in the same area via voice or data signals.

(3) **REALLOCATED PUBLIC SAFETY SPECTRUM.**—The term “reallocated public safety spectrum” means the bands of spectrum located at 764–776 megahertz and 794–806 megahertz, inclusive.

SEC. 3007. NYC 9/11 DIGITAL TRANSITION.

(a) **FUNDS AVAILABLE.**—From the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) the Assistant Secretary shall make payments of not to exceed \$30,000,000, in the aggregate, which shall be available to carry out this section for fiscal years 2007 through 2008. The Assistant Secretary may borrow from the Treasury beginning October 1, 2006 such sums as may be necessary not to exceed \$30,000,000 to implement and administer the program in accordance with this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(b) **USE OF FUNDS.**—The sums available under subsection (a) shall be made available by the Assistant Secretary by grant to be used to reimburse the Metropolitan Television Alliance for costs incurred in the design and deployment of a temporary digital television broadcast system to ensure that, until a permanent facility atop the Freedom Tower is constructed, the members of the Metropolitan Television Alliance can provide the New York City area with an adequate digital television signal as determined by the Federal Communications Commission.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **METROPOLITAN TELEVISION ALLIANCE.**—The term “Metropolitan Television Alliance” means the organization formed by New York City television broadcast station licensees to locate new shared facilities as a result of the attacks on September 11, 2001 and the loss of use of shared facilities that housed broadcast equipment.

(2) **NEW YORK CITY AREA.**—The term “New York City area” means the five counties comprising New York City and counties of northern New Jersey in immediate proximity to New York City (Bergen, Essex, Union, and Hudson Counties).

SEC. 3008. LOW-POWER TELEVISION AND TRANS-LATOR DIGITAL-TO-ANALOG CONVERSION.

(a) **CREATION OF PROGRAM.**—The Assistant Secretary shall make payments of not to exceed \$10,000,000, in the aggregate, during the fiscal year 2008 and 2009 period from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for transmission on the low-power television station’s analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before February 17, 2009. Priority compensation shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

(b) **CREDIT.**—The Assistant Secretary may borrow from the Treasury beginning October 1, 2006 such sums as may be necessary, but not to exceed \$10,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) **ELIGIBLE STATIONS.**—For purposes of this section, the term “eligible low-power television station” means a low-power television broadcast station, Class A television station, television translator station, or television booster station—

(1) that is itself broadcasting exclusively in analog format; and

(2) that has not purchased a digital-to-analog conversion device prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.

SEC. 3009. LOW-POWER TELEVISION AND TRANS-LATOR UPGRADE PROGRAM.

(a) **ESTABLISHMENT.**—The Assistant Secretary shall make payments of not to exceed \$65,000,000, in the aggregate, during fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each licensee of an eligible low-power television station may receive reimbursement for equipment to upgrade low-power television stations from analog to digital in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)). Such reimbursements shall be issued to eligible stations no earlier than October 1, 2010. Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

(b) **ELIGIBLE STATIONS.**—For purposes of this section, the term “eligible low-power television station” means a low-power television broadcast station, Class A television station, television translator station, or television booster station—

(1) that is itself broadcasting exclusively in analog format; and

(2) that has not converted from analog to digital operations prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.

SEC. 3010. NATIONAL ALERT AND TSUNAMI WARNING PROGRAM.

The Assistant Secretary shall make payments of not to exceed \$156,000,000, in the aggregate, during the fiscal year 2007 through 2012 period from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement a unified national alert system capable of alerting the public, on a national, regional, or local basis to emergency situations by using a variety of communications technologies. The Assistant Secretary shall use \$50,000,000 of such amounts to implement a tsunami warning and coastal vulnerability program.

SEC. 3011. ENHANCE 911.

The Assistant Secretary shall make payments of not to exceed \$43,500,000, in the aggregate, from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement the ENHANCE 911 Act of 2004.

SEC. 3012. ESSENTIAL AIR SERVICE PROGRAM.

(a) **IN GENERAL.**—If the amount appropriated to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, equals or exceeds \$110,000,000 for fiscal year 2007 or 2008, then the Secretary of Commerce shall make \$15,000,000 available, from the Digital Television Transition and Public Safety Fund established by section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)), to the Secretary of Transportation for use in carrying out the essential air service program for that fiscal year.

(b) **APPLICATION WITH OTHER FUNDS.**—Amounts made available under subsection (a) for any fiscal year shall be in addition to any amounts—

(1) appropriated for that fiscal year; or

(2) derived from fees collected pursuant to section 45301(a)(1) of title 49, United States Code,

that are made available for obligation and expenditure to carry out the essential air service program for that fiscal year.

(c) **ADVANCES.**—The Secretary of Transportation may borrow from the Treasury such sums as may be necessary, but not to exceed \$30,000,000 on a temporary and reimbursable basis to implement subsection (a). The Secretary of Transportation shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) and made available to the Secretary under subsection (a).

SEC. 3014. SUPPLEMENTAL LICENSE FEES.

In addition to any fees assessed under the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Federal Communications Commission shall assess extraordinary fees for licenses in the aggregate amount of \$10,000,000, which shall be deposited in the Treasury during fiscal year 2006 as offsetting receipts.

TITLE IV—TRANSPORTATION PROVISIONS

SEC. 4001. EXTENSION OF VESSEL TONNAGE DUTIES.

(a) **EXTENSION OF DUTIES.**—Section 36 of the Act entitled “An Act to provide revenue, equalize duties and encourage the industries of the United States, and for other purposes”, approved August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121), is amended—

(1) by striking “9 cents per ton” and all that follows through “2002,” the first place it appears and inserting “4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010,”; and

(2) by striking “27 cents per ton” and all that follows through “2002,” and inserting “13.5 cents per ton, not to exceed 67.5 cents per ton per annum, for fiscal years 2006 through 2010,”.

(b) **CONFORMING AMENDMENT.**—The Act entitled “An Act concerning tonnage duties on vessels entering otherwise than by sea”, approved March 8, 1910 (36 Stat. 234; 46 U.S.C. App. 132), is amended by striking “9 cents per ton” and all that follows through “and 2 cents” and inserting “4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010, and 2 cents”.

TITLE V—MEDICARE

Subtitle A—Provisions Relating to Part A

SEC. 5001. HOSPITAL QUALITY IMPROVEMENT.

(a) **SUBMISSION OF HOSPITAL DATA.**—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclause (XIX), by striking “2007” and inserting “2006”; and

(B) in subclause (XX), by striking “for fiscal year 2008 and each subsequent fiscal year,” and inserting “for each subsequent fiscal year, subject to clause (viii),”;

(2) in clause (vii)—

(A) in subclause (I), by striking “for each of fiscal years 2005 through 2007” and inserting “for fiscal years 2005 and 2006”; and

(B) in subclause (II), by striking “Each” and inserting “For fiscal years 2005 and 2006, each”; and

(3) by adding at the end the following new clauses:

“(viii)(I) For purposes of clause (i) for fiscal year 2007 and each subsequent fiscal year, in the case of a subsection (d) hospital that does not submit, to the Secretary in accordance with this clause, data required to be submitted on measures selected under this clause with respect to such a fiscal year, the applicable percentage increase under clause (i) for such fiscal year shall be reduced by 2.0 percentage points. Such reduction shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i) for a subsequent fiscal year, and the Secretary and the Medicare Payment Advisory

Commission shall carry out the requirements under section 5001(b) of the Deficit Reduction Act of 2005.

“(I) Each subsection (d) hospital shall submit data on measures selected under this clause to the Secretary in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

“(III) The Secretary shall expand, beyond the measures specified under clause (vi)(II) and consistent with the succeeding subclauses, the set of measures that the Secretary determines to be appropriate for the measurement of the quality of care furnished by hospitals in inpatient settings.

“(IV) Effective for payments beginning with fiscal year 2007, in expanding the number of measures under subclause (III), the Secretary shall begin to adopt the baseline set of performance measures as set forth in the November 2005 report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

“(V) Effective for payments beginning with fiscal year 2008, the Secretary shall add other measures that reflect consensus among affected parties and, to the extent feasible and practicable, shall include measures set forth by one or more national consensus building entities.

“(VI) For purposes of this clause and clause (vii), the Secretary may replace any measures or indicators in appropriate cases, such as where all hospitals are effectively in compliance or the measures or indicators have been subsequently shown not to represent the best clinical practice.

“(VII) The Secretary shall establish procedures for making data submitted under this clause available to the public. Such procedures shall ensure that a hospital has the opportunity to review the data that are to be made public with respect to the hospital prior to such data being made public. The Secretary shall report quality measures of process, structure, outcome, patients' perspectives on care, efficiency, and costs of care that relate to services furnished in inpatient settings in hospitals on the Internet website of the Centers for Medicare & Medicaid Services.”

(b) PLAN FOR HOSPITAL VALUE BASED PURCHASING PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a plan to implement a value based purchasing program for payments under the Medicare program for subsection (d) hospitals beginning with fiscal year 2009.

(2) DETAILS.—Such a plan shall include consideration of the following issues:

(A) The on-going development, selection, and modification process for measures of quality and efficiency in hospital inpatient settings.

(B) The reporting, collection, and validation of quality data.

(C) The structure of value based payment adjustments, including the determination of thresholds or improvements in quality that would substantiate a payment adjustment, the size of such payments, and the sources of funding for the value based payments.

(D) The disclosure of information on hospital performance.

In developing such a plan, the Secretary shall consult with relevant affected parties and shall consider experience with such demonstrations that are relevant to the value based purchasing program under this subsection.

(3) CONGRESSIONAL REPORT.—By not later than August 1, 2007, the Secretary of Health and Human Services shall submit a report to Congress on the plan for the value based purchasing program developed under this subsection.

(4) MEDPAC REPORT ON HOSPITAL VALUE BASED PURCHASING PROGRAM.—

(A) IN GENERAL.—By not later than June 1, 2007, the Medicare Payment Advisory Commission shall submit to Congress a report that in-

cludes detailed recommendations on a structure of value based payment adjustments for hospital services under the Medicare program under title XVIII of the Social Security Act.

(B) CONTENTS.—Such report shall include the following:

(i) Determinations of the thresholds, the size of payments, the sources of funds, and the relationship of payments to improvement and attainment of quality.

(ii) An analysis of hospital efficiency measures such as costs per discharge, related services within an episode of care including payments for physicians' services associated with the discharge or episode of care.

(iii) An identification of other changes that are needed within the payment structure under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to assure consistency between such structure and the value based payment program.

(c) QUALITY ADJUSTMENT IN DRG PAYMENTS FOR CERTAIN HOSPITAL ACQUIRED INFECTIONS.—

(1) IN GENERAL.—Section 1886(d)(4) of the Social Security Act (42 U.S.C. 1395ww(d)(4)) is amended by adding at the end the following new subparagraph:

“(D)(i) For discharges occurring on or after October 1, 2008, the diagnosis-related group to be assigned under this paragraph for a discharge described in clause (ii) shall be a diagnosis-related group that does not result in higher payment based on the presence of a secondary diagnosis code described in clause (iv).

“(ii) A discharge described in this clause is a discharge which meets the following requirements:

“(I) The discharge includes a condition identified by a diagnosis code selected under clause (iv) as a secondary diagnosis.

“(II) But for clause (i), the discharge would have been classified to a diagnosis-related group that results in a higher payment based on the presence of a secondary diagnosis code selected under clause (iv).

“(III) At the time of admission, no code selected under clause (iv) was present.

“(iii) As part of the information required to be reported by a hospital with respect to a discharge of an individual in order for payment to be made under this subsection, for discharges occurring on or after October 1, 2007, the information shall include the secondary diagnosis of the individual at admission.

“(iv) By not later than October 1, 2007, the Secretary shall select diagnosis codes associated with at least two conditions, each of which codes meets all of the following requirements (as determined by the Secretary):

“(I) Cases described by such code have a high cost or high volume, or both, under this title.

“(II) The code results in the assignment of a case to a diagnosis-related group that has a higher payment when the code is present as a secondary diagnosis.

“(III) The code describes such conditions that could reasonably have been prevented through the application of evidence-based guidelines.

The Secretary may from time to time revise (through addition or deletion of codes) the diagnosis codes selected under this clause so long as there are diagnosis codes associated with at least two conditions selected for discharges occurring during any fiscal year.

“(v) In selecting and revising diagnosis codes under clause (iv), the Secretary shall consult with the Centers for Disease Control and Prevention and other appropriate entities.

“(vi) Any change resulting from the application of this subparagraph shall not be taken into account in adjusting the weighting factors under subparagraph (C)(i) or in applying budget neutrality under subparagraph (C)(iii).”

(2) NO JUDICIAL REVIEW.—Section 1886(d)(7)(B) of such Act (42 U.S.C. 1395ww(d)(7)(B)) is amended by inserting before the period the following: “, including the selection and revision of codes under paragraph (4)(D)”.

SEC. 5002. CLARIFICATION OF DETERMINATION OF MEDICAID PATIENT DAYS FOR DSH COMPUTATION.

(a) IN GENERAL.—Section 1886(d)(5)(F)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(vi)) is amended by adding after and below subclause (II) the following:

“In determining under subclause (II) the number of the hospital's patient days for such period which consist of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX, the Secretary may, to the extent and for the period the Secretary determines appropriate, include patient days of patients not so eligible but who are regarded as such because they receive benefits under a demonstration project approved under title XI.”

(b) RATIFICATION AND PROSPECTIVE APPLICATION OF PREVIOUS REGULATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), regulations described in paragraph (3), insofar as such regulations provide for the treatment of individuals eligible for medical assistance under a demonstration project approved under title XI of the Social Security Act under section 1886(d)(5)(F)(vi) of such Act, are hereby ratified, effective as of the date of their respective promulgations.

(2) NO APPLICATION TO CLOSED COST REPORTS.—Paragraph (1) shall not be applied in a manner that requires the reopening of any cost reports which are closed as of the date of the enactment of this Act.

(3) REGULATIONS DESCRIBED.—For purposes of paragraph (1), the regulations described in this paragraph are as follows:

(A) 2000 REGULATION.—Regulations promulgated on January 20, 2000, at 65 Federal Register 3136 et seq., including the policy in such regulations regarding discharges occurring prior to January 20, 2000.

(B) 2003 REGULATION.—Regulations promulgated on August 1, 2003, at 68 Federal Register 45345 et seq.

SEC. 5003. IMPROVEMENTS TO THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) 5-YEAR EXTENSION.—

(1) EXTENSION OF PAYMENT METHODOLOGY.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(A) in clause (i), by striking “October 1, 2006” and inserting “October 1, 2011”; and

(B) in clause (ii)(II)—

(i) by striking “October 1, 2006” and inserting “October 1, 2011”; and

(ii) by inserting “or for discharges in the fiscal year” after “for the cost reporting period”.

(2) CONFORMING AMENDMENTS.—

(A) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of such Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(i) in the matter preceding clause (i)—

(I) by striking “beginning” and inserting “occurring”; and

(II) by striking “October 1, 2006” and inserting “October 1, 2011”; and

(ii) in clause (iv), by striking “through fiscal year 2005” and inserting “through fiscal year 2011”.

(B) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through fiscal year 2005” and inserting “through fiscal year 2011”.

(b) OPTION TO USE 2002 AS BASE YEAR.—Section 1886(b)(3) of such Act (42 U.S.C. 1395ww(b)(3)) is amended—

(1) in subparagraph (D), by inserting “subject to subparagraph (K),” after “(d)(5)(G),”; and

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

“(K)(i) With respect to discharges occurring on or after October 1, 2006, in the case of a medicare-dependent, small rural hospital, for purposes of applying subparagraph (D)—

“(I) there shall be substituted for the base cost reporting period described in subparagraph

(D)(i) the 12-month cost reporting period beginning during fiscal year 2002; and

“(II) any reference in such subparagraph to the ‘first cost reporting period’ described in such subparagraph is deemed a reference to the first cost reporting period beginning on or after October 1, 2006.

“(ii) This subparagraph shall only apply to a hospital if the substitution described in clause (i)(I) results in an increase in the target amount under subparagraph (D) for the hospital.”.

(c) ENHANCED PAYMENT FOR AMOUNT BY WHICH THE TARGET EXCEEDS THE PPS RATE.—Section 1886(d)(5)(G)(ii)(I) of such Act (42 U.S.C. 1395ww(d)(5)(G)(iv)(II)) is amended by inserting “(or 75 percent in the case of discharges occurring on or after October 1, 2006)” after “50 percent”.

(d) ENHANCED DISPROPORTIONATE SHARE HOSPITAL (DSH) TREATMENT FOR MEDICARE DEPENDENT HOSPITALS.—Section 1886(d)(5)(F)(xiv)(II) of such Act (42 U.S.C. 1395uu(d)(5)(F)(xiv)(II)) is amended by inserting “or, in the case of discharges occurring on or after October 1, 2006, as a medicare-dependent, small rural hospital under subparagraph (G)(iv)” before the period at the end.

SEC. 5004. REDUCTION IN PAYMENTS TO SKILLED NURSING FACILITIES FOR BAD DEBT.

(a) IN GENERAL.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

“(V) In determining such reasonable costs for skilled nursing facilities with respect to cost reporting periods beginning on or after October 1, 2005, the amount of bad debts otherwise treated as allowed costs which are attributable to the coinsurance amounts under this title for individuals who are entitled to benefits under part A and—

“(i) are not described in section 1935(c)(6)(A)(ii) shall be reduced by 30 percent of such amount otherwise allowable; and

“(ii) are described in such section shall not be reduced.”.

(b) TECHNICAL AMENDMENT.—Section 1861(v)(1)(T) of such Act (42 U.S.C. 1395x(v)(1)(T)) is amended by striking “section 1833(t)(5)(B)” and inserting “section 1833(t)(8)(B)”.

SEC. 5005. EXTENDED PHASE-IN OF THE INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.

(a) IN GENERAL.—Notwithstanding section 412.23(b)(2) of title 42, Code of Federal Regulations, the Secretary of Health and Human Services shall apply the applicable percent specified in subsection (b) in the classification criterion used under the IRF regulation (as defined in subsection (c)) to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program under title XVIII of the Social Security Act.

(b) APPLICABLE PERCENT.—For purposes of subsection (a), the applicable percent specified in this subsection for cost reporting periods—

(1) beginning during the 12-month period beginning on July 1, 2006, is 60 percent;

(2) beginning during the 12-month period beginning on July 1, 2007, is 65 percent; and

(3) beginning on or after July 1, 2008, is 75 percent.

(c) IRF REGULATION.—For purposes of subsection (a), the term “IRF regulation” means the rule published in the Federal Register on May 7, 2004, entitled “Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility” (69 Fed. Reg. 25752).

SEC. 5006. DEVELOPMENT OF A STRATEGIC PLAN REGARDING PHYSICIAN INVESTMENT IN SPECIALTY HOSPITALS.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop a strategic and implementing plan to address issues described in

paragraph (2) regarding physician investment in specialty hospitals (as defined in section 1877(h)(7)(A) of the Social Security Act (42 U.S.C. 1395nn(h)(7)(A)).

(2) ISSUES DESCRIBED.—The issues described in this paragraph are the following:

(A) Proportionality of investment return.

(B) Bona fide investment.

(C) Annual disclosure of investment information.

(D) The provision by specialty hospitals of—

(i) care to patients who are eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, including patients not so eligible but who are regarded as such because they receive benefits under a demonstration project approved under title XI of such Act; and

(ii) charity care.

(E) Appropriate enforcement.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall submit an interim report to the appropriate committees of jurisdiction of Congress on the status of the development of the plan under subsection (a).

(2) FINAL REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit a final report to the appropriate committees of jurisdiction of Congress on the plan developed under subsection (a) together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) CONTINUATION OF SUSPENSION ON ENROLLMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall continue the suspension on enrollment of new specialty hospitals (as so defined) under title XVIII of the Social Security Act until the earlier of—

(A) the date that the Secretary submits the final report under subsection (b)(2); or

(B) the date that is six months after the date of the enactment of this Act.

(2) EXTENSION OF SUSPENSION.—If the Secretary fails to submit the final report described in subsection (b)(2) by the date required under such subsection, the Secretary shall—

(A) extend the suspension on enrollment under paragraph (1) for an additional two months; and

(B) provide a certification to the appropriate committees of jurisdiction of Congress of such failure.

(d) WAIVER.—In developing the plan and report required under this section, the Secretary may waive such requirements of section 553 of title 5, United States Code, as the Secretary determines necessary.

(e) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2006, \$2,000,000 to carry out this section.

SEC. 5007. MEDICARE DEMONSTRATION PROJECTS TO PERMIT GAINSHARING ARRANGEMENTS.

(a) ESTABLISHMENT.—The Secretary shall establish under this section a qualified gainsharing demonstration program under which the Secretary shall approve demonstration projects by not later than November 1, 2006, to test and evaluate methodologies and arrangements between hospitals and physicians designed to govern the utilization of inpatient hospital resources and physician work to improve the quality and efficiency of care provided to Medicare beneficiaries and to develop improved operational and financial hospital performance with sharing of remuneration as specified in the project. Such projects shall be operational by not later than January 1, 2007.

(b) REQUIREMENTS DESCRIBED.—A demonstration project under this section shall meet the following requirements for purposes of maintaining or improving quality while achieving cost savings:

(1) ARRANGEMENT FOR REMUNERATION AS SHARE OF SAVINGS.—The demonstration project

shall involve an arrangement between a hospital and a physician under which the hospital provides remuneration to the physician that represents solely a share of the savings incurred directly as a result of collaborative efforts between the hospital and the physician.

(2) WRITTEN PLAN AGREEMENT.—The demonstration project shall be conducted pursuant to a written agreement that—

(A) is submitted to the Secretary prior to implementation of the project; and

(B) includes a plan outlining how the project will achieve improvements in quality and efficiency.

(3) PATIENT NOTIFICATION.—The demonstration project shall include a notification process to inform patients who are treated in a hospital participating in the project of the participation of the hospital in such project.

(4) MONITORING QUALITY AND EFFICIENCY OF CARE.—The demonstration project shall provide measures to ensure that the quality and efficiency of care provided to patients who are treated in a hospital participating in the demonstration project is continuously monitored to ensure that such quality and efficiency is maintained or improved.

(5) INDEPENDENT REVIEW.—The demonstration project shall certify, prior to implementation, that the elements of the demonstration project are reviewed by an organization that is not affiliated with the hospital or the physician participating in the project.

(6) REFERRAL LIMITATIONS.—The demonstration project shall not be structured in such a manner as to reward any physician participating in the project on the basis of the volume or value of referrals to the hospital by the physician.

(c) WAIVER OF CERTAIN RESTRICTIONS.—

(1) IN GENERAL.—An incentive payment made by a hospital to a physician under and in accordance with a demonstration project shall not constitute—

(A) remuneration for purposes of section 1128B of the Social Security Act (42 U.S.C. 1320a-7b);

(B) a payment intended to induce a physician to reduce or limit services to a patient entitled to benefits under Medicare or a State plan approved under title XIX of such Act in violation of section 1128A of such Act (42 U.S.C. 1320a-7a); or

(C) a financial relationship for purposes of section 1877 of such Act (42 U.S.C. 1395nn).

(2) PROTECTION FOR EXISTING ARRANGEMENTS.—In no case shall the failure to comply with the requirements described in paragraph (1) affect a finding made by the Inspector General of the Department of Health and Human Services prior to the date of the enactment of this Act that an arrangement between a hospital and a physician does not violate paragraph (1) or (2) of section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7(a)).

(d) PROGRAM ADMINISTRATION.—

(1) SOLICITATION OF APPLICATIONS.—By not later than 90 days after the date of the enactment of this Act, the Secretary shall solicit applications for approval of a demonstration project, in such form and manner, and at such time specified by the Secretary.

(2) NUMBER OF PROJECTS APPROVED.—The Secretary shall approve not more than 6 demonstration projects, at least 2 of which shall be located in a rural area.

(3) DURATION.—The qualified gainsharing demonstration program under this section shall be conducted for the period beginning on January 1, 2007, and ending on December 31, 2009.

(e) REPORTS.—

(1) INITIAL REPORT.—By not later than December 1, 2006, the Secretary shall submit to Congress a report on the number of demonstration projects that will be conducted under this section.

(2) PROJECT UPDATE.—By not later than December 1, 2007, the Secretary shall submit to Congress a report on the details of such projects

(including the project improvements towards quality and efficiency described in subsection (b)(2)(B)).

(3) **QUALITY IMPROVEMENT AND SAVINGS.**—By not later than December 1, 2008, the Secretary shall submit to Congress a report on quality improvement and savings achieved as a result of the qualified gainsharing demonstration program established under subsection (a).

(4) **FINAL REPORT.**—By not later than May 1, 2010, the Secretary shall submit to Congress a final report on the information described in paragraph (3).

(f) **FUNDING.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2006 \$6,000,000, to carry out this section.

(2) **AVAILABILITY.**—Funds appropriated under paragraph (1) shall remain available for expenditure through fiscal year 2010.

(g) **DEFINITIONS.**—For purposes of this section:

(1) **DEMONSTRATION PROJECT.**—The term “demonstration project” means a project implemented under the qualified gainsharing demonstration program established under subsection (a).

(2) **HOSPITAL.**—The term “hospital” means a hospital that receives payment under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), and does not include a critical access hospital (as defined in section 1861(mm) of such Act (42 U.S.C. 1395x(mm))).

(3) **MEDICARE.**—The term “Medicare” means the programs under title XVIII of the Social Security Act.

(4) **PHYSICIAN.**—The term “physician” means, with respect to a demonstration project, a physician described in paragraph (1) or (3) of section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) who is licensed as such a physician in the area in which the project is located and meets requirements to provide services for which benefits are provided under Medicare. Such term shall be deemed to include a practitioner described in section 1842(e)(18)(C) of such Act (42 U.S.C. 1395u(e)(18)(C)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 5008. POST-ACUTE CARE PAYMENT REFORM DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—By not later than January 1, 2008, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a demonstration program for purposes of understanding costs and outcomes across different post-acute care sites. Under such program, with respect to diagnoses specified by the Secretary, an individual who receives treatment from a provider for such a diagnosis shall receive a single comprehensive assessment on the date of discharge from a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) of the needs of the patient and the clinical characteristics of the diagnosis to determine the appropriate placement of such patient in a post-acute care site. The Secretary shall use a standardized patient assessment instrument across all post-acute care sites to measure functional status and other factors during the treatment and at discharge from each provider. Participants in the program shall provide information on the fixed and variable costs for each individual. An additional comprehensive assessment shall be provided at the end of the episode of care.

(2) **NUMBER OF SITES.**—The Secretary shall conduct the demonstration program under this section with sufficient numbers to determine statistically reliable results.

(3) **DURATION.**—The Secretary shall conduct the demonstration program under this section for a 3-year period.

(b) **WAIVER AUTHORITY.**—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.;

42 U.S.C. 1395 et seq.) as may be necessary for the purpose of carrying out the demonstration program under this section.

(c) **REPORT.**—Not later than 6 months after the completion of the demonstration program under this section, the Secretary shall submit to Congress a report on such program, that includes the results of the program and recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(d) **FUNDING.**—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i), \$6,000,000 for the costs of carrying out the demonstration program under this section.

Subtitle B—Provisions Relating to Part B

CHAPTER 1—PAYMENT PROVISIONS

SEC. 5101. BENEFICIARY OWNERSHIP OF CERTAIN DURABLE MEDICAL EQUIPMENT (DME).

(a) **DME.**—

(1) **IN GENERAL.**—Section 1834(a)(7)(A) of the Social Security Act (42 U.S.C. 1395m(a)(7)(A)) is amended to read as follows:

“(A) **PAYMENT.**—In the case of an item of durable medical equipment not described in paragraphs (2) through (6), the following rules shall apply:

“(i) **RENTAL.**—

“(I) **IN GENERAL.**—Except as provided in clause (iii), payment for the item shall be made on a monthly basis for the rental of the item during the period of medical need (but payments under this clause may not extend over a period of continuous use (as determined by the Secretary) of longer than 13 months).

“(II) **PAYMENT AMOUNT.**—Subject to subparagraph (B), the amount recognized for the item, for each of the first 3 months of such period, is 10 percent of the purchase price recognized under paragraph (8) with respect to the item, and, for each of the remaining months of such period, is 7.5 percent of such purchase price.

“(ii) **OWNERSHIP AFTER RENTAL.**—On the first day that begins after the 13th continuous month during which payment is made for the rental of an item under clause (i), the supplier of the item shall transfer title to the item to the individual.

“(iii) **PURCHASE AGREEMENT OPTION FOR POWER-DRIVEN WHEELCHAIRS.**—In the case of a power-driven wheelchair, at the time the supplier furnishes the item, the supplier shall offer the individual the option to purchase the item, and payment for such item shall be made on a lump-sum basis if the individual exercises such option.

“(iv) **MAINTENANCE AND SERVICING.**—After the supplier transfers title to the item under clause (ii) or in the case of a power-driven wheelchair for which a purchase agreement has been entered into under clause (iii), maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier’s or manufacturer’s warranty, as determined by the Secretary to be appropriate for the particular type of durable medical equipment), and such payments shall be in an amount determined to be appropriate by the Secretary.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to items furnished for which the first rental month occurs on or after January 1, 2006.

(b) **OXYGEN EQUIPMENT.**—

(1) **IN GENERAL.**—Section 1834(a)(5) of such Act (42 U.S.C. 1395m(a)(5)) is amended—

(A) in subparagraph (A), by striking “and (E)” and inserting “(E), and (F)”; and

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

“(F) **OWNERSHIP OF EQUIPMENT.**—

“(i) **IN GENERAL.**—Payment for oxygen equipment (including portable oxygen equipment) under this paragraph may not extend over a period of continuous use (as determined by the Secretary) of longer than 36 months.

“(ii) **OWNERSHIP.**—

“(I) **TRANSFER OF TITLE.**—On the first day that begins after the 36th continuous month during which payment is made for the equipment under this paragraph, the supplier of the equipment shall transfer title to the equipment to the individual.

“(II) **PAYMENTS FOR OXYGEN AND MAINTENANCE AND SERVICING.**—After the supplier transfers title to the equipment under subclause (I)—

“(aa) payments for oxygen shall continue to be made in the amount recognized for oxygen under paragraph (9) for the period of medical need; and

“(bb) maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier’s or manufacturer’s warranty, as determined by the Secretary to be appropriate for the equipment), and such payments shall be in an amount determined to be appropriate by the Secretary.”

(2) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by paragraph (1) shall take effect on January 1, 2006.

(B) **APPLICATION TO CERTAIN INDIVIDUALS.**—In the case of an individual receiving oxygen equipment on December 31, 2005, for which payment is made under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), the 36-month period described in paragraph (5)(F)(i) of such section, as added by paragraph (1), shall begin on January 1, 2006.

SEC. 5102. ADJUSTMENTS IN PAYMENT FOR IMAGING SERVICES.

(a) **MULTIPLE PROCEDURE PAYMENT REDUCTION FOR IMAGING EXEMPTED FROM BUDGET NEUTRALITY.**—Section 1848(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)) is amended—

(1) in clause (ii)(II), by striking “clause (iv)” and inserting “clauses (iv) and (v)”; and

(2) in clause (iv) in the heading, by inserting “OF CERTAIN ADDITIONAL EXPENDITURES” after “EXEMPTION”; and

(3) by adding at the end the following new clause:

“(v) **EXEMPTION OF CERTAIN REDUCED EXPENDITURES FROM BUDGET-NEUTRALITY CALCULATION.**—The following reduced expenditures, as estimated by the Secretary, shall not be taken into account in applying clause (ii)(II):

“(I) **REDUCED PAYMENT FOR MULTIPLE IMAGING PROCEDURES.**—Effective for fee schedules established beginning with 2007, reduced expenditures attributable to the multiple procedure payment reduction for imaging under the final rule published by the Secretary in the Federal Register on November 21, 2005 (42 CFR 405, et al.) insofar as it relates to the physician fee schedules for 2006 and 2007.”

(b) **REDUCTION IN PHYSICIAN FEE SCHEDULE TO OPD PAYMENT AMOUNT FOR IMAGING SERVICES.**—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(4) **SPECIAL RULE FOR IMAGING SERVICES.**—

“(A) **IN GENERAL.**—In the case of imaging services described in subparagraph (B) furnished on or after January 1, 2007, if—

“(i) the technical component (including the technical component portion of a global fee) of the service established for a year under the fee schedule described in paragraph (1) without application of the geographic adjustment factor described in paragraph (1)(C), exceeds

“(ii) the medicare OPD fee schedule amount established under the prospective payment system for hospital outpatient department services under paragraph (3)(D) of section 1833(t) for such service for such year, determined without regard to geographic adjustment under paragraph (2)(D) of such section,

the Secretary shall substitute the amount described in clause (ii), adjusted by the geographic adjustment factor described in paragraph (1)(C),

for the fee schedule amount for such technical component for such year.

“(B) IMAGING SERVICES DESCRIBED.—For purposes of subparagraph (A), imaging services described in this subparagraph are imaging and computer-assisted imaging services, including X-ray, ultrasound (including echocardiography), nuclear medicine (including positron emission tomography), magnetic resonance imaging, computed tomography, and fluoroscopy, but excluding diagnostic and screening mammography.”; and

(2) in subsection (c)(2)(B)(v), as added by subsection (a)(3), by adding at the end the following new subclause:

“(1) OPD PAYMENT CAP FOR IMAGING SERVICES.—Effective for fee schedules established beginning with 2007, reduced expenditures attributable to subsection (b)(4).”.

SEC. 5103. LIMITATION ON PAYMENTS FOR PROCEDURES IN AMBULATORY SURGICAL CENTERS.

Section 1833(i)(2) of the Social Security Act (42 U.S.C. 1395l(i)(2)) is amended—

(1) in subparagraph (A), by inserting “subject to subparagraph (E),” after “subparagraph (D),”; and

(2) in subparagraph (D)(ii), by inserting before the period at the end the following: “and taking into account reduced expenditures that would apply if subparagraph (E) were to continue to apply, as estimated by the Secretary”; and

(3) by adding at the end the following new subparagraph:

“(E) With respect to surgical procedures furnished on or after January 1, 2007, and before the effective date of the implementation of a revised payment system under subparagraph (D), if—

“(i) the standard overhead amount under subparagraph (A) for a facility service for such procedure, without the application of any geographic adjustment, exceeds

“(ii) the medicare OPD fee schedule amount established under the prospective payment system for hospital outpatient department services under paragraph (3)(D) of section 1833(t) for such service for such year, determined without regard to geographic adjustment under paragraph (2)(D) of such section, the Secretary shall substitute under subparagraph (A) the amount described in clause (ii) for the standard overhead amount for such service referred to in clause (i).”.

SEC. 5104. UPDATE FOR PHYSICIANS' SERVICES FOR 2006.

(a) UPDATE FOR 2006.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (4)(B), in the matter preceding clause (i), by striking “paragraph (5)” and inserting “paragraphs (5) and (6)”; and

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

“(6) UPDATE FOR 2006.—The update to the single conversion factor established in paragraph (1)(C) for 2006 shall be 0 percent.”.

(b) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The amendments made by subsection (a) shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)(D)).

(c) MEDPAC REPORT.—

(1) IN GENERAL.—By not later than March 1, 2007, the Medicare Payment Advisory Commission shall submit a report to Congress on mechanisms that could be used to replace the sustainable growth rate system under section 1848(f) of the Social Security Act (42 U.S.C. 1395w-4(f)).

(2) REQUIREMENTS.—The report required under paragraph (1) shall—

(A) identify and examine alternative methods for assessing volume growth;

(B) review options to control the volume of physicians' services under the Medicare pro-

gram while maintaining access to such services by Medicare beneficiaries;

(C) examine the application of volume controls under the Medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4);

(D) identify levels of application of volume controls, such as group practice, hospital medical staff, type of service, geographic area, and outliers;

(E) examine the administrative feasibility of implementing the options reviewed under subparagraph (B), including the availability of data and time lags;

(F) examine the extent to which the alternative methods identified and examined under subparagraph (A) should be specified in such section 1848; and

(G) identify the appropriate level of discretion for the Secretary of Health and Human Services to change payment rates under the Medicare physician fee schedule or otherwise take steps that affect physician behavior.

Such report shall include such recommendations on alternative mechanisms to replace the sustainable growth rate system as the Medicare Payment Advisory Commission determines appropriate.

(3) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission \$550,000, to carry out this subsection.

SEC. 5105. THREE-YEAR TRANSITION OF HOLD HARMLESS PAYMENTS FOR SMALL RURAL HOSPITALS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) by inserting “(1)” before “In the case”; and

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

“(II) In the case of a hospital located in a rural area and that has not more than 100 beds and that is not a sole community hospital (as defined in section 1886(d)(5)(D)(iii)), for covered OPD services furnished on or after January 1, 2006, and before January 1, 2009, for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the applicable percentage of the amount of such difference. For purposes of the previous sentence, with respect to covered OPD services furnished during 2006, 2007, or 2008, the applicable percentage shall be 95 percent, 90 percent, and 85 percent, respectively.”.

SEC. 5106. UPDATE TO THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES.

Section 1881(b)(12) of the Social Security Act (42 U.S.C. 1395rr(b)(12)) is amended—

(1) in subparagraph (F), in the flush matter at the end, by striking “Nothing” and inserting “Except as provided in subparagraph (G), nothing”;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

“(G) The Secretary shall increase the amount of the composite rate component of the basic case-mix adjusted system under subparagraph (B) for dialysis services furnished on or after January 1, 2006, by 1.6 percent above the amount of such composite rate component for such services furnished on December 31, 2005.”.

SEC. 5107. REVISIONS TO PAYMENTS FOR THERAPY SERVICES.

(a) EXCEPTION TO CAPS FOR 2006.—

(1) IN GENERAL.—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(A) in each of paragraphs (1) and (3), by striking “paragraph (4)” and inserting “paragraphs (4) and (5)”; and

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

“(5) With respect to expenses incurred during 2006 for services, the Secretary shall implement a process under which an individual enrolled under this part may, upon request of the individual or a person on behalf of the individual, obtain an exception from the uniform dollar limitation specified in paragraph (2), for services described in paragraphs (1) and (3) if the provision of such services is determined to be medically necessary. Under such process, if the Secretary does not make a decision on such a request for an exception within 10 business days of the date of the Secretary's receipt of the request, the Secretary shall be deemed to have found the services to be medically necessary.”.

(2) TIMELY IMPLEMENTATION.—The Secretary of Health and Human Services shall waive such provisions of law and regulation (including those described in section 110(c) of Public Law 108-173) as are necessary to implement the amendments made by paragraph (1) on a timely basis and, notwithstanding any other provision of law, may implement such amendments by program instruction or otherwise. There shall be no administrative or judicial review under section 1869 or section 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of the process (including the establishment of the process) under section 1833(g)(5) of such Act, as added by paragraph (1).

(b) IMPLEMENTATION OF CLINICALLY APPROPRIATE CODE EDITS IN ORDER TO IDENTIFY AND ELIMINATE IMPROPER PAYMENTS FOR THERAPY SERVICES.—By not later than July 1, 2006, the Secretary of Health and Human Services shall implement clinically appropriate code edits with respect to payments under part B of title XVIII of the Social Security Act for physical therapy services, occupational therapy services, and speech-language pathology services in order to identify and eliminate improper payments for such services, including edits of clinically illogical combinations of procedure codes and other edits to control inappropriate billings.

CHAPTER 2—MISCELLANEOUS

SEC. 5111. ACCELERATED IMPLEMENTATION OF INCOME-RELATED REDUCTION IN PART B PREMIUM SUBSIDY.

Section 1839(i)(3)(B) of the Social Security Act (42 U.S.C. 1395r(i)(3)(B)) is amended—

(1) in the heading, by striking “5-YEAR” and inserting “3-YEAR”;

(2) in the matter preceding clause (i), by striking “2011” and inserting “2009”;

(3) in clause (i), by striking “20 percent” and inserting “33 percent”;

(4) in clause (ii), by striking “40 percent” and inserting “67 percent”; and

(5) by striking clauses (iii) and (iv).

SEC. 5112. MEDICARE COVERAGE OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSMS.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking “and” at the end of subparagraph (Y);

(B) by adding “and” at the end of subparagraph (Z) and moving such subparagraph 2 ems to the left; and

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

“(AA) ultrasound screening for abdominal aortic aneurysm (as defined in subsection (bbb)) for an individual—

“(i) who receives a referral for such an ultrasound screening as a result of an initial preventive physical examination (as defined in section 1861(w)(1));

“(ii) who has not been previously furnished such an ultrasound screening under this title; and

“(iii) who—

“(I) has a family history of abdominal aortic aneurysm; or

“(II) manifests risk factors included in a beneficiary category recommended for screening by

the United States Preventive Services Task Force regarding abdominal aortic aneurysms;” and

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

“Ultrasound Screening for Abdominal Aortic Aneurysm

“(bbb) The term ‘ultrasound screening for abdominal aortic aneurysm’ means—

“(1) a procedure using sound waves (or such other procedures using alternative technologies, of commensurate accuracy and cost, that the Secretary may specify) provided for the early detection of abdominal aortic aneurysm; and

“(2) includes a physician’s interpretation of the results of the procedure.”

(b) **INCLUSION OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM IN INITIAL PREVENTIVE PHYSICAL EXAMINATION.**—Section 1861(wv)(2) of such Act (42 U.S.C. 1395x(wv)(2)) is amended by adding at the end the following new subparagraph:

“(L) Ultrasound screening for abdominal aortic aneurysm as defined in section 1861(bbb).”

(c) **PAYMENT FOR ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM.**—Section 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting “(2)(AA),” after “(2)(W).”

(d) **FREQUENCY.**—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (L);

(2) by striking the semicolon at the end of subparagraph (M) and inserting “, and”; and

(3) by adding at the end the following new subparagraph:

“(N) in the case of ultrasound screening for abdominal aortic aneurysm which is performed more frequently than is provided for under section 1861(s)(2)(AA);”

(e) **NON-APPLICATION OF PART B DEDUCTIBLE.**—Section 1833(b) of such Act (42 U.S.C. 1395l(b)) is amended in the first sentence—

(1) by striking “and” before “(6)”; and

(2) by inserting “, and (7) such deductible shall not apply with respect to ultrasound screening for abdominal aortic aneurysm (as defined in section 1861(bbb))” before the period at the end.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after January 1, 2007.

SEC. 5113. IMPROVING PATIENT ACCESS TO, AND UTILIZATION OF, COLORECTAL CANCER SCREENING.

(a) **NON-APPLICATION OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.**—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)), as amended by section 5112(e), is amended in the first sentence—

(1) by striking “and” before “(7)”; and

(2) by inserting “, and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(pp)(1))” before the period at the end.

(b) **CONFORMING AMENDMENTS.**—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) of such Act (42 U.S.C. 1395m(d)) are each amended—

(1) by striking “DEDUCTIBLE AND” in the heading; and

(2) in subclause (I), by striking “deductible or” each place it appears.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after January 1, 2007.

SEC. 5114. DELIVERY OF SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) **COVERAGE.**—

(1) **IN GENERAL.**—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended—

(A) in subparagraph (A), by striking “, and” and inserting “and services described in subsections (q) and (w); and”; and

(B) in subparagraph (B), by striking “sections 329, 330, and 340” and inserting “section 330”; and

(C) in the flush matter at the end, by inserting “by the center or by a health care professional under contract with the center” after “outpatient of a Federally qualified health center”.

(2) **CONSOLIDATED BILLING.**—The first sentence of section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F)) is amended—

(A) by striking “and (G)” and inserting “(G)”; and

(B) by inserting before the period at the end the following: “, and (H) in the case of services described in section 1861(aa)(3) that are furnished by a health care professional under contract with a Federally qualified health center, payment shall be made to the center”.

(b) **TECHNICAL CORRECTIONS.**—Clauses (i) and (ii)(I) of section 1861(aa)(4)(A) of such Act (42 U.S.C. 1395x(aa)(4)(A)) are each amended by striking “(other than subsection (h))”.

(c) **EFFECTIVE DATES.**—The amendments made by this section shall apply to services furnished on or after January 1, 2006.

SEC. 5115. WAIVER OF PART B LATE ENROLLMENT PENALTY FOR CERTAIN INTERNATIONAL VOLUNTEERS.

(a) **IN GENERAL.**—

(1) **WAIVER OF PENALTY.**—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended in the second sentence by inserting the following before the period at the end: “or months for which the individual can demonstrate that the individual was an individual described in section 1837(k)(3)”.

(2) **SPECIAL ENROLLMENT PERIOD.**—

(A) **IN GENERAL.**—Section 1837 of such Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

“(k)(1) In the case of an individual who—

“(A) at the time the individual first satisfies paragraph (1) or (2) of section 1836, is described in paragraph (3), and has elected not to enroll (or to be deemed enrolled) under this section during the individual’s initial enrollment period; or

“(B) has terminated enrollment under this section during a month in which the individual is described in paragraph (3),

there shall be a special enrollment period described in paragraph (2).

“(2) The special enrollment period described in this paragraph is the 6-month period beginning on the first day of the month which includes the date that the individual is no longer described in paragraph (3).

“(3) For purposes of paragraph (1), an individual described in this paragraph is an individual who—

“(A) is serving as a volunteer outside of the United States through a program—

“(i) that covers at least a 12-month period; and

“(ii) that is sponsored by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

“(B) demonstrates health insurance coverage while serving in the program.”

(B) **COVERAGE PERIOD.**—Section 1838 of such Act (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

“(f) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(k), the coverage period shall begin on the first day of the month following the month in which the individual so enrolls.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a)(1) shall apply to months beginning with January 2007 and the amendments made by subsection (a)(2) shall take effect on January 1, 2007.

Subtitle C—Provisions Relating to Parts A and B

SEC. 5201. HOME HEALTH PAYMENTS.

(a) **2006 UPDATE.**—Section 1895(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)(ii)) is amended—

(1) in subclause (III), by striking “each of 2005 and 2006” and inserting “all of 2005”; and

(2) by striking “or” at the end of subclause (III);

(3) in subclause (IV), by striking “2007 and” and by redesignating such subclause as subclause (V); and

(4) by inserting after subclause (III) the following new subclause:

“(IV) 2006, 0 percent; and”.

(b) **APPLYING RURAL ADD-ON POLICY FOR 2006.**—Section 421(a) of Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2283) is amended by inserting “and episodes and visits beginning on or after January 1, 2006, and before January 1, 2007,” after “April 1, 2005.”

(c) **HOME HEALTH CARE QUALITY IMPROVEMENT.**—Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (ii)(V), as redesignated by subsection (a)(3), by inserting “subject to clause (v),” after “subsequent year;” and

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

“(v) **ADJUSTMENT IF QUALITY DATA NOT SUBMITTED.**—

“(I) **ADJUSTMENT.**—For purposes of clause (ii)(V), for 2007 and each subsequent year, in the case of a home health agency that does not submit data to the Secretary in accordance with subclause (II) with respect to such a year, the home health market basket percentage increase applicable under such clause for such year shall be reduced by 2 percentage points. Such reduction shall apply only with respect to the year involved, and the Secretary shall not take into account such reduction in computing the prospective payment amount under this section for a subsequent year, and the Medicare Payment Advisory Commission shall carry out the requirements under section 5201(d) of the Deficit Reduction Act of 2005.

“(II) **SUBMISSION OF QUALITY DATA.**—For 2007 and each subsequent year, each home health agency shall submit to the Secretary such data that the Secretary determines are appropriate for the measurement of health care quality. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

“(III) **PUBLIC AVAILABILITY OF DATA SUBMITTED.**—The Secretary shall establish procedures for making data submitted under subclause (II) available to the public. Such procedures shall ensure that a home health agency has the opportunity to review the data that is to be made public with respect to the agency prior to such data being made public.”

(d) **MEDPAC REPORT ON VALUE BASED PURCHASING.**—

(1) **IN GENERAL.**—Not later than June 1, 2007, the Medicare Payment Advisory Commission shall submit to Congress a report that includes recommendations on a detailed structure of value based payment adjustments for home health services under the Medicare program under title XVIII of the Social Security Act. Such report shall include recommendations concerning the determination of thresholds, the size of such payments, sources of funds, and the relationship of payments for improvement and attainment of quality.

(2) **FUNDING.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission \$550,000, to carry out this subsection.

SEC. 5202. REVISION OF PERIOD FOR PROVIDING PAYMENT FOR CLAIMS THAT ARE NOT SUBMITTED ELECTRONICALLY.

(a) **REVISION.**—

(1) **PART A.**—Section 1816(c)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395h(c)(3)(B)(ii)) is amended by striking “26 days” and inserting “28 days”.

(2) **PART B.**—Section 1842(c)(3)(B)(ii) of such Act (42 U.S.C. 1395u(c)(3)(B)(ii)) is amended by striking “26 days” and inserting “28 days”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to claims submitted on or after January 1, 2006.

SEC. 5203. TIMEFRAME FOR PART A AND B PAYMENTS.

Notwithstanding sections 1816(c) and 1842(c)(2) of the Social Security Act or any other provision of law—

(1) any payment from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) for claims submitted under part A or B of title XVIII of such Act for items and services furnished under such part A or B, respectively, that would otherwise be payable during the period beginning on September 22, 2006, and ending on September 30, 2006, shall be paid on the first business day of October 2006; and

(2) no interest or late penalty shall be paid to an entity or individual for any delay in a payment by reason of the application of paragraph (1).

SEC. 5204. MEDICARE INTEGRITY PROGRAM FUNDING.

Section 1817(k)(4) of the Social Security Act (42 U.S.C. 1395i(k)(4)) is amended—

(1) in subparagraph (B), by striking “The amount” and inserting “Subject to subparagraph (C), the amount”; and

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

“(C) ADJUSTMENTS.—The amount appropriated under subparagraph (A) for a fiscal year is increased as follows:

“(i) For fiscal year 2006, \$100,000,000.”.

Subtitle D—Provisions Relating to Part C**SEC. 5301. PHASE-OUT OF RISK ADJUSTMENT BUDGET NEUTRALITY IN DETERMINING THE AMOUNT OF PAYMENTS TO MEDICARE ADVANTAGE ORGANIZATIONS.**

(a) IN GENERAL.—Section 1853 of the Social Security Act (42 U.S.C. 1395w-23) is amended—

(1) in subsection (j)(1)—

(A) in subparagraph (A)—

(i) by inserting “(or, beginning with 2007, 1/2 of the applicable amount determined under subsection (k)(1))” after “1853(c)(1)”; and

(ii) by inserting “(for years before 2007)” after “adjusted as appropriate”;

(B) in subparagraph (B), by inserting “(for years before 2007)” after “adjusted as appropriate”; and

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

“(k) DETERMINATION OF APPLICABLE AMOUNT FOR PURPOSES OF CALCULATING THE BENCHMARK AMOUNTS.—

“(1) APPLICABLE AMOUNT DEFINED.—For purposes of subsection (j), subject to paragraph (2), the term ‘applicable amount’ means for an area—

“(A) for 2007—

“(i) if such year is not specified under subsection (c)(1)(D)(ii), an amount equal to the amount specified in subsection (c)(1)(C) for the area for 2006—

“(I) first adjusted by the rescaling factor for 2006 for the area (as made available by the Secretary in the announcement of the rates on April 4, 2005, under subsection (b)(1), but excluding any national adjustment factors for coding intensity and risk adjustment budget neutrality that were included in such factor); and

“(II) then increased by the national per capita MA growth percentage, described in subsection (c)(6) for 2007, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004;

“(ii) if such year is specified under subsection (c)(1)(D)(ii), an amount equal to the greater of—

“(I) the amount determined under clause (i) for the area for the year; or

“(II) the amount specified in subsection (c)(1)(D) for the area for the year; and

“(B) for a subsequent year—

“(i) if such year is not specified under subsection (c)(1)(D)(ii), an amount equal to the

amount determined under this paragraph for the area for the previous year (determined without regard to paragraph (2)), increased by the national per capita MA growth percentage, described in subsection (c)(6) for that succeeding year, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004; and

“(ii) if such year is specified under subsection (c)(1)(D)(ii), an amount equal to the greater of—

“(I) the amount determined under clause (i) for the area for the year; or

“(II) the amount specified in subsection (c)(1)(D) for the area for the year.

“(2) PHASE-OUT OF BUDGET NEUTRALITY FACTOR.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), in the case of 2007 through 2010, the applicable amount determined under paragraph (1) shall be multiplied by a factor equal to 1 plus the product of—

“(i) the percent determined under subparagraph (B) for the year; and

“(ii) the applicable phase-out factor for the year under subparagraph (C).

“(B) PERCENT DETERMINED.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(i), subject to clause (iv), the percent determined under this subparagraph for a year is a percent equal to a fraction the numerator of which is described in clause (ii) and the denominator of which is described in clause (iii).

“(ii) NUMERATOR BASED ON DIFFERENCE BETWEEN DEMOGRAPHIC RATE AND RISK RATE.—

“(I) IN GENERAL.—The numerator described in this clause is an amount equal to the amount by which the demographic rate described in subclause (II) exceeds the risk rate described in subclause (III).

“(II) DEMOGRAPHIC RATE.—The demographic rate described in this subclause is the Secretary’s estimate of the total payments that would have been made under this part in the year if all the monthly payment amounts for all MA plans were equal to 1/2 of the annual MA capitation rate under subsection (c)(1) for the area and year, adjusted pursuant to subsection (a)(1)(C).

“(III) RISK RATE.—The risk rate described in this subclause is the Secretary’s estimate of the total payments that would have been made under this part in the year if all the monthly payment amounts for all MA plans were equal to the amount described in subsection (j)(1)(A) (determined as if this paragraph had not applied) under subsection (j) for the area and year, adjusted pursuant to subsection (a)(1)(C).

“(iii) DENOMINATOR BASED ON RISK RATE.—The denominator described in this clause is equal to the total amount estimated for the year under clause (ii)(III).

“(iv) REQUIREMENTS.—In estimating the amounts under the previous clauses, the Secretary shall—

“(I) use a complete set of the most recent and representative Medicare Advantage risk scores under subsection (a)(3) that are available from the risk adjustment model announced for the year;

“(II) adjust the risk scores to reflect changes in treatment and coding practices in the fee-for-service sector;

“(III) adjust the risk scores for differences in coding patterns between Medicare Advantage plans and providers under the original Medicare fee-for-service program under parts A and B to the extent that the Secretary has identified such differences, as required in subsection (a)(1)(C);

“(IV) as necessary, adjust the risk scores for late data submitted by Medicare Advantage organizations;

“(V) as necessary, adjust the risk scores for lagged cohorts; and

“(VI) as necessary, adjust the risk scores for changes in enrollment in Medicare Advantage plans during the year.

“(v) AUTHORITY.—In computing such amounts the Secretary may take into account the estimated health risk of enrollees in preferred pro-

vider organization plans (including MA regional plans) for the year.

“(C) APPLICABLE PHASE-OUT FACTOR.—For purposes of subparagraph (A)(ii), the term ‘applicable phase-out factor’ means—

“(i) for 2007, 0.55;

“(ii) for 2008, 0.40;

“(iii) for 2009, 0.25; and

“(iv) for 2010, 0.05.

“(D) TERMINATION OF APPLICATION.—Subparagraph (A) shall not apply in a year if the amount estimated under subparagraph (B)(ii)(III) for the year is equal to or greater than the amount estimated under subparagraph (B)(ii)(II) for the year.

“(3) NO REVISION IN PERCENT.—

“(A) IN GENERAL.—The Secretary may not make any adjustment to the percent determined under paragraph (2)(B) for any year.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to make adjustments to the applicable amounts determined under paragraph (1) as appropriate for purposes of updating data or for purposes of adopting an improved risk adjustment methodology.”.

(b) REFINEMENTS TO HEALTH STATUS ADJUSTMENT.—Section 1853(a)(1)(C) of such Act (42 U.S.C. 1395w-23) is amended—

(1) by designating the matter after the heading as a clause (i) with the following heading: “IN GENERAL.—” and indenting appropriately; and

(2) by adding at the end the following:

“(ii) APPLICATION DURING PHASE-OUT OF BUDGET NEUTRALITY FACTOR.—For 2006 through 2010:

“(I) In applying the adjustment under clause (i) for health status to payment amounts, the Secretary shall ensure that such adjustment reflects changes in treatment and coding practices in the fee-for-service sector and reflects differences in coding patterns between Medicare Advantage plans and providers under part A and B to the extent that the Secretary has identified such differences.

“(II) In order to ensure payment accuracy, the Secretary shall conduct an analysis of the differences described in subclause (I). The Secretary shall complete such analysis by a date necessary to ensure that the results of such analysis are incorporated into the risk scores only for 2008, 2009, and 2010. In conducting such analysis, the Secretary shall use data submitted with respect to 2004 and subsequent years, as available.”.

SEC. 5302. RURAL PACE PROVIDER GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CMS.—The term “CMS” means the Centers for Medicare & Medicaid Services.

(2) PACE PROGRAM.—The term “PACE program” has the meaning given that term in sections 1894(a)(2) and 1934(a)(2) of the Social Security Act (42 U.S.C. 1395eee(a)(2); 1396u-4(a)(2)).

(3) PACE PROVIDER.—The term “PACE provider” has the meaning given that term in section 1894(a)(3) or 1934(a)(3) of the Social Security Act (42 U.S.C. 1395eee(a)(3); 1396u-4(a)(3)).

(4) RURAL AREA.—The term “rural area” has the meaning given that term in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

(5) RURAL PACE PILOT SITE.—The term “rural PACE pilot site” means a PACE provider that has been approved to provide services in a geographic service area that is, in whole or in part, a rural area, and that has received a site development grant under this section.

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) SITE DEVELOPMENT GRANTS AND TECHNICAL ASSISTANCE PROGRAM.—

(1) SITE DEVELOPMENT GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a process and criteria to award site development grants to qualified PACE providers that have been approved to serve a rural area.

(B) AMOUNT PER AWARD.—A site development grant awarded under subparagraph (A) to any individual rural PACE pilot site shall not exceed \$750,000.

(C) NUMBER OF AWARDS.—Not more than 15 rural PACE pilot sites shall be awarded a site development grant under subparagraph (A).

(D) USE OF FUNDS.—Funds made available under a site development grant awarded under subparagraph (A) may be used for the following expenses only to the extent such expenses are incurred in relation to establishing or delivering PACE program services in a rural area:

(i) Feasibility analysis and planning.
(ii) Interdisciplinary team development.
(iii) Development of a provider network, including contract development.

(iv) Development or adaptation of claims processing systems.

(v) Preparation of special education and outreach efforts required for the PACE program.

(vi) Development of expense reporting required for calculation of outlier payments or reconciliation processes.

(vii) Development of any special quality of care or patient satisfaction data collection efforts.

(viii) Establishment of a working capital fund to sustain fixed administrative, facility, or other fixed costs until the provider reaches sufficient enrollment size.

(ix) Startup and development costs incurred prior to the approval of the rural PACE pilot site's PACE provider application by CMS.

(x) Any other efforts determined by the rural PACE pilot site to be critical to its successful startup, as approved by the Secretary.

(E) APPROPRIATION.—

(i) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection for fiscal year 2006, \$7,500,000.

(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available for expenditure through fiscal year 2008.

(2) TECHNICAL ASSISTANCE PROGRAM.—The Secretary shall establish a technical assistance program to provide—

(A) outreach and education to State agencies and provider organizations interested in establishing PACE programs in rural areas; and

(B) technical assistance necessary to support rural PACE pilot sites.

(C) COST OUTLIER PROTECTION FOR RURAL PACE PILOT SITES.—

(1) ESTABLISHMENT OF FUND FOR REIMBURSEMENT OF OUTLIER COSTS.—Notwithstanding any other provision of law, the Secretary shall establish an outlier fund to reimburse rural PACE pilot sites for recognized outlier costs (as defined in paragraph (3)) incurred for eligible outlier participants (as defined in paragraph (2)) in an amount, subject to paragraph (4), equal to 80 percent of the amount by which the recognized outlier costs exceeds \$50,000.

(2) ELIGIBLE OUTLIER PARTICIPANT.—For purposes of this subsection, the term "eligible outlier participant" means a PACE program eligible individual (as defined in sections 1894(a)(5) and 1934(a)(5) of the Social Security Act (42 U.S.C. 1395eee(a)(5); 1396u-4(a)(5) who resides in a rural area and with respect to whom the rural PACE pilot site incurs more than \$50,000 in recognized costs in a 12-month period.

(3) RECOGNIZED OUTLIER COSTS DEFINED.—

(A) IN GENERAL.—For purposes of this subsection, the term "recognized outlier costs" means, with respect to services furnished to an eligible outlier participant by a rural PACE pilot site, the least of the following (as documented by the site to the satisfaction of the Secretary) for the provision of inpatient and related physician and ancillary services for the eligible outlier participant in a given 12-month period:

(i) If the services are provided under a contract between the pilot site and the provider, the payment rate specified under the contract.

(ii) The payment rate established under the original medicare fee-for-service program for such service.

(iii) The amount actually paid for the services by the pilot site.

(B) INCLUSION IN ONLY ONE PERIOD.—Recognized outlier costs may not be included in more than one 12-month period.

(3) OUTLIER EXPENSE PAYMENT.—

(A) PAYMENT FOR OUTLIER COSTS.—Subject to subparagraph (B), in the case of a rural PACE pilot site that has incurred outlier costs for an eligible outlier participant, the rural PACE pilot site shall receive an outlier expense payment equal to 80 percent of such costs that exceed \$50,000.

(4) LIMITATIONS.—

(A) COSTS INCURRED PER ELIGIBLE OUTLIER PARTICIPANT.—The total amount of outlier expense payments made under this subsection to a rural PACE pilot site with respect to an eligible outlier participant for any 12-month period shall not exceed \$100,000 for the 12-month period used to calculate the payment.

(B) COSTS INCURRED PER PROVIDER.—No rural PACE pilot site may receive more than \$500,000 in total outlier expense payments in a 12-month period.

(C) LIMITATION OF OUTLIER COST REIMBURSEMENT PERIOD.—A rural PACE pilot site shall only receive outlier expense payments under this subsection with respect to costs incurred during the first 3 years of the site's operation.

(5) REQUIREMENT TO ACCESS RISK RESERVES PRIOR TO PAYMENT.—A rural PACE pilot site shall access and exhaust any risk reserves held or arranged for the provider (other than revenue or reserves maintained to satisfy the requirements of section 460.80(c) of title 42, Code of Federal Regulations) and any working capital established through a site development grant awarded under subsection (b)(1), prior to receiving any payment from the outlier fund.

(6) APPLICATION.—In order to receive an outlier expense payment under this subsection with respect to an eligible outlier participant, a rural PACE pilot site shall submit an application containing—

(A) documentation of the costs incurred with respect to the participant;

(B) a certification that the site has complied with the requirements under paragraph (4); and

(C) such additional information as the Secretary may require.

(7) APPROPRIATION.—

(A) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection for fiscal year 2006, \$10,000,000.

(B) AVAILABILITY.—Funds appropriated under subparagraph (A) shall remain available for expenditure through fiscal year 2010.

(d) EVALUATION OF PACE PROVIDERS SERVING RURAL SERVICE AREAS.—Not later than 60 months after the date of enactment of this Act, the Secretary shall submit a report to Congress containing an evaluation of the experience of rural PACE pilot sites.

(e) AMOUNTS IN ADDITION TO PAYMENTS UNDER SOCIAL SECURITY ACT.—Any amounts paid under the authority of this section to a PACE provider shall be in addition to payments made to the provider under section 1894 or 1934 of the Social Security Act (42 U.S.C. 1395eee; 1396u-4).

TITLE VI—MEDICAID AND SCHIP

Subtitle A—Medicaid

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS

SEC. 6001. FEDERAL UPPER PAYMENT LIMIT FOR MULTIPLE SOURCE DRUGS AND OTHER DRUG PAYMENT PROVISIONS.

(a) MODIFICATION OF FEDERAL UPPER PAYMENT LIMIT FOR MULTIPLE SOURCE DRUGS; DEFINITION OF MULTIPLE SOURCE DRUGS.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (e)(4)—

(A) by striking "The Secretary" and inserting "Subject to paragraph (5), the Secretary"; and

(B) by inserting "(or, effective January 1, 2007, two or more)" after "three or more";

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

"(5) USE OF AMP IN UPPER PAYMENT LIMITS.—Effective January 1, 2007, in applying the Federal upper reimbursement limit under paragraph (4) and section 447.332(b) of title 42 of the Code of Federal Regulations, the Secretary shall substitute 250 percent of the average manufacturer price (as computed without regard to customary prompt pay discounts extended to wholesalers) for 150 percent of the published price.";

(3) in subsection (k)(7)(A)(i), in the matter preceding subclause (I), by striking "are 2 or more drug products" and inserting "at least 1 other drug product"; and

(4) in subclauses (I), (II), and (III) of subsection (k)(7)(A)(i), by striking "are" and inserting "is" each place it appears.

(b) DISCLOSURE OF PRICE INFORMATION TO STATES AND THE PUBLIC.—Subsection (b)(3) of such section is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "month of a" after "last day of each"; and

(B) by adding at the end the following: "Beginning July 1, 2006, the Secretary shall provide on a monthly basis to States under subparagraph (D)(iv) the most recently reported average manufacturer prices for single source drugs and for multiple source drugs and shall, on at least a quarterly basis, update the information posted on the website under subparagraph (D)(v)."; and

(2) in subparagraph (D)—

(A) by striking "and" at the end of clause (ii);

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

(C) by inserting after clause (iii) the following new clauses:

"(iv) to States to carry out this title, and

"(v) to the Secretary to disclose (through a website accessible to the public) average manufacturer prices.";

(c) DEFINITION OF AVERAGE MANUFACTURER PRICE.—

(1) EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS.—Subsection (k)(1) of such section is amended—

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the term";

(B) by striking "after deducting customary prompt pay discounts"; and

(C) by adding at the end the following:

"(B) EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS.—The average manufacturer price for a covered outpatient drug shall be determined without regard to customary prompt pay discounts extended to wholesalers.";

(2) MANUFACTURER REPORTING OF PROMPT PAY DISCOUNTS.—Subsection (b)(3)(A)(i) of such section is amended by inserting "customary prompt pay discounts extended to wholesalers," after "(k)(1)".

(3) REQUIREMENT TO PROMULGATE REGULATION.—

(A) INSPECTOR GENERAL RECOMMENDATIONS.—Not later than June 1, 2006, the Inspector General of the Department of Health and Human Services shall—

(i) review the requirements for, and manner in which, average manufacturer prices are determined under section 1927 of the Social Security Act, as amended by this section; and

(ii) shall submit to the Secretary of Health and Human Services and Congress such recommendations for changes in such requirements or manner as the Inspector General determines to be appropriate.

(B) DEADLINE FOR PROMULGATION.—Not later than July 1, 2007, the Secretary of Health and Human Services shall promulgate a regulation that clarifies the requirements for, and manner

in which, average manufacturer prices are determined under section 1927 of the Social Security Act, taking into consideration the recommendations submitted to the Secretary in accordance with subparagraph (A)(ii).

(d) EXCLUSION OF SALES AT A NOMINAL PRICE FROM DETERMINATION OF BEST PRICE.—

(1) MANUFACTURER REPORTING OF SALES.—Subsection (b)(3)(A)(iii) of such section is amended by inserting before the period at the end the following: “, and, for calendar quarters beginning on or after January 1, 2007 and only with respect to the information described in subclause (III), for covered outpatient drugs”.

(2) LIMITATION ON SALES AT A NOMINAL PRICE.—Subsection (c)(1) of such section is amended by adding at the end the following new subparagraph:

“(D) LIMITATION ON SALES AT A NOMINAL PRICE.—

“(i) IN GENERAL.—For purposes of subparagraph (C)(ii)(III) and subsection (b)(3)(A)(iii)(III), only sales by a manufacturer of covered outpatient drugs at nominal prices to the following shall be considered to be sales at a nominal price or merely nominal in amount:

“(I) A covered entity described in section 340B(a)(4) of the Public Health Service Act.

“(II) An intermediate care facility for the mentally retarded.

“(III) A State-owned or operated nursing facility.

“(IV) Any other facility or entity that the Secretary determines is a safety net provider to which sales of such drugs at a nominal price would be appropriate based on the factors described in clause (ii).

“(ii) FACTORS.—The factors described in this clause with respect to a facility or entity are the following:

“(I) The type of facility or entity.

“(II) The services provided by the facility or entity.

“(III) The patient population served by the facility or entity.

“(IV) The number of other facilities or entities eligible to purchase at nominal prices in the same service area.

“(iii) NONAPPLICATION.—Clause (i) shall not apply with respect to sales by a manufacturer at a nominal price of covered outpatient drugs pursuant to a master agreement under section 8126 of title 38, United States Code.”.

(e) RETAIL SURVEY PRICES; STATE PAYMENT AND UTILIZATION RATES; AND PERFORMANCE RANKINGS.—Such section is further amended by inserting after subsection (e) the following new subsection:

“(f) SURVEY OF RETAIL PRICES; STATE PAYMENT AND UTILIZATION RATES; AND PERFORMANCE RANKINGS.—

“(1) SURVEY OF RETAIL PRICES.—

“(A) USE OF VENDOR.—The Secretary may contract services for—

“(i) the determination on a monthly basis of retail survey prices for covered outpatient drugs that represent a nationwide average of consumer purchase prices for such drugs, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available); and

“(ii) the notification of the Secretary when a drug product that is therapeutically and pharmaceutically equivalent and bioequivalent becomes generally available.

“(B) SECRETARY RESPONSE TO NOTIFICATION OF AVAILABILITY OF MULTIPLE SOURCE PRODUCTS.—If contractor notifies the Secretary under subparagraph (A)(ii) that a drug product described in such subparagraph has become generally available, the Secretary shall make a determination, within 7 days after receiving such notification, as to whether the product is now described in subsection (e)(4).

“(C) USE OF COMPETITIVE BIDDING.—In contracting for such services, the Secretary shall competitively bid for an outside vendor that has a demonstrated history in—

“(i) surveying and determining, on a representative nationwide basis, retail prices for ingredient costs of prescription drugs;

“(ii) working with retail pharmacies, commercial payers, and States in obtaining and disseminating such price information; and

“(iii) collecting and reporting such price information on at least a monthly basis.

In contracting for such services, the Secretary may waive such provisions of the Federal Acquisition Regulation as are necessary for the efficient implementation of this subsection, other than provisions relating to confidentiality of information and such other provisions as the Secretary determines appropriate.

“(D) ADDITIONAL PROVISIONS.—A contract with a vendor under this paragraph shall include such terms and conditions as the Secretary shall specify, including the following:

“(i) The vendor must monitor the marketplace and report to the Secretary each time there is a new covered outpatient drug generally available.

“(ii) The vendor must update the Secretary no less often than monthly on the retail survey prices for covered outpatient drugs.

“(iii) The contract shall be effective for a term of 2 years.

“(E) AVAILABILITY OF INFORMATION TO STATES.—Information on retail survey prices obtained under this paragraph, including applicable information on single source drugs, shall be provided to States on at least a monthly basis. The Secretary shall devise and implement a means for providing access to each State agency designated under section 1902(a)(5) with responsibility for the administration or supervision of the administration of the State plan under this title of the retail survey price determined under this paragraph.

“(2) ANNUAL STATE REPORT.—Each State shall annually report to the Secretary information on—

“(A) the payment rates under the State plan under this title for covered outpatient drugs;

“(B) the dispensing fees paid under such plan for such drugs; and

“(C) utilization rates for noninnovator multiple source drugs under such plan.

“(3) ANNUAL STATE PERFORMANCE RANKINGS.—

“(A) COMPARATIVE ANALYSIS.—The Secretary annually shall compare, for the 50 most widely prescribed drugs identified by the Secretary, the national retail sales price data (collected under paragraph (1)) for such drugs with data on prices under this title for each such drug for each State.

“(B) AVAILABILITY OF INFORMATION.—The Secretary shall submit to Congress and the States full information regarding the annual rankings made under subparagraph (A).

“(4) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services \$5,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”.

(f) MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Sections 1927(g)(1)(B)(i)(II) and 1861(t)(2)(B)(ii)(I) of such Act are each amended by inserting “(or its successor publications)” after “United States Pharmacopoeia-Drug Information”.

(2) PAPERWORK REDUCTION.—The last sentence of section 1927(g)(2)(A)(ii) of such Act (42 U.S.C. 1396r-8(g)(2)(A)(ii)) is amended by inserting before the period at the end the following: “, or to require verification of the offer to provide consultation or a refusal of such offer”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(g) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect on January 1, 2007, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 6002. COLLECTION AND SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.

(a) IN GENERAL.—Section 1927(a) of the Social Security Act (42 U.S.C. 1396r-8(a)) is amended

by adding at the end the following new paragraph:

“(7) REQUIREMENT FOR SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.—

“(A) SINGLE SOURCE DRUGS.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is a single source drug that is physician administered under this title (as determined by the Secretary), and that is administered on or after January 1, 2006, the State shall provide for the collection and submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section for drugs administered for which payment is made under this title.

“(B) MULTIPLE SOURCE DRUGS.—

“(i) IDENTIFICATION OF MOST FREQUENTLY PHYSICIAN ADMINISTERED MULTIPLE SOURCE DRUGS.—Not later than January 1, 2007, the Secretary shall publish a list of the 20 physician administered multiple source drugs that the Secretary determines have the highest dollar volume of physician administered drugs dispensed under this title. The Secretary may modify such list from year to year to reflect changes in such volume.

“(ii) REQUIREMENT.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is a multiple source drug that is physician administered (as determined by the Secretary), that is on the list published under clause (i), and that is administered on or after January 1, 2008, the State shall provide for the submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section.

“(C) USE OF NDC CODES.—Not later than January 1, 2007, the information shall be submitted under subparagraphs (A) and (B)(ii) using National Drug Code codes unless the Secretary specifies that an alternative coding system should be used.

“(D) HARDSHIP WAIVER.—The Secretary may delay the application of subparagraph (A) or (B)(ii), or both, in the case of a State to prevent hardship to States which require additional time to implement the reporting system required under the respective subparagraph.”.

(b) LIMITATION ON PAYMENT.—Section 1903(i)(10) of such Act (42 U.S.C. 1396b(i)(10)), is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking “or” at the end of subparagraph (B) and inserting “and”; and

(3) by adding at the end the following new subparagraph:

“(C) with respect to covered outpatient drugs described in section 1927(a)(7), unless information respecting utilization data and coding on such drugs that is required to be submitted under such section is submitted in accordance with such section; or”.

SEC. 6003. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505(c) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) INCLUSION WITH OTHER REPORTED AVERAGE MANUFACTURER AND BEST PRICES.—Section 1927(b)(3)(A) of the Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)) is amended—

(1) by striking clause (i) and inserting the following:

“(i) not later than 30 days after the last day of each rebate period under the agreement—

“(I) on the average manufacturer price (as defined in subsection (k)(1)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act); and

“(II) for single source drugs and innovator multiple source drugs (including all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), on the manufacturer’s best price (as defined in subsection (c)(1)(C)) for such drugs for the rebate period under the agreement.”; and

(2) in clause (ii), by inserting “(including for such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)” after “drugs”.

(b) CONFORMING AMENDMENTS.—Section 1927 of such Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (c)(1)(C)—

(A) in clause (i), in the matter preceding subclause (I), by inserting after “or innovator multiple source drug of a manufacturer” the following: “(including the lowest price available to any entity for any such drug of a manufacturer that is sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act);” and

(B) in clause (ii)—

(i) in subclause (II), by striking “and” at the end;

(ii) in subclause (III), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(IV) in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, shall be inclusive of the lowest price for such authorized drug available from the manufacturer during the rebate period to any manufacturer, wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States, excluding those prices described in subclauses (I) through (IV) of clause (i).”; and

(2) in subsection (k), as amended by section 6001(c)(1), by adding at the end the following:

“(C) INCLUSION OF SECTION 505(c) DRUGS.—In the case of a manufacturer that approves, allows, or otherwise permits any drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, such term shall be inclusive of the average price paid for such drug by wholesalers for drugs distributed to the retail pharmacy class of trade.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2007.

SEC. 6004. CHILDREN’S HOSPITAL PARTICIPATION IN SECTION 340B DRUG DISCOUNT PROGRAM.

(a) IN GENERAL.—Section 1927(a)(5)(B) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)(B)) is amended by inserting before the period at the end the following: “and a children’s hospital described in section 1886(d)(1)(B)(iii) which meets the requirements of clauses (i) and (iii) of section 340B(b)(4)(L) of the Public Health Service Act and which would meet the requirements of clause (ii) of such section if that clause were applied by taking into account the percentage of care provided by the hospital to patients eligible for medical assistance under a State plan under this title”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs purchased on or after the date of the enactment of this Act.

CHAPTER 2—LONG-TERM CARE UNDER MEDICAID

Subchapter A—Reform of Asset Transfer Rules

SEC. 6011. LENGTHENING LOOK-BACK PERIOD; CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.

(a) LENGTHENING LOOK-BACK PERIOD FOR ALL DISPOSALS TO 5 YEARS.—Section 1917(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(B)(i)) is amended by inserting “or in the case of any other disposal of assets made on or after the date of the enactment of the Deficit Reduction Act of 2005” before “, 60 months”.

(b) CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.—Section 1917(c)(1)(D) of such Act (42 U.S.C. 1396p(c)(1)(D)) is amended—

(1) by striking “(D) The date” and inserting “(D)(i) In the case of a transfer of asset made before the date of the enactment of the Deficit Reduction Act of 2005, the date”; and

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

“(ii) In the case of a transfer of asset made on or after the date of the enactment of the Deficit Reduction Act of 2005, the date specified in this subparagraph is the first day of a month during or after which assets have been transferred for less than fair market value, or the date on which the individual is eligible for medical assistance under the State plan and would otherwise be receiving institutional level care described in subparagraph (C) based on an approved application for such care but for the application of the penalty period, whichever is later, and which does not occur during any other period of ineligibility under this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made on or after the date of the enactment of this Act.

(d) AVAILABILITY OF HARDSHIP WAIVERS.—Each State shall provide for a hardship waiver process in accordance with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C. 1396p(c)(2)(D))—

(1) under which an undue hardship exists when application of the transfer of assets provision would deprive the individual—

(A) of medical care such that the individual’s health or life would be endangered; or

(B) of food, clothing, shelter, or other necessities of life; and

(2) which provides for—

(A) notice to recipients that an undue hardship exception exists;

(B) a timely process for determining whether an undue hardship waiver will be granted; and

(C) a process under which an adverse determination can be appealed.

(e) ADDITIONAL PROVISIONS ON HARDSHIP WAIVERS.—

(1) APPLICATION BY FACILITY.—Section 1917(c)(2) of the Social Security Act (42 U.S.C. 1396p(c)(2)) is amended—

(A) by striking the semicolon at the end of subparagraph (D) and inserting a period; and

(B) by adding after and below such subparagraph the following:

“The procedures established under subparagraph (D) shall permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the personal representative of the individual.”.

(2) AUTHORITY TO MAKE BED HOLD PAYMENTS FOR HARDSHIP APPLICANTS.—Such section is further amended by adding at the end the following: “While an application for an undue hardship waiver is pending under subparagraph (D) in the case of an individual who is a resident of a nursing facility, if the application meets such criteria as the Secretary specifies, the State may provide for payments for nursing facility services in order to hold the bed for the individual at the facility, but not in excess of payments for 30 days.”.

SEC. 6012. DISCLOSURE AND TREATMENT OF ANNUITIES.

(a) IN GENERAL.—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e)(1) In order to meet the requirements of this section for purposes of section 1902(a)(18), a State shall require, as a condition for the provision of medical assistance for services described in subsection (c)(1)(C)(i) (relating to long-term care services) for an individual, the application of the individual for such assistance (including

any recertification of eligibility for such assistance) shall disclose a description of any interest the individual or community spouse has in an annuity (or similar financial instrument, as may be specified by the Secretary), regardless of whether the annuity is irrevocable or is treated as an asset. Such application or recertification form shall include a statement that under paragraph (2) the State becomes a remainder beneficiary under such an annuity or similar financial instrument by virtue of the provision of such medical assistance.

(2)(A) In the case of disclosure concerning an annuity under subsection (c)(1)(F), the State shall notify the issuer of the annuity of the right of the State under such subsection as a preferred remainder beneficiary in the annuity for medical assistance furnished to the individual. Nothing in this paragraph shall be construed as preventing such an issuer from notifying persons with any other remainder interest of the State’s remainder interest under such subsection.

(B) In the case of such an issuer receiving notice under subparagraph (A), the State may require the issuer to notify the State when there is a change in the amount of income or principal being withdrawn from the amount that was being withdrawn at the time of the most recent disclosure described in paragraph (1). A State shall take such information into account in determining the amount of the State’s obligations for medical assistance or in the individual’s eligibility for such assistance.

(3) The Secretary may provide guidance to States on categories of transactions that may be treated as a transfer of asset for less than fair market value.

(4) Nothing in this subsection shall be construed as preventing a State from denying eligibility for medical assistance for an individual based on the income or resources derived from an annuity described in paragraph (1).”.

(b) REQUIREMENT FOR STATE TO BE NAMED AS A REMAINDER BENEFICIARY.—Section 1917(c)(1) of such Act (42 U.S.C. 1396p(c)(1)), is amended by adding at the end the following:

“(F) For purposes of this paragraph, the purchase of an annuity shall be treated as the disposal of an asset for less than fair market value unless—

(i) the State is named as the remainder beneficiary in the first position for at least the total amount of medical assistance paid on behalf of the annuitant under this title; or

(ii) the State is named as such a beneficiary in the second position after the community spouse or minor or disabled child and is named in the first position if such spouse or a representative of such child disposes of any such remainder for less than fair market value.”.

(c) INCLUSION OF TRANSFERS TO PURCHASE BALLOON ANNUITIES.—Section 1917(c)(1) of such Act (42 U.S.C. 1396p(c)(1)), as amended by subsection (b), is amended by adding at the end the following:

“(G) For purposes of this paragraph with respect to a transfer of assets, the term ‘assets’ includes an annuity purchased by or on behalf of an annuitant who has applied for medical assistance with respect to nursing facility services or other long-term care services under this title unless—

“(i) the annuity is—

“(I) an annuity described in subsection (b) or (q) of section 408 of the Internal Revenue Code of 1986; or

“(II) purchased with proceeds from—

“(aa) an account or trust described in subsection (a), (c), (p) of section 408 of such Code; “(bb) a simplified employee pension (within the meaning of section 408(k) of such Code); or “(cc) a Roth IRA described in section 408A of such Code; or

“(ii) the annuity—

“(I) is irrevocable and nonassignable;

“(II) is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the Social Security Administration); and

“(III) provides for payments in equal amounts during the term of the annuity, with no deferral and no balloon payments made.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transactions (including the purchase of an annuity) occurring on or after the date of the enactment of this Act.

SEC. 6013. APPLICATION OF ‘INCOME-FIRST’ RULE IN APPLYING COMMUNITY SPOUSE’S INCOME BEFORE ASSETS IN PROVIDING SUPPORT OF COMMUNITY SPOUSE.

(a) **IN GENERAL.**—Section 1924(d) of the Social Security Act (42 U.S.C. 1396r-5(d)) is amended by adding at the end the following new subparagraph:

“(6) **APPLICATION OF ‘INCOME FIRST’ RULE TO REVISION OF COMMUNITY SPOUSE RESOURCE ALLOWANCE.**—For purposes of this subsection and subsections (c) and (e), a State must consider that all income of the institutionalized spouse that could be made available to a community spouse, in accordance with the calculation of the community spouse monthly income allowance under this subsection, has been made available before the State allocates to the community spouse an amount of resources adequate to provide the difference between the minimum monthly maintenance needs allowance and all income available to the community spouse.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to transfers and allocations made on or after the date of the enactment of this Act by individuals who become institutionalized spouses on or after such date.

SEC. 6014. DISQUALIFICATION FOR LONG-TERM CARE ASSISTANCE FOR INDIVIDUALS WITH SUBSTANTIAL HOME EQUITY.

(a) **IN GENERAL.**—Section 1917 of the Social Security Act, as amended by section 6012(a), is further amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f)(1)(A) Notwithstanding any other provision of this title, subject to subparagraphs (B) and (C) of this paragraph and paragraph (2), in determining eligibility of an individual for medical assistance with respect to nursing facility services or other long-term care services, the individual shall not be eligible for such assistance if the individual’s equity interest in the individual’s home exceeds \$500,000.

“(B) A State may elect, without regard to the requirements of section 1902(a)(1) (relating to statewidenedness) and section 1902(a)(10)(B) (relating to comparability), to apply subparagraph (A) by substituting for ‘\$500,000’, an amount that exceeds such amount, but does not exceed \$750,000.

“(C) The dollar amounts specified in this paragraph shall be increased, beginning with 2011, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000.

“(2) Paragraph (1) shall not apply with respect to an individual if—

“(A) the spouse of such individual, or

“(B) such individual’s child who is under age 21, or (with respect to States eligible to participate in the State program established under title XVI) is blind or permanently and totally disabled, or (with respect to States which are not eligible to participate in such program) is blind or disabled as defined in section 1614, is lawfully residing in the individual’s home.

“(3) Nothing in this subsection shall be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the individual’s total equity interest in the home.

“(4) The Secretary shall establish a process whereby paragraph (1) is waived in the case of a demonstrated hardship.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals who are determined eligible for medical assistance with respect to nursing facility services or other long-term care services based on an application filed on or after January 1, 2006.

SEC. 6015. ENFORCEABILITY OF CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) AND LIFE CARE COMMUNITY ADMISSION CONTRACTS.

(a) **ADMISSION POLICIES OF NURSING FACILITIES.**—Section 1919(c)(5) of the Social Security Act (42 U.S.C. 1396r(c)(5)) is amended—

(1) in subparagraph (A)(i)(II), by inserting “subject to clause (v),” after “(II)”; and

(2) by adding at the end of subparagraph (B) the following new clause:

“(v) **TREATMENT OF CONTINUING CARE RETIREMENT COMMUNITIES ADMISSION CONTRACTS.**—Notwithstanding subclause (II) of subparagraph (A)(i), subject to subsections (c) and (d) of section 1924, contracts for admission to a State licensed, registered, certified, or equivalent continuing care retirement community or life care community, including services in a nursing facility that is part of such community, may require residents to spend on their care resources declared for the purposes of admission before applying for medical assistance.”.

(b) **TREATMENT OF ENTRANCE FEES.**—Section 1917 of such Act (42 U.S.C. 1396p), as amended by sections 6012(a) and 6014(a), is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) **TREATMENT OF ENTRANCE FEES OF INDIVIDUALS RESIDING IN CONTINUING CARE RETIREMENT COMMUNITIES.**—

“(1) **IN GENERAL.**—For purposes of determining an individual’s eligibility for, or amount of, benefits under a State plan under this title, the rules specified in paragraph (2) shall apply to individuals residing in continuing care retirement communities or life care communities that collect an entrance fee on admission from such individuals.

“(2) **TREATMENT OF ENTRANCE FEE.**—For purposes of this subsection, an individual’s entrance fee in a continuing care retirement community or life care community shall be considered a resource available to the individual to the extent that—

“(A) the individual has the ability to use the entrance fee, or the contract provides that the entrance fee may be used, to pay for care should other resources or income of the individual be insufficient to pay for such care;

“(B) the individual is eligible for a refund of any remaining entrance fee when the individual dies or terminates the continuing care retirement community or life care community contract and leaves the community; and

“(C) the entrance fee does not confer an ownership interest in the continuing care retirement community or life care community.”.

SEC. 6016. ADDITIONAL REFORMS OF MEDICAID ASSET TRANSFER RULES.

(a) **REQUIREMENT TO IMPOSE PARTIAL MONTHS OF INELIGIBILITY.**—Section 1917(c)(1)(E) of the Social Security Act (42 U.S.C. 1396p(c)(1)(E)) is amended by adding at the end the following:

“(iv) A State shall not round down, or otherwise disregard any fractional period of ineligibility determined under clause (i) or (ii) with respect to the disposal of assets.”.

(b) **AUTHORITY FOR STATES TO ACCUMULATE MULTIPLE TRANSFERS INTO ONE PENALTY PERIOD.**—Section 1917(c)(1) of such Act (42 U.S.C. 1396p(c)(1)), as amended by subsections (b) and (c) of section 6012, is amended by adding at the end the following:

“(H) Notwithstanding the preceding provisions of this paragraph, in the case of an individual (or individual’s spouse) who makes multiple fractional transfers of assets in more than 1 month for less than fair market value on or after the applicable look-back date specified in subparagraph (B), a State may determine the period of ineligibility applicable to such individual under this paragraph by—

“(i) treating the total, cumulative uncompensated value of all assets transferred by the individual (or individual’s spouse) during all months on or after the look-back date specified

in subparagraph (B) as 1 transfer for purposes of clause (i) or (ii) (as the case may be) of subparagraph (E); and

“(ii) beginning such period on the earliest date which would apply under subparagraph (D) to any of such transfers.”.

(c) **INCLUSION OF TRANSFER OF CERTAIN NOTES AND LOANS ASSETS.**—Section 1917(c)(1) of such Act (42 U.S.C. 1396p(c)(1)), as amended by subsection (b), is amended by adding at the end the following:

“(I) For purposes of this paragraph with respect to a transfer of assets, the term ‘assets’ includes funds used to purchase a promissory note, loan, or mortgage unless such note, loan, or mortgage—

“(i) has a repayment term that is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the Social Security Administration);

“(ii) provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made; and

“(iii) prohibits the cancellation of the balance upon the death of the lender.

In the case of a promissory note, loan, or mortgage that does not satisfy the requirements of clauses (i) through (iii), the value of such note, loan, or mortgage shall be the outstanding balance due as of the date of the individual’s application for medical assistance for services described in subparagraph (C).”.

(d) **INCLUSION OF TRANSFERS TO PURCHASE LIFE ESTATES.**—Section 1917(c)(1) of such Act (42 U.S.C. 1396p(c)(1)), as amended by subsection (c), is amended by adding at the end the following:

“(J) For purposes of this paragraph with respect to a transfer of assets, the term ‘assets’ includes the purchase of a life estate interest in another individual’s home unless the purchaser resides in the home for a period of at least 1 year after the date of the purchase.”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to payments under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters beginning on or after the date of enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) **EXCEPTIONS.**—The amendments made by this section shall not apply—

(A) to medical assistance provided for services furnished before the date of enactment;

(B) with respect to assets disposed of on or before the date of enactment of this Act; or

(C) with respect to trusts established on or before the date of enactment of this Act.

(3) **EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.**—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

Subchapter B—Expanded Access to Certain Benefits

SEC. 6021. EXPANSION OF STATE LONG-TERM CARE PARTNERSHIP PROGRAM.

(a) **EXPANSION AUTHORITY.**—

(1) **IN GENERAL.**—Section 1917(b) of the Social Security Act (42 U.S.C. 1396p(b)) is amended—

(A) in paragraph (1)(C)—

(i) in clause (ii), by inserting “and which satisfies clause (iv), or which has a State plan amendment that provides for a qualified State long-term care insurance partnership (as defined in clause (iii))” after “1993.”; and

(ii) by adding at the end the following new clauses:

“(iii) For purposes of this paragraph, the term ‘qualified State long-term care insurance partnership’ means an approved State plan amendment under this title that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy if the following requirements are met:

“(I) The policy covers an insured who was a resident of such State when coverage first became effective under the policy.

“(II) The policy is a qualified long-term care insurance policy (as defined in section 7702B(b) of the Internal Revenue Code of 1986) issued not earlier than the effective date of the State plan amendment.

“(III) The policy meets the model regulations and the requirements of the model Act specified in paragraph (5).

“(IV) If the policy is sold to an individual who—

“(aa) has not attained age 61 as of the date of purchase, the policy provides compound annual inflation protection;

“(bb) has attained age 61 but has not attained age 76 as of such date, the policy provides some level of inflation protection; and

“(cc) has attained age 76 as of such date, the policy may (but is not required to) provide some level of inflation protection.

“(V) The State Medicaid agency under section 1902(a)(5) provides information and technical assistance to the State insurance department on the insurance department’s role of assuring that any individual who sells a long-term care insurance policy under the partnership receives training and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.

“(VI) The issuer of the policy provides regular reports to the Secretary, in accordance with regulations of the Secretary, that include notification regarding when benefits provided under the policy have been paid and the amount of such benefits paid, notification regarding when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.

“(VII) The State does not impose any requirement affecting the terms or benefits of such a policy unless the State imposes such requirement on long-term care insurance policies without regard to whether the policy is covered under the partnership or is offered in connection with such a partnership.

In the case of a long-term care insurance policy which is exchanged for another such policy, subclause (I) shall be applied based on the coverage of the first such policy that was exchanged. For purposes of this clause and paragraph (5), the term ‘long-term care insurance policy’ includes a certificate issued under a group insurance contract

“(iv) With respect to a State which had a State plan amendment approved as of May 14, 1993, such a State satisfies this clause for purposes of clause (ii) if the Secretary determines that the State plan amendment provides for consumer protection standards which are no less stringent than the consumer protection standards which applied under such State plan amendment as of December 31, 2005.

“(v) The regulations of the Secretary required under clause (iii)(VI) shall be promulgated after consultation with the National Association of Insurance Commissioners, issuers of long-term care insurance policies, States with experience

with long-term care insurance partnership plans, other States, and representatives of consumers of long-term care insurance policies, and shall specify the type and format of the data and information to be reported and the frequency with which such reports are to be made. The Secretary, as appropriate, shall provide copies of the reports provided in accordance with that clause to the State involved.

“(vi) The Secretary, in consultation with other appropriate Federal agencies, issuers of long-term care insurance, the National Association of Insurance Commissioners, State insurance commissioners, States with experience with long-term care insurance partnership plans, other States, and representatives of consumers of long-term care insurance policies, shall develop recommendations for Congress to authorize and fund a uniform minimum data set to be reported electronically by all issuers of long-term care insurance policies under qualified State long-term care insurance partnerships to a secure, centralized electronic query and report-generating mechanism that the State, the Secretary, and other Federal agencies can access.”; and

(B) by adding at the end the following:

“(5)(A) For purposes of clause (iii)(III), the model regulations and the requirements of the model Act specified in this paragraph are:

“(i) In the case of the model regulation, the following requirements:

“(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

“(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

“(III) Section 6C (relating to extension of benefits).

“(IV) Section 6D (relating to continuation or conversion of coverage).

“(V) Section 6E (relating to discontinuance and replacement of policies).

“(VI) Section 7 (relating to unintentional lapse).

“(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

“(VIII) Section 9 (relating to required disclosure of rating practices to consumer).

“(IX) Section 11 (relating to prohibitions against post-claims underwriting).

“(X) Section 12 (relating to minimum standards).

“(XI) Section 14 (relating to application forms and replacement coverage).

“(XII) Section 15 (relating to reporting requirements).

“(XIII) Section 22 (relating to filing requirements for marketing).

“(XIV) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

“(XV) Section 24 (relating to suitability).

“(XVI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

“(XVII) The provisions of section 26 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

“(XVIII) Section 29 (relating to standard format outline of coverage).

“(XIX) Section 30 (relating to requirement to deliver shopper’s guide).

“(ii) In the case of the model Act, the following:

“(I) Section 6C (relating to preexisting conditions).

“(II) Section 6D (relating to prior hospitalization).

“(III) The provisions of section 8 relating to contingent nonforfeiture benefits.

“(IV) Section 6F (relating to right to return).

“(V) Section 6G (relating to outline of coverage).

“(VI) Section 6H (relating to requirements for certificates under group plans).

“(VII) Section 6J (relating to policy summary).

“(VIII) Section 6K (relating to monthly reports on accelerated death benefits).

“(IX) Section 7 (relating to incontestability period).

“(B) For purposes of this paragraph and paragraph (1)(C)—

“(i) the terms ‘model regulation’ and ‘model Act’ mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000);

“(ii) any provision of the model regulation or model Act listed under subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision; and

“(iii) with respect to a long-term care insurance policy issued in a State, the policy shall be deemed to meet applicable requirements of the model regulation or the model Act if the State plan amendment under paragraph (1)(C)(iii) provides that the State insurance commissioner for the State certifies (in a manner satisfactory to the Secretary) that the policy meets such requirements.

“(C) Not later than 12 months after the National Association of Insurance Commissioners issues a revision, update, or other modification of a model regulation or model Act provision specified in subparagraph (A), or of any provision of such regulation or Act that is substantively related to a provision specified in such subparagraph, the Secretary shall review the changes made to the provision, determine whether incorporating such changes into the corresponding provision specified in such subparagraph would improve qualified State long-term care insurance partnerships, and if so, shall incorporate the changes into such provision.”.

(2) STATE REPORTING REQUIREMENTS.—Nothing in clauses (iii)(VI) and (v) of section 1917(b)(1)(C) of the Social Security Act (as added by paragraph (1)) shall be construed as prohibiting a State from requiring an issuer of a long-term care insurance policy sold in the State (regardless of whether the policy is issued under a qualified State long-term care insurance partnership under section 1917(b)(1)(C)(iii) of such Act) to require the issuer to report information or data to the State that is in addition to the information or data required under such clauses.

(3) EFFECTIVE DATE.—A State plan amendment that provides for a qualified State long-term care insurance partnership under the amendments made by paragraph (1) may provide that such amendment is effective for long-term care insurance policies issued on or after a date, specified in the amendment, that is not earlier than the first day of the first calendar quarter in which the plan amendment was submitted to the Secretary of Health and Human Services.

(b) STANDARDS FOR RECIPROCAL RECOGNITION AMONG PARTNERSHIP STATES.—In order to permit portability in long-term care insurance policies purchased under State long-term care insurance partnerships, the Secretary of Health and Human Services shall develop, not later than January 1, 2007, and in consultation with the National Association of Insurance Commissioners, issuers of long-term care insurance policies, States with experience with long-term care insurance partnership plans, other States, and representatives of consumers of long-term care insurance policies, standards for uniform reciprocal recognition of such policies among States with qualified State long-term care insurance partnerships under which—

(1) benefits paid under such policies will be treated the same by all such States; and

(2) States with such partnerships shall be subject to such standards unless the State notifies the Secretary in writing of the State’s election to be exempt from such standards.

(c) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall annually report to Congress on the long-term care insurance partnerships established in accordance with section 1917(b)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)(ii)) (as amended by subsection (a)(1)). Such reports shall include analyses of the extent to which such partnerships expand or limit access of individuals to long-term care and the impact of such partnerships on Federal and State expenditures under the Medicare and Medicaid programs. Nothing in this section shall be construed as requiring the Secretary to conduct an independent review of each long-term care insurance policy offered under or in connection with such a partnership.

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services, \$1,000,000 for the period of fiscal years 2006 through 2010 to carry out paragraph (1).

(d) NATIONAL CLEARINGHOUSE FOR LONG-TERM CARE INFORMATION.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a National Clearinghouse for Long-Term Care Information. The Clearinghouse may be established through a contract or interagency agreement.

(2) DUTIES.—

(A) IN GENERAL.—The National Clearinghouse for Long-Term Care Information shall—

(i) educate consumers with respect to the availability and limitations of coverage for long-term care under the Medicaid program and provide contact information for obtaining State-specific information on long-term care coverage, including eligibility and estate recovery requirements under State Medicaid programs;

(ii) provide objective information to assist consumers with the decisionmaking process for determining whether to purchase long-term care insurance or to pursue other private market alternatives for purchasing long-term care and provide contact information for additional objective resources on planning for long-term care needs; and

(iii) maintain a list of States with State long-term care insurance partnerships under the Medicaid program that provide reciprocal recognition of long-term care insurance policies issued under such partnerships.

(B) REQUIREMENT.—In providing information to consumers on long-term care in accordance with this subsection, the National Clearinghouse for Long-Term Care Information shall not advocate in favor of a specific long-term care insurance provider or a specific long-term care insurance policy.

(3) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this subsection, \$3,000,000 for each of fiscal years 2006 through 2010.

CHAPTER 3—ELIMINATING FRAUD, WASTE, AND ABUSE IN MEDICAID**SEC. 6032. ENCOURAGING THE ENACTMENT OF STATE FALSE CLAIMS ACTS.**

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1908A the following:

“STATE FALSE CLAIMS ACT REQUIREMENTS FOR INCREASED STATE SHARE OF RECOVERIES

“SEC. 1909. (a) IN GENERAL.—Notwithstanding section 1905(b), if a State has in effect a law relating to false or fraudulent claims that meets the requirements of subsection (b), the Federal medical assistance percentage with respect to any amounts recovered under a State action brought under such law, shall be decreased by 10 percentage points.

“(b) REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are that the Inspector General of the Department of Health and Human Services, in consultation with the Attorney General, determines that the State has in effect a law that meets the following requirements:

“(1) The law establishes liability to the State for false or fraudulent claims described in section 3729 of title 31, United States Code, with respect to any expenditure described in section 1903(a).

“(2) The law contains provisions that are at least as effective in rewarding and facilitating qui tam actions for false or fraudulent claims as those described in sections 3730 through 3732 of title 31, United States Code.

“(3) The law contains a requirement for filing an action under seal for 60 days with review by the State Attorney General.

“(4) The law contains a civil penalty that is not less than the amount of the civil penalty authorized under section 3729 of title 31, United States Code.

“(c) DEEMED COMPLIANCE.—A State that, as of January 1, 2007, has a law in effect that meets the requirements of subsection (b) shall be deemed to be in compliance with such requirements for so long as the law continues to meet such requirements.

“(d) NO PRECLUSION OF BROADER LAWS.—Nothing in this section shall be construed as prohibiting a State that has in effect a law that establishes liability to the State for false or fraudulent claims described in section 3729 of title 31, United States Code, with respect to programs in addition to the State program under this title, or with respect to expenditures in addition to expenditures described in section 1903(a), from being considered to be in compliance with the requirements of subsection (a) so long as the law meets such requirements.”.

(b) EFFECTIVE DATE.—Except as provided in section 6035(e), the amendments made by this section take effect on January 1, 2007.

SEC. 6033. EMPLOYEE EDUCATION ABOUT FALSE CLAIMS RECOVERY.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking “and” at the end;

(2) in paragraph (67) by striking the period at the end and inserting “; and”;

(3) by inserting after paragraph (67) the following:

“(68) provide that any entity that receives or makes annual payments under the State plan of at least \$5,000,000, as a condition of receiving such payments, shall—

“(A) establish written policies for all employees of the entity (including management), and of any contractor or agent of the entity, that provide detailed information about the False Claims Act established under sections 3729 through 3733 of title 31, United States Code, administrative remedies for false claims and statements established under chapter 38 of title 31, United States Code, any State laws pertaining to civil or criminal penalties for false claims and statements, and whistleblower protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs (as defined in section 1128B(f));

“(B) include as part of such written policies, detailed provisions regarding the entity’s policies and procedures for detecting and preventing fraud, waste, and abuse; and

“(C) include in any employee handbook for the entity, a specific discussion of the laws described in subparagraph (A), the rights of employees to be protected as whistleblowers, and the entity’s policies and procedures for detecting and preventing fraud, waste, and abuse.”.

(b) EFFECTIVE DATE.—Except as provided in section 6035(e), the amendments made by subsection (a) take effect on January 1, 2007.

SEC. 6034. PROHIBITION ON RESTOCKING AND DOUBLE BILLING OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1903(i)(10) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by section 6002(b), is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “; or” at the end and inserting “, and”;

(3) by adding at the end the following:

“(D) with respect to any amount expended for reimbursement to a pharmacy under this title for the ingredient cost of a covered outpatient drug for which the pharmacy has already received payment under this title (other than with respect to a reasonable restocking fee for such drug); or”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 6035. MEDICAID INTEGRITY PROGRAM.

(a) ESTABLISHMENT OF MEDICAID INTEGRITY PROGRAM.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1936 as section 1937; and

(2) by inserting after section 1935 the following:

“MEDICAID INTEGRITY PROGRAM

“SEC. 1936. (a) IN GENERAL.—There is hereby established the Medicaid Integrity Program (in this section referred to as the ‘Program’) under which the Secretary shall promote the integrity of the program under this title by entering into contracts in accordance with this section with eligible entities to carry out the activities described in subsection (b).

“(b) ACTIVITIES DESCRIBED.—Activities described in this subsection are as follows:

“(1) Review of the actions of individuals or entities furnishing items or services (whether on a fee-for-service, risk, or other basis) for which payment may be made under a State plan approved under this title (or under any waiver of such plan approved under section 1115) to determine whether fraud, waste, or abuse has occurred, is likely to occur, or whether such actions have any potential for resulting in an expenditure of funds under this title in a manner which is not intended under the provisions of this title.

“(2) Audit of claims for payment for items or services furnished, or administrative services rendered, under a State plan under this title, including—

“(A) cost reports;

“(B) consulting contracts; and

“(C) risk contracts under section 1903(m).

“(3) Identification of overpayments to individuals or entities receiving Federal funds under this title.

“(4) Education of providers of services, managed care entities, beneficiaries, and other individuals with respect to payment integrity and quality of care.

“(c) ELIGIBLE ENTITY AND CONTRACTING REQUIREMENTS.—

“(1) IN GENERAL.—An entity is eligible to enter into a contract under the Program to carry out any of the activities described in subsection (b) if the entity satisfies the requirements of paragraphs (2) and (3).

“(2) ELIGIBILITY REQUIREMENTS.—The requirements of this paragraph are the following:

“(A) The entity has demonstrated capability to carry out the activities described in subsection (b).

“(B) In carrying out such activities, the entity agrees to cooperate with the Inspector General of the Department of Health and Human Services, the Attorney General, and other law enforcement agencies, as appropriate, in the investigation and deterrence of fraud and abuse in relation to this title and in other cases arising out of such activities.

“(C) The entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

“(D) The entity meets such other requirements as the Secretary may impose.

“(3) CONTRACTING REQUIREMENTS.—The entity has contracted with the Secretary in accordance with such procedures as the Secretary shall by regulation establish, except that such procedures shall include the following:

“(A) Procedures for identifying, evaluating, and resolving organizational conflicts of interest that are generally applicable to Federal acquisition and procurement.

“(B) Competitive procedures to be used—
“(i) when entering into new contracts under this section;

“(ii) when entering into contracts that may result in the elimination of responsibilities under section 202(b) of the Health Insurance Portability and Accountability Act of 1996; and
“(iii) at any other time considered appropriate by the Secretary.

“(C) Procedures under which a contract under this section may be renewed without regard to any provision of law requiring competition if the contractor has met or exceeded the performance requirements established in the current contract.
The Secretary may enter into such contracts without regard to final rules having been promulgated.

“(4) LIMITATION ON CONTRACTOR LIABILITY.—The Secretary shall by regulation provide for the limitation of a contractor’s liability for actions taken to carry out a contract under the Program, and such regulation shall, to the extent the Secretary finds appropriate, employ the same or comparable standards and other substantive and procedural provisions as are contained in section 1157.

“(d) COMPREHENSIVE PLAN FOR PROGRAM INTEGRITY.—

“(1) 5-YEAR PLAN.—With respect to the 5 fiscal year period beginning with fiscal year 2006, and each such 5-fiscal year period that begins thereafter, the Secretary shall establish a comprehensive plan for ensuring the integrity of the program established under this title by combatting fraud, waste, and abuse.

“(2) CONSULTATION.—Each 5-fiscal year plan established under paragraph (1) shall be developed by the Secretary in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, the Comptroller General of the United States, the Inspector General of the Department of Health and Human Services, and State officials with responsibility for controlling provider fraud and abuse under State plans under this title.

“(e) APPROPRIATION.—

“(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to carry out the Medicaid Integrity Program under this section, without further appropriation—

“(A) for fiscal year 2006, \$5,000,000;

“(B) for each of fiscal years 2007 and 2008, \$50,000,000; and

“(C) for each fiscal year thereafter, \$75,000,000.

“(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

“(3) INCREASE IN CMS STAFFING DEVOTED TO PROTECTING MEDICAID PROGRAM INTEGRITY.—From the amounts appropriated under paragraph (1), the Secretary shall increase by 100 the number of full-time equivalent employees whose duties consist solely of protecting the integrity of the Medicaid program established under this section by providing effective support and assistance to States to combat provider fraud and abuse.

“(4) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year (beginning with fiscal year 2006), the Secretary shall submit a report to Congress which identifies—

“(A) the use of funds appropriated pursuant to paragraph (1); and

“(B) the effectiveness of the use of such funds.”.

(b) STATE REQUIREMENT TO COOPERATE WITH INTEGRITY PROGRAM EFFORTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by section 6033(a), is amended—

(1) in paragraph (67), by striking “and” at the end;

(2) in paragraph (68), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (68), the following:

“(69) provide that the State must comply with any requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1396.”.

(c) INCREASED FUNDING FOR MEDICAID FRAUD AND ABUSE CONTROL ACTIVITIES.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services, without further appropriation, \$25,000,000 for each of fiscal years 2006 through 2010, for activities of such Office with respect to the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to paragraph (1) shall—

(A) remain available until expended; and

(B) be in addition to any other amounts appropriated or made available to the Office of the Inspector General of the Department of Health and Human Services for activities of such Office with respect to the Medicaid program.

(3) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year (beginning with fiscal year 2006), the Inspector General of the Department of Health and Human Services shall submit a report to Congress which identifies—

(A) the use of funds appropriated pursuant to paragraph (1); and

(B) the effectiveness of the use of such funds.

(d) NATIONAL EXPANSION OF THE MEDICARE-MEDICAID (MEDI-MEDI) DATA MATCH PILOT PROGRAM.—

(1) REQUIREMENT OF THE MEDICARE INTEGRITY PROGRAM.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended—

(A) in subsection (b), by adding at the end the following:

“(6) The Medicare-Medicaid Data Match Program in accordance with subsection (g).”; and

(B) by adding at the end the following:

“(g) MEDICARE-MEDICAID DATA MATCH PROGRAM.—

“(1) EXPANSION OF PROGRAM.—

“(A) IN GENERAL.—The Secretary shall enter into contracts with eligible entities for the purpose of ensuring that, beginning with 2006, the Medicare-Medicaid Data Match Program (commonly referred to as the ‘Medi-Medi Program’) is conducted with respect to the program established under this title and State Medicaid programs under title XIX for the purpose of—

“(i) identifying program vulnerabilities in the program established under this title and the Medicaid program established under title XIX through the use of computer algorithms to look for payment anomalies (including billing or billing patterns identified with respect to service, time, or patient that appear to be suspect or otherwise implausible);

“(ii) working with States, the Attorney General, and the Inspector General of the Department of Health and Human Services to coordinate appropriate actions to protect the Federal and State share of expenditures under the Medicaid program under title XIX, as well as the program established under this title; and

“(iii) increasing the effectiveness and efficiency of both such programs through cost avoidance, savings, and recoupments of fraudulent, wasteful, or abusive expenditures.

“(B) REPORTING REQUIREMENTS.—The Secretary shall make available in a timely manner any data and statistical information collected by the Medi-Medi Program to the Attorney General, the Director of the Federal Bureau of Investigation, the Inspector General of the Department of Health and Human Services, and the States (including a Medicaid fraud and abuse control unit described in section 1903(q)). Such information shall be disseminated no less frequently than quarterly.

“(2) LIMITED WAIVER AUTHORITY.—The Secretary shall waive only such requirements of this section and of titles XI and XIX as are necessary to carry out paragraph (1).”.

(2) FUNDING.—Section 1817(k)(4) of such Act (42 U.S.C. 1395i(k)(4)), as amended by section 5204 of this Act, is amended—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B), (C), and (D)”; and

(B) by adding at the end the following:

“(D) EXPANSION OF THE MEDICARE-MEDICAID DATA MATCH PROGRAM.—The amount appropriated under subparagraph (A) for a fiscal year is further increased as follows for purposes of carrying out section 1893(b)(6) for the respective fiscal year:

“(i) \$12,000,000 for fiscal year 2006.

“(ii) \$24,000,000 for fiscal year 2007.

“(iii) \$36,000,000 for fiscal year 2008.

“(iv) \$48,000,000 for fiscal year 2009.

“(v) \$60,000,000 for fiscal year 2010 and each fiscal year thereafter.”.

(e) DELAYED EFFECTIVE DATE FOR CHAPTER.—Except as otherwise provided in this chapter, in the case of a State plan under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this chapter, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 6036. ENHANCING THIRD PARTY IDENTIFICATION AND PAYMENT.

(a) CLARIFICATION OF THIRD PARTIES LEGALLY RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE.—Section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by inserting “, self-insured plans” after “health insurers”; and

(B) by striking “and health maintenance organizations” and inserting “managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service”; and

(2) in subparagraph (G)—

(A) by inserting “a self-insured plan,” after “1974.”; and

(B) by striking “and a health maintenance organization” and inserting “a managed care organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service”.

(b) REQUIREMENT FOR THIRD PARTIES TO PROVIDE THE STATE WITH COVERAGE ELIGIBILITY AND CLAIMS DATA.—Section 1902(a)(25) of such Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by adding “and” after the semicolon at the end; and

(3) by inserting after subparagraph (H), the following:

“(I) that the State shall provide assurances satisfactory to the Secretary that the State has in effect laws requiring health insurers, including self-insured plans, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health

care item or service, as a condition of doing business in the State, to—

“(i) provide, with respect to individuals who are eligible for, or are provided, medical assistance under the State plan, upon the request of the State, information to determine during what period the individual or their spouses or their dependents may be (or may have been) covered by a health insurer and the nature of the coverage that is or was provided by the health insurer (including the name, address, and identifying number of the plan) in a manner prescribed by the Secretary;

“(ii) accept the State’s right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan;

“(iii) respond to any inquiry by the State regarding a claim for payment for any health care item or service that is submitted not later than 3 years after the date of the provision of such health care item or service; and

“(iv) agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if—

“(I) the claim is submitted by the State within the 3-year period beginning on the date on which the item or service was furnished; and

“(II) any action by the State to enforce its rights with respect to such claim is commenced within 6 years of the State’s submission of such claim.”;

(c) **EFFECTIVE DATE.**—Except as provided in section 6035(e), the amendments made by this section take effect on January 1, 2006.

SEC. 6037. IMPROVED ENFORCEMENT OF DOCUMENTATION REQUIREMENTS.

(a) **IN GENERAL.**—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i), as amended by section 104 of Public Law 109-91

(A) by striking “or” at the end of paragraph (20);

(B) by striking the period at the end of paragraph (21) and inserting “; or”; and

(C) by inserting after paragraph (21) the following new paragraph:

“(22) with respect to amounts expended for medical assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of subsection (x) is met.”; and

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

“(x)(1) For purposes of subsection (i)(23), the requirement of this subsection is, with respect to an individual declaring to be a citizen or national of the United States, that, subject to paragraph (2), there is presented satisfactory documentary evidence of citizenship or nationality (as defined in paragraph (3)) of the individual.

“(2) The requirement of paragraph (1) shall not apply to an alien who is eligible for medical assistance under this title—

“(A) and is entitled to or enrolled for benefits under any part of title XVIII;

“(B) on the basis of receiving supplemental security income benefits under title XVI; or

“(C) on such other basis as the Secretary may specify under which satisfactory documentary evidence of citizenship or nationality had been previously presented.

“(3)(A) For purposes of this subsection, the term ‘satisfactory documentary evidence of citizenship or nationality’ means—

“(i) any document described in subparagraph (B); or

“(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

“(B) The following are documents described in this subparagraph:

“(i) A United States passport.

“(ii) Form N-550 or N-570 (Certificate of Naturalization).

“(iii) Form N-560 or N-561 (Certificate of United States Citizenship).

“(iv) A valid State-issued driver’s license or other identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act, but only if the State issuing the license or such document requires proof of United States citizenship before issuance of such license or document or obtains a social security number from the applicant and verifies before certification that such number is valid and assigned to the applicant who is a citizen.

“(v) Such other document as the Secretary may specify, by regulation, that provides proof of United States citizenship or nationality and that provides a reliable means of documentation of personal identity.

“(C) The following are documents described in this subparagraph:

“(i) A certificate of birth in the United States.

“(ii) Form FS-545 or Form DS-1350 (Certification of Birth Abroad).

“(iii) Form I-97 (United States Citizen Identification Card).

“(iv) Form FS-240 (Report of Birth Abroad of a Citizen of the United States).

“(v) Such other document (not described in subparagraph (B)(iv)) as the Secretary may specify that provides proof of United States citizenship or nationality.

“(D) The following are documents described in this subparagraph:

“(i) Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.

“(ii) Any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.

“(E) A reference in this paragraph to a form includes a reference to any successor form.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to determinations of initial eligibility for medical assistance made on or after July 1, 2006, and to redeterminations of eligibility made on or after such date in the case of individuals for whom the requirement of section 1903(z) of the Social Security Act, as added by such amendments, was not previously met.

(c) **IMPLEMENTATION REQUIREMENT.**—As soon as practicable after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an outreach program that is designed to educate individuals who are likely to be affected by the requirements of subsections (i)(23) and (x) of section 1903 of the Social Security Act (as added by subsection (a)) about such requirements and how they may be satisfied.

CHAPTER 4—FLEXIBILITY IN COST SHARING AND BENEFITS

SEC. 6041. STATE OPTION FOR ALTERNATIVE MEDICAID PREMIUMS AND COST SHARING.

(a) **IN GENERAL.**—Title XIX of the Social Security Act is amended by inserting after section 1916 the following new section:

“STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING

“SEC. 1916A. (a) **STATE FLEXIBILITY.**—

“(1) **IN GENERAL.**—Notwithstanding sections 1916 and 1902(a)(10)(B), a State, at its option and through a State plan amendment, may impose premiums and cost sharing for any group of individuals (as specified by the State) and for any type of services (other than drugs for which cost sharing may be imposed under subsection (c)), and may vary such premiums and cost sharing among such groups or types, consistent with the limitations established under this section. Nothing in this section shall be construed as superseding (or preventing the application of) section 1916(g).

“(2) **DEFINITIONS.**—In this section:

“(A) **PREMIUM.**—The term ‘premium’ includes any enrollment fee or similar charge.

“(B) **COST SHARING.**—The term ‘cost sharing’ includes any deduction, copayment, or similar charge.

“(b) **LIMITATIONS ON EXERCISE OF AUTHORITY.**—

“(1) **INDIVIDUALS WITH FAMILY INCOME BETWEEN 100 AND 150 PERCENT OF THE POVERTY LINE.**—In the case of an individual whose family income exceeds 100 percent, but does not exceed 150 percent, of the poverty line applicable to a family of the size involved, subject to subsections (c)(2) and (e)(2)(A)—

“(A) no premium may be imposed under the plan; and

“(B) with respect to cost sharing—

“(i) the cost sharing imposed under subsection (a) with respect to any item or service may not exceed 10 percent of the cost of such item or service; and

“(ii) the total aggregate amount of cost sharing imposed under this section (including any cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not exceed 5 percent of the family income of the family involved, as applied on a quarterly or monthly basis (as specified by the State).

“(2) **INDIVIDUALS WITH FAMILY INCOME ABOVE 150 PERCENT OF THE POVERTY LINE.**—In the case of an individual whose family income exceeds 150 percent of the poverty line applicable to a family of the size involved, subject to subsections (c)(2) and (e)(2)(A)—

“(A) the total aggregate amount of premiums and cost sharing imposed under this section (including any cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not exceed 5 percent of the family income of the family involved, as applied on a quarterly or monthly basis (as specified by the State); and

“(B) with respect to cost sharing, the cost sharing imposed with respect to any item or service under subsection (a) may not exceed 20 percent of the cost of such item or service.

“(3) **ADDITIONAL LIMITATIONS.**—

“(A) **PREMIUMS.**—No premiums shall be imposed under this section with respect to the following:

“(i) Individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including individuals with respect to whom aid or assistance is made available under part B of title IV to children in foster care and individuals with respect to whom adoption or foster care assistance is made available under part E of such title, without regard to age.

“(ii) Pregnant women.

“(iii) Any terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(iv) Any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual’s income required for personal needs.

“(v) Women who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XVIII) and 1902(aa).

“(B) **COST SHARING.**—Subject to the succeeding provisions of this section, no cost sharing shall be imposed under subsection (a) with respect to the following:

“(i) Services furnished to individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including services furnished to individuals with respect to whom aid or assistance is made available under part B of title IV to children in foster care and individuals with respect to whom adoption or foster care assistance is made available under part E of such title, without regard to age.

“(ii) Preventive services (such as well baby and well child care and immunizations) provided to children under 18 years of age regardless of family income.

“(iii) Services furnished to pregnant women, if such services relate to the pregnancy or to any other medical condition which may complicate the pregnancy.

“(iv) Services furnished to a terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(v) Services furnished to any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual's income required for personal needs.

“(vi) Emergency services (as defined by the Secretary for purposes of section 1916(a)(2)(D)).

“(vii) Family planning services and supplies described in section 1905(a)(4)(C).

“(viii) Services furnished to women who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XVIII) and 1902(aa).

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from exempting additional classes of individuals from premiums under this section or from exempting additional individuals or services from cost sharing under subsection (a).

“(4) DETERMINATIONS OF FAMILY INCOME.—In applying this subsection, family income shall be determined in a manner specified by the State for purposes of this subsection, including the use of such disregards as the State may provide. Family income shall be determined for such period and at such periodicity as the State may provide under this title.

“(5) POVERTY LINE DEFINED.—For purposes of this section, the term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(6) CONSTRUCTION.—Nothing in this section shall be construed—

“(A) as preventing a State from further limiting the premiums and cost sharing imposed under this section beyond the limitations provided under this section;

“(B) as affecting the authority of the Secretary through waiver to modify limitations on premiums and cost sharing under this section; or

“(C) as affecting any such waiver of requirements in effect under this title before the date of the enactment of this section with regard to the imposition of premiums and cost sharing.

“(d) ENFORCEABILITY OF PREMIUMS AND OTHER COST SHARING.—

“(1) PREMIUMS.—Notwithstanding section 1916(c)(3) and section 1902(a)(10)(B), a State may, at its option, condition the provision of medical assistance for an individual upon prepayment of a premium authorized to be imposed under this section, or may terminate eligibility for such medical assistance on the basis of failure to pay such a premium but shall not terminate eligibility of an individual for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days. A State may apply the previous sentence for some or all groups of beneficiaries as specified by the State and may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.

“(2) COST SHARING.—Notwithstanding section 1916(e) or any other provision of law, a State may permit a provider participating under the State plan to require, as a condition for the provision of care, items, or services to an individual entitled to medical assistance under this title for such care, items, or services, the payment of any cost sharing authorized to be imposed under this section with respect to such care, items, or services. Nothing in this paragraph shall be construed as preventing a provider from reducing or waiving the application of such cost sharing on a case-by-case basis.”

(b) INDEXING NOMINAL COST SHARING AND CONFORMING AMENDMENT.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(1) in subsection (f), by inserting “and section 1916A” after “(b)(3)”; and

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

“(h) In applying this section and subsections (c) and (e) of section 1916A, with respect to cost sharing that is ‘nominal’ in amount, the Secretary shall increase such ‘nominal’ amounts for each year (beginning with 2006) by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost sharing imposed for items and services furnished on or after March 31, 2006.

SEC. 6042. SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 6041(a), is amended by inserting after subsection (b) the following new subsection:

“(c) SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In order to encourage beneficiaries to use drugs (in this subsection referred to as ‘preferred drugs’) identified by the State as the least (or less) costly effective prescription drugs within a class of drugs (as defined by the State), with respect to one or more groups of beneficiaries specified by the State, subject to paragraph (2), the State may—

“(A) provide cost sharing (instead of the level of cost sharing otherwise permitted under section 1916, but subject to paragraphs (2) and (3)) with respect to drugs that are not preferred drugs within a class; and

“(B) waive or reduce the cost sharing otherwise applicable for preferred drugs within such class and shall not apply any such cost sharing for such preferred drugs for individuals for whom cost sharing may not otherwise be imposed under subsection (b)(3)(B).

“(2) LIMITATIONS.—

“(A) BY INCOME GROUP.—In no case may the cost sharing under paragraph (1)(A) with respect to a non-preferred drug exceed—

“(i) in the case of an individual whose family income does not exceed 150 percent of the poverty line applicable to a family of the size involved, the amount of nominal cost sharing (as otherwise determined under section 1916); or

“(ii) in the case of an individual whose family income exceeds 150 percent of the poverty line applicable to a family of the size involved, 20 percent of the cost of the drug.

“(B) LIMITATION TO NOMINAL FOR EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing due to the application of subsection (b)(3)(B), any cost sharing under paragraph (1)(A) with respect to a non-preferred drug may not exceed a nominal amount (as otherwise determined under section 1916).

“(C) CONTINUED APPLICATION OF AGGREGATE CAP.—In addition to the limitations imposed under subparagraphs (A) and (B), any cost sharing under paragraph (1)(A) continues to be subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be.

“(3) WAIVER.—In carrying out paragraph (1), a State shall provide for the application of cost sharing levels applicable to a preferred drug in the case of a drug that is not a preferred drug if the prescribing physician determines that the preferred drug for treatment of the same condition either would not be as effective for the individual or would have adverse effects for the individual or both.

“(4) EXCLUSION AUTHORITY.—Nothing in this subsection shall be construed as preventing a State from excluding specified drugs or classes of drugs from the application of paragraph (1).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost sharing imposed for items and services furnished on or after March 31, 2006.

SEC. 6043. EMERGENCY ROOM COPAYMENTS FOR NON-EMERGENCY CARE.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 6041 and as amended by section 6042, is further amended by adding at the end the following new subsection:

“(e) STATE OPTION FOR PERMITTING HOSPITALS TO IMPOSE COST SHARING FOR NON-EMERGENCY CARE FURNISHED IN AN EMERGENCY DEPARTMENT.—

“(1) IN GENERAL.—Notwithstanding section 1916 and section 1902(a)(1) or the previous provisions of this section, but subject to the limitations of paragraph (2), a State may, by amendment to its State plan under this title, permit a hospital to impose cost sharing for non-emergency services furnished to an individual (within one or more groups of individuals specified by the State) in the hospital emergency department under this subsection if the following conditions are met:

“(A) ACCESS TO NON-EMERGENCY ROOM PROVIDER.—The individual has actually available and accessible (as such terms are applied by the Secretary under section 1916(b)(3)) an alternate non-emergency services provider with respect to such services.

“(B) NOTICE.—The hospital must inform the beneficiary after receiving an appropriate medical screening examination under section 1867 and after a determination has been made that the individual does not have an emergency medical condition, but before providing the non-emergency services, of the following:

“(i) The hospital may require the payment of the State specified cost sharing before the service can be provided.

“(ii) The name and location of an alternate non-emergency services provider (described in subparagraph (A)) that is actually available and accessible (as described in such subparagraph).

“(iii) The fact that such alternate provider can provide the services without the imposition of cost sharing described in clause (i).

“(iv) The hospital provides a referral to coordinate scheduling of this treatment.

Nothing in this subsection shall be construed as preventing a State from applying (or waiving) cost sharing otherwise permissible under this section to services described in clause (iii).

“(2) LIMITATIONS.—

“(A) FOR POOREST BENEFICIARIES.—In the case of an individual described in subsection (b)(1), the cost sharing imposed under this subsection may not exceed twice the amount determined to be nominal under section 1916, subject to the percent of income limitation otherwise applicable under subsection (b)(1).

“(B) APPLICATION TO EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing under subsection (b)(3), a State may impose cost sharing under paragraph (1) for care in an amount that does not exceed a nominal amount (as otherwise determined under section 1916) so long as no cost sharing is imposed to receive such care through an outpatient department or other alternative health care provider in the geographic area of the hospital emergency department involved.

“(C) CONTINUED APPLICATION OF AGGREGATE CAP; RELATION TO OTHER COST SHARING.—In addition to the limitations imposed under subparagraphs (A) and (B), any cost sharing under paragraph (1) is subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be. Cost sharing imposed for services under this subsection shall be instead of any cost sharing that may be imposed for such services under subsection (a).

“(3) CONSTRUCTION.—Nothing in this section shall be construed—

“(A) to limit a hospital's obligations with respect to screening and stabilizing treatment of

an emergency medical condition under section 1867; or

“(B) to modify any obligations under either State or Federal standards relating to the application of a prudent-layperson standard with respect to payment or coverage of emergency services by any managed care organization.

“(4) STANDARD REGARDING IMPOSITION OF COST SHARING.—No hospital or physician shall be liable in any civil action or proceeding for the imposition of cost-sharing under this section, absent a finding by clear and convincing evidence of gross negligence by the hospital or physician. The previous sentence shall not affect any liability under section 1867 or otherwise applicable under State law based upon the provision of (or failure to provide) care.

“(5) DEFINITIONS.—For purposes of this subsection:

“(A) NON-EMERGENCY SERVICES.—The term ‘non-emergency services’ means any care or services furnished in an emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment required to be provided by the hospital under section 1867.

“(B) ALTERNATE NON-EMERGENCY SERVICES PROVIDER.—The term ‘alternate non-emergency services provider’ means, with respect to non-emergency services for the diagnosis or treatment of a condition, a health care provider, such as a physician’s office, health care clinic, community health center, hospital outpatient department, or similar health care provider, that can provide clinically appropriate services for the diagnosis or treatment of a condition contemporaneously with the provision of the non-emergency services that would be provided in an emergency department of a hospital for the diagnosis or treatment of a condition, and that is participating in the program under this title.”.

(b) GRANT FUNDS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b), as amended by section 6037(a)(2), is amended by adding at the end the following new subsection:

“(y) PAYMENTS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—

“(1) PAYMENTS.—In addition to the payments otherwise provided under subsection (a), subject to paragraph (2), the Secretary shall provide for payments to States under such subsection for the establishment of alternate non-emergency service providers (as defined in section 1916A(e)(5)(B)), or networks of such providers.

“(2) LIMITATION.—The total amount of payments under this subsection shall not exceed \$50,000,000 during the 4-year period beginning with 2006. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

“(3) PREFERENCE.—In providing for payments to States under this subsection, the Secretary shall provide preference to States that establish, or provide for, alternate non-emergency services providers or networks of such providers that—

“(A) serve rural or underserved areas where beneficiaries under this title may not have regular access to providers of primary care services; or

“(B) are in partnership with local community hospitals.

“(4) FORM AND MANNER OF PAYMENT.—Payment to a State under this subsection shall be made only upon the filing of such application in such form and in such manner as the Secretary shall specify. Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to non-emergency services furnished on or after January 1, 2007.

SEC. 6044. USE OF BENCHMARK BENEFIT PACKAGES.

(a) IN GENERAL.—Title XIX of the Social Security Act, as amended by section 6035, is amended by redesignating section 1937 as section 1938 and by inserting after section 1936 the following new section:

“STATE FLEXIBILITY IN BENEFIT PACKAGES
“SEC. 1937. (a) STATE OPTION OF PROVIDING BENCHMARK BENEFITS.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, a State, at its option as a State plan amendment, may provide for medical assistance under this title to individuals within one or more groups of individuals specified by the State through enrollment in coverage that provides—

“(i) benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); and

“(ii) for any child under 19 years of age who is covered under the State plan under section 1902(a)(10)(A), wrap-around benefits to the benchmark coverage or benchmark equivalent coverage consisting of early and periodic screening, diagnostic, and treatment services defined in section 1905(r).

“(B) LIMITATION.—The State may only exercise the option under subparagraph (A) for an individual eligible under an eligibility category that had been established under the State plan on or before the date of the enactment of this section.

“(C) OPTION OF WRAP-AROUND BENEFITS.—In the case of coverage described in subparagraph (A), a State, at its option, may provide such wrap-around or additional benefits as the State may specify.

“(D) TREATMENT AS MEDICAL ASSISTANCE.—Payment of premiums for such coverage under this subsection shall be treated as payment of other insurance premiums described in the third sentence of section 1905(a).

“(2) APPLICATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a State may require that a full-benefit eligible individual (as defined in subparagraph (C)) within a group obtain benefits under this title through enrollment in coverage described in paragraph (1)(A). A State may apply the previous sentence to individuals within 1 or more groups of such individuals.

“(B) LIMITATION ON APPLICATION.—A State may not require under subparagraph (A) an individual to obtain benefits through enrollment described in paragraph (1)(A) if the individual is within one of the following categories of individuals:

“(i) MANDATORY PREGNANT WOMEN.—The individual is a pregnant woman who is required to be covered under the State plan under section 1902(a)(10)(A)(i).

“(ii) BLIND OR DISABLED INDIVIDUALS.—The individual qualifies for medical assistance under the State plan on the basis of being blind or disabled (or being treated as being blind or disabled) without regard to whether the individual is eligible for supplemental security income benefits under title XVI on the basis of being blind or disabled and including an individual who is eligible for medical assistance on the basis of section 1902(e)(3).

“(iii) DUAL ELIGIBLES.—The individual is entitled to benefits under any part of title XVIII.

“(iv) TERMINALLY ILL HOSPICE PATIENTS.—The individual is terminally ill and is receiving benefits for hospice care under this title.

“(v) ELIGIBLE ON BASIS OF INSTITUTIONALIZATION.—The individual is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual’s income required for personal needs.

“(vi) MEDICALLY FRAIL AND SPECIAL MEDICAL NEEDS INDIVIDUALS.—The individual is medi-

cally frail or otherwise an individual with special medical needs (as identified in accordance with regulations of the Secretary).

“(vii) BENEFICIARIES QUALIFYING FOR LONG-TERM CARE SERVICES.—The individual qualifies based on medical condition for medical assistance for long-term care services described in section 1917(c)(1)(C).

“(viii) CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES AND CHILDREN RECEIVING FOSTER CARE OR ADOPTION ASSISTANCE.—The individual is an individual with respect to whom aid or assistance is made available under part B of title IV to children in foster care and individuals with respect to whom adoption or foster care assistance is made available under part E of such title, without regard to age.

“(ix) TANF AND SECTION 1931 PARENTS.—The individual qualifies for medical assistance on the basis of eligibility to receive assistance under a State plan funded under part A of title IV (as in effect on or after the welfare reform effective date defined in section 1931(i)).

“(x) WOMEN IN THE BREAST OR CERVICAL CANCER PROGRAM.—The individual is a woman who is receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XVIII) and 1902(aa).

“(xi) LIMITED SERVICES BENEFICIARIES.—The individual—

“(I) qualifies for medical assistance on the basis of section 1902(a)(10)(A)(ii)(XII); or

“(II) is not a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and receives care and services necessary for the treatment of an emergency medical condition in accordance with section 1903(v).

“(C) FULL-BENEFIT ELIGIBLE INDIVIDUALS.—

“(i) IN GENERAL.—For purposes of this paragraph, subject to clause (ii), the term ‘full-benefit eligible individual’ means for a State for a month an individual who is determined eligible by the State for medical assistance for all services defined in section 1905(a) which are covered under the State plan under this title for such month under section 1902(a)(10)(A) or under any other category of eligibility for medical assistance for all such services under this title, as determined by the Secretary.

“(ii) EXCLUSION OF MEDICALLY NEEDY AND SPEND-DOWN POPULATIONS.—Such term shall not include an individual determined to be eligible by the State for medical assistance under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise eligible based on a reduction of income based on costs incurred for medical or other remedial care.

“(b) BENCHMARK BENEFIT PACKAGES.—

“(1) IN GENERAL.—For purposes of subsection (a)(1), each of the following coverage shall be considered to be benchmark coverage:

“(A) FEHBP-EQUIVALENT HEALTH INSURANCE COVERAGE.—The standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5, United States Code.

“(B) STATE EMPLOYEE COVERAGE.—A health benefits coverage plan that is offered and generally available to State employees in the State involved.

“(C) COVERAGE OFFERED THROUGH HMO.—The health insurance coverage plan that—

“(i) is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act), and

“(ii) has the largest insured commercial, non-Medicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved.

“(D) SECRETARY-APPROVED COVERAGE.—Any other health benefits coverage that the Secretary determines, upon application by a State, provides appropriate coverage for the population proposed to be provided such coverage.

“(2) BENCHMARK-EQUIVALENT COVERAGE.—For purposes of subsection (a)(1), coverage that meets the following requirement shall be considered to be benchmark-equivalent coverage:

“(A) INCLUSION OF BASIC SERVICES.—The coverage includes benefits for items and services within each of the following categories of basic services:

“(i) Inpatient and outpatient hospital services.

“(ii) Physicians’ surgical and medical services.

“(iii) Laboratory and x-ray services.

“(iv) Well-baby and well-child care, including age-appropriate immunizations.

“(v) Other appropriate preventive services, as designated by the Secretary.

“(B) AGGREGATE ACTUARIAL VALUE EQUIVALENT TO BENCHMARK PACKAGE.—The coverage has an aggregate actuarial value that is at least actuarially equivalent to one of the benchmark benefit packages described in paragraph (1).

“(C) SUBSTANTIAL ACTUARIAL VALUE FOR ADDITIONAL SERVICES INCLUDED IN BENCHMARK PACKAGE.—With respect to each of the following categories of additional services for which coverage is provided under the benchmark benefit package used under subparagraph (B), the coverage has an actuarial value that is equal to at least 75 percent of the actuarial value of the coverage of that category of services in such package:

“(i) Coverage of prescription drugs.

“(ii) Mental health services.

“(iii) Vision services.

“(iv) Hearing services.

“(3) DETERMINATION OF ACTUARIAL VALUE.—The actuarial value of coverage of benchmark benefit packages shall be set forth in an actuarial opinion in an actuarial report that has been prepared—

“(A) by an individual who is a member of the American Academy of Actuaries;

“(B) using generally accepted actuarial principles and methodologies;

“(C) using a standardized set of utilization and price factors;

“(D) using a standardized population that is representative of the population involved;

“(E) applying the same principles and factors in comparing the value of different coverage (or categories of services);

“(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

“(G) taking into account the ability of a State to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under this title that results from the limitations on cost sharing under such coverage.

The actuary preparing the opinion shall select and specify in the memorandum the standardized set and population to be used under subparagraphs (C) and (D).

“(4) COVERAGE OF RURAL HEALTH CLINIC AND FQHC SERVICES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark equivalent coverage under this section unless—

“(A) the individual has access, through such coverage or otherwise, to services described in subparagraphs (B) and (C) of section 1905(a)(2); and

“(B) payment for such services is made in accordance with the requirements of section 1902(bb).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on March 31, 2006.

CHAPTER 5—STATE FINANCING UNDER MEDICAID

SEC. 6051. MANAGED CARE ORGANIZATION PROVIDER TAX REFORM.

(a) IN GENERAL.—Section 1903(w)(7)(A)(viii) of the Social Security Act (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

“(viii) Services of managed care organizations (including health maintenance organizations, preferred provider organizations, and such other

similar organizations as the Secretary may specify by regulation).”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) shall be effective as of the date of the enactment of this Act.

(2) DELAY IN EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), in the case of a State specified in subparagraph (B), the amendment made by subsection (a) shall be effective as of October 1, 2009.

(B) SPECIFIED STATES.—For purposes of subparagraph (A), the States specified in this subparagraph are States that have enacted a law providing for a tax on the services of a medicare managed care organization with a contract under section 1903(m) of the Social Security Act as of December 8, 2005.

(c) CLARIFICATION REGARDING NON-REGULATION OF TRANSFERS.—

(1) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State’s use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in paragraph (2), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(2) CENTER DESCRIBED.—A center described in this paragraph is a publicly-owned regional medical center that—

(A) provides level 1 trauma and burn care services;

(B) provides level 3 neonatal care services;

(C) is obligated to serve all patients, regardless of State of origin;

(D) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States, including the States described in paragraph (1);

(E) serves as a tertiary care provider for patients residing within a 125 mile radius; and

(F) meets the criteria for a disproportionate share hospital under section 1923 of such Act in at least one State other than the one in which the center is located.

(3) EFFECTIVE PERIOD.—This subsection shall apply through December 31, 2006.

SEC. 6052. REFORMS OF CASE MANAGEMENT AND TARGETED CASE MANAGEMENT.

(a) IN GENERAL.—Section 1915(g) of the Social Security Act (42 U.S.C. 1396n(g)(2)) is amended by striking paragraph (2) and inserting the following:

“(2) For purposes of this subsection:

“(A)(i) The term ‘case management services’ means services which will assist individuals eligible under the plan in gaining access to needed medical, social, educational, and other services.

“(ii) Such term includes the following:

“(I) Assessment of an eligible individual to determine service needs, including activities that focus on needs identification, to determine the need for any medical, educational, social, or other services. Such assessment activities include the following:

“(aa) Taking client history.

“(bb) Identifying the needs of the individual, and completing related documentation.

“(cc) Gathering information from other sources such as family members, medical providers, social workers, and educators, if necessary, to form a complete assessment of the eligible individual.

“(II) Development of a specific care plan based on the information collected through an assessment, that specifies the goals and actions to address the medical, social, educational, and other services needed by the eligible individual, including activities such as ensuring the active participation of the eligible individual and working with the individual (or the individual’s authorized health care decision maker) and oth-

ers to develop such goals and identify a course of action to respond to the assessed needs of the eligible individual.

“(III) Referral and related activities to help an individual obtain needed services, including activities that help link eligible individuals with medical, social, educational providers or other programs and services that are capable of providing needed services, such as making referrals to providers for needed services and scheduling appointments for the individual.

“(IV) Monitoring and followup activities, including activities and contacts that are necessary to ensure the care plan is effectively implemented and adequately addressing the needs of the eligible individual, and which may be with the individual, family members, providers, or other entities and conducted as frequently as necessary to help determine such matters as—

“(aa) whether services are being furnished in accordance with an individual’s care plan;

“(bb) whether the services in the care plan are adequate; and

“(cc) whether there are changes in the needs or status of the eligible individual, and if so, making necessary adjustments in the care plan and service arrangements with providers.

“(iii) Such term does not include the direct delivery of an underlying medical, educational, social, or other service to which an eligible individual has been referred, including, with respect to the direct delivery of foster care services, services such as (but not limited to) the following:

“(I) Research gathering and completion of documentation required by the foster care program.

“(II) Assessing adoption placements.

“(III) Recruiting or interviewing potential foster care parents.

“(IV) Serving legal papers.

“(V) Home investigations.

“(VI) Providing transportation.

“(VII) Administering foster care subsidies.

“(VIII) Making placement arrangements.

“(B) The term ‘targeted case management services’ are case management services that are furnished without regard to the requirements of section 1902(a)(1) and section 1902(a)(10)(B) to specific classes of individuals or to individuals who reside in specified areas.

“(3) With respect to contacts with individuals who are not eligible for medical assistance under the State plan or, in the case of targeted case management services, individuals who are eligible for such assistance but are not part of the target population specified in the State plan, such contacts—

“(A) are considered an allowable case management activity, when the purpose of the contact is directly related to the management of the eligible individual’s care; and

“(B) are not considered an allowable case management activity if such contacts relate directly to the identification and management of the noneligible or nontargeted individual’s needs and care.

“(4)(A) In accordance with section 1902(a)(25), Federal financial participation only is available under this title for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program.

“(B) A State shall allocate the costs of any part of such services which are reimbursable under another federally funded program in accordance with OMB Circular A-87 (or any related or successor guidance or regulations regarding allocation of costs among federally funded programs) under an approved cost allocation program.

“(5) Nothing in this subsection shall be construed as affecting the application of rules with respect to third party liability under programs, or activities carried out under title XXVI of the Public Health Service Act or by the Indian Health Service.”

(b) REGULATIONS.—The Secretary shall promulgate regulations to carry out the amendment

made by subsection (a) which may be effective and final immediately on an interim basis as of the date of publication of the interim final regulation. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comments on such regulation after the date of publication. The Secretary may change or revise such regulation after completion of the period of public comment.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 6053. ADDITIONAL FMAP ADJUSTMENTS.

(a) **HOLD HARMLESS FOR CERTAIN DECREASE.**—Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), if, for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.), the Federal medical assistance percentage determined for the State specified in section 4725(a) of Public Law 105–33 for fiscal year 2006 or fiscal year 2007 is less than the Federal medical assistance percentage determined for such State for fiscal year 2005, the Federal medical assistance percentage determined for such State for fiscal year 2005 shall be substituted for the Federal medical assistance percentage otherwise determined for such State for fiscal year 2006 or fiscal year 2007, as the case may be.

(b) **HOLD HARMLESS FOR KATRINA IMPACT.**—Notwithstanding any other provision of law, for purposes of titles XIX and XXI of the Social Security Act, the Secretary of Health and Human Services, in computing the Federal medical assistance percentage under section 1905(b) of such Act (42 U.S.C. 1396d(b)) for any year after 2006 for a State that the Secretary determines has a significant number of evacuees who were evacuated to, and live in, the State as a result of Hurricane Katrina as of October 1, 2005, shall disregard such evacuees (and income attributable to such evacuees) from such computation.

SEC. 6054. DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.

(a) **IN GENERAL.**—For purposes of determining the DSH allotment for the District of Columbia under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) for fiscal year 2006 and each subsequent fiscal year, the table in subsection (f)(2) of such section is amended under each of the columns for FY 00, FY 01, and FY 02, in the entry for the District of Columbia by striking “32” and inserting “49”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2005, and shall only apply to disproportionate share hospital adjustment expenditures applicable to fiscal year 2006 and subsequent fiscal years made on or after that date.

SEC. 6055. INCREASE IN MEDICAID PAYMENTS TO INSULAR AREAS.

Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), by inserting “and subject to paragraph (3)” after “subsection (f)”; and
(2) by adding at the end the following new paragraph:

“(3) **FISCAL YEARS 2006 AND 2007 FOR CERTAIN INSULAR AREAS.**—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for fiscal year 2006 and fiscal year 2007 shall be increased by the following amounts:

“(A) For Puerto Rico, \$12,000,000 for fiscal year 2006 and \$12,000,000 for fiscal year 2007.

“(B) For the Virgin Islands, \$2,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007.

“(C) For Guam, \$2,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007.

“(D) For the Northern Mariana Islands, \$1,000,000 for fiscal year 2006 and \$2,000,000 for fiscal year 2007.

“(E) For American Samoa, \$2,000,000 for fiscal year 2006 and \$4,000,000 for fiscal year 2007.

Such amounts shall not be taken into account in applying paragraph (2) for fiscal year 2007

but shall be taken into account in applying such paragraph for fiscal year 2008 and subsequent fiscal years.”.

CHAPTER 6—OTHER PROVISIONS

Subchapter A—Family Opportunity Act

SEC. 6061. SHORT TITLE OF SUBCHAPTER.

This subchapter may be cited as the “Family Opportunity Act of 2005” or the “Dylan Lee James Act”.

SEC. 6062. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) **STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.**—

(1) **IN GENERAL.**—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking “or” at the end of subclause (XVII);

(ii) by adding “or” at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

“(XIX) who are disabled children described in subsection (cc)(1);”;

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

“(cc)(1) Individuals described in this paragraph are individuals—

“(A) who are children who have not attained 19 years of age and are born—

“(i) on or after January 1, 2001 (or, at the option of a State, on or after an earlier date), in the case of the second, third, and fourth quarters of fiscal year 2007;

“(ii) on or after October 1, 1995 (or, at the option of a State, on or after an earlier date), in the case of each quarter of fiscal year 2008; and

“(iii) after October 1, 1989, in the case of each quarter of fiscal year 2009 and each quarter of any fiscal year thereafter;

“(B) who would be considered disabled under section 1614(a)(3)(C) (as determined under title XVI for children but without regard to any income or asset eligibility requirements that apply under such title with respect to children); and

“(C) whose family income does not exceed such income level as the State establishes and does not exceed—

“(i) 300 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

“(ii) such higher percent of such poverty line as a State may establish, except that—

“(I) any medical assistance provided to an individual whose family income exceeds 300 percent of such poverty line may only be provided with State funds; and

“(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.”.

(2) **INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.**—Section 1902(cc) of such Act (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

“(i) notwithstanding section 1906, require such parent to apply for, enroll in, and pay premiums for such coverage as a condition of such parent’s child being or remaining eligible for medical assistance under subsection

(a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(II) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, a State, notwithstanding section 1906 but subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”.

(b) **STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.**—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (i)”; and

(2) by adding at the end, as amended by section 6041(b)(2), the following new subsection:

“(i)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) in the case of a disabled child described in that paragraph whose family income—

“(i) does not exceed 200 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) and other cost-sharing charges do not exceed 5 percent of the family’s income; and

“(ii) exceeds 200, but does not exceed 300, percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) and other cost-sharing charges do not exceed 7.5 percent of the family’s income; and

“(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(1).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of at least 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”.

(c) **CONFORMING AMENDMENTS.**—(1) Section 1903(f)(4) of such Act (42 U.S.C. 1396f(f)(4)) is amended in the matter preceding subparagraph (A), by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII).”.

(2) Section 1905(u)(2)(B) of such Act (42 U.S.C. 1396d(u)(2)(B)) is amended by adding at the end the following sentence: “Such term excludes any child eligible for medical assistance only by reason of section 1902(a)(10)(A)(ii)(XIX).”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 2007.

SEC. 6063. DEMONSTRATION PROJECTS REGARDING HOME AND COMMUNITY-BASED ALTERNATIVES TO PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN.

(a) **IN GENERAL.**—The Secretary is authorized to conduct, during each of fiscal years 2007 through 2011, demonstration projects (each in the section referred to as a “demonstration project”) in accordance with this section under which up to 10 States (as defined for purposes of title XIX of the Social Security Act) are awarded grants, on a competitive basis, to test the effectiveness in improving or maintaining a child’s functional level and cost-effectiveness of providing coverage of home and community-

based alternatives to psychiatric residential treatment for children enrolled in the Medicaid program under title XIX of such Act.

(b) APPLICATION OF TERMS AND CONDITIONS.—

(1) IN GENERAL.—Subject to the provisions of this section, and for the purposes of the demonstration projects, and only with respect to children enrolled under such demonstration projects, a psychiatric residential treatment facility (as defined in section 483.352 of title 42 of the Code of Federal Regulations) shall be deemed to be a facility specified in section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), and to be included in each reference in such section 1915(c) to hospitals, nursing facilities, and intermediate care facilities for the mentally retarded.

(2) STATE OPTION TO ASSURE CONTINUITY OF MEDICAID COVERAGE.—Upon the termination of a demonstration project under this section, the State that conducted the project may elect, only with respect to a child who is enrolled in such project on the termination date, to continue to provide medical assistance for coverage of home and community-based alternatives to psychiatric residential treatment for the child in accordance with section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), as modified through the application of paragraph (1). Expenditures incurred for providing such medical assistance shall be treated as a home and community-based waiver program under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) for purposes of payment under section 1903 of such Act (42 U.S.C. 1396b).

(c) TERMS OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this section, a demonstration project shall be subject to the same terms and conditions as apply to a waiver under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), including the waiver of certain requirements under the first sentence of paragraph (3) of such section but not applying the second sentence of such paragraph.

(2) BUDGET NEUTRALITY.—In conducting the demonstration projects under this section, the Secretary shall ensure that the aggregate payments made by the Secretary under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) do not exceed the amount which the Secretary estimates would have been paid under that title if the demonstration projects under this section had not been implemented.

(3) EVALUATION.—The application for a demonstration project shall include an assurance to provide for such interim and final evaluations of the demonstration project by independent third parties, and for such interim and final reports to the Secretary, as the Secretary may require.

(d) PAYMENTS TO STATES; LIMITATIONS TO SCOPE AND FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), a demonstration project approved by the Secretary under this section shall be treated as a home and community-based waiver program under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) for purposes of payment under section 1903 of such Act (42 U.S.C. 1396b).

(2) LIMITATION.—In no case may the amount of payments made by the Secretary under this section for State demonstration projects for a fiscal year exceed the amount available under subsection (f)(2)(A) for such fiscal year.

(e) SECRETARY'S EVALUATION AND REPORT.—The Secretary shall conduct an interim and final evaluation of State demonstration projects under this section and shall report to the President and Congress the conclusions of such evaluations within 12 months of completing such evaluations.

(f) FUNDING.—

(1) IN GENERAL.—For the purpose of carrying out this section, there are appropriated, from amounts in the Treasury not otherwise appropriated, for fiscal years 2007 through 2011, a total of \$218,000,000, of which—

(A) the amount specified in paragraph (2) shall be available for each of fiscal years 2007 through 2011; and

(B) a total of \$1,000,000 shall be available to the Secretary for the evaluations and report under subsection (e).

(2) FISCAL YEAR LIMIT.—

(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a fiscal year is the amount specified in subparagraph (B) for the fiscal year plus the difference, if any, between the total amount available under this paragraph for prior fiscal years and the total amount previously expended under paragraph (1)(A) for such prior fiscal years.

(B) FISCAL YEAR AMOUNTS.—The amount specified in this subparagraph for—

- (i) fiscal year 2007 is \$21,000,000;
- (ii) fiscal year 2008 is \$37,000,000;
- (iii) fiscal year 2009 is \$49,000,000;
- (iv) fiscal year 2010 is \$53,000,000; and
- (v) fiscal year 2011 is \$57,000,000.

SEC. 6064. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2), there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

- “(i) \$3,000,000 for fiscal year 2007;
- “(ii) \$4,000,000 for fiscal year 2008; and
- “(iii) \$5,000,000 for fiscal year 2009.

“(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

“(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

“(ii) remain available until expended.

“(2) The family-to-family health information centers described in this paragraph are centers that—

“(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

“(B) provide information regarding the health care needs of, and resources available for, such children;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies, a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed—

“(i) by such families who have expertise in Federal and State public and private health care systems; and

“(ii) by health professionals.

“(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

“(A) With respect to fiscal year 2007, such centers shall be developed in not less than 25 States.

“(B) With respect to fiscal year 2008, such centers shall be developed in not less than 40 States.

“(C) With respect to fiscal year 2009 and each fiscal year thereafter, such centers shall be developed in all States.

“(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

“(5) For purposes of this subsection, the term ‘State’ means each of the 50 States and the District of Columbia.”.

SEC. 6065. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

- (1) by inserting “(aa)” after “(II)”;
- (2) by striking “) and” and inserting “and”;
- (3) by striking “section or who are” and inserting “(section), (bb) who are”;

(4) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the date that is 1 year after the date of enactment of this Act.

Subchapter B—Money Follows the Person Rebalancing Demonstration

SEC. 6071. MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) PROGRAM PURPOSE AND AUTHORITY.—The Secretary is authorized to award, on a competitive basis, grants to States in accordance with this section for demonstration projects (each in this section referred to as an “MFP demonstration project”) designed to achieve the following objectives with respect to institutional and home and community-based long-term care services under State Medicaid programs:

(1) REBALANCING.—Increase the use of home and community-based, rather than institutional, long-term care services.

(2) MONEY FOLLOWS THE PERSON.—Eliminate barriers or mechanisms, whether in the State law, the State Medicaid plan, the State budget, or otherwise, that prevent or restrict the flexible use of Medicaid funds to enable Medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice.

(3) CONTINUITY OF SERVICE.—Increase the ability of the State Medicaid program to assure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institutional to a community setting.

(4) QUALITY ASSURANCE AND QUALITY IMPROVEMENT.—Ensure that procedures are in place (at least comparable to those required under the qualified HCB program) to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services.

(b) DEFINITIONS.—For purposes of this section:

(1) HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES.—The term “home and community-based long-term care services” means, with respect to a State Medicaid program, home and community-based services (including home health and personal care services) that are provided under the State’s qualified HCB program or that could be provided under such a program but are otherwise provided under the Medicaid program.

(2) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means, with respect to an MFP demonstration project of a State, an individual in the State—

(A) who, immediately before beginning participation in the MFP demonstration project—

(i) resides (and has resided, for a period of not less than 6 months or for such longer minimum period, not to exceed 2 years, as may be specified by the State) in an inpatient facility;

(ii) is receiving Medicaid benefits for inpatient services furnished by such inpatient facility; and

(iii) with respect to whom a determination has been made that, but for the provision of home and community-based long-term care services, the individual would continue to require the level of care provided in an inpatient facility and, in any case in which the State applies a more stringent level of care standard as a result of implementing the State plan option permitted under section 1915(i) of the Social Security Act, the individual must continue to require at least the level of care which had resulted in admission to the institution; and

(B) who resides in a qualified residence beginning on the initial date of participation in the demonstration project.

(3) **INPATIENT FACILITY.**—The term “inpatient facility” means a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such term includes an institution for mental diseases, but only, with respect to a State, to the extent medical assistance is available under the State Medicaid plan for services provided by such institution.

(4) **MEDICAID.**—The term “Medicaid” means, with respect to a State, the State program under title XIX of the Social Security Act (including any waiver or demonstration under such title or under section 1115 of such Act relating to such title).

(5) **QUALIFIED HCB PROGRAM.**—The term “qualified HCB program” means a program providing home and community-based long-term care services operating under Medicaid, whether or not operating under waiver authority.

(6) **QUALIFIED RESIDENCE.**—The term “qualified residence” means, with respect to an eligible individual—

(A) a home owned or leased by the individual or the individual’s family member;

(B) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual’s family has domain and control; and

(C) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside.

(7) **QUALIFIED EXPENDITURES.**—The term “qualified expenditures” means expenditures by the State under its MFP demonstration project for home and community-based long-term care services for an eligible individual participating in the MFP demonstration project, but only with respect to services furnished during the 12-month period beginning on the date the individual is discharged from an inpatient facility referred to in paragraph (2)(A)(i).

(8) **SELF-DIRECTED SERVICES.**—The term “self-directed” means, with respect to home and community-based long-term care services for an eligible individual, such services for the individual which are planned and purchased under the direction and control of such individual or the individual’s authorized representative (as defined by the Secretary), including the amount, duration, scope, provider, and location of such services, under the State Medicaid program consistent with the following requirements:

(A) **ASSESSMENT.**—There is an assessment of the needs, capabilities, and preferences of the individual with respect to such services.

(B) **SERVICE PLAN.**—Based on such assessment, there is developed jointly with such individual or the individual’s authorized representative a plan for such services for such individual that is approved by the State and that—

(i) specifies those services, if any, which the individual or the individual’s authorized representative would be responsible for directing;

(ii) identifies the methods by which the individual or the individual’s authorized representative or an agency designated by an individual or representative will select, manage, and dismiss providers of such services;

(iii) specifies the role of family members and others whose participation is sought by the individual or the individual’s authorized representative with respect to such services;

(iv) is developed through a person-centered process that—

(I) is directed by the individual or the individual’s authorized representative;

(II) builds upon the individual’s capacity to engage in activities that promote community life and that respects the individual’s preferences, choices, and abilities; and

(III) involves families, friends, and professionals as desired or required by the individual or the individual’s authorized representative;

(v) includes appropriate risk management techniques that recognize the roles and sharing of responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan based upon the resources and capabilities of the individual or the individual’s authorized representative; and

(vi) may include an individualized budget which identifies the dollar value of the services and supports under the control and direction of the individual or the individual’s authorized representative.

(C) **BUDGET PROCESS.**—With respect to individualized budgets described in subparagraph (B)(vi), the State application under subsection (c)—

(i) describes the method for calculating the dollar values in such budgets based on reliable costs and service utilization;

(ii) defines a process for making adjustments in such dollar values to reflect changes in individual assessments and service plans; and

(iii) provides a procedure to evaluate expenditures under such budgets.

(9) **STATE.**—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act.

(c) **STATE APPLICATION.**—A State seeking approval of an MFP demonstration project shall submit to the Secretary, at such time and in such format as the Secretary requires, an application meeting the following requirements and containing such additional information, provisions, and assurances, as the Secretary may require:

(1) **ASSURANCE OF A PUBLIC DEVELOPMENT PROCESS.**—The application contains an assurance that the State has engaged, and will continue to engage, in a public process for the design, development, and evaluation of the MFP demonstration project that allows for input from eligible individuals, the families of such individuals, authorized representatives of such individuals, providers, and other interested parties.

(2) **OPERATION IN CONNECTION WITH QUALIFIED HCB PROGRAM TO ASSURE CONTINUITY OF SERVICES.**—The State will conduct the MFP demonstration project for eligible individuals in conjunction with the operation of a qualified HCB program that is in operation (or approved) in the State for such individuals in a manner that assures continuity of Medicaid coverage for such individuals so long as such individuals continue to be eligible for medical assistance.

(3) **DEMONSTRATION PROJECT PERIOD.**—The application shall specify the period of the MFP demonstration project, which shall include at least 2 consecutive fiscal years in the 5-fiscal-year period beginning with fiscal year 2007.

(4) **SERVICE AREA.**—The application shall specify the service area or areas of the MFP demonstration project, which may be a statewide area or 1 or more geographic areas of the State.

(5) **TARGETED GROUPS AND NUMBERS OF INDIVIDUALS SERVED.**—The application shall specify—

(A) the target groups of eligible individuals to be assisted to transition from an inpatient facility to a qualified residence during each fiscal year of the MFP demonstration project;

(B) the projected numbers of eligible individuals in each targeted group of eligible individuals to be so assisted during each such year; and

(C) the estimated total annual qualified expenditures for each fiscal year of the MFP demonstration project.

(6) **INDIVIDUAL CHOICE, CONTINUITY OF CARE.**—The application shall contain assurances that—

(A) each eligible individual or the individual’s authorized representative will be provided the opportunity to make an informed choice regarding whether to participate in the MFP demonstration project;

(B) each eligible individual or the individual’s authorized representative will choose the qualified residence in which the individual will reside and the setting in which the individual will receive home and community-based long-term care services;

(C) the State will continue to make available, so long as the State operates its qualified HCB program consistent with applicable requirements, home and community-based long-term care services to each individual who completes participation in the MFP demonstration project for as long as the individual remains eligible for medical assistance for such services under such qualified HCB program (including meeting a requirement relating to requiring a level of care provided in an inpatient facility and continuing to require such services, and, if the State applies a more stringent level of care standard as a result of implementing the State plan option permitted under section 1915(i) of the Social Security Act, meeting the requirement for at least the level of care which had resulted in the individual’s admission to the institution).

(7) **REBALANCING.**—The application shall—

(A) provide such information as the Secretary may require concerning the dollar amounts of State Medicaid expenditures for the fiscal year, immediately preceding the first fiscal year of the State’s MFP demonstration project, for long-term care services and the percentage of such expenditures that were for institutional long-term care services or were for home and community-based long-term care services;

(B)(i) specify the methods to be used by the State to increase, for each fiscal year during the MFP demonstration project, the dollar amount of such total expenditures for home and community-based long-term care services and the percentage of such total expenditures for long-term care services that are for home and community-based long-term care services; and

(ii) describe the extent to which the MFP demonstration project will contribute to accomplishment of objectives described in subsection (a).

(8) **MONEY FOLLOWS THE PERSON.**—The application shall describe the methods to be used by the State to eliminate any legal, budgetary, or other barriers to flexibility in the availability of Medicaid funds to pay for long-term care services for eligible individuals participating in the project in the appropriate settings of their choice, including costs to transition from an institutional setting to a qualified residence.

(9) **MAINTENANCE OF EFFORT AND COST-EFFECTIVENESS.**—The application shall contain or be accompanied by such information and assurances as may be required to satisfy the Secretary that—

(A) total expenditures under the State Medicaid program for home and community-based long-term care services will not be less for any fiscal year during the MFP demonstration project than for the greater of such expenditures for—

(i) fiscal year 2005; or

(ii) any succeeding fiscal year before the first year of the MFP demonstration project; and

(B) in the case of a qualified HCB program operating under a waiver under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n), but for the amount awarded under a grant under this section, the State program would continue to meet the cost-effectiveness requirements of subsection (c)(2)(D) of such section or comparable requirements under subsection (d)(5) of such section, respectively.

(10) **WAIVER REQUESTS.**—The application shall contain or be accompanied by requests for any modification or adjustment of waivers of Medicaid requirements described in subsection (d)(3), including adjustments to the maximum numbers of individuals included and package of benefits, including one-time transitional services, provided.

(11) **QUALITY ASSURANCE AND QUALITY IMPROVEMENT.**—The application shall include—

(A) a plan satisfactory to the Secretary for quality assurance and quality improvement for home and community-based long-term care services under the State Medicaid program, including a plan to assure the health and welfare of individuals participating in the MFP demonstration project; and

(B) an assurance that the State will cooperate in carrying out activities under subsection (f) to develop and implement continuous quality assurance and quality improvement systems for home and community-based long-term care services.

(12) **OPTIONAL PROGRAM FOR SELF-DIRECTED SERVICES.**—If the State elects to provide for any home and community-based long-term care services as self-directed services (as defined in subsection (b)(8)) under the MFP demonstration project, the application shall provide the following:

(A) **MEETING REQUIREMENTS.**—A description of how the project will meet the applicable requirements of such subsection for the provision of self-directed services.

(B) **VOLUNTARY ELECTION.**—A description of how eligible individuals will be provided with the opportunity to make an informed election to receive self-directed services under the project and after the end of the project.

(C) **STATE SUPPORT IN SERVICE PLAN DEVELOPMENT.**—Satisfactory assurances that the State will provide support to eligible individuals who self-direct in developing and implementing their service plans.

(D) **OVERSIGHT OF RECEIPT OF SERVICES.**—Satisfactory assurances that the State will provide oversight of eligible individual's receipt of such self-directed services, including steps to assure the quality of services provided and that the provision of such services are consistent with the service plan under such subsection.

Nothing in this section shall be construed as requiring a State to make an election under the project to provide for home and community-based long-term care services as self-directed services, or as requiring an individual to elect to receive self-directed services under the project.

(13) **REPORTS AND EVALUATION.**—The application shall provide that—

(A) the State will furnish to the Secretary such reports concerning the MFP demonstration project, on such timetable, in such uniform format, and containing such information as the Secretary may require, as will allow for reliable comparisons of MFP demonstration projects across States; and

(B) the State will participate in and cooperate with the evaluation of the MFP demonstration project.

(d) **SECRETARY'S AWARD OF COMPETITIVE GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall award grants under this section on a competitive basis to States selected from among those with applications meeting the requirements of subsection (c), in accordance with the provisions of this subsection.

(2) **SELECTION AND MODIFICATION OF STATE APPLICATIONS.**—In selecting State applications for the awarding of such a grant, the Secretary—

(A) shall take into consideration the manner in which, and extent to which, the State proposes to achieve the objectives specified in subsection (a);

(B) shall seek to achieve an appropriate national balance in the numbers of eligible individuals, within different target groups of eligible individuals, who are assisted to transition to qualified residences under MFP demonstration projects, and in the geographic distribution of States operating MFP demonstration projects;

(C) shall give preference to State applications proposing—

(i) to provide transition assistance to eligible individuals within multiple target groups; and

(ii) to provide eligible individuals with the opportunity to receive home and community-based

long-term care services as self-directed services, as defined in subsection (b)(8); and

(D) shall take such objectives into consideration in setting the annual amounts of State grant awards under this section.

(3) **WAIVER AUTHORITY.**—The Secretary is authorized to waive the following provisions of title XIX of the Social Security Act, to the extent necessary to enable a State initiative to meet the requirements and accomplish the purposes of this section:

(A) **STATEWIDENESS.**—Section 1902(a)(1), in order to permit implementation of a State initiative in a selected area or areas of the State.

(B) **COMPARABILITY.**—Section 1902(a)(10)(B), in order to permit a State initiative to assist a selected category or categories of individuals described in subsection (b)(2)(A).

(C) **INCOME AND RESOURCES ELIGIBILITY.**—Section 1902(a)(10)(C)(i)(III), in order to permit a State to apply institutional eligibility rules to individuals transitioning to community-based care.

(D) **PROVIDER AGREEMENTS.**—Section 1902(a)(27), in order to permit a State to implement self-directed services in a cost-effective manner.

(4) **CONDITIONAL APPROVAL OF OUTYEAR GRANT.**—In awarding grants under this section, the Secretary shall condition the grant for the second and any subsequent fiscal years of the grant period on the following:

(A) **NUMERICAL BENCHMARKS.**—The State must demonstrate to the satisfaction of the Secretary that it is meeting numerical benchmarks specified in the grant agreement for—

(i) increasing State Medicaid support for home and community-based long-term care services under subsection (c)(5); and

(ii) numbers of eligible individuals assisted to transition to qualified residences.

(B) **QUALITY OF CARE.**—The State must demonstrate to the satisfaction of the Secretary that it is meeting the requirements under subsection (c)(11) to assure the health and welfare of MFP demonstration project participants.

(e) **PAYMENTS TO STATES; CARRYOVER OF UNUSED GRANT AMOUNTS.**—

(1) **PAYMENTS.**—For each calendar quarter in a fiscal year during the period a State is awarded a grant under subsection (d), the Secretary shall pay to the State from its grant award for such fiscal year an amount equal to the lesser of—

(A) the MFP-enhanced FMAP (as defined in paragraph (5)) of the amount of qualified expenditures made during such quarter; or

(B) the total amount remaining in such grant award for such fiscal year (taking into account the application of paragraph (2)).

(2) **CARRYOVER OF UNUSED AMOUNTS.**—Any portion of a State grant award for a fiscal year under this section remaining at the end of such fiscal year shall remain available to the State for the next 4 fiscal years, subject to paragraph (3).

(3) **REAWARDING OF CERTAIN UNUSED AMOUNTS.**—In the case of a State that the Secretary determines pursuant to subsection (d)(4) has failed to meet the conditions for continuation of a MFP demonstration project under this section in a succeeding year or years, the Secretary shall rescind the grant awards for such succeeding year or years, together with any unspent portion of an award for prior years, and shall add such amounts to the appropriation for the immediately succeeding fiscal year for grants under this section.

(4) **PREVENTING DUPLICATION OF PAYMENT.**—The payment under a MFP demonstration project with respect to qualified expenditures shall be in lieu of any payment with respect to such expenditures that could otherwise be paid under Medicaid, including under section 1903(a) of the Social Security Act. Nothing in the previous sentence shall be construed as preventing the payment under Medicaid for such expenditures in a grant year after amounts available to pay for such expenditures under the MFP demonstration project have been exhausted.

(5) **MFP-ENHANCED FMAP.**—For purposes of paragraph (1)(A), the "MFP-enhanced FMAP", for a State for a fiscal year, is equal to the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) for the State increased by a number of percentage points equal to 50 percent of the number of percentage points by which (A) such Federal medical assistance percentage for the State, is less than (B) 100 percent; but in no case shall the MFP-enhanced FMAP for a State exceed 90 percent.

(f) **QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.**—

(1) **IN GENERAL.**—The Secretary, either directly or by grant or contract, shall provide for technical assistance to, and oversight of, States for purposes of upgrading quality assurance and quality improvement systems under Medicaid home and community-based waivers, including—

(A) dissemination of information on promising practices;

(B) guidance on system design elements addressing the unique needs of participating beneficiaries;

(C) ongoing consultation on quality, including assistance in developing necessary tools, resources, and monitoring systems; and

(D) guidance on remedying programmatic and systemic problems.

(2) **FUNDING.**—From the amounts appropriated under subsection (h)(1) for the portion of fiscal year 2007 that begins on January 1, 2007, and ends on September 30, 2007, and for fiscal year 2008, not more than \$2,400,000 shall be available to the Secretary to carry out this subsection during the period that begins on January 1, 2007, and ends on September 30, 2011.

(g) **RESEARCH AND EVALUATION.**—

(1) **IN GENERAL.**—The Secretary, directly or through grant or contract, shall provide for research on, and a national evaluation of, the program under this section, including assistance to the Secretary in preparing the final report required under paragraph (2). The evaluation shall include an analysis of projected and actual savings related to the transition of individuals to qualified residences in each State conducting an MFP demonstration project.

(2) **FINAL REPORT.**—The Secretary shall make a final report to the President and Congress, not later than September 30, 2011, reflecting the evaluation described in paragraph (1) and providing findings and conclusions on the conduct and effectiveness of MFP demonstration projects.

(3) **FUNDING.**—From the amounts appropriated under subsection (h)(1) for each of fiscal years 2008 through 2011, not more than \$1,100,000 per year shall be available to the Secretary to carry out this subsection.

(h) **APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are appropriated, from any funds in the Treasury not otherwise appropriated, for grants to carry out this section—

(A) \$250,000,000 for the portion of fiscal year 2007 beginning on January 1, 2007, and ending on September 30, 2007;

(B) \$300,000,000 for fiscal year 2008;

(C) \$350,000,000 for fiscal year 2009;

(D) \$400,000,000 for fiscal year 2010; and

(E) \$450,000,000 for fiscal year 2011.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) for a fiscal year shall remain available for the awarding of grants to States by not later than September 30, 2011.

Subchapter C—Miscellaneous

SEC. 6081. MEDICAID TRANSFORMATION GRANTS.

(a) **IN GENERAL.**—Section 1903 of the Social Security Act (42 U.S.C. 1396b), as amended by sections 6037(a)(2) and 6043(b), is amended by adding at the end the following new subsection:

“(z) **MEDICAID TRANSFORMATION PAYMENTS.**—

“(1) **IN GENERAL.**—In addition to the payments provided under subsection (a), subject to paragraph (4), the Secretary shall provide for payments to States for the adoption of innovative methods to improve the effectiveness and efficiency in providing medical assistance under this title.

“(2) **PERMISSIBLE USES OF FUNDS.**—The following are examples of innovative methods for which funds provided under this subsection may be used:

“(A) Methods for reducing patient error rates through the implementation and use of electronic health records, electronic clinical decision support tools, or e-prescribing programs.

“(B) Methods for improving rates of collection from estates of amounts owed under this title.

“(C) Methods for reducing waste, fraud, and abuse under the program under this title, such as reducing improper payment rates as measured by annual payment error rate measurement (PERM) project rates.

“(D) Implementation of a medication risk management program as part of a drug use review program under section 1927(g).

“(E) Methods in reducing, in clinically appropriate ways, expenditures under this title for covered outpatient drugs, particularly in the categories of greatest drug utilization, by increasing the utilization of generic drugs through the use of education programs and other incentives to promote greater use of generic drugs.

“(F) Methods for improving access to primary and specialty physician care for the uninsured using integrated university-based hospital and clinic systems.

“(3) **APPLICATION; TERMS AND CONDITIONS.**—

“(A) **IN GENERAL.**—No payments shall be made to a State under this subsection unless the State applies to the Secretary for such payments in a form, manner, and time specified by the Secretary.

“(B) **TERMS AND CONDITIONS.**—Such payments are made under such terms and conditions consistent with this subsection as the Secretary prescribes.

“(C) **ANNUAL REPORT.**—Payment to a State under this subsection is conditioned on the State submitting to the Secretary an annual report on the programs supported by such payment. Such report shall include information on—

“(i) the specific uses of such payment;

“(ii) an assessment of quality improvements and clinical outcomes under such programs; and

“(iii) estimates of cost savings resulting from such programs.

“(4) **FUNDING.**—

“(A) **LIMITATION ON FUNDS.**—The total amount of payments under this subsection shall be equal to, and shall not exceed—

“(i) \$75,000,000 for fiscal year 2007; and

“(ii) \$75,000,000 for fiscal year 2008.

This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

“(B) **ALLOCATION OF FUNDS.**—The Secretary shall specify a method for allocating the funds made available under this subsection among States. Such method shall provide preference for States that design programs that target health providers that treat significant numbers of Medicaid beneficiaries. Such method shall provide that not less than 25 percent of such funds shall be allocated among States the population of which (as determined according to data collected by the United States Census Bureau) as of July 1, 2004, was more than 105 percent of the population of the respective State (as so determined) as of April 1, 2000.

“(C) **FORM AND MANNER OF PAYMENT.**—Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a). There is no requirement for State matching funds to receive payments under this subsection.

“(5) **MEDICATION RISK MANAGEMENT PROGRAM.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the term ‘medication risk management program’ means a program for targeted beneficiaries that ensures that covered outpatient drugs are appropriately used to optimize therapeutic outcomes through improved medication use and to reduce the risk of adverse events.

“(B) **ELEMENTS.**—Such program may include the following elements:

“(i) The use of established principles and standards for drug utilization review and best practices to analyze prescription drug claims of targeted beneficiaries and identify outlier physicians.

“(ii) On an ongoing basis provide outlier physicians—

“(I) a comprehensive pharmacy claims history for each targeted beneficiary under their care;

“(II) information regarding the frequency and cost of relapses and hospitalizations of targeted beneficiaries under the physician’s care; and

“(III) applicable best practice guidelines and empirical references.

“(iii) Monitor outlier physician’s prescribing, such as failure to refill, dosage strengths, and provide incentives and information to encourage the adoption of best clinical practices.

“(C) **TARGETED BENEFICIARIES.**—For purposes of this paragraph, the term ‘targeted beneficiaries’ means Medicaid eligible beneficiaries who are identified as having high prescription drug costs and medical costs, such as individuals with behavioral disorders or multiple chronic diseases who are taking multiple medications.”

SEC. 6082. HEALTH OPPORTUNITY ACCOUNTS.

Title XIX of the Social Security Act, as amended by sections 6035 and 6044, is amended—

(1) by redesignating section 1938 as section 1939; and

(2) by inserting after section 1937 the following new section:

“HEALTH OPPORTUNITY ACCOUNTS

“SEC. 1938. (a) **AUTHORITY.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this title, the Secretary shall establish a demonstration program under which States may provide under their State plans under this title (including such a plan operating under a statewide waiver under section 1115) in accordance with this section for the provision of alternative benefits consistent with subsection (c) for eligible population groups in one or more geographic areas of the State specified by the State. An amendment under the previous sentence is referred to in this section as a ‘State demonstration program’.

“(2) **INITIAL DEMONSTRATION.**—

“(A) **IN GENERAL.**—The demonstration program under this section shall begin on January 1, 2007. During the first 5 years of such program, the Secretary shall not approve more than 10 States to conduct demonstration programs under this section, with each State demonstration program covering 1 or more geographic areas specified by the State. After such 5-year period—

“(i) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that a State demonstration program previously implemented has been unsuccessful, such a demonstration program may be extended or made permanent in the State; and

“(ii) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that all State demonstration programs previously implemented were unsuccessful, other States may implement State demonstration programs.

“(B) **GAO REPORT.**—

“(i) **IN GENERAL.**—Not later than 3 months after the end of the 5-year period described in subparagraph (A), the Comptroller General of the United States shall submit a report to Congress evaluating the demonstration programs conducted under this section during such period.

“(ii) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Comptroller General of the United States, \$550,000 for the period of fiscal years 2007 through 2010 to carry out clause (i).

“(3) **APPROVAL.**—The Secretary shall not approve a State demonstration program under

paragraph (1) unless the program includes the following:

“(A) Creating patient awareness of the high cost of medical care.

“(B) Providing incentives to patients to seek preventive care services.

“(C) Reducing inappropriate use of health care services.

“(D) Enabling patients to take responsibility for health outcomes.

“(E) Providing enrollment counselors and ongoing education activities.

“(F) Providing transactions involving health opportunity accounts to be conducted electronically and without cash.

“(G) Providing access to negotiated provider payment rates consistent with this section.

Nothing in this section shall be construed as preventing a State demonstration program from providing incentives for patients obtaining appropriate preventive care (as defined for purposes of section 223(c)(2)(C) of the Internal Revenue Code of 1986), such as additional account contributions for an individual demonstrating healthy prevention practices.

“(4) **NO REQUIREMENT FOR STATEWIDENESS.**—Nothing in this section or any other provision of law shall be construed to require that a State must provide for the implementation of a State demonstration program on a Statewide basis.

“(b) **ELIGIBLE POPULATION GROUPS.**—

“(1) **IN GENERAL.**—A State demonstration program under this section shall specify the eligible population groups consistent with paragraphs (2) and (3).

“(2) **ELIGIBILITY LIMITATIONS DURING INITIAL DEMONSTRATION PERIOD.**—During the initial 5 years of the demonstration program under this section, a State demonstration program shall not apply to any of the following individuals:

“(A) Individuals who are 65 years of age or older.

“(B) Individuals who are disabled, regardless of whether or not their eligibility for medical assistance under this title is based on such disability.

“(C) Individuals who are eligible for medical assistance under this title only because they are (or were within the previous 60 days) pregnant.

“(D) Individuals who have been eligible for medical assistance for a continuous period of less than 3 months.

“(3) **ADDITIONAL LIMITATIONS.**—A State demonstration program shall not apply to any individual within a category of individuals described in section 1937(a)(2)(B).

“(4) **LIMITATIONS.**—

“(A) **STATE OPTION.**—This subsection shall not be construed as preventing a State from further limiting eligibility.

“(B) **ON ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.**—Insofar as the State provides for eligibility of individuals who are enrolled in medicare managed care organizations, such individuals may participate in the State demonstration program only if the State provides assurances satisfactory to the Secretary that the following conditions are met with respect to any such organization:

“(i) In no case may the number of such individuals enrolled in the organization who participate in the program exceed 5 percent of the total number of individuals enrolled in such organization.

“(ii) The proportion of enrollees in the organization who so participate is not significantly disproportionate to the proportion of such enrollees in other such organizations who participate.

“(iii) The State has provided for an appropriate adjustment in the per capita payments to the organization to account for such participation, taking into account differences in the likely use of health services between enrollees who so participate and enrollees who do not so participate.

“(5) **VOLUNTARY PARTICIPATION.**—An eligible individual shall be enrolled in a State demonstration program only if the individual voluntarily enrolls. Except in such hardship cases as

the Secretary shall specify, such an enrollment shall be effective for a period of 12 months, but may be extended for additional periods of 12 months each with the consent of the individual.

“(6) 1-YEAR MORATORIUM FOR REENROLLMENT.—An eligible individual who, for any reason, is disenrolled from a State demonstration program conducted under this section shall not be permitted to reenroll in such program before the end of the 1-year period that begins on the effective date of such disenrollment.

“(c) ALTERNATIVE BENEFITS.—

“(1) IN GENERAL.—The alternative benefits provided under this section shall consist, consistent with this subsection, of at least—

“(A) coverage for medical expenses in a year for items and services for which benefits are otherwise provided under this title after an annual deductible described in paragraph (2) has been met; and

“(B) contribution into a health opportunity account.

Nothing in subparagraph (A) shall be construed as preventing a State from providing for coverage of preventive care (referred to in subsection (a)(3)) within the alternative benefits without regard to the annual deductible.

“(2) ANNUAL DEDUCTIBLE.—The amount of the annual deductible described in paragraph (1)(A) shall be at least 100 percent, but no more than 110 percent, of the annualized amount of contributions to the health opportunity account under subsection (d)(2)(A)(i), determined without regard to any limitation described in subsection (d)(2)(C)(i)(II).

“(3) ACCESS TO NEGOTIATED PROVIDER PAYMENT RATES.—

“(A) FEE-FOR-SERVICE ENROLLEES.—In the case of an individual who is participating in a State demonstration program and who is not enrolled with a medicaid managed care organization, the State shall provide that the individual may obtain demonstration program medicaid services from—

“(i) any participating provider under this title at the same payment rates that would be applicable to such services if the deductible described in paragraph (1)(A) was not applicable; or

“(ii) any other provider at payment rates that do not exceed 125 percent of the payment rate that would be applicable to such services furnished by a participating provider under this title if the deductible described in paragraph (1)(A) was not applicable.

“(B) TREATMENT UNDER MEDICAID MANAGED CARE PLANS.—In the case of an individual who is participating in a State demonstration program and is enrolled with a medicaid managed care organization, the State shall enter into an arrangement with the organization under which the individual may obtain demonstration program medicaid services from any provider described in clause (ii) of subparagraph (A) at payment rates that do not exceed the payment rates that may be imposed under that clause.

“(C) COMPUTATION.—The payment rates described in subparagraphs (A) and (B) shall be computed without regard to any cost sharing that would be otherwise applicable under sections 1916 and 1916A.

“(D) DEFINITIONS.—For purposes of this paragraph:

“(i) The term ‘demonstration program medicaid services’ means, with respect to an individual participating in a State demonstration program, services for which the individual would be provided medical assistance under this title but for the application of the deductible described in paragraph (1)(A).

“(ii) The term ‘participating provider’ means—

“(I) with respect to an individual described in subparagraph (A), a health care provider that has entered into a participation agreement with the State for the provision of services to individuals entitled to benefits under the State plan; or

“(II) with respect to an individual described in subparagraph (B) who is enrolled in a med-

icaid managed care organization, a health care provider that has entered into an arrangement for the provision of services to enrollees of the organization under this title.

“(4) NO EFFECT ON SUBSEQUENT BENEFITS.—Except as provided under paragraphs (1) and (2), alternative benefits for an eligible individual shall consist of the benefits otherwise provided to the individual, including cost sharing relating to such benefits.

“(5) OVERRIDING COST SHARING AND COMPARABILITY REQUIREMENTS FOR ALTERNATIVE BENEFITS.—The provisions of this title relating to cost sharing for benefits (including sections 1916 and 1916A) shall not apply with respect to benefits to which the annual deductible under paragraph (1)(A) applies. The provisions of section 1902(a)(10)(B) (relating to comparability) shall not apply with respect to the provision of alternative benefits (as described in this subsection).

“(6) TREATMENT AS MEDICAL ASSISTANCE.—Subject to subparagraphs (D) and (E) of subsection (d)(2), payments for alternative benefits under this section (including contributions into a health opportunity account) shall be treated as medical assistance for purposes of section 1903(a).

“(7) USE OF TIERED DEDUCTIBLE AND COST SHARING.—

“(A) IN GENERAL.—A State—

“(i) may vary the amount of the annual deductible applied under paragraph (1)(A) based on the income of the family involved so long as it does not favor families with higher income over those with lower income; and

“(ii) may vary the amount of the maximum out-of-pocket cost sharing (as defined in subparagraph (B)) based on the income of the family involved so long as it does not favor families with higher income over those with lower income.

“(B) MAXIMUM OUT-OF-POCKET COST SHARING.—For purposes of subparagraph (A)(ii), the term ‘maximum out-of-pocket cost sharing’ means, for an individual or family, the amount by which the annual deductible level applied under paragraph (1)(A) to the individual or family exceeds the balance in the health opportunity account for the individual or family.

“(8) CONTRIBUTIONS BY EMPLOYERS.—Nothing in this section shall be construed as preventing an employer from providing health benefits coverage consisting of the coverage described in paragraph (1)(A) to individuals who are provided alternative benefits under this section.

“(d) HEALTH OPPORTUNITY ACCOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘health opportunity account’ means an account that meets the requirements of this subsection.

“(2) CONTRIBUTIONS.—

“(A) IN GENERAL.—No contribution may be made into a health opportunity account except—

“(i) contributions by the State under this title; and

“(ii) contributions by other persons and entities, such as charitable organizations, as permitted under section 1903(w).

“(B) STATE CONTRIBUTION.—A State shall specify the contribution amount that shall be deposited under subparagraph (A)(i) into a health opportunity account.

“(C) LIMITATION ON ANNUAL STATE CONTRIBUTION PROVIDED AND PERMITTING IMPOSITION OF MAXIMUM ACCOUNT BALANCE.—

“(i) IN GENERAL.—A State—

“(I) may impose limitations on the maximum contributions that may be deposited under subparagraph (A)(i) into a health opportunity account in a year;

“(II) may limit contributions into such an account once the balance in the account reaches a level specified by the State; and

“(III) subject to clauses (ii) and (iii) and subparagraph (D)(i), may not provide contributions described in subparagraph (A)(i) to a health opportunity account on behalf of an individual or

family to the extent the amount of such contributions (including both State and Federal shares) exceeds, on an annual basis, \$2,500 for each individual (or family member) who is an adult and \$1,000 for each individual (or family member) who is a child.

“(ii) INDEXING OF DOLLAR LIMITATIONS.—For each year after 2006, the dollar amounts specified in clause (i)(III) shall be annually increased by the Secretary by a percentage that reflects the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

“(iii) BUDGET NEUTRAL ADJUSTMENT.—A State may provide for dollar limitations in excess of those specified in clause (i)(III) (as increased under clause (ii)) for specified individuals if the State provides assurances satisfactory to the Secretary that contributions otherwise made to other individuals will be reduced in a manner so as to provide for aggregate contributions that do not exceed the aggregate contributions that would otherwise be permitted under this subparagraph.

“(D) LIMITATIONS ON FEDERAL MATCHING.—

“(i) STATE CONTRIBUTION.—A State may contribute under subparagraph (A)(i) amounts to a health opportunity account in excess of the limitations provided under subparagraph (C)(i)(III), but no Federal financial participation shall be provided under section 1903(a) with respect to contributions in excess of such limitations.

“(ii) NO FFP FOR PRIVATE CONTRIBUTIONS.—No Federal financial participation shall be provided under section 1903(a) with respect to any contributions described in subparagraph (A)(ii) to a health opportunity account.

“(E) APPLICATION OF DIFFERENT MATCHING RATES.—The Secretary shall provide a method under which, for expenditures made from a health opportunity account for medical care for which the Federal matching rate under section 1903(a) exceeds the Federal medical assistance percentage, a State may obtain payment under such section at such higher matching rate for such expenditures.

“(3) USE.—

“(A) GENERAL USES.—

“(i) IN GENERAL.—Subject to the succeeding provisions of this paragraph, amounts in a health opportunity account may be used for payment of such health care expenditures as the State specifies.

“(ii) GENERAL LIMITATION.—Subject to subparagraph (B)(ii), in no case shall such account be used for payment for health care expenditures that are not payment of medical care (as defined by section 213(d) of the Internal Revenue Code of 1986).

“(iii) STATE RESTRICTIONS.—In applying clause (i), a State may restrict payment for—

“(I) providers of items and services to providers that are licensed or otherwise authorized under State law to provide the item or service and may deny payment for such a provider on the basis that the provider has been found, whether with respect to this title or any other health benefit program, to have failed to meet quality standards or to have committed 1 or more acts of fraud or abuse; and

“(II) items and services insofar as the State finds they are not medically appropriate or necessary.

“(iv) ELECTRONIC WITHDRAWALS.—The State demonstration program shall provide for a method whereby withdrawals may be made from the account for such purposes using an electronic system and shall not permit withdrawals from the account in cash.

“(B) MAINTENANCE OF HEALTH OPPORTUNITY ACCOUNT AFTER BECOMING INELIGIBLE FOR PUBLIC BENEFIT.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, if an account holder of a health opportunity account becomes ineligible for benefits under this title because of an increase in income or assets—

“(I) no additional contribution shall be made into the account under paragraph (2)(A)(i);

“(II) subject to clause (iii), the balance in the account shall be reduced by 25 percent; and

“(III) subject to the succeeding provisions of this subparagraph, the account shall remain available to the account holder for 3 years after the date on which the individual becomes ineligible for such benefits for withdrawals under the same terms and conditions as if the account holder remained eligible for such benefits, and such withdrawals shall be treated as medical assistance in accordance with subsection (c)(6).

“(ii) SPECIAL RULES.—Withdrawals under this subparagraph from an account—

“(I) shall be available for the purchase of health insurance coverage; and

“(II) may, subject to clause (iv), be made available (at the option of the State) for such additional expenditures (such as job training and tuition expenses) specified by the State (and approved by the Secretary) as the State may specify.

“(iii) EXCEPTION FROM 25 PERCENT SAVINGS TO GOVERNMENT FOR PRIVATE CONTRIBUTIONS.—Clause (i)(II) shall not apply to the portion of the account that is attributable to contributions described in paragraph (2)(A)(ii). For purposes of accounting for such contributions, withdrawals from a health opportunity account shall first be attributed to contributions described in paragraph (2)(A)(i).

“(iv) CONDITION FOR NON-HEALTH WITHDRAWALS.—No withdrawal may be made from an account under clause (ii)(II) unless the account holder has participated in the program under this section for at least 1 year.

“(v) NO REQUIREMENT FOR CONTINUATION OF COVERAGE.—An account holder of a health opportunity account, after becoming ineligible for medical assistance under this title, is not required to purchase high-deductible or other insurance as a condition of maintaining or using the account.

“(4) ADMINISTRATION.—A State may coordinate administration of health opportunity accounts through the use of a third party administrator and reasonable expenditures for the use of such administrator shall be reimbursable to the State in the same manner as other administrative expenditures under section 1903(a)(7).

“(5) TREATMENT.—Amounts in, or contributed to, a health opportunity account shall not be counted as income or assets for purposes of determining eligibility for benefits under this title.

“(6) UNAUTHORIZED WITHDRAWALS.—A State may establish procedures—

“(A) to penalize or remove an individual from the health opportunity account based on non-qualified withdrawals by the individual from such an account; and

“(B) to recoup costs that derive from such nonqualified withdrawals.”

SEC. 6083. STATE OPTION TO ESTABLISH NON-EMERGENCY MEDICAL TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 6033(a) and 6035(b), is amended—

(1) in paragraph (68), by striking “and” at the end;

(2) in paragraph (69) by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (69) the following:

“(70) at the option of the State and notwithstanding paragraphs (1), (10)(B), and (23), provide for the establishment of a non-emergency medical transportation brokerage program in order to more cost-effectively provide transportation for individuals eligible for medical assistance under the State plan who need access to medical care or services and have no other means of transportation which—

“(A) may include a wheelchair van, taxi, stretcher car, bus passes and tickets, secured transportation, and such other transportation as the Secretary determines appropriate; and

“(B) may be conducted under contract with a broker who—

“(i) is selected through a competitive bidding process based on the State’s evaluation of the

broker’s experience, performance, references, resources, qualifications, and costs;

“(ii) has oversight procedures to monitor beneficiary access and complaints and ensure that transport personnel are licensed, qualified, competent, and courteous;

“(iii) is subject to regular auditing and oversight by the State in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services; and

“(iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on the prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

SEC. 6084. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Effective as if enacted on December 31, 2005, activities authorized by sections 510 and 1925 of the Social Security Act shall continue through December 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2007 at the level provided for such activities through the first quarter of fiscal year 2006.

SEC. 6085. EMERGENCY SERVICES FURNISHED BY NON-CONTRACT PROVIDERS FOR MEDICAID MANAGED CARE ENROLLEES.

(a) IN GENERAL.—Section 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)) is amended by adding at the end the following new subparagraph:

“(D) EMERGENCY SERVICES FURNISHED BY NON-CONTRACT PROVIDERS.—Any provider of emergency services that does not have in effect a contract with a medicaid managed care entity that establishes payment amounts for services furnished to a beneficiary enrolled in the entity’s Medicaid managed care plan must accept as payment in full no more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that it could collect if the beneficiary received medical assistance under this title other than through enrollment in such an entity. In a State where rates paid to hospitals under the State plan are negotiated by contract and not publicly released, the payment amount applicable under this subparagraph shall be the average contract rate that would apply under the State plan for general acute care hospitals or the average contract rate that would apply under such plan for tertiary hospitals.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007.

SEC. 6086. EXPANDED ACCESS TO HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY AND DISABLED.

(a) HOME AND COMMUNITY-BASED SERVICES AS AN OPTIONAL BENEFIT FOR ELDERLY AND DISABLED INDIVIDUALS.—Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

“(i) STATE PLAN AMENDMENT OPTION TO PROVIDE HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.—

“(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, a State may provide through a State plan amendment for the provision of medical assistance for home and community-based services (within the scope of services described in paragraph (4)(B) of subsection (c) for which the Secretary has the authority to approve a waiver and not including

room and board or such other services requested by the State as the Secretary may approve) for individuals eligible for medical assistance under the State plan whose income does not exceed 150 percent of the poverty line (as defined in section 2110(c)(5)), without determining that but for the provision of such services the individuals would require the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded, but only if the State meets the following requirements:

“(A) NEEDS-BASED CRITERIA FOR ELIGIBILITY FOR, AND RECEIPT OF, HOME AND COMMUNITY-BASED SERVICES.—The State establishes needs-based criteria for determining an individual’s eligibility under the State plan for medical assistance for such home and community-based services, and if the individual is eligible for such services, the specific home and community-based services that the individual will receive.

“(B) ESTABLISHMENT OF MORE STRINGENT NEEDS-BASED ELIGIBILITY CRITERIA FOR INSTITUTIONALIZED CARE.—The State establishes needs-based criteria for determining whether an individual requires the level of care provided in a hospital, a nursing facility, or an intermediate care facility for the mentally retarded under the State plan or under any waiver of such plan that are more stringent than the needs-based criteria established under subparagraph (A) for determining eligibility for home and community-based services.

“(C) PROJECTION OF NUMBER OF INDIVIDUALS TO BE PROVIDED HOME AND COMMUNITY-BASED SERVICES.—

“(i) IN GENERAL.—The State submits to the Secretary, in such form and manner, and upon such frequency as the Secretary shall specify, the projected number of individuals to be provided home and community-based services.

“(ii) AUTHORITY TO LIMIT NUMBER OF ELIGIBLE INDIVIDUALS.—A State may limit the number of individuals who are eligible for such services and may establish waiting lists for the receipt of such services.

“(D) CRITERIA BASED ON INDIVIDUAL ASSESSMENT.—

“(i) IN GENERAL.—The criteria established by the State for purposes of subparagraphs (A) and (B) requires an assessment of an individual’s support needs and capabilities, and may take into account the inability of the individual to perform 2 or more activities of daily living (as defined in section 7702B(c)(2)(B) of the Internal Revenue Code of 1986) or the need for significant assistance to perform such activities, and such other risk factors as the State determines to be appropriate.

“(ii) ADJUSTMENT AUTHORITY.—The State plan amendment provides the State with the option to modify the criteria established under subparagraph (A) (without having to obtain prior approval from the Secretary) in the event that the enrollment of individuals eligible for home and community-based services exceeds the projected enrollment submitted for purposes of subparagraph (C), but only if—

“(1) the State provides at least 60 days notice to the Secretary and the public of the proposed modification;

“(II) the State deems an individual receiving home and community-based services on the basis of the most recent version of the criteria in effect prior to the effective date of the modification to be eligible for such services for a period of at least 12 months beginning on the date the individual first received medical assistance for such services; and

“(III) after the effective date of such modification, the State, at a minimum, applies the criteria for determining whether an individual requires the level of care provided in a hospital, a nursing facility, or an intermediate care facility for the mentally retarded under the State plan or under any waiver of such plan which applied prior to the application of the more stringent criteria developed under subparagraph (B).

“(E) INDEPENDENT EVALUATION AND ASSESSMENT.—

“(i) **ELIGIBILITY DETERMINATION.**—The State uses an independent evaluation for making the determinations described in subparagraphs (A) and (B).

“(ii) **ASSESSMENT.**—In the case of an individual who is determined to be eligible for home and community-based services, the State uses an independent assessment, based on the needs of the individual to—

“(I) determine a necessary level of services and supports to be provided, consistent with an individual’s physical and mental capacity;

“(II) prevent the provision of unnecessary or inappropriate care; and

“(III) establish an individualized care plan for the individual in accordance with subparagraph (G).

“(F) **ASSESSMENT.**—The independent assessment required under subparagraph (E)(ii) shall include the following:

“(i) An objective evaluation of an individual’s inability to perform 2 or more activities of daily living (as defined in section 7702B(c)(2)(B) of the Internal Revenue Code of 1986) or the need for significant assistance to perform such activities.

“(ii) A face-to-face evaluation of the individual by an individual trained in the assessment and evaluation of individuals whose physical or mental conditions trigger a potential need for home and community-based services.

“(iii) Where appropriate, consultation with the individual’s family, spouse, guardian, or other responsible individual.

“(iv) Consultation with appropriate treating and consulting health and support professionals caring for the individual.

“(v) An examination of the individual’s relevant history, medical records, and care and support needs, guided by best practices and research on effective strategies that result in improved health and quality of life outcomes.

“(vi) If the State offers individuals the option to self-direct the purchase of, or control the receipt of, home and community-based service, an evaluation of the ability of the individual or the individual’s representative to self-direct the purchase of, or control the receipt of, such services if the individual so elects.

“(G) **INDIVIDUALIZED CARE PLAN.**—

“(i) **IN GENERAL.**—In the case of an individual who is determined to be eligible for home and community-based services, the State uses the independent assessment required under subparagraph (E)(ii) to establish a written individualized care plan for the individual.

“(ii) **PLAN REQUIREMENTS.**—The State ensures that the individualized care plan for an individual—

“(I) is developed—

“(aa) in consultation with the individual, the individual’s treating physician, health care or support professional, or other appropriate individuals, as defined by the State, and, where appropriate the individual’s family, caregiver, or representative; and

“(bb) taking into account the extent of, and need for, any family or other supports for the individual;

“(II) identifies the necessary home and community-based services to be furnished to the individual (or, if the individual elects to self-direct the purchase of, or control the receipt of, such services, funded for the individual); and

“(III) is reviewed at least annually and as needed when there is a significant change in the individual’s circumstances.

“(iii) **STATE OPTION TO OFFER ELECTION FOR SELF-DIRECTED SERVICES.**—

“(I) **INDIVIDUAL CHOICE.**—At the option of the State, the State may allow an individual or the individual’s representative to elect to receive self-directed home and community-based services in a manner which gives them the most control over such services consistent with the individual’s abilities and the requirements of subclauses (II) and (III).

“(II) **SELF-DIRECTED SERVICES.**—The term ‘self-directed’ means, with respect to the home

and community-based services offered under the State plan amendment, such services for the individual which are planned and purchased under the direction and control of such individual or the individual’s authorized representative, including the amount, duration, scope, provider, and location of such services, under the State plan consistent with the following requirements:

“(aa) **ASSESSMENT.**—There is an assessment of the needs, capabilities, and preferences of the individual with respect to such services.

“(bb) **SERVICE PLAN.**—Based on such assessment, there is developed jointly with such individual or the individual’s authorized representative a plan for such services for such individual that is approved by the State and that satisfies the requirements of subclause (III).

“(III) **PLAN REQUIREMENTS.**—For purposes of subclause (II)(bb), the requirements of this subclause are that the plan—

“(aa) specifies those services which the individual or the individual’s authorized representative would be responsible for directing;

“(bb) identifies the methods by which the individual or the individual’s authorized representative will select, manage, and dismiss providers of such services;

“(cc) specifies the role of family members and others whose participation is sought by the individual or the individual’s authorized representative with respect to such services;

“(dd) is developed through a person-centered process that is directed by the individual or the individual’s authorized representative, builds upon the individual’s capacity to engage in activities that promote community life and that respects the individual’s preferences, choices, and abilities, and involves families, friends, and professionals as desired or required by the individual or the individual’s authorized representative;

“(ee) includes appropriate risk management techniques that recognize the roles and sharing of responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan based upon the resources and capabilities of the individual or the individual’s authorized representative; and

“(ff) may include an individualized budget which identifies the dollar value of the services and supports under the control and direction of the individual or the individual’s authorized representative.

“(IV) **BUDGET PROCESS.**—With respect to individualized budgets described in subclause (III)(ff), the State plan amendment—

“(aa) describes the method for calculating the dollar values in such budgets based on reliable costs and service utilization;

“(bb) defines a process for making adjustments in such dollar values to reflect changes in individual assessments and service plans; and

“(cc) provides a procedure to evaluate expenditures under such budgets.

“(H) **QUALITY ASSURANCE; CONFLICT OF INTEREST STANDARDS.**—

“(i) **QUALITY ASSURANCE.**—The State ensures that the provision of home and community-based services meets Federal and State guidelines for quality assurance.

“(ii) **CONFLICT OF INTEREST STANDARDS.**—The State establishes standards for the conduct of the independent evaluation and the independent assessment to safeguard against conflicts of interest.

“(I) **REDETERMINATIONS AND APPEALS.**—The State allows for at least annual redeterminations of eligibility, and appeals in accordance with the frequency of, and manner in which, redeterminations and appeals of eligibility are made under the State plan.

“(J) **PRESUMPTIVE ELIGIBILITY FOR ASSESSMENT.**—The State, at its option, elects to provide for a period of presumptive eligibility (not to exceed a period of 60 days) only for those individuals that the State has reason to believe may be eligible for home and community-based services. Such presumptive eligibility shall be limited to

medical assistance for carrying out the independent evaluation and assessment under subparagraph (E) to determine an individual’s eligibility for such services and if the individual is so eligible, the specific home and community-based services that the individual will receive.

“(2) **DEFINITION OF INDIVIDUAL’S REPRESENTATIVE.**—In this section, the term ‘individual’s representative’ means, with respect to an individual, a parent, a family member, or a guardian of the individual, an advocate for the individual, or any other individual who is authorized to represent the individual.

“(3) **NONAPPLICATION.**—A State may elect in the State plan amendment approved under this section to not comply with the requirements of section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(C)(i)(III) (relating to income and resource rules applicable in the community), but only for purposes of provided home and community-based services in accordance with such amendment. Any such election shall not be construed to apply to the provision of services to an individual receiving medical assistance in an institutionalized setting as a result of a determination that the individual requires the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded.

“(4) **NO EFFECT ON OTHER WAIVER AUTHORITY.**—Nothing in this subsection shall be construed as affecting the option of a State to offer home and community-based services under a waiver under subsections (c) or (d) of this section or under section 1115.

“(5) **CONTINUATION OF FEDERAL FINANCIAL PARTICIPATION FOR MEDICAL ASSISTANCE PROVIDED TO INDIVIDUALS AS OF EFFECTIVE DATE OF STATE PLAN AMENDMENT.**—Notwithstanding paragraph (1)(B), Federal financial participation shall continue to be available for an individual who is receiving medical assistance in an institutionalized setting, or home and community-based services provided under a waiver under this section or section 1115 that is in effect as of the effective date of the State plan amendment submitted under this subsection, as a result of a determination that the individual requires the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded, without regard to whether such individuals satisfy the more stringent eligibility criteria established under that paragraph, until such time as the individual is discharged from the institution or waiver program or no longer requires such level of care.”.

(b) **QUALITY OF CARE MEASURES.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall consult with consumers, health and social service providers and other professionals knowledgeable about long-term care services and supports to develop program performance indicators, client function indicators, and measures of client satisfaction with respect to home and community-based services offered under State Medicaid programs.

(2) **BEST PRACTICES.**—The Secretary shall—

(A) use the indicators and measures developed under paragraph (1) to assess such home and community-based services, the outcomes associated with the receipt of such services (particularly with respect to the health and welfare of the recipient of the services), and the overall system for providing home and community-based services under the Medicaid program under title XIX of the Social Security Act; and

(B) make publicly available the best practices identified through such assessment and a comparative analyses of the system features of each State.

(3) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services, \$1,000,000 for the period of fiscal years 2006 through 2010 to carry out this subsection.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) take effect on January 1, 2007, and apply to expenditures for medical assistance for home and community-based services provided in accordance with section 1915(i) of the Social Security Act (as added by subsections (a) and (b)) on or after that date.

SEC. 6087. OPTIMAL CHOICE OF SELF-DIRECTED PERSONAL ASSISTANCE SERVICES (CASH AND COUNSELING).

(a) **EXEMPTION FROM CERTAIN REQUIREMENTS.**—Section 1915 of the Social Security Act (42 U.S.C. 1396n), as amended by section 6086(a), is amended by adding at the end the following new subsection:

“(j)(1) A State may provide, as ‘medical assistance’, payment for part or all of the cost of self-directed personal assistance services (other than room and board) under the plan which are provided pursuant to a written plan of care to individuals with respect to whom there has been a determination that, but for the provision of such services, the individuals would require and receive personal care services under the plan, or home and community-based services provided pursuant to a waiver under subsection (c). Self-directed personal assistance services may not be provided under this subsection to individuals who reside in a home or property that is owned, operated, or controlled by a provider of services, not related by blood or marriage.

“(2) The Secretary shall not grant approval for a State self-directed personal assistance services program under this section unless the State provides assurances satisfactory to the Secretary of the following:

“(A) Necessary safeguards have been taken to protect the health and welfare of individuals provided services under the program, and to assure financial accountability for funds expended with respect to such services.

“(B) The State will provide, with respect to individuals who—

“(i) are entitled to medical assistance for personal care services under the plan, or receive home and community-based services under a waiver granted under subsection (c);

“(ii) may require self-directed personal assistance services; and

“(iii) may be eligible for self-directed personal assistance services, an evaluation of the need for personal care under the plan, or personal services under a waiver granted under subsection (c).

“(C) Such individuals who are determined to be likely to require personal care under the plan, or home and community-based services under a waiver granted under subsection (c) are informed of the feasible alternatives, if available under the State’s self-directed personal assistance services program, at the choice of such individuals, to the provision of personal care services under the plan, or personal assistance services under a waiver granted under subsection (c).

“(D) The State will provide for a support system that ensures participants in the self-directed personal assistance services program are appropriately assessed and counseled prior to enrollment and are able to manage their budgets. Additional counseling and management support may be provided at the request of the participant.

“(E) The State will provide to the Secretary an annual report on the number of individuals served and total expenditures on their behalf in the aggregate. The State shall also provide an evaluation of overall impact on the health and welfare of participating individuals compared to non-participants every three years.

“(3) A State may provide self-directed personal assistance services under the State plan without regard to the requirements of section 1902(a)(1) and may limit the population eligible to receive these services and limit the number of persons served without regard to section 1902(a)(10)(B).

“(4)(A) For purposes of this subsection, the term ‘self-directed personal assistance services’

means personal care and related services, or home and community-based services otherwise available under the plan under this title or subsection (c), that are provided to an eligible participant under a self-directed personal assistance services program under this section, under which individuals, within an approved self-directed services plan and budget, purchase personal assistance and related services, and permits participants to hire, fire, supervise, and manage the individuals providing such services.

“(B) At the election of the State—

“(i) a participant may choose to use any individual capable of providing the assigned tasks including legally liable relatives as paid providers of the services; and

“(ii) the individual may use the individual’s budget to acquire items that increase independence or substitute (such as a microwave oven or an accessibility ramp) for human assistance, to the extent that expenditures would otherwise be made for the human assistance.

“(5) For purpose of this section, the term ‘approved self-directed services plan and budget’ means, with respect to a participant, the establishment of a plan and budget for the provision of self-directed personal assistance services, consistent with the following requirements:

“(A) **SELF-DIRECTION.**—The participant (or in the case of a participant who is a minor child, the participant’s parent or guardian, or in the case of an incapacitated adult, another individual recognized by State law to act on behalf of the participant) exercises choice and control over the budget, planning, and purchase of self-directed personal assistance services, including the amount, duration, scope, provider, and location of service provision.

“(B) **ASSESSMENT OF NEEDS.**—There is an assessment of the needs, strengths, and preferences of the participants for such services.

“(C) **SERVICE PLAN.**—A plan for such services (and supports for such services) for the participant has been developed and approved by the State based on such assessment through a person-centered process that—

“(i) builds upon the participant’s capacity to engage in activities that promote community life and that respects the participant’s preferences, choices, and abilities; and

“(ii) involves families, friends, and professionals in the planning or delivery of services or supports as desired or required by the participant.

“(D) **SERVICE BUDGET.**—A budget for such services and supports for the participant has been developed and approved by the State based on such assessment and plan and on a methodology that uses valid, reliable cost data, is open to public inspection, and includes a calculation of the expected cost of such services if those services were not self-directed. The budget may not restrict access to other medically necessary care and services furnished under the plan and approved by the State but not included in the budget.

“(E) **APPLICATION OF QUALITY ASSURANCE AND RISK MANAGEMENT.**—There are appropriate quality assurance and risk management techniques used in establishing and implementing such plan and budget that recognize the roles and responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan and budget based upon the participant’s resources and capabilities.

“(6) A State may employ a financial management entity to make payments to providers, track costs, and make reports under the program. Payment for the activities of the financial management entity shall be at the administrative rate established in section 1903(a).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2007.

Subtitle B—SCHIP

SEC. 6101. ADDITIONAL ALLOTMENTS TO ELIMINATE FISCAL YEAR 2006 FUNDING SHORTFALLS.

(a) **IN GENERAL.**—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

“(d) **ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS.**—

“(1) **APPROPRIATION; ALLOTMENT AUTHORITY.**—For the purpose of providing additional allotments to shortfall States described in paragraph (2), there is appropriated, out of any money in the Treasury not otherwise appropriated, \$283,000,000 for fiscal year 2006.

“(2) **SHORTFALL STATES DESCRIBED.**—For purposes of paragraph (1), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of December 16, 2005, that the projected expenditures under such plan for such State for fiscal year 2006 will exceed the sum of—

“(A) the amount of the State’s allotments for each of fiscal years 2004 and 2005 that will not be expended by the end of fiscal year 2005;

“(B) the amount, if any, that is to be redistributed to the State during fiscal year 2006 in accordance with subsection (f); and

“(C) the amount of the State’s allotment for fiscal year 2006.

“(3) **ALLOTMENTS.**—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2006, the Secretary shall allot—

“(A) to each shortfall State described in paragraph (2) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

“(B) to each commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth’s or territory’s allotment under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the amount appropriated under paragraph (1).

“(4) **USE OF ADDITIONAL ALLOTMENT.**—Additional allotments provided under this subsection are only available for amounts expended under a State plan approved under this title for child health assistance for targeted low-income children.

“(5) **1-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.**—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2006 shall only remain available for expenditure by the State through September 30, 2006. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f) and shall revert to the Treasury on October 1, 2006.”.

(b) **CONFORMING AMENDMENTS.**—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by inserting “subject to subsection (d),” after “under this section,”;

(2) in subsection (b)(1), by inserting “and subsection (d)” after “Subject to paragraph (4)”; and

(3) in subsection (c)(1), by inserting “subject to subsection (d),” after “for a fiscal year,”.

(c) **EFFECTIVE DATE.**—The amendments made by this section apply to items and services furnished on or after October 1, 2005, without regard to whether or not regulations implementing such amendments have been issued.

SEC. 6102. PROHIBITION AGAINST COVERING NONPREGNANT CHILDLESS ADULTS WITH SCHIP FUNDS.

(a) **PROHIBITION ON USE OF SCHIP FUNDS.**—Section 2107 of the Social Security Act (42 U.S.C. 1397gg) is amended by adding at the end the following:

“(f) **LIMITATION OF WAIVER AUTHORITY.**—Notwithstanding subsection (e)(2)(A) and section 1115(a), the Secretary may not approve a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”

(b) **CONFORMING AMENDMENTS.**—Section 2105(c)(1) of such Act (42 U.S.C. 1397ee(c)(1)) is amended—

(1) by inserting “and may not include coverage of a nonpregnant childless adult” after “section 2101”; and

(2) by adding at the end the following: “For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”

(c) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to—

(1) authorize the waiver of any provision of title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) that is not otherwise authorized to be waived under such titles or under title XI of such Act (42 U.S.C. 1301 et seq.) as of the date of enactment of this Act;

(2) imply congressional approval of any waiver, experimental, pilot, or demonstration project affecting funds made available under the State children’s health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) or any amendment to such a waiver or project that has been approved as of such date of enactment; or

(3) apply to any waiver, experimental, pilot, or demonstration project that would allow funds made available under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult that is approved before the date of enactment of this Act or to any extension, renewal, or amendment of such a waiver or project that is approved on or after such date of enactment.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect as if enacted on October 1, 2005, and shall apply to any waiver, experimental, pilot, or demonstration project that is approved on or after that date.

SEC. 6103. CONTINUED AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.

(a) **IN GENERAL.**—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking “or 2001” and inserting “2001, 2004, or 2005”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to expenditures made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after October 1, 2005.

Subtitle C—Katrina Relief

SEC. 6201. ADDITIONAL FEDERAL PAYMENTS UNDER HURRICANE-RELATED MULTI-STATE SECTION 1115 DEMONSTRATIONS.

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall pay to each eligible State, from amounts appropriated pursuant to subsection (e), amounts for the following purposes:

(1) Under the authority of an approved Multi-State Section 1115 Demonstration Project (in this section referred to as an “section 1115 project”)—

(A) with respect to evacuees receiving health care under such project, for the non-Federal share of expenditures:

(i) for medical assistance furnished under title XIX of the Social Security Act, and

(ii) for child health assistance furnished under title XXI of such Act;

(B) with respect to evacuees who do not have other coverage for such assistance through insurance, including (but not limited to) private insurance, under title XIX or title XXI of the Social Security Act, or under State-funded health insurance programs, for the total uncompensated care costs incurred for medically necessary services and supplies or premium assistance for such persons, and for those evacuees receiving medical assistance under the project for the total uncompensated care costs incurred for medically necessary services and supplies beyond those included as medical assistance or child health assistance under the State’s approved plan under title XIX or title XXI of the Social Security Act;

(C) with respect to affected individuals receiving health care under such project for the non-Federal share of the following expenditures:

(i) for medical assistance furnished under title XIX of the Social Security Act, and

(ii) for child health assistance furnished under title XXI of such Act; and

(D) with respect to affected individuals who do not have other coverage for such assistance through insurance, including (but not limited to) private insurance, under title XIX or title XXI of the Social Security Act, or under State-funded health insurance programs, for the total uncompensated care costs incurred for medically necessary services and supplies or premium assistance for such persons, and for those affected individuals receiving medical assistance under the project for the total uncompensated care costs incurred for medically necessary services and supplies beyond those included as medical assistance or child health assistance under the State’s approved plan under title XIX or title XXI of the Social Security Act.

(2) For reimbursement of the reasonable administrative costs related to subparagraphs (A) through (D) of paragraph (1) as determined by the Secretary.

(3) Only with respect to affected counties or parishes, for reimbursement with respect to individuals receiving medical assistance under existing State plans approved by the Secretary of Health and Human Services for the following non-Federal share of expenditures:

(A) For medical assistance furnished under title XIX of the Social Security Act.

(B) For child health assistance furnished under title XXI of such Act.

(4) For other purposes, if approved by the Secretary under the Secretary’s authority, to restore access to health care in impacted communities.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term “affected individual” means an individual who resided in an individual assistance designation county or parish pursuant to section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as declared by the President as a result of Hurricane Katrina and continues to reside in the same State that such county or parish is located in.

(2) The term “affected counties or parishes” means a county or parish described in paragraph (1).

(3) The term “evacuee” means an affected individual who has been displaced to another State.

(4) The term “eligible State” means a State that has provided care to affected individuals or evacuees under a section 1115 project.

(c) **APPLICATION TO MATCHING REQUIREMENTS.**—The non-Federal share paid under this section shall not be regarded as Federal funds for purposes of Medicaid matching requirements, the effect of which is to provide fiscal relief to the State in which the Medicaid eligible individual originally resided.

(d) **TIME LIMITS ON PAYMENTS.**—

(1) No payments shall be made by the Secretary under subsection (a)(1)(A) or (a)(1)(C), for costs of health care provided to an eligible evacuee or affected individual for services for such individual incurred after June 30, 2006.

(2) No payments shall be made by the Secretary under subsection (a)(1)(B) or (a)(1)(D) for costs of health care incurred after January 31, 2006.

(3) No payments may be made under subsection (a)(1)(B) or (a)(1)(D) for an item or service that an evacuee or an affected individual has received from an individual or organization as part of a public or private hurricane relief effort.

(e) **APPROPRIATIONS.**—For the purpose of providing funds for payments under this section, in addition to any funds made available for the National Disaster Medical System under the Department of Homeland Security for health care costs related to Hurricane Katrina, including under a section 1115 project, there is appropriated out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available to the Secretary until expended. The total amount of payments made under subsection (a) may not exceed the total amount appropriated under this subsection.

SEC. 6202. STATE HIGH RISK HEALTH INSURANCE POOL FUNDING.

(a) **IN GENERAL.**—There are hereby authorized and appropriated for fiscal year 2006—

(1) \$75,000,000 for grants under subsection (b)(1) of section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45); and

(2) \$15,000,000 for grants under subsection (a) of such section.

(b) **TREATMENT.**—The amount appropriated under—

(1) paragraph (1) shall be treated as if it had been appropriated under subsection (c)(2) of such section; and

(2) paragraph (2) shall be treated as if it had been appropriated under subsection (c)(1) of such section.

(c) **REFERENCES.**—Effective upon the enactment of the State High Risk Pool Funding Extension Act of 2005—

(1) subsection (a)(1) shall be applied by substituting “subsections (b)(2) and (c)(3)” for “subsection (b)(1)”; and

(2) subsection (b)(1) shall be applied by substituting “(d)(1)(B)” for “(c)(2)”; and

(3) subsection (b)(2) shall be applied by substituting “(d)(1)(A)” for “(c)(1)”.

SEC. 6203. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of, and amendments made by, title V of this Act and this title—

(1) the Secretary of Health and Human Services shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of \$30,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2006; and

(2) out of any funds in the Treasury not otherwise appropriated, there are appropriated to such Secretary for the Centers for Medicare & Medicaid Services Program Management Account, \$30,000,000 for fiscal year 2006.

TITLE VII—HUMAN RESOURCES AND OTHER PROVISIONS

SEC. 7002. REFERENCES.

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

Subtitle A—TANF

SEC. 7101. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND RELATED PROGRAMS FUNDING THROUGH SEPTEMBER 30, 2010.

(a) **IN GENERAL.**—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (adjusted, as applicable, by or under

this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005) shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004 (or, as applicable, at such greater level as may result from the application of this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005), except that in the case of section 403(a)(3) of the Social Security Act, grants and payments may be made pursuant to this authority only through fiscal year 2008 and in the case of section 403(a)(4) of the Social Security Act, no grants shall be made for any fiscal year occurring after fiscal year 2005.

(b) CONFORMING AMENDMENTS.—Part A of title IV (42 U.S.C. 601 et seq.) is amended—

(1) in section 403(a)(3)(H)(ii), by striking “December, 31, 2005” and inserting “fiscal year 2008”;

(2) in section 403(b)(3)(C)(ii), by striking “2006” and inserting “2010”; and

(3) in section 409(a)(7)—

(A) in subparagraph (A), by striking “or 2007” and inserting “2007, 2008, 2009, 2010, or 2011”; and

(B) in subparagraph (B)(ii), by striking “2006” and inserting “2010”.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE THROUGH SEPTEMBER 30, 2010.—Activities authorized by section 429A of the Social Security Act shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004.

SEC. 7102. IMPROVED CALCULATION OF WORK PARTICIPATION RATES AND PROGRAM INTEGRITY.

(a) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A) (42 U.S.C. 607(b)(3)(A)) is amended—

(A) in clause (i), by inserting “or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))” after “this part”; and

(B) by striking clause (ii) and inserting the following:

“(ii) the average monthly number of families that received assistance under any State program referred to in clause (i) during fiscal year 2005.”

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking “and eligibility criteria” and all that follows through the close parenthesis and inserting “and the eligibility criteria in effect during fiscal year 2005”.

(b) INCLUSION OF FAMILIES RECEIVING ASSISTANCE UNDER SEPARATE STATE PROGRAMS IN CALCULATION OF PARTICIPATION RATES.—

(1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a)(1), (a)(2), (b)(1)(B)(i), (c)(2)(A)(i), (e)(1), and (e)(2), by inserting “or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))” after “this part”.

(2) Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(A) in subparagraph (A), by inserting “or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))” before the colon; and

(B) in subparagraph (B)(ii), by inserting “and any other State programs funded with qualified

State expenditures (as defined in section 409(a)(7)(B)(i))” after “this part”.

(c) IMPROVED VERIFICATION AND OVERSIGHT OF WORK PARTICIPATION.—

(1) IN GENERAL.—Section 407(i) (42 U.S.C. 607(i)) is amended to read as follows:

“(i) VERIFICATION OF WORK AND WORK-ELIGIBLE INDIVIDUALS IN ORDER TO IMPLEMENT REFORMS.—

“(1) SECRETARIAL DIRECTION AND OVERSIGHT.—

“(A) REGULATIONS FOR DETERMINING WHETHER ACTIVITIES MAY BE COUNTED AS ‘WORK ACTIVITIES’, HOW TO COUNT AND VERIFY REPORTED HOURS OF WORK, AND DETERMINING WHO IS A WORK-ELIGIBLE INDIVIDUAL.—

“(i) IN GENERAL.—Not later than June 30, 2006, the Secretary shall promulgate regulations to ensure consistent measurement of work participation rates under State programs funded under this part and State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), which shall include information with respect to—

“(I) determining whether an activity of a recipient of assistance may be treated as a work activity under subsection (d);

“(II) uniform methods for reporting hours of work by a recipient of assistance;

“(III) the type of documentation needed to verify reported hours of work by a recipient of assistance; and

“(IV) the circumstances under which a parent who resides with a child who is a recipient of assistance should be included in the work participation rates.

“(ii) ISSUANCE OF REGULATIONS ON AN INTERIM FINAL BASIS.—The regulations referred to in clause (i) may be effective and final immediately on an interim basis as of the date of publication of the regulations. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comment on the regulation after the date of publication. The Secretary may change or revise the regulation after the public comment period.

“(B) OVERSIGHT OF STATE PROCEDURES.—The Secretary shall review the State procedures established in accordance with paragraph (2) to ensure that such procedures are consistent with the regulations promulgated under subparagraph (A) and are adequate to ensure an accurate measurement of work participation under the State programs funded under this part and any other State programs funded with qualified State expenditures (as so defined).

“(2) REQUIREMENT FOR STATES TO ESTABLISH AND MAINTAIN WORK PARTICIPATION VERIFICATION PROCEDURES.—Not later than September 30, 2006, a State to which a grant is made under section 403 shall establish procedures for determining, with respect to recipients of assistance under the State program funded under this part or under any State programs funded with qualified State expenditures (as so defined), whether activities may be counted as work activities, how to count and verify reported hours of work, and who is a work-eligible individual, in accordance with the regulations promulgated pursuant to paragraph (1)(A)(i) and shall establish internal controls to ensure compliance with the procedures.”

(2) STATE PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(i)(2) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not less than 1 percent and not more than 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.

SEC. 7103. GRANTS FOR HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD.

(a) HEALTHY MARRIAGE AND FAMILY FUNDS.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

“(2) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—

“(A) IN GENERAL.—

“(i) USE OF FUNDS.—Subject to subparagraphs (B) and (C), the Secretary may use the funds made available under subparagraph (D) for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribes and tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under another provision of this part.

“(ii) LIMITATIONS.—The Secretary may not award funds made available under this paragraph on a noncompetitive basis, and may not provide any such funds to an entity for the purpose of carrying out healthy marriage promotion activities or for the purpose of carrying out activities promoting responsible fatherhood unless the entity has submitted to the Secretary an application which—

“(I) describes—

“(aa) how the programs or activities proposed in the application will address, as appropriate, issues of domestic violence; and

“(bb) what the applicant will do, to the extent relevant, to ensure that participation in the programs or activities is voluntary, and to inform potential participants that their participation is voluntary; and

“(II) contains a commitment by the entity—

“(aa) to not use the funds for any other purpose; and

“(bb) to consult with experts in domestic violence or relevant community domestic violence coalitions in developing the programs and activities.

“(iii) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—In clause (ii), the term ‘healthy marriage promotion activities’ means the following:

“(I) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

“(II) Education in high schools on the value of marriage, relationship skills, and budgeting.

“(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

“(IV) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

“(V) Marriage enhancement and marriage skills training programs for married couples.

“(VI) Divorce reduction programs that teach relationship skills.

“(VII) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

“(VIII) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

“(B) LIMITATION ON USE OF FUNDS FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

“(i) IN GENERAL.—Of the amounts made available under subparagraph (D) for a fiscal year, the Secretary may not award more than \$2,000,000 on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in

coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

“(ii) **LIMITATION ON USE OF FUNDS.**—A grant made pursuant to clause (i) to such a project shall not be used for any purpose other than—

“(I) to improve case management for families eligible for assistance from such a tribal program;

“(II) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

“(III) for prevention services and assistance to tribal families at risk of child abuse and neglect.

“(iii) **REPORTS.**—The Secretary may require a recipient of funds awarded under this subparagraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this subparagraph.

“(C) **LIMITATION ON USE OF FUNDS FOR ACTIVITIES PROMOTING RESPONSIBLE FATHERHOOD.**—

“(i) **IN GENERAL.**—Of the amounts made available under subparagraph (D) for a fiscal year, the Secretary may not award more than \$50,000,000 on a competitive basis to States, territories, Indian tribes and tribal organizations, and public and nonprofit community entities, including religious organizations, for activities promoting responsible fatherhood.

“(ii) **ACTIVITIES PROMOTING RESPONSIBLE FATHERHOOD.**—In this paragraph, the term ‘activities promoting responsible fatherhood’ means the following:

“(I) Activities to promote marriage or sustain marriage through activities such as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family’s ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

“(II) Activities to promote responsible parenting through activities such as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

“(III) Activities to foster economic stability by helping fathers improve their economic status by providing activities such as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

“(IV) Activities to promote responsible fatherhood that are conducted through a contract with a nationally recognized, nonprofit fatherhood promotion organization, such as the development, promotion, and distribution of a media campaign to encourage the appropriate involvement of parents in the life of any child and specifically the issue of responsible fatherhood, and the development of a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood.

“(D) **APPROPRIATION.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$150,000,000 for each of fiscal years 2006 through

2010, for expenditure in accordance with this paragraph.”.

(b) **COUNTING OF SPENDING ON CERTAIN PRO-FAMILY ACTIVITIES.**—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

“(V) **COUNTING OF SPENDING ON CERTAIN PRO-FAMILY ACTIVITIES.**—The term ‘qualified State expenditures’ includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).”.

Subtitle B—Child Care

SEC. 7201. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

“(G) \$2,917,000,000 for each of fiscal years 2006 through 2010.”.

Subtitle C—Child Support

SEC. 7301. ASSIGNMENT AND DISTRIBUTION OF CHILD SUPPORT.

(a) **MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.**—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

“(3) **NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.**—A State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.”.

(b) **INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.**—

(1) **DISTRIBUTION RULES.**—

(A) **IN GENERAL.**—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

“(a) **IN GENERAL.**—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

“(1) **FAMILIES RECEIVING ASSISTANCE.**—In the case of a family receiving assistance from the State, the State shall—

“(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

“(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

“(C) pay to the family any remaining amount.

“(2) **FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.**—In the case of a family that formerly received assistance from the State:

“(A) **CURRENT SUPPORT.**—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

“(B) **ARREARAGES.**—Except as otherwise provided in an election made under section 454(34), to the extent that the amount collected exceeds the current support amount, the State—

“(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrears not assigned pursuant to section 408(a)(3);

“(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

“(I) pay to the Federal Government the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

“(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

“(iii) shall pay to the family any remaining amount.

“(3) **LIMITATIONS.**—

“(A) **FEDERAL REIMBURSEMENTS.**—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

“(B) **STATE REIMBURSEMENTS.**—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

“(4) **FAMILIES THAT NEVER RECEIVED ASSISTANCE.**—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).

“(5) **FAMILIES UNDER CERTAIN AGREEMENTS.**—Notwithstanding paragraphs (1) through (3), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.”.

(B) **STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION BEGINNING WITH FISCAL YEAR 2009.**—

(i) **IN GENERAL.**—Section 457(a) (42 U.S.C. 657(a)) is amended by adding at the end the following:

“(7) **STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.**—

“(A) **FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.**—Notwithstanding paragraph (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that formerly received assistance from the State to the extent that the State pays the amount to the family.

“(B) **FAMILIES THAT CURRENTLY RECEIVE ASSISTANCE.**—

“(i) **IN GENERAL.**—Notwithstanding paragraph (1), in the case of a family that receives assistance from the State, a State shall not be required to pay to the Federal Government the Federal share of the excepted portion (as defined in clause (ii)) of any amount collected on behalf of such family during a month to the extent that—

“(I) the State pays the excepted portion to the family; and

“(II) the excepted portion is disregarded in determining the amount and type of assistance provided to the family under such program.

“(ii) **EXCEPTED PORTION DEFINED.**—For purposes of this subparagraph, the term ‘excepted portion’ means that portion of the amount collected on behalf of a family during a month that does not exceed \$100 per month, or in the case of a family that includes 2 or more children, that does not exceed an amount established by the State that is not more than \$200 per month.”.

(ii) **EFFECTIVE DATE.**—The amendment made by clause (i) shall take effect on October 1, 2008.

(iii) **REDESIGNATION.**—Effective October 1, 2009, paragraph (7) of section 457(a) of the Social Security Act (as added by clause (i)) is redesignated as paragraph (6).

(C) **STATE PLAN TO INCLUDE ELECTION AS TO WHICH RULES TO APPLY IN DISTRIBUTING CHILD SUPPORT ARREARAGES COLLECTED ON BEHALF OF FAMILIES FORMERLY RECEIVING ASSISTANCE.**—Section 454 (42 U.S.C. 654) is amended—

(i) by striking “and” at the end of paragraph (32);

(ii) by striking the period at the end of paragraph (33) and inserting “; and”; and

(iii) by inserting after paragraph (33) the following:

“(34) include an election by the State to apply section 457(a)(2)(B) of this Act or former section 457(a)(2)(B) of this Act (as in effect for the State

immediately before the date this paragraph first applies to the State) to the distribution of the amounts which are the subject of such sections and, for so long as the State elects to so apply such former section, the amendments made by subsection (b)(1) of section 7301 of the Deficit Reduction Act of 2005 shall not apply with respect to the State, notwithstanding subsection (e) of such section 7301."

(2) **CURRENT SUPPORT AMOUNT DEFINED.**—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

"(5) **CURRENT SUPPORT AMOUNT.**—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support or calculated by the State based on the order."

(c) **STATE OPTION TO DISCONTINUE OLDER SUPPORT ASSIGNMENTS.**—Section 457(b) (42 U.S.C. 657(b)) is amended to read as follows:

"(b) **CONTINUATION OF ASSIGNMENTS.**—

"(1) **STATE OPTION TO DISCONTINUE PRE-1997 SUPPORT ASSIGNMENTS.**—

"(A) **IN GENERAL.**—Any rights to support obligations assigned to a State as a condition of receiving assistance from the State under part A and in effect on September 30, 1997 (or such earlier date on or after August 22, 1996, as the State may choose), may remain assigned after such date.

"(B) **DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.**—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to the assignment as if the amounts had never been assigned and may distribute the amounts to the family in accordance with subsection (a)(4).

"(2) **STATE OPTION TO DISCONTINUE POST-1997 ASSIGNMENTS.**—

"(A) **IN GENERAL.**—Any rights to support obligations accruing before the date on which a family first receives assistance under part A that are assigned to a State under that part and in effect before the implementation date of this section may remain assigned after such date.

"(B) **DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.**—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to the assignment as if the amounts had never been assigned and may distribute the amounts to the family in accordance with subsection (a)(4)."

(d) **CONFORMING AMENDMENTS.**—Section 6402(c) of the Internal Revenue Code of 1986 (relating to offset of past-due support against overpayments) is amended—

(1) in the first sentence, by striking "the Social Security Act." and inserting "of such Act."; and

(2) by striking the third sentence and inserting the following: "The Secretary shall apply a reduction under this subsection first to an amount certified by the State as past due support under section 464 of the Social Security Act before any other reductions allowed by law."

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the amendments made by the preceding provisions of this section shall take effect on October 1, 2009, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement the amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) **STATE OPTION TO ACCELERATE EFFECTIVE DATE.**—Notwithstanding paragraph (1), a State may elect to have the amendments made by the preceding provisions of this section apply to the State and to amounts collected by the State (and the payments under parts A and D), on and after such date as the State may select that is not earlier than October 1, 2008, and not later than September 30, 2009.

(f) **USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.**—

(1) **IN GENERAL.**—Section 464 (42 U.S.C. 664) is amended—

(A) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(II) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(ii) by striking paragraphs (2) and (3).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 2007.

(g) **STATE OPTION TO USE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM FOR INTERSTATE CASES.**—Section 466(a)(14)(A)(iii) (42 U.S.C. 666(a)(14)(A)(iii)) is amended by inserting before the semicolon the following: "(but the assisting State may establish a corresponding case based on such other State's request for assistance)".

SEC. 7302. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) **IN GENERAL.**—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "parent, or," and inserting "parent or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 7303. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) **IN GENERAL.**—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking "\$5,000" and inserting "\$2,500".

(b) **CONFORMING AMENDMENT.**—Section 454(31) (42 U.S.C. 654(31)) is amended by striking "\$5,000" and inserting "\$2,500".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2006.

SEC. 7304. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater" before ", which shall be available".

SEC. 7305. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the first sentence, by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater" before ", which shall be available"; and

(2) in the second sentence, by striking "for each of fiscal years 1997 through 2001".

SEC. 7306. INFORMATION COMPARISONS WITH INSURANCE DATA.

(a) **DUTIES OF THE SECRETARY.**—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(1) **COMPARISONS WITH INSURANCE INFORMATION.**—

"(I) **IN GENERAL.**—The Secretary, through the Federal Parent Locator Service, may—

"(A) compare information concerning individuals owing past-due support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments; and

"(B) furnish information resulting from the data matches to the State agencies responsible for collecting child support from the individuals.

"(2) **LIABILITY.**—An insurer (including any agent of an insurer) shall not be liable under any Federal or State law to any person for any disclosure provided for under this subsection, or

for any other action taken in good faith in accordance with this subsection."

(b) **STATE REIMBURSEMENT OF FEDERAL COSTS.**—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by inserting "or section 452(l)" after "pursuant to this section".

SEC. 7307. REQUIREMENT THAT STATE CHILD SUPPORT ENFORCEMENT AGENCIES SEEK MEDICAL SUPPORT FOR CHILDREN FROM EITHER PARENT.

(a) **STATE AGENCIES REQUIRED TO SEEK MEDICAL SUPPORT FROM EITHER PARENT.**—

(1) **IN GENERAL.**—Section 466(a)(19)(A) (42 U.S.C. 666(a)(19)(A)) is amended by striking "which include a provision for the health care coverage of the child are enforced" and inserting "shall include a provision for medical support for the child to be provided by either or both parents, and shall be enforced".

(2) **CONFORMING AMENDMENTS.**—

(A) **TITLE IV-D.**—

(i) Section 452(f) (42 U.S.C. 652(f)) is amended by striking "include medical support as part of any child support order and enforce medical support" and inserting "enforce medical support included as part of a child support order".

(ii) Section 466(a)(19) (42 U.S.C. 666(a)(19)), as amended by paragraph (1) of this subsection, is amended—

(I) in subparagraph (A)—

(aa) by striking "section 401(e)(3)(C)" and inserting "section 401(e)"; and

(bb) by striking "section 401(f)(5)(C)" and inserting "section 401(f)";

(II) in subparagraph (B)—

(aa) by striking "noncustodial" each place it appears; and

(bb) in clause (iii), by striking "section 466(b)" and inserting "subsection (b)"; and

(III) in subparagraph (C), by striking "noncustodial" each place it appears and inserting "obligated".

(B) **STATE OR LOCAL GOVERNMENTAL GROUP HEALTH PLANS.**—Section 401(e)(2) of the Child Support Performance and Incentive Act of 1998 (29 U.S.C. 1169 note) is amended, in the matter preceding subparagraph (A), by striking "who is a noncustodial parent of the child".

(C) **CHURCH PLANS.**—Section 401(f)(5)(C) of the Child Support Performance and Incentive Act of 1998 (29 U.S.C. 1169 note) is amended by striking "noncustodial" each place it appears.

(b) **ENFORCEMENT OF MEDICAL SUPPORT REQUIREMENTS.**—Section 452(f) (42 U.S.C. 652(f)), as amended by subsection (a)(2)(A)(i), is amended by inserting after the first sentence the following: "A State agency administering the program under this part may enforce medical support against a custodial parent if health care coverage is available to the custodial parent at a reasonable cost, notwithstanding any other provision of this part."

(c) **DEFINITION OF MEDICAL SUPPORT.**—Section 452(f) (42 U.S.C. 652(f)), as amended by subsections (a)(2)(A)(i) and (b) of this section, is amended by adding at the end the following: "For purposes of this part, the term 'medical support' may include health care coverage, such as coverage under a health insurance plan (including payment of costs of premiums, co-payments, and deductibles) and payment for medical expenses incurred on behalf of a child."

SEC. 7308. REDUCTION OF FEDERAL MATCHING RATE FOR LABORATORY COSTS INCURRED IN DETERMINING PATERNITY.

(a) **IN GENERAL.**—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended by striking "90 percent (rather than the percentage specified in subparagraph (A))" and inserting "66 percent".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to costs incurred on or after that date.

SEC. 7309. ENDING FEDERAL MATCHING OF STATE SPENDING OF FEDERAL INCENTIVE PAYMENTS.

(a) **IN GENERAL.**—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by inserting "from

amounts paid to the State under section 458 or” before “to carry out an agreement”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 7310. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) **IN GENERAL.**—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

- (1) by inserting “(i)” after “(B)”;
- (2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;
- (3) by adding “and” after the semicolon; and
- (4) by adding after and below the end the following new clause:

“(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least \$500 of support, the State shall impose an annual fee of \$25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st \$500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and the fees shall be considered income to the program);”.

(b) **CONFORMING AMENDMENTS.**—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

“(3) **FAMILIES THAT NEVER RECEIVED ASSISTANCE.**—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2006.

SEC. 7311. EXCEPTION TO GENERAL EFFECTIVE DATE FOR STATE PLANS REQUIRING STATE LAW AMENDMENTS.

In the case of a State plan under part D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Subtitle D—Child Welfare

SEC. 7401. STRENGTHENING COURTS.

(a) **COURT IMPROVEMENT GRANTS.**—

(1) **IN GENERAL.**—Section 438(a) (42 U.S.C. 629h(a)) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following:

“(3) to ensure that the safety, permanence, and well-being needs of children are met in a timely and complete manner; and

“(4) to provide for the training of judges, attorneys and other legal personnel in child welfare cases.”.

(2) **APPLICATIONS.**—Section 438(b) (42 U.S.C. 629h(b)) is amended to read as follows:

“(b) **APPLICATIONS.**—

“(1) **IN GENERAL.**—In order to be eligible to receive a grant under this section, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary may require, including—

“(A) in the case of a grant for the purpose described in subsection (a)(3), a description of how courts and child welfare agencies on the local and State levels will collaborate and jointly plan for the collection and sharing of all relevant data and information to demonstrate how improved case tracking and analysis of child abuse and neglect cases will produce safe and timely permanency decisions;

“(B) in the case of a grant for the purpose described in subsection (a)(4), a demonstration that a portion of the grant will be used for cross-training initiatives that are jointly planned and executed with the State agency or any other agency under contract with the State to administer the State program under the State plan under subpart 1, the State plan approved under section 434, or the State plan approved under part E; and

“(C) in the case of a grant for any purpose described in subsection (a), a demonstration of meaningful and ongoing collaboration among the courts in the State, the State agency or any other agency under contract with the State who is responsible for administering the State program under part B or E, and, where applicable, Indian tribes..

“(2) **SEPARATE APPLICATIONS.**— A highest State court desiring grants under this section for 2 or more purposes shall submit separate applications for the following grants:

“(A) a grant for the purposes described in paragraphs (1) and (2) of subsection (a).

“(B) a grant for the purpose described in subsection (a)(3).

“(C) a grant for the purpose described in subsection (a)(4).”.

(3) **ALLOTMENTS.**—Section 438(c) (42 U.S.C. 429h(c)) is amended—

(A) in paragraph (1)—

(i) by inserting “of this section for a grant described in subsection (b)(2)(A) of this section” after “subsection (b)”; and

(ii) by striking “paragraph (2) of this subsection” and inserting “subparagraph (B) of this paragraph”;

(B) in paragraph (2)—

(i) by striking “this paragraph” and inserting “this subparagraph”;

(ii) by striking “paragraph (1) of this subsection” and inserting “subparagraph (A) of this paragraph”; and

(iii) by inserting “for such a grant” after “subsection (b)”;.

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

(D) by inserting before and above such subparagraph (A) the following:

“(1) **GRANTS TO ASSESS AND IMPROVE HANDLING OF COURT PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.**—”; and

(E) by adding at the end the following:

“(2) **GRANTS FOR IMPROVED DATA COLLECTION AND TRAINING.**—

“(A) **IN GENERAL.**—Each highest State court which has an application approved under subsection (b) of this section for a grant referred to in subparagraph (B) or (C) of subsection (b)(2) shall be entitled to payment, for each of fiscal years 2006 through 2010, from the amount made available under whichever of paragraph (1) or (2) of subsection (e) applies with respect to the grant, of an amount equal to the sum of \$85,000 plus the amount described in subparagraph (B) of this paragraph for the fiscal year with respect to the grant.

“(B) **FORMULA.**—The amount described in this subparagraph for any fiscal year with respect to a grant referred to in subparagraph (B) or (C) of subsection (b)(2) is the amount that bears the same ratio to the amount made available under subsection (e) for such a grant (reduced by the dollar amount specified in subparagraph (A) of this paragraph) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under subsection (b) for such a grant.”.

(4) **FUNDING.**—Section 438 (42 U.S.C. 629h) is amended by adding at the end the following:

“(e) **FUNDING FOR GRANTS FOR IMPROVED DATA COLLECTION AND TRAINING.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, for each of fiscal years 2006 through 2010—

“(1) \$10,000,000 for grants referred to in subsection (b)(2)(B); and

“(2) \$10,000,000 for grants referred to in subsection (b)(2)(C).”.

(b) **REQUIREMENT TO DEMONSTRATE MEANINGFUL COLLABORATION BETWEEN COURTS AND AGENCIES IN CHILD WELFARE SERVICES PROGRAMS.**—Section 422(b) (42 U.S.C. 622(b)) is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting “; and”; and

(3) by adding at the end the following:

“(15) demonstrate substantial, ongoing, and meaningful collaboration with State courts in the development and implementation of the State plan under subpart 1, the State plan approved under part E, and in the development and implementation of any program improvement plan required under section 1123A.”.

(c) **USE OF CHILD WELFARE RECORDS IN STATE COURT PROCEEDINGS.**—Section 471 (42 U.S.C. 671) is amended—

(1) in subsection (a)(8), by inserting “subject to subsection (c),” after “(8)”; and

(2) by adding at the end the following:

“(c) **USE OF CHILD WELFARE RECORDS IN STATE COURT PROCEEDINGS.**—Subsection (a)(8) shall not be construed to limit the flexibility of a State in determining State policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to part B or this part, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.”.

SEC. 7402. FUNDING OF SAFE AND STABLE FAMILIES PROGRAMS.

Section 436(a) (42 U.S.C. 629f(a)) is amended to read as follows:

“(a) **AUTHORIZATION.**—In addition to any amount otherwise made available to carry out this subpart, there are authorized to be appropriated to carry out this subpart \$345,000,000 for fiscal year 2006. Notwithstanding the preceding sentence, the total amount authorized to be so appropriated for fiscal year 2006 under this subsection and under this subsection (as in effect before the date of the enactment of the Deficit Reduction Act of 2005) is \$345,000,000.”.

SEC. 7403. CLARIFICATION REGARDING FEDERAL MATCHING OF CERTAIN ADMINISTRATIVE COSTS UNDER THE FOSTER CARE MAINTENANCE PAYMENTS PROGRAM.

(a) **ADMINISTRATIVE COSTS RELATING TO UNLICENSED CARE.**—Section 472 (42 U.S.C. 672) is amended by inserting after subsection (h) the following:

“(i) **ADMINISTRATIVE COSTS ASSOCIATED WITH OTHERWISE ELIGIBLE CHILDREN NOT IN LICENSED FOSTER CARE SETTINGS.**—Expenditures by a State that would be considered administrative expenditures for purposes of section 474(a)(3) if made with respect to a child who was residing in a foster family home or child-care institution shall be so considered with respect to a child not residing in such a home or institution—

“(1) in the case of a child who has been removed in accordance with subsection (a) of this section from the home of a relative specified in section 406(a) (as in effect on July 16, 1996), only for expenditures—

“(A) with respect to a period of not more than the lesser of 12 months or the average length of time it takes for the State to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or

“(B) with respect to a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State; and

“(2) in the case of any other child who is potentially eligible for benefits under a State plan approved under this part and at imminent risk of removal from the home, only if—

“(A) reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and

“(B) the State agency has made, not less often than every 6 months, a determination (or re-determination) as to whether the child remains at imminent risk of removal from the home.”.

(b) **CONFORMING AMENDMENT.**—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended by inserting “subject to section 472(i)” before “an amount equal to”.

SEC. 7404. CLARIFICATION OF ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS AND ADOPTION ASSISTANCE.

(a) **FOSTER CARE MAINTENANCE PAYMENTS.**—Section 472(a) (42 U.S.C. 672(a)) is amended to read as follows:

“(a) **IN GENERAL.**—

“(1) **ELIGIBILITY.**—Each State with a plan approved under this part shall make foster care maintenance payments on behalf of each child who has been removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) into foster care if—

“(A) the removal and foster care placement met, and the placement continues to meet, the requirements of paragraph (2); and

“(B) the child, while in the home, would have met the AFDC eligibility requirement of paragraph (3).

“(2) **REMOVAL AND FOSTER CARE PLACEMENT REQUIREMENTS.**—The removal and foster care placement of a child meet the requirements of this paragraph if—

“(A) the removal and foster care placement are in accordance with—

“(i) a voluntary placement agreement entered into by a parent or legal guardian of the child who is the relative referred to in paragraph (1); or

“(ii) a judicial determination to the effect that continuation in the home from which removed would be contrary to the welfare of the child and that reasonable efforts of the type described in section 471(a)(15) for a child have been made;

“(B) the child’s placement and care are the responsibility of—

“(i) the State agency administering the State plan approved under section 471; or

“(ii) any other public agency with which the State agency administering or supervising the administration of the State plan has made an agreement which is in effect; and

“(C) the child has been placed in a foster family home or child-care institution.

“(3) **AFDC ELIGIBILITY REQUIREMENT.**—

“(A) **IN GENERAL.**—A child in the home referred to in paragraph (1) would have met the AFDC eligibility requirement of this paragraph if the child—

“(i) would have received aid under the State plan approved under section 402 (as in effect on July 16, 1996) in the home, in or for the month in which the agreement was entered into or court proceedings leading to the determination referred to in paragraph (2)(A)(ii) of this subsection were initiated; or

“(ii)(I) would have received the aid in the home, in or for the month referred to in clause (i), if application had been made therefor; or

“(II) had been living in the home within 6 months before the month in which the agreement was entered into or the proceedings were initiated, and would have received the aid in or for such month, if, in such month, the child had been living in the home with the relative referred to in paragraph (1) and application for the aid had been made.

“(B) **RESOURCES DETERMINATION.**—For purposes of subparagraph (A), in determining

whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than \$10,000 shall be considered a child whose resources have a combined value of not more than \$1,000 (or such lower amount as the State may determine for purposes of section 402(a)(7)(B)).

“(4) **ELIGIBILITY OF CERTAIN ALIEN CHILDREN.**—Subject to title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, if the child is an alien disqualified under section 245A(h) or 210(f) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which the agreement described in paragraph (2)(A)(i) was entered into or court proceedings leading to the determination described in paragraph (2)(A)(ii) were initiated, the child shall be considered to satisfy the requirements of paragraph (3), with respect to the month, if the child would have satisfied the requirements but for the disqualification.”.

(b) **ADOPTION ASSISTANCE.**—Section 473(a)(2) (42 U.S.C. 673(a)(2)) is amended to read as follows:

“(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if the child—

“(i)(I)(aa) was removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as such section was in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

“(bb) met the requirements of section 472(a)(3) with respect to the home referred to in item (aa) of this subclause;

“(II) meets all of the requirements of title XVI with respect to eligibility for supplemental security income benefits; or

“(III) is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B); and

“(ii) has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs.

“(B) Section 472(a)(4) shall apply for purposes of subparagraph (A) of this paragraph, in any case in which the child is an alien described in such section.

“(C) A child shall be treated as meeting the requirements of this paragraph for the purpose of paragraph (1)(B)(ii) if the child—

“(i) meets the requirements of subparagraph (A)(ii);

“(ii) was determined eligible for adoption assistance payments under this part with respect to a prior adoption;

“(iii) is available for adoption because—

“(I) the prior adoption has been dissolved, and the parental rights of the adoptive parents have been terminated; or

“(II) the child’s adoptive parents have died; and

“(iv) fails to meet the requirements of subparagraph (A) but would meet such requirements if—

“(I) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part; and

“(II) the prior adoption were treated as never having occurred.”.

Subtitle E—Supplemental Security Income

SEC. 7501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

“(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

“(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

“(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2006;

“(ii) at least 40 percent of all such determinations that are made in fiscal year 2007; and

“(iii) at least 50 percent of all such determinations that are made in fiscal year 2008 or thereafter.

“(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.”.

SEC. 7502. PAYMENT OF CERTAIN LUMP SUM BENEFITS IN INSTALLMENTS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) **IN GENERAL.**—Section 1631(a)(10)(A)(i) (42 U.S.C. 1383(a)(10)(A)(i)) is amended by striking “12” and inserting “3”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 3 months after the date of the enactment of this Act.

Subtitle F—Repeal of Continued Dumping and Subsidy Offset

SEC. 7601. REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) **REPEAL.**—Effective upon the date of enactment of this Act, section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), and the item relating to section 754 in the table of contents for title VII of that Act, are repealed.

(b) **DISTRIBUTIONS ON CERTAIN ENTRIES.**—All duties on entries of goods made and filed before October 1, 2007, that would, but for subsection (a) of this section, be distributed under section 754 of the Tariff Act of 1930, shall be distributed as if section 754 of the Tariff Act of 1930 had not been repealed by subsection (a).

Subtitle G—Effective Date

SEC. 7701. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect as if enacted on October 1, 2005.

TITLE VIII—EDUCATION AND PENSION BENEFIT PROVISIONS

Subtitle A—Higher Education Provisions

SEC. 8001. SHORT TITLE; REFERENCE; EFFECTIVE DATE.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Higher Education Reconciliation Act of 2005”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) **EFFECTIVE DATE.**—Except as otherwise provided in this subtitle or the amendments made by this subtitle, the amendments made by this subtitle shall be effective July 1, 2006.

SEC. 8002. MODIFICATION OF 50/50 RULE.

Section 102(a)(3) (20 U.S.C. 1002(a)(3)) is amended—

(1) in subparagraph (A), by inserting “(excluding courses offered by telecommunications as defined in section 484(l)(4))” after “courses by correspondence”; and

(2) in subparagraph (B), by inserting “(excluding courses offered by telecommunications as defined in section 484(l)(4))” after “correspondence courses”.

SEC. 8003. ACADEMIC COMPETITIVENESS GRANTS.

Subpart 1 of part A of title IV (20 U.S.C. 1070a) is amended by adding after section 401 the following new section:

“SEC. 401A. ACADEMIC COMPETITIVENESS GRANTS.

“(b) ACADEMIC COMPETITIVENESS GRANT PROGRAM.—

“(1) ACADEMIC COMPETITIVENESS GRANTS AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (e)(1), to eligible students to assist the eligible students in paying their college education expenses.

“(2) ACADEMIC COMPETITIVENESS COUNCIL.—
“(A) ESTABLISHMENT.—There is established an Academic Competitiveness Council (referred to in this paragraph as the ‘Council’). From the funds made available under subsection (f) for fiscal year 2006, \$50,000 shall be available to the Council to carry out the duties described in subparagraph (B). The Council shall be chaired by the Secretary of Education, and the membership of the Council shall consist of officials from Federal agencies with responsibilities for managing existing Federal programs that promote mathematics and science (or designees of such officials with significant decision-making authority).

“(B) DUTIES.—The Council shall—
“(i) identify all Federal programs with a mathematics or science focus;
“(ii) identify the target populations being served by such programs;
“(iii) determine the effectiveness of such programs;
“(iv) identify areas of overlap or duplication in such programs; and
“(v) recommend ways to efficiently integrate and coordinate such programs.

“(C) REPORT.—Not later than one year after the date of enactment of the Higher Education Reconciliation Act of 2005, the Council shall transmit a report to each committee of Congress with jurisdiction over a Federal program identified under subparagraph (B)(i), detailing the findings and recommendations under subparagraph (B), including recommendations for legislative or administrative action.

“(C) DESIGNATION.—A grant under this section—

“(1) for the first or second academic year of a program of undergraduate education shall be known as an ‘Academic Competitiveness Grant’; and

“(2) for the third or fourth academic year of a program of undergraduate education shall be known as a ‘National Science and Mathematics Access to Retain Talent Grant’ or a ‘National SMART Grant’.

“(d) DEFINITION OF ELIGIBLE STUDENT.—In this section the term ‘eligible student’ means a full-time student who, for the academic year for which the determination of eligibility is made—

“(1) is a citizen of the United States;
“(2) is eligible for a Federal Pell Grant; and
“(3) in the case of a student enrolled or accepted for enrollment in—

“(A) the first academic year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education—

“(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary; and

“(ii) has not been previously enrolled in a program of undergraduate education;

“(B) the second academic year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education—

“(i) has successfully completed, after January 1, 2005, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary; and

“(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as de-

termined under regulations prescribed by the Secretary) at the end of the first academic year of such program of undergraduate education; or

“(C) the third or fourth academic year of a program of undergraduate education at a four-year degree-granting institution of higher education—

“(i) is pursuing a major in—
“(1) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

“(II) a foreign language that the Secretary, in consultation with the Director of National Intelligence, determines is critical to the national security of the United States; and

“(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).

“(e) GRANT AWARD.—

“(1) AMOUNTS.—

“(A) The Secretary shall award a grant under this section in the amount of—

“(i) \$750 for an eligible student under subsection (d)(3)(A);

“(ii) \$1,300 for an eligible student under subsection (d)(3)(B); or

“(iii) \$4,000 for an eligible student under subsection (d)(3)(C).

“(B) Notwithstanding subparagraph (A)—
“(i) the amount of such grant, in combination with the Federal Pell Grant assistance and other student financial assistance available to such student, shall not exceed the student’s cost of attendance;

“(ii) if the amount made available under subsection (f) for any fiscal year is less than the amount required to provide grants to all eligible students in the amounts determined under subparagraph (A) and clause (i) of this subparagraph, then the amount of the grant to each eligible student shall be ratably reduced; and

“(iii) if additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

“(2) LIMITATIONS.—The Secretary shall not award a grant under this section—

“(A) to any student for an academic year of a program of undergraduate education described in subparagraph (A), (B), or (C) of subsection (d)(3) for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005; or

“(B) to any student for more than—

“(i) one academic year under subsection (d)(3)(A);

“(ii) one academic year under subsection (d)(3)(B); or

“(iii) two academic years under subsection (d)(3)(C).

“(f) FUNDING.—

“(1) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section—

“(A) \$790,000,000 for fiscal year 2006;

“(B) \$850,000,000 for fiscal year 2007;

“(C) \$920,000,000 for fiscal year 2008;

“(D) \$960,000,000 for fiscal year 2009; and

“(E) \$1,010,000,000 for fiscal year 2010.

“(2) USE OF EXCESS FUNDS.—If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants in the amounts authorized by subsection (e), then all of the excess funds shall remain available for awarding grants under this section during the subsequent fiscal year.

“(g) RECOGNITION OF PROGRAMS OF STUDY.—The Secretary shall recognize at least one rigorous secondary school program of study in each State under subsection (d)(3)(A) and (B) for the purpose of determining student eligibility under such subsection.

“(h) SUNSET PROVISION.—The authority to make grants under this section shall expire at the end of academic year 2010–2011.”.

SEC. 8004. REAUTHORIZATION OF FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 421(b)(5) (20 U.S.C. 1071(b)(5)) is amended by striking “an administrative cost allowance” and inserting “a loan processing and issuance fee”.

(b) EXTENSION OF AUTHORITY.—
(1) FEDERAL INSURANCE LIMITATIONS.—Section 424(a) (20 U.S.C. 1074(a)) is amended—

(A) by striking “2004” and inserting “2012”; and

(B) by striking “2008” and inserting “2016”.

(2) GUARANTEED LOANS.—Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(A) by striking “2004” and inserting “2012”; and

(B) by striking “2008” and inserting “2016”.

(3) CONSOLIDATION LOANS.—Section 428(c)(e) (20 U.S.C. 1078–3(e)) is amended by striking “2004” and inserting “2012”.

SEC. 8005. LOAN LIMITS.

(a) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A) (20 U.S.C. 1075(a)(1)(A)) is amended—

(1) in clause (i)(I), by striking “\$2,625” and inserting “\$3,500”; and

(2) in clause (ii)(I), by striking “\$3,500” and inserting “\$4,500”.

(b) GUARANTEE LIMITS.—Section 428(b)(1)(A) (20 U.S.C. 1078(b)(1)(A)) is amended—

(1) in clause (i)(I), by striking “\$2,625” and inserting “\$3,500”; and

(2) in clause (ii)(I), by striking “\$3,500” and inserting “\$4,500”.

(c) FEDERAL PLUS LOANS.—Section 428B (20 U.S.C. 1078–2) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking “Parents” and inserting “A graduate or professional student or the parents”;

(B) in subparagraph (A), by striking “the parents” and inserting “the graduate or professional student or the parents”; and

(C) in subparagraph (B), by striking “the parents” and inserting “the graduate or professional student or the parents”;

(2) in subsection (b), by striking “any parent” and inserting “any graduate or professional student or any parent”;

(3) in subsection (c)(2), by striking “parent” and inserting “graduate or professional student or parent”; and

(4) in subsection (d)(1), by striking “the parent” and inserting “the graduate or professional student or the parent”.

(d) UNSUBSIDIZED STAFFORD LOANS FOR GRADUATE OR PROFESSIONAL STUDENTS.—Section 428H(d)(2) (20 U.S.C. 1078–8(d)(2)) is amended—

(1) in subparagraph (C), by striking “\$10,000” and inserting “\$12,000”; and

(2) in subparagraph (D)—

(A) in clause (i), by striking “\$5,000” and inserting “\$7,000”; and

(B) in clause (ii), by striking “\$5,000” and inserting “\$7,000”.

(e) EFFECTIVE DATE OF INCREASES.—The amendments made by subsections (a), (b), and (d) shall be effective July 1, 2007.

SEC. 8006. PLUS LOAN INTEREST RATES AND ZERO SPECIAL ALLOWANCE PAYMENT.

(a) PLUS LOANS.—Section 427A(l)(2) (20 U.S.C. 1077a(l)(2)) is amended by striking “7.9 percent” and inserting “8.5 percent”.

(b) CONFORMING AMENDMENTS FOR SPECIAL ALLOWANCES.—

(1) AMENDMENTS.—Subparagraph (I) of section 438(b)(2) (20 U.S.C. 1087–1(b)(2)) is amended—

(A) in clause (iii), by striking “, subject to clause (v) of this subparagraph”;

(B) in clause (iv), by striking “, subject to clause (vi) of this subparagraph”; and

(C) by striking clauses (v), (vi), and (vii) and inserting the following:

“(v) RECAPTURE OF EXCESS INTEREST.—

“(I) EXCESS CREDITED.—With respect to a loan on which the applicable interest rate is determined under subsection (k) or (l) of section 427A and for which the first disbursement of principal is made on or after April 1, 2006, if the applicable interest rate for any 3-month period exceeds the special allowance support level applicable to such loan under this subparagraph for such period, then an adjustment shall be made by calculating the excess interest in the amount computed under subclause (II) of this clause, and by crediting the excess interest to the Government not less often than annually.

“(II) CALCULATION OF EXCESS.—The amount of any adjustment of interest on a loan to be made under this subsection for any quarter shall be equal to—

“(aa) the applicable interest rate minus the special allowance support level determined under this subparagraph; multiplied by

“(bb) the average daily principal balance of the loan (not including unearned interest added to principal) during such calendar quarter; divided by

“(cc) four.

“(III) SPECIAL ALLOWANCE SUPPORT LEVEL.—For purposes of this clause, the term ‘special allowance support level’ means, for any loan, a number expressed as a percentage equal to the sum of the rates determined under subclauses (I) and (II) of clause (i), and applying any substitution rules applicable to such loan under clauses (ii), (iii), and (iv) in determining such sum.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall not apply with respect to any special allowance payment made under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1) before April 1, 2006.

SEC. 8007. DEFERMENT OF STUDENT LOANS FOR MILITARY SERVICE.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) by striking “or” at the end of clause (ii); and

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(b) DIRECT LOANS.—Section 455(f)(2) (20 U.S.C. 1087e(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) not in excess of 3 years during which the borrower—

“(i) is serving on active duty during a war or other military operation or national emergency; or

“(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(c) PERKINS LOANS.—Section 464(c)(2)(A) (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency;”.

(d) DEFINITIONS.—Section 481 (20 U.S.C. 1088) is amended by adding at the end the following new subsection:

“(d) DEFINITIONS FOR MILITARY DEFERMENTS.—For purposes of parts B, D, and E of this title:

“(1) ACTIVE DUTY.—The term ‘active duty’ has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

“(2) MILITARY OPERATION.—The term ‘military operation’ means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

“(3) NATIONAL EMERGENCY.—The term ‘national emergency’ means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

“(4) SERVING ON ACTIVE DUTY.—The term ‘serving on active duty during a war or other military operation or national emergency’ means service by an individual who is—

“(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

“(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

“(5) QUALIFYING NATIONAL GUARD DUTY.—The term ‘qualifying National Guard duty during a war or other military operation or national emergency’ means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds.”

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after July 1, 2001.

SEC. 8008. ADDITIONAL LOAN TERMS AND CONDITIONS.

(a) DISBURSEMENT.—Section 428(b)(1)(N) (20 U.S.C. 1078(b)(1)(N)) is amended—

(1) by striking “or” at the end of clause (i); and

(2) by striking clause (ii) and inserting the following:

“(ii) in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled, and only after verification of the student’s enrollment by the lender or guaranty agency, are, at the request of the student, disbursed directly to the student by the means described in clause (i), unless such student requests that the check be endorsed, or the funds transfer be authorized, pursuant to an authorized power-of-attorney; or

“(iii) in the case of a student who is studying outside the United States in a program of study at an eligible foreign institution, are, at the request of the foreign institution, disbursed directly to the student, only after verification of the student’s enrollment by the lender or guar-

anty agency by the means described in clause (i).”

(b) REPAYMENT PLANS: DIRECT LOANS.—Section 455(d)(1) (20 U.S.C. 1087e(d)(1)) is amended by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) a standard repayment plan, consistent with subsection (a)(1) of this section and with section 428(b)(9)(A)(i);

“(B) a graduated repayment plan, consistent with section 428(b)(9)(A)(ii);

“(C) an extended repayment plan, consistent with section 428(b)(9)(A)(v), except that the borrower shall annually repay a minimum amount determined by the Secretary in accordance with section 428(b)(1)(L); and”.

(c) ORIGINATION FEES.—

(1) FFEL PROGRAM.—Paragraph (2) of section 438(c) (20 U.S.C. 1087-1(c)) is amended—

(A) by striking the designation and heading of such paragraph and inserting the following:

“(2) AMOUNT OF ORIGINATION FEES.—

“(A) IN GENERAL.—”; and

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

“(B) SUBSEQUENT REDUCTIONS.—Subparagraph (A) shall be applied to loans made under this part (other than loans made under sections 428C and 439(o))—

“(i) by substituting ‘2.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2007;

“(ii) by substituting ‘1.5 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

“(iii) by substituting ‘1.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

“(iv) by substituting ‘0.5 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

“(v) by substituting ‘0.0 percent’ for ‘3.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.”.

(2) DIRECT LOAN PROGRAM.—Subsection (c) of section 455 (20 U.S.C. 1087e(c)) is amended—

(A) by striking “(c) LOAN FEE.—” and inserting the following:

“(c) LOAN FEE.—

“(1) IN GENERAL.—”; and

(B) by adding at the end the following:

“(2) SUBSEQUENT REDUCTION.—Paragraph (1) shall be applied to loans made under this part, other than Federal Direct Consolidation loans and Federal Direct PLUS loans—

“(A) by substituting ‘3.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after the date of enactment of the Higher Education Reconciliation Act of 2005, and before July 1, 2007;

“(B) by substituting ‘2.5 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

“(C) by substituting ‘2.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

“(D) by substituting ‘1.5 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

“(E) by substituting ‘1.0 percent’ for ‘4.0 percent’ with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.”.

(3) CONFORMING AMENDMENT.—Section 455(b)(8)(A) (20 U.S.C. 1087e(b)(8)(A)) is amended by inserting “or origination fee” after “reductions in the interest rate”.

SEC. 8009. CONSOLIDATION LOAN CHANGES.

(a) CONSOLIDATION BETWEEN PROGRAMS.—Section 428C (20 U.S.C. 1078-3) is amended—

(1) in subsection (a)(3)(B)(i)—
(A) by inserting “or under section 455(g)” after “under this section” both places it appears;

(B) by inserting “under both sections” after “terminates”;

(C) by striking “and” at the end of subclause (III);

(D) by striking the period at the end of subclause (IV) and inserting “; and”;

(E) by adding at the end the following new subclause:

“(V) an individual may obtain a subsequent consolidation loan under section 455(g) only for the purposes of obtaining an income contingent repayment plan, and only if the loan has been submitted to the guaranty agency for default aversion.”; and

(2) in subsection (b)(5), by striking the first sentence and inserting the following: “In the event that a lender with an agreement under subsection (a)(1) of this section denies a consolidation loan application submitted to the lender by an eligible borrower under this section, or denies an application submitted to the lender by such a borrower for a consolidation loan with income-sensitive repayment terms, the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. The Secretary shall offer such a loan to a borrower who has defaulted, for the purpose of resolving the default.”.

(b) REPEAL OF IN-SCHOOL CONSOLIDATION.—

(1) DEFINITION OF REPAYMENT PERIOD.—Section 428(b)(7)(A) (20 U.S.C. 1078(b)(7)(A)) is amended by striking “shall begin—” and all that follows through “earlier date.” and inserting the following: “shall begin the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).”.

(2) CONFORMING CHANGE TO ELIGIBLE BORROWER DEFINITION.—Section 428C(a)(3)(A)(ii)(I) (20 U.S.C. 1078-3(a)(3)(A)(ii)(I)) is amended by inserting “as determined under section 428(b)(7)(A)” after “repayment status”.

(c) ADDITIONAL AMENDMENTS.—Section 428C (20 U.S.C. 1078-3) is amended in subsection (a)(3), by striking subparagraph (C).

(d) CONFORMING AMENDMENTS TO DIRECT LOAN PROGRAM.—Section 455 (20 U.S.C. 1087e) is amended—

(1) in subsection (a)(1) by inserting “428C,” after “428B,”;

(2) in subsection (a)(2)—

(A) by striking “and” at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

“(C) section 428C shall be known as ‘Federal Direct Consolidation Loans’; and”;

(3) in subsection (g)—

(A) by striking the second sentence; and

(B) by adding at the end the following new sentences: “To be eligible for a consolidation loan under this part, a borrower shall meet the eligibility criteria set forth in section 428C(a)(3). The Secretary, upon application for such a loan, shall comply with the requirements applicable to a lender under section 428C(b)(1)(F).”.

SEC. 8010. REQUIREMENTS FOR DISBURSEMENTS OF STUDENT LOANS.

Section 428G (20 U.S.C. 1078-7) is amended—

(1) in subsection (a)(3), by adding at the end the following: “Notwithstanding section 422(d) of the Higher Education Amendments of 1998, this paragraph shall be effective beginning on the date of enactment of the Higher Education Reconciliation Act of 2005.”;

(2) in subsection (b)(1), by adding at the end the following: “Notwithstanding section 422(d) of the Higher Education Amendments of 1998, the second sentence of this paragraph shall be effective beginning on the date of enactment of the Higher Education Reconciliation Act of 2005.”; and

(3) in subsection (e), by striking “, made to a student to cover the cost of attendance at an eligible institution outside the United States”.

SEC. 8011. SCHOOL AS LENDER.

Paragraph (2) of section 435(d) (20 U.S.C. 1085(d)(2)) is amended to read as follows:

“(2) REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

“(A) IN GENERAL.—To be an eligible lender under this part, an eligible institution—

“(i) shall employ at least one person whose full-time responsibilities are limited to the administration of programs of financial aid for students attending such institution;

“(ii) shall not be a home study school;

“(iii) shall not—

“(I) make a loan to any undergraduate student;

“(II) make a loan other than a loan under section 428 or 428H to a graduate or professional student; or

“(III) make a loan to a borrower who is not enrolled at that institution;

“(iv) shall award any contract for financing, servicing, or administration of loans under this title on a competitive basis;

“(v) shall offer loans that carry an origination fee or an interest rate, or both, that are less than such fee or rate authorized under the provisions of this title;

“(vi) shall not have a cohort default rate (as defined in section 435(m)) greater than 10 percent;

“(vii) shall, for any year for which the institution engages in activities as an eligible lender, provide for a compliance audit conducted in accordance with section 428(b)(1)(U)(iii)(I), and the regulations thereunder, and submit the results of such audit to the Secretary;

“(viii) shall use any proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department of Education, and any proceeds from the sale or other disposition of loans, for need-based grant programs; and

“(ix) shall have met the requirements of subparagraphs (A) through (F) of this paragraph as in effect on the day before the date of enactment of the Higher Education Reconciliation Act of 2005, and made loans under this part, on or before April 1, 2006.

“(B) ADMINISTRATIVE EXPENSES.—An eligible lender under subparagraph (A) shall be permitted to use a portion of the proceeds described in subparagraph (A)(viii) for reasonable and direct administrative expenses.

“(C) SUPPLEMENT, NOT SUPPLANT.—An eligible lender under subparagraph (A) shall ensure that the proceeds described in subparagraph (A)(viii) are used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.”.

SEC. 8012. REPAYMENT BY THE SECRETARY OF LOANS OF BANKRUPT, DECEASED, OR DISABLED BORROWERS; TREATMENT OF BORROWERS ATTENDING SCHOOLS THAT FAIL TO PROVIDE A REFUND, ATTENDING CLOSED SCHOOLS, OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW.

Section 437 (20 U.S.C. 1087) is amended—

(1) in the section heading, by striking “CLOSED SCHOOLS OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW” and inserting “SCHOOLS THAT FAIL TO PROVIDE A REFUND, ATTENDING CLOSED SCHOOLS, OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW”;

(2) in the first sentence of subsection (c)(1), by inserting “or was falsely certified as a result of a crime of identity theft” after “falsely certified by the eligible institution”.

SEC. 8013. ELIMINATION OF TERMINATION DATES FROM TAXPAYER-TEACHER PROTECTION ACT OF 2004.

(a) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C. 1087-1(b)(2)(B)) is amended—

(1) in clause (iv), by striking “and before January 1, 2006,”; and

(2) in clause (v)(II)—

(A) by striking “and before January 1, 2006,” each place it appears in divisions (aa) and (bb); and

(B) by striking “, and before January 1, 2006” in division (cc).

(b) ADDITIONAL LIMITATION ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C. 1087-1(b)(2)(B)) is further amended by adding at the end thereof the following new clauses:

“(vi) Notwithstanding clauses (i), (ii), and (v), but subject to clause (vii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, as the case may be, for a holder of loans—

“(I) that were made or purchased on or after the date of enactment of the Higher Education Reconciliation Act of 2005; or

“(II) that were not earning a quarterly rate of special allowance determined under clauses (i) or (ii) of subparagraph (B) of this paragraph (20 U.S.C. 1087-1(b)(2)(b)) as of the date of enactment of the Higher Education Reconciliation Act of 2005.

“(vii) Clause (vi) shall be applied by substituting ‘December 31, 2010’ for ‘the date of enactment of the Higher Education Reconciliation Act of 2005’ in the case of a holder of loans that—

“(I) was, as of the date of enactment of the Higher Education Reconciliation Act of 2005, and during the quarter for which the special allowance is paid, a unit of State or local government or a nonprofit private entity;

“(II) was, as of such date of enactment, and during such quarter, not owned or controlled by, or under common ownership or control with, a for-profit entity; and

“(III) held, directly or through any subsidiary, affiliate, or trustee, a total unpaid balance of principal equal to or less than \$100,000,000 on loans for which special allowances were paid under this subparagraph in the most recent quarterly payment prior to September 30, 2005.”.

(c) ELIMINATION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—

(1) TECHNICAL CLARIFICATION.—The matter preceding paragraph (1) of section 2 of the Taxpayer-Teacher Protection Act of 2004 (Public Law 108-409; 118 Stat. 2299) is amended by inserting “of the Higher Education Act of 1965” after “Section 438(b)(2)(B)”.

(2) AMENDMENT.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (20 U.S.C. 1078-10 note) is amended by striking “, and before October 1, 2005”.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if enacted on October 30, 2004, and the amendment made by paragraph (2) shall be effective as if enacted on October 1, 2005.

(d) COORDINATION WITH SECOND HIGHER EDUCATION EXTENSION ACT OF 2005.—

(1) REPEAL.—Section 2 of the Second Higher Education Extension Act of 2005 is amended by striking subsections (b) and (c).

(2) EFFECT ON AMENDMENTS.—The amendments made by subsections (a) and (c) of this section shall be effective as if the amendments made subsections (b) and (c) of section 2 of the Second Higher Education Extension Act of 2005 had not been enacted.

(e) ADDITIONAL CHANGES TO TEACHER LOAN FORGIVENESS PROVISIONS.—

(1) FFEL PROVISIONS.—Section 428J (20 U.S.C. 1078-10) is amended—

(A) in subsection (b)(1)(B), by inserting after “1965” the following: “, or meets the requirements of subsection (g)(3)”;

(B) in subsection (g), by adding at the end the following new paragraph:

“(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private

school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (b)(1)(B), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher shall be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test shall equal or exceed the average passing score of those 5 States."

(2) **DIRECT LOAN PROVISIONS.**—Section 460 (20 U.S.C. 1087j) is amended—

(A) in subsection (b)(1)(A)(ii), by inserting after "1965" the following: "; and meets the requirements of subsection (g)(3)"; and

(B) in subsection (g), by adding at the end the following new paragraph:

"(3) **PRIVATE SCHOOL TEACHERS.**—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (b)(1)(A)(ii), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher shall be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test shall equal or exceed the average passing score of those 5 States."

SEC. 8014. ADDITIONAL ADMINISTRATIVE PROVISIONS.

(a) **INSURANCE PERCENTAGE.**—

(1) **AMENDMENT.**—Subparagraph (G) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

"(G) insures 98 percent of the unpaid principal of loans insured under the program, except that—

"(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q);

"(ii) for any loan for which the first disbursement of principal is made on or after July 1, 2006, the preceding provisions of this subparagraph shall be applied by substituting '97 percent' for '98 percent'; and

"(iii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G)."

(2) **EFFECTIVE DATE OF AMENDMENT.**—The amendment made by this subsection shall apply with respect to loans for which the first disbursement of principal is made on or after July 1, 2006.

(b) **FEDERAL DEFAULT FEES.**—

(1) **IN GENERAL.**—Subparagraph (H) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(H)) is amended to read as follows:

"(H) provides—

"(i) for loans for which the date of guarantee of principal is before July 1, 2006, for the collection of a single insurance premium equal to not more than 1.0 percent of the principal amount of the loan, by deduction proportionately from each installment payment of the proceeds of the loan to the borrower, and ensures that the proceeds of the premium will not be used for incentive payments to lenders; or

"(ii) for loans for which the date of guarantee of principal is on or after July 1, 2006, for the collection, and the deposit into the Federal Student Loan Reserve Fund under section 422A of

a Federal default fee of an amount equal to 1.0 percent of the principal amount of the loan, which fee shall be collected either by deduction from the proceeds of the loan or by payment from other non-Federal sources, and ensures that the proceeds of the Federal default fee will not be used for incentive payments to lenders;";

(2) **UNSUBSIDIZED LOANS.**—Section 428H(h) (20 U.S.C. 1078-8(h)) is amended by adding at the end the following new sentences: "Effective for loans for which the date of guarantee of principal is on or after July 1, 2006, in lieu of the insurance premium authorized under the preceding sentence, each State or nonprofit private institution or organization having an agreement with the Secretary under section 428(b)(1) shall collect and deposit into the Federal Student Loan Reserve Fund under section 422A, a Federal default fee of an amount equal to 1.0 percent of the principal amount of the loan, which fee shall be collected either by deduction from the proceeds of the loan or by payment from other non-Federal sources. The Federal default fee shall not be used for incentive payments to lenders."

(3) **VOLUNTARY FLEXIBLE AGREEMENTS.**—Section 428A(a)(1) (20 U.S.C. 1078-1(a)(1)) is amended—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

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

"(C) The Federal default fee required by section 428(b)(1)(H) and the second sentence of section 428H(h)."

(c) **TREATMENT OF EXEMPT CLAIMS.**—

(1) **AMENDMENT.**—Section 428(c)(1) (20 U.S.C. 1078(c)(1)) is amended—

(A) by redesignating subparagraph (G) as subparagraph (H), and moving such subparagraph 2 em spaces to the left; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) Notwithstanding any other provisions of this section, in the case of exempt claims, the Secretary shall apply the provisions of—

"(I) the fourth sentence of subparagraph (A) by substituting '100 percent' for '95 percent';

"(II) subparagraph (B)(i) by substituting '100 percent' for '85 percent'; and

"(III) subparagraph (B)(ii) by substituting '100 percent' for '75 percent'."

"(ii) For purposes of clause (i) of this subparagraph, the term 'exempt claims' means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender's or the institution's knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon."

(2) **EFFECTIVE DATE OF AMENDMENTS.**—The amendments made by this subsection shall apply with respect to loans for which the first disbursement of principal is made on or after July 1, 2006.

(d) **CONSOLIDATION OF DEFAULTED LOANS.**—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "including"; and

(B) by inserting before the semicolon at the end the following: "and (ii) requirements establishing procedures to preclude consolidation lending from being an excessive proportion of guaranty agency recoveries on defaulted loans under this part";

(2) in paragraph (2)(D), by striking "paragraph (6)" and inserting "paragraph (6)(A)"; and

(3) in paragraph (6)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" before "For the purpose of paragraph (2)(D),"; and

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

"(B) A guaranty agency shall—

"(i) on or after October 1, 2006—

"(I) not charge the borrower collection costs in an amount in excess of 18.5 percent of the outstanding principal and interest of a defaulted loan that is paid off through consolidation by the borrower under this title; and

"(II) remit to the Secretary a portion of the collection charge under subclause (I) equal to 8.5 percent of the outstanding principal and interest of such defaulted loan; and

"(ii) on and after October 1, 2009, remit to the Secretary the entire amount charged under clause (i)(I) with respect to each defaulted loan that is paid off with excess consolidation proceeds.

"(C) For purposes of subparagraph (B), the term 'excess consolidation proceeds' means, with respect to any guaranty agency for any Federal fiscal year beginning on or after October 1, 2009, the proceeds of consolidation of defaulted loans under this title that exceed 45 percent of the agency's total collections on defaulted loans in such Federal fiscal year."

(e) **DOCUMENTATION OF FORBEARANCE AGREEMENTS.**—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (3)(A)(i)—

(A) by striking "in writing"; and

(B) by inserting "and documented in accordance with paragraph (10)" after "approval of the insurer"; and

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

"(10) **DOCUMENTATION OF FORBEARANCE AGREEMENTS.**—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice to the borrower from the lender, and by recording the terms in the borrower's file."

(f) **VOLUNTARY FLEXIBLE AGREEMENTS.**—Section 428A(a) (20 U.S.C. 1078-1(a)) is further amended—

(1) in paragraph (1)(B), by striking "unless the Secretary" and all that follows through "designated guarantor";

(2) by striking paragraph (2);

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

(4) by striking paragraph (4).

(g) **FRAUD: REPAYMENT REQUIRED.**—Section 428B(a)(1) (20 U.S.C. 1078-2(a)(1)) is further amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of a graduate or professional student or parent who has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, such graduate or professional student or parent has completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud; and"

(h) **DEFAULT REDUCTION PROGRAM.**—Section 428F(a)(1) (20 U.S.C. 1078-6(a)(1)) is amended—

(1) in subparagraph (A), by striking "consecutive payments for 12 months" and inserting "9 payments made within 20 days of the due date during 10 consecutive months";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) A guaranty agency may charge the borrower and retain collection costs in an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of sale of a loan rehabilitated under subparagraph (A)."

(j) **EXCEPTIONAL PERFORMANCE INSURANCE RATE.**—Section 428(b)(1) (20 U.S.C. 1078-9(b)(1)) is amended—

(1) in the heading, by striking “100 PERCENT” and inserting “99 PERCENT”; and

(2) by striking “100 percent of the unpaid” and inserting “99 percent of the unpaid”.

(k) **UNIFORM ADMINISTRATIVE AND CLAIMS PROCEDURE.**—Section 432(l)(1)(H) (20 U.S.C. 1082(l)(1)(H)) is amended by inserting “and anticipated graduation date” after “status change”.

(2) Section 428(a)(3)(A)(v) (20 U.S.C. 1078(a)(3)(A)(v)) is amended—

(A) by striking “or” at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting “; or”; and

(C) by adding after subclause (II) the following new subclause:

“(III) in the case of a loan disbursed through an escrow agent, 3 days before the first disbursement of the loan.”.

(3) Section 428(c)(1)(A) (20 U.S.C. 1078(c)(1)(A)) is amended by striking “45 days” in the last sentence and inserting “30 days”.

(4) Section 428(i)(1) (20 U.S.C. 1078(i)(1)) is amended by striking “21 days” in the third sentence and inserting “10 days”.

SEC. 8016. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458 is amended to read as follows:

“SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

“(a) ADMINISTRATIVE EXPENSES.—

“(1) MANDATORY FUNDS FOR FISCAL YEAR 2006.—For fiscal year 2006, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

“(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

“(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsections (b) and (c), not to exceed (from such funds not otherwise appropriated) \$820,000,000 in fiscal year 2006.

“(2) AUTHORIZATION FOR ADMINISTRATIVE COSTS BEGINNING IN FISCAL YEARS 2007 THROUGH 2011.—For each of the fiscal years 2007 through 2011, there are authorized to be appropriated such sums as may be necessary for administrative costs under this part and part B, including the costs of the direct student loan programs under this part.

“(3) CONTINUING MANDATORY FUNDS FOR ACCOUNT MAINTENANCE FEES.—For each of the fiscal years 2007 through 2011, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b).

“(4) ACCOUNT MAINTENANCE FEES.—Account maintenance fees under paragraph (3) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

“(5) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

“(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(3) shall not exceed the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

“(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education’s annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.”.

SEC. 8017. COST OF ATTENDANCE.

Section 472 (20 U.S.C. 1087l) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) for less than half-time students (as determined by the institution), tuition and fees and an allowance for only—

“(A) books, supplies, and transportation (as determined by the institution);

“(B) dependent care expenses (determined in accordance with paragraph (8)); and

“(C) room and board costs (determined in accordance with paragraph (3)), except that a student may receive an allowance for such costs under this subparagraph for not more than 3 semesters or the equivalent, of which not more than 2 semesters or the equivalent may be consecutive;”;

(2) in paragraph (11), by striking “and” after the semicolon;

(3) in paragraph (12), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(13) at the option of the institution, for a student in a program requiring professional licensure or certification, the one time cost of obtaining the first professional credentials (as determined by the institution).”.

SEC. 8018. FAMILY CONTRIBUTION.

(a) **FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.—**

(1) **AMENDMENTS.—**Section 475 (20 U.S.C. 1087oo) is amended—

(A) in subsection (g)(2)(D), by striking “\$2,200” and inserting “\$3,000”; and

(B) in subsection (h), by striking “35” and inserting “20”.

(2) **EFFECTIVE DATE.—**The amendments made by paragraph (1) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

(b) **FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—**

(1) **AMENDMENTS.—**Section 476 (20 U.S.C. 1087pp) is amended—

(A) in subsection (b)(1)(A)(iv)—

(i) in subclause (I), by striking “\$5,000” and inserting “\$6,050”;

(ii) in subclause (II), by striking “\$5,000” and inserting “\$6,050”; and

(iii) in subclause (III), by striking “\$3,000” and inserting “\$9,700”; and

(B) in subsection (c)(4), by striking “35” and inserting “20”.

(2) **EFFECTIVE DATE.—**The amendments made by paragraph (1) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

(c) **FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—**

(1) **AMENDMENT.—**Section 477(c)(4) (20 U.S.C. 1087qq(c)(4)) is amended by striking “12” and inserting “7”.

(2) **EFFECTIVE DATE.—**The amendment made by paragraph (1) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

(d) **REGULATIONS; UPDATED TABLES.—**Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1), by adding at the end the following: “For the 2007–2008 academic year, the Secretary shall revise the tables in accordance with this paragraph, except that the Secretary shall increase the amounts contained in the table in section 477(b)(4) by a percentage equal to the greater of the estimated percentage increase in the Consumer Price Index (as determined under the preceding sentence) or 5 percent.”; and

(2) in paragraph (2)—

(A) by striking “2000–2001” and inserting “2007–2008”; and

(B) by striking “1999” and inserting “2006”.

(e) **EMPLOYMENT EXPENSE ALLOWANCE.—**Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(1) by striking “476(b)(4)(B),”; and

(2) by striking “meals away from home, apparel and upkeep, transportation, and house-keeping services” and inserting “food away from home, apparel, transportation, and household furnishings and operations”.

SEC. 8019. SIMPLIFIED NEED TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) **AMENDMENTS.—**Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

“(i) the student’s parents—

“(I) file, or are eligible to file, a form described in paragraph (3);

“(II) certify that the parents are not required to file a Federal income tax return; or

“(III) received, or the student received, benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

and (ii) in subparagraph (B), by striking clause (i) and inserting the following:

“(i) the student (and the student’s spouse, if any)—

“(I) files, or is eligible to file, a form described in paragraph (3);

“(II) certifies that the student (and the student’s spouse, if any) is not required to file a Federal income tax return; or

“(III) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

and (B) in the matter preceding subparagraph (A) of paragraph (3), by striking “A student or family files a form described in this subsection, or subsection (c), as the case may be, if the student or family, respectively, files” and inserting “In the case of an independent student, the student, or in the case of a dependent student, the family, files a form described in this subsection, or subsection (c), as the case may be, if the student or family, as appropriate, files”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

“(A) the student’s parents—

“(i) file, or are eligible to file, a form described in subsection (b)(3);

“(ii) certify that the parents are not required to file a Federal income tax return; or

“(iii) received, or the student received, benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

and (ii) by striking subparagraph (B) and inserting the following:

“(B) the sum of the adjusted gross income of the parents is less than or equal to \$20,000; or”;

and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) the student (and the student’s spouse, if any)—

“(i) files, or is eligible to file, a form described in subsection (b)(3);

“(ii) certifies that the student (and the student’s spouse, if any) is not required to file a Federal income tax return; or

“(iii) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and”;

and (ii) by striking subparagraph (B) and inserting the following:

“(B) the sum of the adjusted gross income of the student and spouse (if appropriate) is less than or equal to \$20,000.”;

and

(3) by adding at the end the following:

“(d) **DEFINITION OF MEANS-TESTED FEDERAL BENEFIT PROGRAM.—**In this section, the term ‘means-tested Federal benefit program’ means a mandatory spending program of the Federal Government, other than a program under this title, in which eligibility for the program’s benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as—

“(1) the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

“(2) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

“(3) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(4) the program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

“(5) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

“(6) other programs identified by the Secretary.”

(b) EVALUATION OF SIMPLIFIED NEEDS TEST.—

(1) ELIGIBILITY GUIDELINES.—The Secretary of Education shall regularly evaluate the impact of the eligibility guidelines in subsections (b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A)).

(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—For each 3-year period, the Secretary of Education shall evaluate the impact of including the receipt of benefits by a student or parent under a means-tested Federal benefit program (as defined in section 479(d) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(d))) as a factor in determining eligibility under subsections (b) and (c) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b) and (c)).

SEC. 8020. ADDITIONAL NEED ANALYSIS AMENDMENTS.

(a) TREATING ACTIVE DUTY MEMBERS OF THE ARMED FORCES AS INDEPENDENT STUDENTS.—Section 480(d)(3) (20 U.S.C. 1087v(d)(3)) is amended by inserting before the semicolon at the end the following: “or is currently serving on active duty in the Armed Forces for other than training purposes”.

(b) DEFINITION OF ASSETS.—Section 480(f)(1) (20 U.S.C. 1087v(f)(1)) is amended by inserting “qualified education benefits (except as provided in paragraph (3)),” after “tax shelters.”.

(c) TREATMENT OF FAMILY OWNERSHIP OF SMALL BUSINESSES.—Section 480(f)(2) (20 U.S.C. 1087v(f)(2)) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(C) a small business with not more than 100 full-time or full-time equivalent employees (or any part of such a small business) that is owned and controlled by the family.”.

(d) ADDITIONAL DEFINITIONS.—Section 480(f) is further amended by adding at the end the following new paragraphs:

“(3) A qualified education benefit shall not be considered an asset of a student for purposes of section 475.

“(4) In determining the value of assets in a determination of need under this title (other than for subpart 4 of part A), the value of a qualified education benefit shall be—

“(A) the refund value of any tuition credits or certificates purchased under a qualified education benefit; and

“(B) in the case of a program in which contributions are made to an account that is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account, the current balance of such account.

“(5) In this subsection:

“(A) The term ‘qualified education benefit’ means—

“(i) a qualified tuition program (as defined in section 529(b)(1)(A) of the Internal Revenue Code of 1986) or other prepaid tuition plan offered by a State; and

“(ii) a Coverdell education savings account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986).

“(B) The term ‘qualified higher education expenses’ has the meaning given the term in section 529(e) of the Internal Revenue Code of 1986.”.

(e) DESIGNATED ASSISTANCE.—Section 480(j) (20 U.S.C. 1087v(j)) is amended—

(1) in the subsection heading, by striking “; TUITION PREPAYMENT PLANS”;

(2) by striking paragraph (2);

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

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

“(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both estimated financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either estimated financial assistance or cost of attendance, it shall be excluded from both.”.

SEC. 8021. GENERAL PROVISIONS.

(a) ACADEMIC YEAR.—Paragraph (2) of section 481(a) (20 U.S.C. 1088(a)) is amended to read as follows:

“(2)(A) For the purpose of any program under this title, the term ‘academic year’ shall—

“(i) require a minimum of 30 weeks of instructional time for a course of study that measures its program length in credit hours; or

“(ii) require a minimum of 26 weeks of instructional time for a course of study that measures its program length in clock hours; and

“(iii) require an undergraduate course of study to contain an amount of instructional time whereby a full-time student is expected to complete at least—

“(I) 24 semester or trimester hours or 36 quarter credit hours in a course of study that measures its program length in credit hours; or

“(II) 900 clock hours in a course of study that measures its program length in clock hours.

“(B) The Secretary may reduce such minimum of 30 weeks to not less than 26 weeks for good cause, as determined by the Secretary on a case-by-case basis, in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree.”.

(b) DISTANCE EDUCATION: ELIGIBLE PROGRAM.—Section 481(b) (20 U.S.C. 1088(b)) is amended by adding at the end the following new paragraphs:

“(3) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for the purposes of this title if the program is offered by an institution, other than a foreign institution, that has been evaluated and determined (before or after the date of enactment of the Higher Education Reconciliation Act of 2005) to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

“(A) is recognized by the Secretary under subpart 2 of part H; and

“(B) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3).

“(4) For purposes of this title, the term ‘eligible program’ includes an instructional program that, in lieu of credit hours or clock hours as the measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment. In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to be an eligible program.”.

(c) CORRESPONDENCE COURSES.—Section 484(l)(1) (20 U.S.C. 1091(l)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “for a program of study of 1 year or longer”; and

(B) by striking “unless the total” and all that follows through “courses at the institution”; and

(2) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—Subparagraph (A) shall not apply to an institution or school described in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998.”.

SEC. 8022. STUDENT ELIGIBILITY.

(a) FRAUD: REPAYMENT REQUIRED.—Section 484(a) (20 U.S.C. 1091(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting “; and”; and

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

“(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud.”.

(b) VERIFICATION OF INCOME DATE.—Paragraph (1) of section 484(q) (20 U.S.C. 1091(q)) is amended to read as follows:

“(1) CONFIRMATION WITH IRS.—The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the information specified in section 6103(l)(13) of the Internal Revenue Code of 1986 reported by applicants (including parents) under this title on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.”.

(c) SUSPENSION OF ELIGIBILITY FOR DRUG OFFENSES.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended by striking everything preceding the table and inserting the following:

“(1) IN GENERAL.—A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table:”.

SEC. 8023. INSTITUTIONAL REFUNDS.

Section 484B (20 U.S.C. 1091b) is amended—

(1) in the matter preceding clause (i) of subsection (a)(2)(A), by striking “a leave of” and inserting “1 or more leaves of”; and

(2) in subsection (a)(3)(B)(ii), by inserting “(as determined in accordance with subsection (d))” after “student has completed”;

(3) in subsection (a)(3)(C)(i), by striking “grant or loan assistance under this title” and inserting “grant assistance under subparts 1 and 3 of part A, or loan assistance under parts B, D, and E.”;

(4) in subsection (a)(4), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—After determining the eligibility of the student for a late disbursement or post-withdrawal disbursement (as required in regulations prescribed by the Secretary), the institution of higher education shall contact the borrower and obtain confirmation that the loan funds are still required by the borrower. In making such contact, the institution shall explain to the borrower the borrower’s obligation to repay the funds following any such disbursement. The institution shall document in the borrower’s file the result of such contact and the final determination made concerning such disbursement.”;

(5) in subsection (b)(1), by inserting “not later than 45 days from the determination of withdrawal” after “return”;

(6) in subsection (b)(2), by amending subparagraph (C) to read as follows:

“(C) GRANT OVERPAYMENT REQUIREMENTS.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

“(I) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

“(II) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

“(ii) MINIMUM.—A student shall not be required to return amounts of \$50 or less.”

(7) in subsection (d), by striking “(a)(3)(B)(i)” and inserting “(a)(3)(B)”;

(8) in subsection (d)(2), by striking “clock hours—” and all that follows through the period and inserting “clock hours scheduled to be completed by the student in that period as of the day the student withdrew.”

SEC. 8024. COLLEGE ACCESS INITIATIVE.

Part G is further amended by inserting after section 485C (20 U.S.C. 1092c) the following new section:

“SEC. 485D. COLLEGE ACCESS INITIATIVE.

“(a) STATE-BY-STATE INFORMATION.—The Secretary shall direct each guaranty agency with which the Secretary has an agreement under section 428(c) to provide to the Secretary the information necessary for the development of Internet web links and access for students and families to a comprehensive listing of the postsecondary education opportunities, programs, publications, Internet web sites, and other services available in the States for which such agency serves as the designated guarantor.

“(b) GUARANTY AGENCY ACTIVITIES.—

“(1) PLAN AND ACTIVITY REQUIRED.—Each guaranty agency with which the Secretary has an agreement under section 428(c) shall develop a plan, and undertake the activity necessary, to gather the information required under subsection (a) and to make such information available to the public and to the Secretary in a form and manner as prescribed by the Secretary.

“(2) ACTIVITIES.—Each guaranty agency shall undertake such activities as are necessary to promote access to postsecondary education for students through providing information on college planning, career preparation, and paying for college. The guaranty agency shall publicize such information and coordinate such activities with other entities that either provide or distribute such information in the States for which such guaranty agency serves as the designated guarantor.

“(3) FUNDING.—The activities required by this section may be funded from the guaranty agency’s Operating Fund established pursuant to section 422B and, to the extent funds remain, from earnings on the restricted account established pursuant to section 422(h)(4).

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a guaranty agency to duplicate any efforts under way on the date of enactment of the Higher Education Reconciliation Act of 2005 that meet the requirements of this section.

“(c) ACCESS TO INFORMATION.—

“(1) SECRETARY’S RESPONSIBILITY.—The Secretary shall ensure the availability of the information provided, by the guaranty agencies in accordance with this section, to students, parents, and other interested individuals, through Internet web links or other methods prescribed by the Secretary.

“(2) GUARANTY AGENCY RESPONSIBILITY.—The guaranty agencies shall ensure that the information required by this section is available without charge in printed format for students and parents requesting such information.

“(3) PUBLICITY.—Not later than 270 days after the date of enactment of the Higher Education Reconciliation Act of 2005, the Secretary and guaranty agencies shall publicize the availability of the information required by this section, with special emphasis on ensuring that populations that are traditionally underrepresented in postsecondary education are made aware of the availability of such information.”

SEC. 8026. WAGE GARNISHMENT REQUIREMENT.

Section 488A(a)(1) (20 U.S.C. 1095a(a)(1)) is amended by striking “10 percent” and inserting “15 percent”.

Subtitle B—Pensions

SEC. 8201. INCREASES IN PBGC PREMIUMS.

(a) FLAT-RATE PREMIUMS.—

(1) SINGLE-EMPLOYER PLANS.—

(A) IN GENERAL.—Clause (i) of section 4006(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended by striking “\$19” and inserting “\$30”.

(B) ADJUSTMENT FOR INFLATION.—Section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

“(F) For each plan year beginning in a calendar year after 2006, there shall be substituted for the premium rate specified in clause (i) of subparagraph (A) an amount equal to the greater of—

“(i) the product derived by multiplying the premium rate specified in clause (i) of subparagraph (A) by the ratio of—

“(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(II) the national average wage index (as so defined) for 2004; and

“(ii) the premium rate in effect under clause (i) of subparagraph (A) for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.”

(2) MULTIPLE EMPLOYER PLANS.—

(A) IN GENERAL.—Section 4006(a)(3)(A) of such Act (29 U.S.C. 1306(a)(3)(A)) is amended—

(i) in clause (iii)—

(I) by inserting “and before January 1, 2006,” after “Act of 1980,”; and

(II) by striking the period at the end and inserting “, or”;

(ii) by adding at the end the following:

“(iv) in the case of a multiemployer plan, for plan years beginning after December 31, 2005, \$8.00 for each individual who is a participant in such plan during the applicable plan year.”

(B) ADJUSTMENT FOR INFLATION.—Section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)), as amended by this subsection, is amended by adding at the end the following new subparagraph:

“(G) For each plan year beginning in a calendar year after 2006, there shall be substituted for the premium rate specified in clause (iv) of subparagraph (A) an amount equal to the greater of—

“(i) the product derived by multiplying the premium rate specified in clause (iv) of subparagraph (A) by the ratio of—

“(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(II) the national average wage index (as so defined) for 2004; and

“(iii) the premium rate in effect under clause (iv) of subparagraph (A) for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.”

(b) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—Subsection (a) of section 4006 of such Act (29 U.S.C. 1306) is amended by adding at the end the following:

“(7) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—

“(A) IN GENERAL.—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to \$1.250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

“(B) SPECIAL RULE FOR PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.—In the case of a

single-employer plan terminated under section 4041(c)(2)(B)(ii) or under section 4042 during pendency of any bankruptcy reorganization proceeding under chapter 11 of title 11, United States Code, or under any similar law of a State or a political subdivision of a State (or a case described in section 4041(c)(2)(B)(i) filed by or against such person has been converted, as of such date, to such a case in which reorganization is sought), subparagraph (A) shall not apply to such plan until the date of the discharge or dismissal of such person in such case.

“(C) APPLICABLE 12-MONTH PERIOD.—For purposes of subparagraph (A)—

“(i) IN GENERAL.—The term ‘applicable 12-month period’ means—

“(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

“(II) each of the first two 12-month periods immediately following the period described in subclause (I).

“(ii) PLANS TERMINATED IN BANKRUPTCY REORGANIZATION.—In any case in which the requirements of subparagraph (B)(i)(I) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the earliest date as of which each such person is discharged or dismissed in the case described in such clause in connection with such person.

“(D) COORDINATION WITH SECTION 4007.—

“(i) Notwithstanding section 4007—

“(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

“(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

“(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.

“(E) TERMINATION.—Subparagraph (A) shall not apply with respect to any plan terminated after December 31, 2010.”

(c) CONFORMING AMENDMENT.—Section 4006(a)(3)(B) of such Act (29 U.S.C. 1306(a)(3)(B)) is amended by striking “subparagraph (A)(iii)” and inserting “clause (iii) or (iv) of subparagraph (A)”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (b) shall apply to plans terminated after December 31, 2005.

(B) SPECIAL RULE FOR PLANS TERMINATED IN BANKRUPTCY.—The amendment made by subsection (b) shall not apply to a termination of a single-employer plan that is terminated during the pendency of any bankruptcy reorganization proceeding under chapter 11 of title 11, United States Code (or under any similar law of a State or political subdivision of a State), if the proceeding is pursuant to a bankruptcy filing occurring before October 18, 2005.

TITLE IX—LIHEAP PROVISIONS

SECTION 9001. FUNDING AVAILABILITY.

(a) IN GENERAL.—In addition to amounts otherwise made available, there are appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services for a 1-time only obligation and expenditure—

(1) \$250,000,000 for fiscal year 2007 for allocation under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)); and

(2) \$750,000,000 for fiscal year 2007 for allocation under section 2604(e) of the Low-Income

Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)).

(b) *SUNSET*.—The provisions of this section shall terminate, be null and void, and have no force and effect whatsoever after September 30, 2007. No monies provided for under this section shall be available after such date.

TITLE X—JUDICIARY RELATED PROVISIONS

Subtitle A—Civil Filing Adjustments

SEC. 10001. CIVIL CASE FILING FEE INCREASES.

(a) *CIVIL ACTIONS FILED IN DISTRICT COURTS*.—Section 1914(a) of title 28, United States Code, is amended by striking “\$250” and inserting “\$350”.

(b) *APPEALS FILED IN COURTS OF APPEALS*.—The \$250 fee for docketing a case on appeal or review, or docketing any other proceeding, in a court of appeals, as prescribed by the Judicial Conference, effective as of January 1, 2005, under section 1913 of title 28, United States Code, shall be increased to \$450.

(c) *EXPENDITURE LIMITATION*.—Incremental amounts collected by reason of the enactment of this section shall be deposited in a special fund in the Treasury to be established after the enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.

(d) *EFFECTIVE DATE*.—This section and the amendment made by this section shall take effect 60 days after the date of the enactment of this Act.

Subtitle B—Bankruptcy Fees

SEC. 10002. BANKRUPTCY FEES.

(a) *BANKRUPTCY FILING FEES*.—Section 1930(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—
(A) in subparagraph (A) by striking “\$220” and inserting “\$245”; and

(B) in subparagraph (B) by striking “\$150” and inserting “\$235”; and

(2) in paragraph (2) by striking “\$1,000” and inserting “\$2,750”.

(b) *EXPENDITURE LIMITATION*.—Incremental amounts collected by reason of the amendments made by subsection (a) shall be deposited in a special fund in the Treasury to be established after the enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.

(c) *EFFECTIVE DATE*.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

And the House agree to the same.

For consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference:

- JIM NUSSLE,
- JIM RYUN,
- ANDER CRENSHAW,
- ADAM PUTNAM,
- ROGER F. WICKER,
- KENNY C. HULSHOF,
- PAUL RYAN,
- ROY BLUNT,
- TOM DELAY,

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference:

- BOB GOODLATTE,
- FRANK D. LUCAS,

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference:

- JOHN BOEHNER,
- HOWARD P. MCKEON,

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference:

- JOE BARTON,
- NATHAN DEAL,

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference:

- MICHAEL G. OXLEY,
- SPENCER BAUCUS,

(Provided that Mr. Ney is appointed in lieu of Mr. Bachus for consideration of subtitles C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.)

From the Committee on the Judiciary, for consideration of title VII of the senate bill and title V of the House amendment, and modifications committed to conference:

- F. JAMES SENSENBRENNER, Jr.,
- LAMAR SMITH,

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference:

- RICHARD POMBO,
- JIM GIBBONS,

From the Committee on Transportation and Infrastructure, for consideration of title V and division A of the Senate bill and title VII of the House amendment, and modifications committed to conference:

- DON YOUNG,
- FRANK LOBIONDO,

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference:

- WILLIAM THOMAS,
- WALLY HERGER,

Managers on the Part of the House.

- JUDD GREGG,
- PETE DOMENICI,
- CHUCK GRASSLEY,
- MICHAEL B. ENZI,
- WAYNE ALLARD,
- JEFF SESSIONS,
- TED STEVENS,
- RICHARD SHELBY,
- ARLEN SPECTER,
- SAXBY CHAMBLISS,
- MITCH MCCONNELL,

Managers on the Part of the Senate

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection

The question being put, *viva voce*,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. SPRATT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 212
affirmative } Nays 206

¶139.53

[Roll No. 670]

YEAS—212

- | | | |
|------------------|-----------------|---------------|
| Aderholt | Garrett (NJ) | Otter |
| Akin | Gerlach | Oxley |
| Alexander | Gibbons | Pearce |
| Bachus | Gilchrest | Pence |
| Baker | Gillmor | Peterson (PA) |
| Barrett (SC) | Gingrey | Petri |
| Bartlett (MD) | Gohmert | Pickering |
| Barton (TX) | Goode | Pitts |
| Bass | Goodlatte | Platts |
| Beauprez | Granger | Poe |
| Biggart | Graves | Pombo |
| Bilirakis | Green (WI) | Porter |
| Bishop (UT) | Gutknecht | Price (GA) |
| Blackburn | Hall | Pryce (OH) |
| Blunt | Harris | Putnam |
| Boehlert | Hart | Ramstad |
| Boehner | Hastert | Regula |
| Bonilla | Hastings (WA) | Rehberg |
| Bonner | Hayes | Reichert |
| Bono | Hayworth | Renzi |
| Boozman | Hefley | Reynolds |
| Boustany | Hensarling | Rogers (AL) |
| Bradley (NH) | Herger | Rogers (KY) |
| Brady (TX) | Hobson | Rogers (MI) |
| Brown (SC) | Hoekstra | Rohrabacher |
| Brown-Waite, | Hulshof | Ros-Lehtinen |
| Ginny | Hunter | Royce |
| Burgess | Inglis (SC) | Ryan (WI) |
| Burton (IN) | Issa | Ryun (KS) |
| Calvert | Jenkins | Saxton |
| Camp (MI) | Jindal | Schmidt |
| Campbell (CA) | Johnson (CT) | Schwarz (MI) |
| Cannon | Keller | Sensenbrenner |
| Cantor | Kelly | Sessions |
| Capito | Kennedy (MN) | Shadegg |
| Carter | King (IA) | Shaw |
| Castle | King (NY) | Shays |
| Chabot | Kingston | Sherwood |
| Chocola | Kirk | Shimkus |
| Coble | Kline | Shuster |
| Cole (OK) | Knollenberg | Simmons |
| Conaway | Kuhl (NY) | Simpson |
| Crenshaw | LaHood | Smith (TX) |
| Cubin | Latham | Sodrel |
| Culberson | Lewis (CA) | Souder |
| Davis (KY) | Lewis (KY) | Stearns |
| Davis, Tom | Linder | Sullivan |
| Deal (GA) | LoBiondo | Sweeney |
| DeLay | Lucas | Tancredo |
| Dent | Lungren, Daniel | Taylor (NC) |
| Diaz-Balart, L. | E. | Terry |
| Diaz-Balart, M. | Mack | Thomas |
| Doolittle | Manzullo | Thornberry |
| Drake | Marchant | Tiahrt |
| Dreier | McCaul (TX) | Tiberti |
| Duncan | McCotter | Turner |
| Ehlers | McCrery | Upton |
| Emerson | McHenry | Walden (OR) |
| English (PA) | McKeon | Walsh |
| Everett | McMorris | Wamp |
| Feeney | Mica | Weldon (FL) |
| Ferguson | Miller (FL) | Weldon (PA) |
| Fitzpatrick (PA) | Miller (MI) | Weller |
| Flake | Moran (KS) | Westmoreland |
| Foley | Murphy | Whitfield |
| Forbes | Musgrave | Wicker |
| Fortenberry | Neugebauer | Wilson (SC) |
| Fossella | Northup | Wolf |
| Fox | Norwood | Young (AK) |
| Franks (AZ) | Nunes | Young (FL) |
| Frelinghuysen | Nussle | |
| Gallegly | Osborne | |

NAYS—206

- | | | |
|-------------|----------------|------------|
| Abercrombie | Brady (PA) | Costello |
| Ackerman | Brown (OH) | Cramer |
| Allen | Brown, Corrine | Crowley |
| Andrews | Butterfield | Cuellar |
| Baird | Buyer | Cummings |
| Baldwin | Capps | Davis (AL) |
| Barrow | Capuano | Davis (CA) |
| Bean | Cardin | Davis (FL) |
| Becerra | Cardoza | Davis (IL) |
| Berkley | Carnahan | Davis (TN) |
| Berman | Carson | DeFazio |
| Berry | Case | DeGette |
| Bishop (GA) | Chandler | Delahunt |
| Bishop (NY) | Clay | DeLauro |
| Blumenauer | Cleaver | Dicks |
| Boren | Clyburn | Dingell |
| Boswell | Conyers | Doggett |
| Boucher | Cooper | Doyle |
| Boyd | Costa | Edwards |

Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseht
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe

NOT VOTING—16

Baca
Davis, Jo Ann
Emanuel
Gutierrez
Harman
Hostettler

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

139.54 H. CON. RES. 275—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 275) expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

The question being put, Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative
Yeas 351
Nays 1
Answered present 2

139.55 [Roll No. 671] YEAS—351

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehler
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cappano
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan

Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton

NAYS—1

ANSWERED "PRESENT"—2

Abercrombie
Ackerman
Baca
Baker
Barton (TX)
Blunt
Bonilla
Brady (TX)
Brown (OH)
Burton (IN)
Buyer
Calvert
Cardin
Cardoza
Carter
Coccola
Coble
Crowley
Davis, Jo Ann
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Emanuel
Everett
Flake
Forbes
Fossella

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

139.56 JUNIOR DUCK STAMP CONSERVATION

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill (H.R. 3179) to reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.57 REPAYMENT CONTRACTS WITH IRRIGATION DISTRICTS

On motion of Mr. POMBO, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill (H.R. 4000) to authorize the Secretary of the Interior to revise certain repayment contracts with the Boswick Irrigation District in Nebraska, the Kansas Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.58 FEDERAL DEPOSIT INSURANCE REFORM

On motion of Mr. POMBO, by unanimous consent, the Committee on Financial Services was discharged from further consideration of the bill (H.R. 4636) to enact technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.59 BUST DEPICTING SOJOURNER TRUTH

On motion of Mr. POMBO, by unanimous consent, the Committee on House Administration was discharged from further consideration of the bill (H.R. 4510) to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

When said bill was considered and read twice.

Mr. POMBO submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Sojourner Truth was a towering figure among the founders of the movement for women's suffrage in the United States, and no monument that does not include her can accurately represent this important development in our Nation's history.

(2) The statue known as the Portrait Monument, originally presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote and presently exhibited in the rotunda of the Capitol, portrays several

early suffragists who were Sojourner Truth's contemporaries but not Sojourner Truth herself, the only African American among the group.

SEC. 2. ACCEPTANCE AND DISPLAY OF BUST OF SOJOURNER TRUTH IN CAPITOL.

(a) ACCEPTANCE OF DONATION OF BUST.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall accept the donation of a bust depicting Sojourner Truth, subject to such terms and conditions as the Joint Committee considers appropriate.

(b) DISPLAY.—The Joint Committee shall place the bust accepted under subsection (a) in a suitable permanent location in the Capitol.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol."

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.60 ENERGY POLICY TECHNICAL CORRECTIONS

On motion of Mr. POMBO, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill (H.R. 4637) to make certain technical corrections in amendments made by the Energy Policy Act of 2005.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.61 NEEDY FAMILIES BLOCK GRANT REAUTHORIZATION

On motion of Mr. POMBO, by unanimous consent, the Committee on Ways and Means was discharged from further consideration of the bill (H.R. 4635) to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2006, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.62 SINE DIE ADJOURNMENT

Mr. POMBO, submitted the following privileged concurrent resolution (H. Con. Res. 326):

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on any legislative day from Sunday, December 18, 2005,

through Saturday, December 24, 2005, or from Monday, December 26, 2005, through Saturday, December 31, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and when the Senate adjourns on any day from Monday, December 19, 2005, through Saturday, December 24, 2005, or from Monday, December 26, 2005, through Saturday, December 31, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Ninth Congress from Tuesday, January 3, 2006, through Saturday, January 28, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 31, 2006, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; when the Senate recesses or adjourns on any day of the second session of the One Hundred Ninth Congress from Tuesday, January 3, 2006, through Monday, January 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Wednesday, January 18, 2006, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns on any day from Friday, January 20, 2006, through Saturday, January 28, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 31, 2006, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

Sec. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶139.63 ADJOURNMENT OVER

On motion of Mr. POMBO, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 4 p.m. on Thursday, December 22, 2005, unless it sooner has received a message or messages from the Senate transmitting its adoption of a conference report to accompany H.R. 2863, its adoption of a conference report to accompany H.R. 3010, and its adoption of House Concurrent Resolution 326, in which case the

House shall stand adjourned since die pursuant to that concurrent resolution.

¶139.64 GENERAL LEAVE TO EXTEND
REMARKS UNTIL LAST EDITION OF THE
CONGRESSIONAL RECORD

On motion of Mr. POMBO, by unanimous consent,

Ordered, That all Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the First Session of the One Hundred Ninth Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

¶139.65 SPEAKER AND MINORITY LEADER
TO ACCEPT RESIGNATIONS,
APPOINTMENTS

On motion of Mr. POMBO, by unanimous consent,

Ordered, That, during the Second Session of the One Hundred Ninth Congress, the Speaker, Majority Leader, and Minority Leader may accept resignations and make appointments authorized by law or by the House.

¶139.66 APPOINTMENT OF SPEAKER PRO
TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2005.

I hereby appoint the Honorable WAYNE T. GILCHREST, the Honorable FRANK R. WOLF, and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 31, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶139.67 ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 358. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

H.R. 797. An Act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

H.R. 2520. An Act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

¶139.68 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 467. An Act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

¶139.69 BILLS AND JOINT RESOLUTION
PRESENTED TO THE PRESIDENT

Mrs. Karen L. Haas, Clerk of the House, reports that on December 17,

2005, she presented to the President of the United States, for his approval, the following bills.

H.J. Res 75. An Act making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 327. An Act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

H.R. 4324. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4436. An Act to provide certain authorities for the Department of State, and for other purposes.

¶139.70 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. Jo Ann DAVIS of Virginia, for today;

To Mr. JONES of North Carolina, from midnight today and the balance of the legislative day;

To Mr. Gary G. MILLER of California, for today; and

To Ms. ROYBAL-ALLARD, for today and balance of the week.

And then,

¶139.71 ADJOURNMENT

Mr. POMBO moved that the House do now adjourn.

The question being put, viva voce,
Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 6 o'clock and 30 minutes a.m., Monday, December 19 (legislative day of December 18), 2005, the House stands adjourned until 4 p.m. on Thursday, December 22, 2005, unless it sooner has received a message or messages from the Senate transmitting its adoption of a conference report to accompany H.R. 2863, its adoption of a conference report to accompany H.R. 3010, and its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

¶139.72 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 639. A resolution waiving points of order against the conference report to accompany the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; considered and agreed to.

Mr. PUTMAN: Committee on Rules. House Resolution 640. A resolution waiving points of order against the conference report to accompany the bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006; considered and agreed to.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 2863. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-359). Ordered to be printed.

Mr. HUNTER: Committee of Conference. Conference report on H.R. 1815. A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes (Rept. 109-360). Ordered to be printed.

¶139.73 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HERGER:

H.R. 4635. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2006, and for other purposes; to the Committee on Ways and Means, considered and passed.

By Mr. OXLEY:

H.R. 4636. A bill to enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes; to the Committee on Financial Services, considered and passed.

By Mr. GILLMOR:

H.R. 4637. A bill to make certain technical corrections in amendments made by the Energy Policy Act of 2005; to the Committee on Energy and Commerce, considered and passed.

By Mr. HALL:

H.R. 4638. A bill to increase domestic supplies of natural gas through an accelerated program of development and deployment of new technologies; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 4639. A bill to require community notice for the placement of group houses, and for other purposes; to the Committee on Financial Services.

By Mr. GERLACH:

H.R. 4640. A bill to reduce the Nation's oil dependence and enhance the Nation's ability to produce alternative fuels; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. NORWOOD, Mr. GARRETT of New Jersey, Mrs. CAPITO, and Miss McMORRIS):

H.R. 4641. A bill to amend the Internal Revenue Code of 1986 to increase the deduction under section 179 for the purchase of qualified health care information technology by medical care providers and to allow a credit against tax for applicable telecommunications charges paid or incurred by such providers; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 4642. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself, Mrs. BLACKBURN, Mrs. MUSGRAVE, Mr. FEENEY, Mr. FLAKE, and Mr. HENSARLING):

H.R. 4643. A bill to repeal the wage rate requirements commonly known as the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H.R. 4644. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ of Pennsylvania (for herself and Mrs. LOWEY):

H.R. 4645. A bill to amend title XVIII of the Social Security Act to provide broader and more informed protection to Medicare eligible individuals from abusive marketing practices of Medicare prescription drug plans and MA-PD plans to permit enrollees under Medicare prescription drug plans that have been sanctioned to elect to enroll under other plans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 4646. A bill to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building"; to the Committee on Government Reform.

By Mr. POMBO:

H. Con. Res. 326. Concurrent resolution providing for the sine die adjournment of the first session of the One Hundred Ninth Congress; considered and agreed to.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. CONYERS, and Mr. HONDA):

H. Con. Res. 327. Concurrent resolution congratulating President Ellen Johnson-Sirleaf for becoming the first democratically-elected female President of the Republic of Liberia and the first female African head of state; to the Committee on International Relations.

By Mr. MACK:

H. Con. Res. 328. Concurrent resolution condemning the anti-democratic actions of Venezuelan President Hugo Chavez and expressing the sense of Congress that the United States should strongly support the aspirations of the democratic forces in Venezuela; to the Committee on International Relations.

By Mr. CONYERS:

H. Res. 635. A resolution creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and to make recommendations regarding grounds for possible impeachment; to the Committee on Rules.

By Mr. CONYERS:

H. Res. 636. A resolution censuring President George W. Bush for failing to respond to requests for information concerning allegations that he and others in his Administration misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of his Administration, for failing to adequately account for specific misstatements he made regarding the war, and for failing to comply with Executive

Order 12958; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 637. A resolution censuring Vice President Richard B. Cheney for failing to respond to requests for information concerning allegations that he and others in the Administration misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of the Administration and for failing to adequately account for specific misstatements he made regarding the war; to the Committee on the Judiciary.

By Ms. WATERS:

H. Res. 638. A resolution congratulating Bill Gates, Melinda Gates and Bono for being named Time Magazine's 2005 Person of the Year; to the Committee on Government Reform.

By Ms. LEE:

H. Res. 641. A resolution requesting the President to provide to the House of Representatives certain documents in his possession relating to electronic surveillance without search warrants on individuals in the United States; to the Committee on Intelligence (Permanent Select).

By Ms. LEE:

H. Res. 642. A resolution requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the Secretary of State's trip to Europe in December 2005; to the Committee on International Relations.

139.74 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

228. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution Number 13 memorializing the Congress of the United States to take appropriate action so that the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is excluded from the list of base closures for Base Realignment and Closure process; to the Committee on Armed Services.

229. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution Number 7 memorializing the Congress of the United States to take appropriate action so that funding to the Joint Systems Manufacturing Center in Lima, Ohio, is not reduced through the Base Realignment and Closure process; to the Committee on Armed Services.

230. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution Number 11 memorializing the Congress of the United States to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

231. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution Number 12 memorializing the Congress of the United States to take appropriate action so that the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland are excluded from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

232. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 11 urging the Congress of the United States to adopt the Military

Readiness Enhancement Act of 2005 (H.R. 1059) to end the discriminatory federal policy of "Don't Ask, Don't Tell"; to the Committee on Armed Services.

233. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 5 memorializing the Congress of the United States to take necessary action to increase corporate average fuel economy standards by at least 1.5 miles per gallon per annum until total average fuel economy for new light-duty motor vehicle fleet sold in California is double today's average; to the Committee on Energy and Commerce.

234. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 169 urging the Congress of the United States to take appropriate action to address the hydrogen shortage in the United States due to factory shutdowns caused by the devastation of Hurricane Katrina; to the Committee on Energy and Commerce.

235. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution supporting the commencement of negotiations on the elimination of nuclear weapons and supporting the "Mayors for Peace" initiative; to the Committee on International Relations.

236. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 33 memorializing the Congress of the United States to mandate that federal contracts awarded for reconstruction of the Gulf Coast region give a preference to local contractors and workers; to the Committee on Government Reform.

237. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 38 memorializing the Congress of the United States to provide financial assistance to the state necessary to maintain essential public services to the people of Louisiana following the devastation caused by hurricanes Katrina and Rita; to the Committee on Government Reform.

238. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to address the concerns of citizens concerned for the future of Frederick Law Olmstead National Historic Site; to the Committee on Resources.

239. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 8 memorializing the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on the Judiciary.

240. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 3 memorializing the Congress of the United States to protect and uphold the intent and substance of the United States Supreme Court decision in Roe v. Wade, relating to reproductive rights; to the Committee on the Judiciary.

241. Also, a memorial of the Senate of the State of Michigan, relative to Resolution No. 84 urging the Congress of the United States to implement the action plan to restore and protect the Great Lakes; to the Committee on Transportation and Infrastructure.

242. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 57 expressing opposition to the study and construction of an international border crossing in the Downriver area; to the Committee on Transportation and Infrastructure.

243. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 27 memorializing the Congress of the United States to vate

against the repealing of the "Byrd Amendment"; to the Committee on Ways and Means.

244. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 22 memorializing the Congress of the United States to review and consider revising or eliminating provisions which reduce social security benefits for those receiving benefits from federal, state, and local government retirement systems; to the Committee on Ways and Means.

245. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 29 urging the Congress of the United States to recognize the statutory concessions made by the State of Montana and urged to obtain meaningful and substantive funding for the impacts from the federal wolf reintroduction program that was forcibly established in Montana; jointly to the Committees on Agriculture and Resources.

246. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 17 memorializing the Congress of the United States to take specific actions regarding stem cell research and to prohibit human cloning; jointly to the Committees on Energy and Commerce and Science.

247. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 191 memorializing the Congress of the United States to appropriate supplemental funds for the Low-Income Home Energy Assistance Program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

¶139.75 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 521: Mr. ROGERS of Alabama and Mr. BONNER.

H.R. 691: Mr. BAIRD.

H.R. 772: Mr. HOLT.

H.R. 815: Mr. CAMPBELL of California.

H.R. 1222: Mr. ANDREWS and Mr. BOUCHER.

H.R. 1245: Mr. MILLER of North Carolina.

H.R. 1405: Mrs. CUBIN.

H.R. 1441: Mr. HINCHEY, Mr. MORAN of Kansas, and Ms. MCCOLLUM of Minnesota.

H.R. 1687: Mr. BROWN of Ohio.

H.R. 2048: Mr. CLEAVER, Mr. GEORGE MILLER of California, and Mr. SNYDER.

H.R. 2669: Mr. SCOTT of Georgia and Ms. MOORE of Wisconsin.

H.R. 2828: Mr. BLUMENAUER.

H.R. 3086: Mr. BROWN of Ohio.

H.R. 3373: Mr. KIND.

H.R. 3922: Mr. MORAN of Virginia, Mr. ROTHMAN, and Mr. AL GREEN of Texas.

H.R. 4098: Mr. PICKERING.

H.R. 4122: Mr. CASTLE.

H.R. 4190: Mr. DOGGETT.

H.R. 4213: Ms. SCHAKOWSKY.

H.R. 4313: Mr. WICKER and Mr. BEAUPREZ.

H.R. 4318: Mr. KNOLLENBERG, Mr. BOUSTANY, Mr. CULBERSON, Mr. WESTMORELAND, and Mr. DEAL of Georgia.

H.R. 4341: Mr. MORAN of Kansas.

H.R. 4372: Mr. HIGGINS, Mr. PALLONE, Ms. SCHAKOWSKY, Ms. KILPATRICK of Michigan, Mr. TOWNS, and Mr. CUMMINGS.

H.R. 4409: Mr. BERMAN and Mr. INSLEE.

H.R. 4410: Mr. TIERNEY.

H.R. 4463: Mr. VAN HOLLEN.

H.R. 4476: Mr. MCGOVERN and Ms. SCHAKOWSKY.

H.R. 4491: Mr. FITZPATRICK of Pennsylvania.

H.R. 4506: Ms. ESHOO.

H.R. 4510: Mr. PRICE of North Carolina, Mrs. CHRISTENSEN, Mr. LUCAS, Ms. PRYCE of Ohio, Mr. MURPHY, Mr. TIBERI, Mr. GILLMOR, Mr. ENGLISH of Pennsylvania, Mr. HINOJOSA,

Mr. DENT, Mr. SWEENEY, Mrs. Schmidt, Mr. TURNER, Mr. GALLEGLY, Mr. OBEY, Ms. HARRIS, Mr. BISHOP of New York, Mr. SHERMAN, Mr. ALLEN, Mr. INSLEE, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, and Mr. WEXLER.

H.R. 4526: Mr. GARRETT of New Jersey.

H.R. 4535: Mrs. BIGBERT, Mr. DAVIS of Kentucky, Mr. GARRETT of New Jersey, and Ms. FOX.

H.R. 4542: Mr. CASE and Mr. RUSH.

H.R. 4551: Mr. HERGER, Ms. FOX, Mr. MILLER of Florida, and Mr. KING of Iowa.

H.R. 4570: Mr. CONYERS.

H.R. 4619: Mr. BOEHLERT, Mr. TOWNS, and Mr. SHAYS.

H.R. 4625: Mr. PETERSON of Pennsylvania and Mr. PICKERING.

H.R. 4627: Mr. PORTER and Ms. BERKLEY.

H.R. 4629: Mr. BERMAN.

H.J. Res. 71: Mr. INGLIS of South Carolina.

H. Con. Res. 184: Mr. CLEAVER.

H. Res. 597: Ms. BORDALLO.

H. Res. 601: Ms. FOX.

¶139.76 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

91. The SPEAKER presented a petition of the City of Pembroke Pines, Florida, relative to Resolution No. 3057 urging the Congress of the United States to refrain from any support or co-sponsorship of S.1504 and to vote in opposition to S.1504; to the Committee on Energy and Commerce.

92. Also, a petition of the Town of Chesterfield, New York, relative to a resolution urging the New York Congressional Delegation to issue statements of support for the test burn of discarded tires by the International Paper Company; to the Committee on Energy and Commerce.

93. Also, a petition of the Board of Supervisors of the County of Los Angeles, California, relative to a petition supporting House Resolution 316 and House Concurrent Resolution 195, both of which relate to the Armenian Genocide of 1915 to 1923; to the Committee on International Relations.

94. Also, a petition of the Oconto County Board of Supervisors, Wisconsin, relative to Resolution No. 50 petitioning the Congress of the United States to restore the cut to the Payment in Lieu of Taxes (PILT) Funding to the FY 2005 Level Plus Inflation; to the Committee on Resources.

95. Also, a petition of the Oconto County Board of Supervisors, Wisconsin, relative to Resolution No. 47 petitioning for the relocation of problem gray wolves; to the Committee on Resources.

96. Also, a petition of the Oconto County Board of Supervisors, Wisconsin, relative to Resolution No. 45 petitioning for the increase of county forest acreage payments to townships; to the Committee on the Judiciary.

97. Also, a petition of Mr. Daniel A.D. Gossai, a Citizen of Rancho Palos Verdes, Californian, relative to a complaint pursuant of conspiracy to deny civil rights, equal protection and due process; to the Committee on the Judiciary.

98. Also, a petition of the Oconto County Board of Supervisors, Wisconsin, relative to Resolution No. 49 petitioning the Congress of the United States to reauthorize and fund Pub. L. 106-393, the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Resources.

99. Also, a petition of the Oconto County Board of Supervisors, Wisconsin, relative to Resolution No. 48 requesting the Congress of the United States to take action to eliminate the gridlock that is occurring in Forest Service Land Use Planning and in the imple-

mentation of timber sale projects that are permissible within approved Forest Plans; jointly to the Committees on Resources and Agriculture.

100. Also, a petition of the Oklahoma Floodplain Managers Association, relative to Resolution No. 2005-1 providing recommendations for the reconstruction of the area along the Gulf Coast in Alabama, Mississippi and Louisiana; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and Financial Services.

¶139.77 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2669: Ms. HARRIS.

THURSDAY, DECEMBER 22, 2005 (140)

¶140.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WOLF, who laid before the House the following communication:

WASHINGTON, DC,
December 22, 2005.

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

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶140.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WOLF, announced he had examined and approved the Journal of the proceedings of Sunday, December 18, 2005.

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

¶140.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5911. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2005-0292; FRL-7749-4] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5912. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dichloromide; Extension of Time-Limited Pesticide Tolerance [EPA-HQ-OPP-2005-0477; FRL-7753-9] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5913. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2005, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5914. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Simplification of the Grant Appeals Process (RIN: 0906-AA69) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5915. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline [OAR-2003-0217; FRL-8011-4] (RIN: 2060-AK04) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5916. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule [EPA-HQ-OW-2002-0039; FRL-8013-1] (RIN: 2040-AD37) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5917. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [OAR-2003-0178; FRL-8011-6] (RIN: 2060-AM72) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5918. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration [OAR-2002-058; FRL-8011-5] (RIN: 2060-AM97) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5919. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL-8012-4] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5920. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Nitrogen Oxides Budget and Allowance Trading Program, Phase II [R04-OAR-2005-TN-0005-200522(a); FRL-8015-2] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5921. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee and Nashville-Davidson County; Approval of Revisions to the State Implementation Plan [R04-OAR-2005-TN-0004-200526(a); FRL-8014-6] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5922. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Nitrogen Oxides Budget and Allowance Trading Program, Phase II [R04-OAR-2005-AL-0001-200520a; FRL-8014-9] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5923. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Shenandoah National Park Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-VA-

0013; FRL-8012-3] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5924. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the City of Fredericksburg, Spotsylvania County, and Stafford County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-VA-0007; FRL-8012-2] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5925. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Emergency Episode Avoidance Plan; Direct Final Rule [EPA-R08-OAR-2005-MT-0002; FRL-8012-8] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5926. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for States of Arizona, California, Hawaii, and Nevada [AZ, CA, HI, NV-075-NSPS; FRL-7013-4] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5927. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Montgomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment; Correction [R04-OAR-2005-TN-0007-200536; FRL-8014-3] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5928. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule [EPA-HQ-OW-2002-0043; FRL-8012-1] (RIN: 2040-AD38) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5929. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fruit Cove and St. Augustine, Florida) [MB Docket No. 05-244, RM-11257] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5930. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Victoria, George West, and Three Rivers, Texas) [MB Docket No. 03-56, RM-10662, RM-10775] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5931. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grand Portage, Minnesota) [MB Docket No. 04-339, RM-11060] re-

ceived December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5932. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (LaGrange, Greenville and Waverly Hall, Georgia) [MB Docket No. 03-233, RM-10813] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5933. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Caseville and Pigeon, Michigan) [MM Docket No. 01-229] (Harbor Beach and Lexington, Michigan) [MM Docket No. 01-231] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5934. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Holdenville and Pauls Valley, Oklahoma) [MM Docket No. 01-180, RM-10200, RM-11018] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5935. A letter from the Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's "Major" final rule — Amendment of Part 22 of the Rules To Benefit the Consumers of Air-Ground Telecommunications Services [Docket No. 03-103] Amendment of Parts 1 and 22 of the Rules To Adopt Competitive Bidding Rules for Commercial and General Aviation Air-Ground Radiotelephone Service [Docket No. 05-42] Application of Verizon Airfone Inc. for Renewal of 800 MHz Air-Ground Radiotelephone License, Call Sign KNKG804 (File No. 0001716212) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5936. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5937. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5938. A letter from the Assistant Secretary, Land Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulfur Operations on the Outer Continental Shelf (OCS) — Suspension of Operations (SOO) for Ultra-deep Drilling (RIN: 1010-AD09) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5939. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000, Amendments — received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600,

-700, -700C, and -800 Series Airplanes [Docket No. FAA-2005-23176; Directorate Identifier 2005-NM-220-AD; Amendment 39-14396; AD 2005-25-03] (RIN: 2120-AA64) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5941. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Organization, Functions, and Procedures [Docket FTA-2005-22705] (RIN: 2132-AA79) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Technical Amendments to Standards for Development and Use of Processor-Based Signal and Train Control Systems; Correction [Docket No. FRA-2001-10160] (RIN: 2130-AA94) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5943. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents; Announcement of Reporting Threshold for Calendar Year 2006 [FRA-2005-20680, Notice No. 2] (RIN: 2130-AB65) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5944. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Track Standards; Inspection of Joints in Continuous Welded Rail (CWR) [Docket No. FRA-2005-22522] (RIN: 2130-AB71) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5945. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transition Relief for Certain Partnerships and Other Pass-Thru Entities [Notice 2006-2] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5946. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transfer to Corporation Controlled by Transferor (Rev. Rul. 2006-2) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5947. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1374 Effective Dates [TD 9236] (RIN: 1545-BD95) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5948. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Obligations of States and Political Subdivisions [TD 9234] (RIN: 1545-AU98) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5949. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Acceptance Agent Revenue Procedure (Rev. Proc. 2006-10) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5950. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-79) received December 22, 2005,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5951. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Regulated Investment Company (Rev. Rul. 2006-1) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5952. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-4) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5953. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Business entities; definitions (Rev. Rul. 2006-3) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5954. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation of income and deductions among taxpayers (Rev. Proc. 2006-9) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶140.4 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. WOLF, announced that pursuant to clause 4, rule I, the SPEAKER pro tempore, Mr. WOLF, signed the following enrolled bills on Wednesday, December 21, 2005:

S. 205. An Act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 652. An Act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 1238. An Act to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1310. An Act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1481. An Act to amend the Indian Land Consolidation Act to provide for probate reform.

S. 1892. An Act to amend Public Law 107-153 to modify a certain date.

S. 1988. An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

¶140.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WOLF, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2005, at 2:30 pm:

That the Senate passed without amendment—H. Con. Res. 59.

That the Senate passed without amendment—H. Con. Res. 196.

That the Senate passed without amendment—H. Con. Res. 230.

That the Senate passed without amendment—H. Con. Res. 324.

That the Senate passed without amendment—H.R. 972.

That the Senate passed without amendment—H.R. 2017.

That the Senate passed without amendment—H.R. 3179.

That the Senate passed without amendment—H.R. 4501.

That the Senate passed without amendment—H.R. 4525.

That the Senate passed without amendment—H.R. 4579.

That the Senate passed without amendment—H.R. 4635.

That the Senate passed without amendment—H.R. 4637.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

¶140.6 MESSAGE FROM THE SENATE

A message from the Senate by Mrs. Curtis, one of its clerks, announced that the Senate had passed with an amendment a bill of the house of the following title.

H.R. 1400. An Act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

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

S. 119. An Act to provide for the protection of unaccompanied alien children, and for other purposes.

S. 716. An Act to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of breavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 1182. An Act to amend title 38, United States Code, to improve health care for veterans, and for other purposes.

S. 1184. An Act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 1315. An Act to require a report on progress toward the Millenium Development Goals, and for other purposes.

S. 2167. An Act to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006.

S. 2170. An Act to provide for global pathogen surveillance and response.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 75. A concurrent resolution encouraging all Americans to increase their charitable giving, with the goal of increasing the annual amount of charitable giving in the United States by 1 percent.

The message also announced that the Senate agreed to the report of the committee of conference on the further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1815) "An Act to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 1281) "An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010."

The message also announced that the Senate, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1932) "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)," it was

Resolved, That the Senate defeated the conference report by operation of the Budget Act; be it further

Resolved, That the Senate concur in the amendment of the House with further amendment.

¶140.7 USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION

On motion of Mr. SENSENBRENNER, by unanimous consent, the Committee on the Judiciary and the Permanent Select Committee on Intelligence were discharged from further consideration of the bill (H.R. 4647) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶140.8 USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION

On motion of Mr. SENSENBRENNER, by unanimous consent, the bill of the Senate (S. 2167) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SENSENBRENNER submitted the following amendment which was agreed to:

In section 1, strike "July 1, 2006" and insert "February 3, 2006".

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶140.9 MAKING TECHNICAL CORRECTIONS TO THE CONFERENCE REPORT TO H.R. 2863

On motion of Mr. WOLF, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 74):

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Strike Division C, the American Energy Independence and Security Act of 2005 and Division D, the Distribution of Revenues and Disaster Assistance.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶140.10 ADJOURNMENT OVER

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

¶140.11 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 119. An Act to provide for the protection of unaccompanied alien children, and for other purposes, to the Committee on the Judiciary.

S. 716. An Act to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

S. 1182. An Act to amend title 38, United States Code, to improve health care for veterans, and for other purposes, to the Committee on Veterans Affairs.

S. 1184. An Act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on International Relations.

¶140.12 SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. WOLF, announced his signature to enrolled bills of the Senate of the following titles:

S. 205. An Act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 652. An Act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 1238. An Act to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1281. An Act to authorize the programs of the National Aeronautics and Space Administration.

S. 1310. An Act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1481. An Act to amend the Indian Land Consolidation Act to provide for probate reform.

S. 1892. An Act to amend Public Law 107-153 to modify a certain date.

S. 1988. An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

¶140.13 BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on December 17, 2005, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 327. An Act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

H.R. 4324. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4436. An Act to provide certain authorities for the Department of State, and for other purposes.

Karen L. Haas, Clerk of the House, also reports that on December 20, 2005, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 38. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

H.R. 358. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

H.R. 797. An Act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

H.R. 2520. An Act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3963. An Act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4195. An Act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4440. An Act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

H.R. 4508. An Act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

140.14 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

September 8, 2005:

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

September 9, 2005:

H.R. 3650. An Act to allow United States courts to conduct business during emergency conditions, and for other purposes.

September 20, 2005:

H.R. 804. An Act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

September 21, 2005:

H.R. 3169. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An Act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

September 23, 2005:

H.R. 3761. An Act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An Act to provide emergency tax relief for persons affected by Hurricane Katrina.

September 29, 2005:

H.R. 3649. An Act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

September 30, 2005:

H.R. 2132. An Act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 2385. An Act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3200. An Act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3784. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 3864. An Act to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita.

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

October 4, 2005:

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

October 7, 2005:

H.R. 3863. An Act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

October 18, 2005:

H.R. 2360. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

October 20, 2005:

H.R. 3971. An Act to provide assistance to individuals and States affected by Hurricane Katrina.

November 8, 2005:

H.R. 1409. An Act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

November 10, 2005:

H.R. 2744. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

November 11, 2005:

H.R. 2967. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

November 14, 2005:

H.R. 3057. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

November 19, 2005:

H.R. 2419. An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 4326. An Act to authorize the Secretary of the Navy to enter into a contract

for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

November 21, 2005:

H.R. 4133. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

November 22, 2005:

H.R. 2490. An Act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 2862. An Act making appropriations for the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3339. An Act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Malloy Post Office Building".

November 30, 2005:

H.R. 2528. An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3058. An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

December 1, 2005:

H.R. 126. An Act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An Act to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System.

H.R. 606. An Act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1972. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An Act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An Act to designate the facility of the United States Postal Service located at 567 Thompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 3853. An Act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An Act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

December 7, 2005:

H.R. 584. An Act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various

agencies and offices of the Department of the Interior.

H.R. 680. An Act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 1101. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

December 18, 2005:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

December 20, 2005:

H.R. 2520. An Act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

¶140.15 SENATE BILLS APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

September 21, 2005.

S. 252. An Act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

S. 276. An Act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

September 29, 2005:

S. 1340. An Act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

S. 1368. An Act to extend the existence of the Parole Commission, and for other purposes.

September 30, 2005:

S. 1752. An Act to amend the United States Grain Standards Act to reauthorize that Act.

October 7, 2005:

S. 1786. An Act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

S. 1858. An Act to provide for community disaster loans.

October 13, 2005:

S. 1413. An Act to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

October 26, 2005:

S. 55. An Act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An Act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

S. 397. An Act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

November 9, 2005:

S. 172. An Act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

November 11, 2005:

S. 37. An Act to extend the special postage stamp for breast cancer research for 2 years.

S. 1285. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

November 22, 2005:

S. 161. An Act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

S. 1234. An Act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1713. An Act to make amendments to the Iran Nonproliferation Act to 2000 related to International Space Station payments, and for other purposes.

S. 1894. An Act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

December 20, 2005:

S. 52. An Act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An Act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An Act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An Act to authorize the transfer of naval vessels to certain foreign recipients.

¶140.16 ADJOURNMENT

Mr. SENSENBRENNER moved that the House do now adjourn.

The question being put, *viva voce*,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. PENCE, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the special order of the House of December 18, 2005, at 4 o'clock and 36 minutes p.m., the House stands adjourned until 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message from the Senate transmitting its adoption of its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to House Concurrent Resolution 326.

¶140.17 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on December 19 (legislative day of December 18), 2005]

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 639. Resolution waiving points of order against the conference report to accompany the bill (H.R.

2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-361). Referred to the House Calendar.

Mr. NUSSLE: Committee of Conference. Conference report on S. 1932. An act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95) (Rept. 109-362). Ordered to be printed.

Mr. PUTNAM: Committee on Rules. House Resolution 640. Resolution waiving points of order against the conference report to accompany the bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109-363). Referred to the House Calendar.

[Filed on December 22, 2005]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4438. A bill to establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita (Rept. 109-364). Referred to the Committee of the Whole House on the State of the Union.

¶140.18 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 4647. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of such Act; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 4648. A bill to prohibit assistance to Lebanon unless the Government of Lebanon extradites Mohammed Ali Hammadi to the United States; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 4649. A bill to authorize the Secretary of Education to provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, Rita, or Wilma; to the Committee on Education and the Workforce.

By Mr. DUNCAN (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. BOUSTANY, Mr. BAKER, and Mr. MELANCON):

H.R. 4650. A bill to direct the Secretary of the Army to carry out programs and activities to enhance the safety of levees in the United States; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 4651. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4652. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4653. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress regarding the activities of Islamist terrorist organizations in the Western Hemisphere; to the Committee on International Relations.

By Mrs. TAUSCHER (for herself and Mr. CONYERS):

H. Con. Res. 330. Concurrent resolution expressing the concern of Congress that the President's 2002 order authorizing electronic surveillance of United States persons without a warrant violates existing law prohibiting such electronic surveillance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Mr. SCOTT of Virginia, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. McDERMOTT, Mr. FILNER, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. LEE, Mrs. TAUSCHER, Ms. McCOLLUM of Minnesota, Mr. UDALL of New Mexico, and Mr. HOLT):

H. Res. 643. A resolution directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H. Res. 644. A resolution requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of

the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants; to the Committee on the Judiciary.

By Mr. WEXLER:

H. Res. 645. A resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President or the Secretary of Defense relating to the collection of intelligence information pertaining to persons inside the United States without obtaining court-ordered warrants authorizing the collection of such information and relating to the policy of the United States with respect to the gathering of counterterrorism intelligence within the United States; to the Committee on Armed Services.

¶140.19 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 267: Mr. STEARNS.
 H.R. 283: Mr. WYNN.
 H.R. 333: Mr. EVANS.
 H.R. 752: Mr. HOLDEN and Mr. NADLER.
 H.R. 780: Mr. STRICKLAND.
 H.R. 925: Mr. CAMPBELL of California.
 H.R. 1106: Mr. FILNER and Mr. THOMPSON of California.
 H.R. 1562: Mr. ENGLISH of Pennsylvania.
 H.R. 1696: Mr. SHAYS.
 H.R. 2231: Mr. TOM DAVIS of Virginia.
 H.R. 2327: Mr. MEEHAN.
 H.R. 2345: Mr. PASTOR and Mr. WAXMAN.
 H.R. 2470: Mr. ENGLISH of Pennsylvania and Mr. McCOTTER.
 H.R. 2533: Mr. DANIEL E. LUNGREN of California.
 H.R. 2717: Mr. SOUDER.
 H.R. 3006: Ms. Moore of Wisconsin and Mr. HOYER.
 H.R. 3254: Mr. TOWNS and Ms. SOLIS.
 H.R. 3697: Mr. ANDREWS.
 H.R. 3936: Mr. SCHIFF.
 H.R. 4033: Mrs. KELLY.
 H.R. 4042: Mr. BOOZMAN.
 H.R. 4081: Mr. SENSENBRENNER.
 H.R. 4173: Mr. TOWNS.
 H.R. 4217: Ms. GRANGER and Mr. SENSENBRENNER.
 H.R. 4229: Mr. VAN HOLLEN.
 H.R. 4272: Mr. THOMPSON of California.
 H.R. 4424: Mr. CUELLAR.
 H.R. 4447: Ms. SOLIS and Mr. RANGEL.
 H.R. 4460: Mr. ENGLISH of Pennsylvania.
 H.R. 4492: Mr. RANGEL.

H.R. 4506: Mr. AL GREEN of Texas, Mrs. LOWEY, and Mr. KENNEDY of Rhode Island.

H.R. 4507: Ms. WASSERMAN SCHULTZ.

H.R. 4540: Mr. BAIRD and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4629: Mr. SNYDER.

H.R. 4641: Mr. DOOLITTLE.

H. Con. Res. 10: Mrs. TAUSCHER.

H. Con. Res. 137: Mr. ROYCE.

H. Con. Res. 282: Ms. SCHAKOWSKY.

H. Con. Res. 296: Ms. ZOE LOFGREN of California, Mr. SMITH of New Jersey, Ms. DELAULO, Ms. WOOLSEY, Mr. MENENDEZ, Mr. LEWIS of Georgia, and Mr. MILLER of North Carolina.

H. Con. Res. 314: Mr. ETHERIDGE and Mr. GEORGE MILLER of California.

H. Con. Res. 317: Mr. BLUMENAUER, Mr. SERRANO, and Mr. MCGOVERN.

H. Res. 605: Mr. ENGLISH of Pennsylvania.

H. Res. 635: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mrs. CAPPs, and Mr. PAYNE.

H. Res. 636: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, and Mr. RANGEL.

H. Res. 637: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. RANGEL, and Ms. JACKSON-LEE of Texas.

H. Res. 641: Mr. THOMPSON of Mississippi, Mr. MARKEY, and Mr. CONYERS.

¶140.20 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

101. The SPEAKER presented a petition of the citizens of the town of Norman, Oklahoma and the citizens of the town of Blanchard, Oklahoma, relative to a petition encouraging the Congress of the United States to insist on an exit strategy from Iraq with a timeline; to the Committee on International Relations.

102. Also, a petition of the Canadian House of Commons, relative to a resolution encouraging the Congress of the United States to reject any initiative which would require Canadian or American citizens to present their passports when crossing the border; to the Committee on the Judiciary.

103. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 554 requesting the Congress of the United States pass S.1060 and H.R.414, A Bill To Amend The Internal Revenue Code Of 1986 To Allow A Credit Against Income Tax For The Purchase Of Hearing Aids; to the Committee on Ways and Means.